

will be passed. If the hon. gentleman is making a legal argument, I would like to know what authority he has for saying that they will go beyond their rights in chapters 29 and 30?

Mr. MONK. I do not think it is very difficult to understand the argument of my hon. friend (Mr. M. S. McCarthy). He says that if the ordinances were invalid we are validating these ordinances now, but we are not validating the Order in Council passed by the Commissioner of Education in the Northwest Territories, and consequently the invalidity of the ordinances still remains.

Mr. SCOTT. Could they not have passed identical Orders in Council, which will be validated under this Bill?

Mr. MONK. That is another thing; he speaks of the Orders in Council that have been passed.

Mr. DUNCAN ROSS. If the contention of the hon. gentleman (Mr. S. M. McCarthy) is right, surely we are leaving it to the provincial government to pass these Orders in Council.

Mr. M. S. McCARTHY. Does not the hon. gentleman see that if anything were done by ordinance or by Order in Council paring down the rights under the Act of 1875, then, if the hon. member for Brandon is correct, it would be equally ultra vires and could be set aside. If he cannot see that, I am sorry for him. Under the conditions existing to-day the Commissioner of Education can go back and establish a dual system of inspection and a dual system of text books.

Mr. SCOTT. Certainly.

Mr. M. S. McCARTHY. Then if you are protecting the rights of the minority, why not protect the rights of the majority; you say that all you want is what you have to-day. I am assuming that all the rights created under the Act of 1875 are preserved in section 41; and that being so, what would a stranger coming into this House think of the picture that has been presented to us by some gentlemen on the other side of the House? I repeat that I know nothing of the separate school system, of its merits or demerits. What I know of it has come from hon. gentlemen opposite. The Minister of Finance, although he declared himself opposed to separate schools, has gone on record with the statement that he will support this Bill. I quote from 'Hansard':

I am firmly persuaded that the difference is so slight that if we reach a wise decision now, if we refrain from fanning the flame of political passion—I withdraw the word political, I am not discussing this from a party standpoint, and I did not intend to use that word, and I withdraw it—if we refrain from doing and saying anything which can fan the flame of religious excitement in the Northwest Territories now, my honest conviction is that the separate schools will diminish, and the free, common,

Mr. D. D. McKENZIE.

public schools will increase. I am persuaded that the difference is so small that the mass of the people in the Northwest Territories will hardly find it to their advantage to keep it up except in a few instances.

I take these words to mean nothing else than that he is supporting this legislation because it is going to kill the very thing that it is intended to create. I have spent some time of my life in the study of law, and that class of legislation is new to me. I do not know what name to call it, but if it were not unparliamentary I would suggest that it is boomerang legislation, something that comes back, something that has an opposite effect to that intended. And what can we say of the position taken by the Minister of Finance. He says that he wants separate schools abolished, but in his mind the longest way round is evidently the shortest way home. The hon. gentleman (Mr. Sifton) claims to have a great experience in matters of education, and, speaking of the Act of 1875, which I contend is continued in section 41, he says:

We had in the Northwest Territories at that time, under that Act, to all intents and purposes what are generally known as church schools or clerical controlled schools. That was the system that was built up under this Act of 1875. It went on for some time. It was exactly the same system—I do not know as to the efficiency, for I am not familiar with that—but in principle it was the same system we had in Manitoba up to the year 1890, when it was abolished by the Public School Act of that year.

Further on, at page 3110, he says:

When we, in the province of Manitoba undertook to remove what was a school system, that I said was 'inefficient to a point of absurdity' we found ourselves confronted with many and serious difficulties.

The school system which we abolished by the Public School Act of 1890 in the province of Manitoba, was precisely the same school system as the system that was abolished by the ordinance of the Northwest Territories in 1892.

There you have the ex-Minister of the Interior saying that the Act of 1875 gives to the people of the Territories exactly the same system that they had in Manitoba, and which, according to him, was inefficient to the point of absurdity. Again the ex-Minister of the Interior says:

Although we took strong ground upon that principle, yet the attacks we made were not so much on that account as they were on account of the fact that the school system of the province was admittedly inefficient, and that children were being allowed by thousands to grow up in absolute ignorance and illiteracy. That was the ground upon which we attacked successfully that system. We said then: Your system is inefficient; you have taken the public money and you have not applied it for the purpose of giving the children the education they ought to have; and we pointed to the fact that in districts where this clerically controlled system had been in force, the children had grown up in ignorance and the population was