

or separate, is absolutely under the control of the Northwest legislature. On that point, perhaps I may be permitted to read a brief memo. that I prepared in this connection, and which states my view absolutely, as I understand it, in such a way as it leaves no doubt about it. But perhaps I had better leave that aside until I deal with other points.

Mr. R. L. BORDEN. I do not want to interrupt my hon. friend; I know how difficult it is—

Mr. FITZPATRICK. I am not trying to make a speech.

Mr. R. L. BORDEN. It is conversational?

Mr. FITZPATRICK. Conversational entirely.

Mr. R. L. BORDEN. I do not quite understand the Minister of Justice, that the words he said were omitted from that ordinance which were made necessary by the Act of 1875; were words applying to the character of the schools or only to the locality in which they should be established.

Mr. FITZPATRICK. Section 11 of the Act of 1875 reads:

When and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the lieutenant governor by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education, but—

Now these are the words:

--but it shall therein be always provided that the majority of the ratepayers of any district or portion of the Northwest Territories or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit.

That is to say the majority have the right to establish such schools as they think fit. If the majority happen to be Roman Catholic they may have what I described a moment ago as a Roman Catholic public school. These words are omitted from the sections of the ordinances of 1887 and 1888, and the only words that are repeated are:

And the minority of the ratepayers therein whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case, &c.

In effect there is provision contained in the Act with respect to the case of a school district in which the majority of the ratepayers happens to be Roman Catholic. That is what the original clause 16 was intended to continue. The original clause was intended to continue to the minority in the Northwest Territories all the rights that they had by law, and one of the rights they had by law was this right

Mr. FITZPATRICK.

to organize their schools under the Act of 1875.

Mr. BERGERON. That is clause 16, No. 1.

Mr. FITZPATRICK. Yes, I am dealing with that. Now let us come to clause 16, No. 2, or clause 16 in its amended form. It gives to the minority whether Protestant or Catholic in any district the right to establish a separate school therein. That is to say, a school to which sections 41, 42, 43, 44, 45 of chapter 29 are specially applicable. In effect these sections give the minority the right to organize a separate school district in which district the minority can establish a separate school. First the district, and then the school in the district. But, after the district is erected the board of trustees, which board controls the schools, shall possess and exercise all rights, powers and privileges and be subject to the same liabilities and method of government as are provided in the ordinance in respect to public school districts.

With respect to public schools which are the only schools available to Roman Catholics in these school districts where they have a majority, the ratepayers have no rights or privileges secured to them under this clause as a result of that amendment made in 1887 and 1888. Now that is the position, and when my hon. friend said, if he is correctly reported at London, that section 41 of the ordinance which is referred to in section 16, No. 2, repeated in terms the provisions of section 11 of the Act of 1875, he must have been in error, because the first part of the Act of 1875 is omitted in section 41 of the Northwest Territories Act.

Mr. R. L. BORDEN. So far as separate schools are concerned.

Mr. FITZPATRICK. So far as separate schools are concerned, and that is what we are dealing with.

Mr. R. L. BORDEN. I say it is the same section so far as separate schools are concerned.

Mr. FITZPATRICK. Section 11 of the Act of 1875 is cut in two and all that part which is applicable to a majority in a school district is omitted and that part applicable to the minority is inserted so that one-half the section is omitted.

Mr. R. L. BORDEN. That is right. I observe my hon. friend places emphasis on the expression 'such schools therein as they think fit.' That is not in the separate school but in the general school district. Does he regard the words 'such schools therein as they think fit' as qualitative, indicating the character of the schools?

Mr. FITZPATRICK. I think so, and my reason for so thinking is that the ordinance of 1884 enacts that the majority in a case of that kind may establish a separate