

tended in effect to restore the original clause 16 ?

Mr. BERGERON. No, my amendment reads very well.

Mr. FITZPATRICK. I do not think it does, as I shall point out. In what respect does it differ from the original clause 16 ?

Mr. BERGERON. My hon. friend has not been able in the last four weeks to show the difference between clause 16, No. 1 and clause 16, No. 2, which is evidence that the language of these clauses is not clear. That of mine, I submit, is clear. Nobody can make a mistake in reading it.

Mr. FITZPATRICK. That is a question open to doubt. Is my hon. friend able to explain the difference which exists between his amendment and the original clause 16, if there is any difference ?

Mr. BERGERON. I do not want to be discourteous, my answer is there. I contend that my amendment gives the minority what I think they should have. It may be much like clause 16, No. 1, but it is not the same thing. I contend that the language of my amendment is clear, that it can only mean one thing. I voted for clause 16, No. 1, and if that had been accepted, I would not have moved this amendment.

Mr. FITZPATRICK. Therefore my hon. friend moves his amendment because the original clause 16 would, in his judgment, give to the minority those rights and privileges to which they are entitled, and that the second clause 16 takes them away, or practically does not secure them.

Mr. BERGERON. That is not all. I believe clause 16, No. 1 would have given to the minority the school laws of 1875, or the principle of these laws, because, as I said before, they embody the principle of separate schools, and would give them separate schools in spite of the ordinances which have been passed since. There might have been a case for contention before the courts, but at any rate, I think they would have then secured their rights. Clause 16, No. 2, to my mind does away with the law of 1875, and does away with the principle of Roman Catholic schools, and only gives to the minority the schools granted by chapters 29, 30 and 31 of the ordinance of 1901, which was very much like the ordinances of 1892 and 1898. My amendment goes further than that, and avoids all doubt and all chance of litigation, because it says as clearly as it can be said in the English language that the Catholics of that country shall have Catholic schools when they want them, and the Protestant shall have Protestant schools when they want them.

Mr. FITZPATRICK. So that in effect my hon. friend's opinion is that the original clause would have granted more, and that

Mr. FITZPATRICK.

if the original clause had remained he would not have moved this amendment?

Mr. BERGERON. As a matter of fact that is true.

Mr. FITZPATRICK. I will put one more question to my hon. friend. I would like him to tell me what, in his opinion, is the meaning of these words used by the hon. member for Jacques Cartier (Mr. Monk) when he was discussing the clause 16, No. 2, as they will be found on page 3213 of Hansard :

In this connection let me say that we have before us three drafts of proposed legislation in the very able communication made by Mr. Haultain to the government, which has been brought down to this House. There is a draft which, at first sight, seemed to me to go even farther than did the first educational clause of my right hon. friend, and farther than this one, and that clause is to be found in Mr. Haultain's draft, at page 14 of the papers produced before the Northwest Territories assembly.

Further on he says:

I think they might urge that at any rate. As to the first educational clause that was brought down I must say that it did not seem to me to have any other effect than to create in the public mind an extremely erroneous impression as to what we were doing for the new provinces. Any man who takes the trouble to inquire will be able to ascertain that by the clause relating to education which was first submitted to the attention of the House we were not breaking in upon the educational system of the Northwest Territories ; not introducing a separate school system exactly as it existed in the province of Quebec, but that we were following the established order of things in the Northwest Territories, and it is probably due to the haste with which that clause was drawn that all the agitation that subsequently arose is to be attributed, because in reality what did that clause give to the Northwest Territories ? It gave separate schools.

Then further on in the same speech the hon. member for Jacques Cartier goes on, and I wish to draw the attention of my hon. friend from Beauharnois to what he says:

They are not denominational schools ; certainly not. So, I do not see in the last enactment—

That is clause 16, No. 2.

—that there is any concession—very far from it. I think the last amendment perhaps goes a little farther than the original enactment which caused so much excitement, because it defines more clearly what the privileges of the separate schools are. They were not defined at all in the original enactment. It defines them by reference to the chapters of the Northwest Ordinances where they are fully explained, so that it defines more clearly these privileges, and it may be argued that it secures to the separate schools the right of religious instruction. I am not just sure under the first enactment that it would have been possible to say in the Northwest Territories : You have the right to separate schools, that is granted, you will have