

men eminent in the law, have argued that words such as those which we have in clause 2 of the proposed Bill bring into force the Act of 1875, and therefore bring into force clerical schools, to which they object very much, although they profess themselves to be remarkably tolerant. For example, my hon. friend from North Cape Breton and Victoria (Mr. D. D. McKenzie) declares that clause 2 of Mr. Haultain's draft Bill and therefore clause 2 of this Bill, brings into force section 93 of the British North America Act, and with it perpetuates in the new provinces separate schools of a clerical character, to which so much objection has been made. My hon. friend from North Simcoe (Mr. L. McCarthy) takes the same position. He says that if you leave clause 2 in the Bill, a more effective system of separate schools will be established than under clause 16. My hon. friend from Saskatchewan (Mr. Lamont) has declared himself of the opinion that section 16 is necessary in order to prevent the establishment of clerical schools, which were imposed by the Act of 1875. He has declared that in two aspects—first, in dealing with the meaning of my amendments, and, in the next place, in dealing with the effect of clause 2—he finds clerical schools provided for in the Act of 1875. A great many other hon. gentlemen, such as the hon. member for Western Assiniboia (Mr. Scott) and the hon. member for Centre York (Mr. Campbell), also find clerical schools provided for in that Act. When we advance a little in the discussion of clause 16, I shall be very glad to learn from some of those hon. gentlemen the exact words in the Act of 1875 on which they rely as bringing about that result. My hon. friend from West Peterboro (Mr. Hall) makes the same argument. He says in effect that if you leave clause 2 in this Bill, you impose clerical schools on the Northwest Territories. My hon. friend from North Ontario (Mr. Grant), at page 4712 of 'Hansard,' expresses himself as rather of that opinion, although he is not so positive as some of the other hon. gentlemen to whom I have referred. My hon. friend from Guysboro' (Mr. Sinclair) takes exactly the same view. He declares, not by direct words perhaps, but by inference, that the effect of section 2 will be to bring into force and perpetuate in the Northwest clerical schools. My hon. friend from Winnipeg (Mr. Bole) twice declares that, not by inference, but in so many words; and I gather the same view from the words of my hon. friend from South Wellington (Mr. Guthrie). These are rather important considerations for my hon. friend the Minister of Justice, who takes the ground, as I understand his argument, that apart altogether from section 16, the provisions of section 2 are sufficient of themselves.

Mr. FITZPATRICK. Might be.

Mr. R. L. BORDEN. I did not notice that my hon. friend had very much hesita-

Mr. R. L. BORDEN.

tion about it. I understood that he concurred in the opinion of Mr. Clement to that effect, which he quoted.

Mr. FITZPATRICK. No, I did not concur in the opinion of Mr. Clement. My hon. friend cannot find words to that effect in anything I said.

Mr. R. L. BORDEN. I would hardly have expected the Minister of Justice to have cited the opinion of Mr. Clement in the way he did unless he concurred in it.

Mr. FITZPATRICK. I did not.

Mr. R. L. BORDEN. Of course, I accept my hon. friend's statement in that regard. The only comment I would make is this, that my hon. friend did cite the opinion of Mr. Clement, and did not express any dissent from that opinion. Mr. Clement unhesitatingly and positively took the view that under such words as we have in section 2 of this Bill the Act of 1875 is perpetuated as the organic law of the Territories, in so far as it restricts the right of the provinces to create an educational system without creating separate schools as well. Of course, I thoroughly understand, and my hon. friend the Minister of Justice understands as well, that when hon. gentlemen on the other side of the House without number have stated, as they have, that a system is being perpetuated, and is being perpetuated because it is an excellent system, they either have not studied the measure or the law very carefully, or else they have not taken very great care with regard to the language they use. So far as I understand the object of the legislation and the possible effect of section 2, and the effect of section 16, it is not the continuance of a system, but it is the imposition upon the Northwest Territories of a restriction in respect of any system which they may continue at present or may create in the future. A restrictive principle would perhaps be a good term to apply to it. That is the thing that is being continued. Apart from the continuance of that, the people of the Northwest in their legislature can deal with the school system exactly as they see fit. Now, my hon. friend the Minister of the Interior, to whose remarks I shall devote some attention when we come to clause 16, took the ground that the Act of 1875 had been in some way restricted by the territorial ordinances, and he cited an opinion of Sir John Thompson on a question of the disallowance of those ordinances. Sir John Thompson did not deal with the question in the light presented by the Minister of the Interior at all. He was not dealing, as I understand his report, with the question of cutting down the rights of the minority in respect to the character of the public schools; he was only dealing with the effect of the ordinances as making it unnecessary to establish separate schools in certain unorganized districts.

Mr. FITZPATRICK. Making it impossible.