That the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein.

And there is a provision in regard to the ratepayers being obliged to pay only for the support of their own schools. Well, speaking generally, what has happened under the law of 1875 ? The legislature of the Territories has maintained the bare principle of separate schools, but it has taken away everything else. It began by recognizing, probably, the spirit of the law of 1875, and providing a dual system such as we have in Quebec. But since then it has taken away the control of the curriculum, of the qualification of teachers, the normal schools, everything but what is covered by the mere letter of the bond—if I may use that expression—as to the existence of separate schools. It has been stated that these enactments are ultra vires, and opinion has been cited to that effect. But we have no pronouncement by any tribunal. And it occurred to me, I must say, that if we re-enact that clause, which is the governing clause of the section, that would keep the ordinances which now exist. To say that under this clause litigations might be begun to question the validity of the ordinances, and to try to obtain restoration of the law as it existed previous to the passage of these ordinances, would be a very unsatisfactory condition of affairs for the minority in the new province. I claimed at the time that under the substituted clause 16 we had something clearer. The ordinances at present in force were specially referred to. There was no ambiguity possible ; and what small rights the minority possess today were indicated there in so many words, and the minority could not be deprived of those rights. Under clause 16, as first brought down—to give an instance—if the legislature of the province saw fit to abolish the advisory board, and thereby deprive the Minister of Public Instruction in the province of the advice—for it is nothing more —of the two Catholic members of that board, what would there be to prevent ? I do not think that there is anything in clause 16, as at first proposed, to prevent such an enactment. It would be, nevertheless, an encroachment, to a certain extent, upon the rights of the Catholic minority. If, under clause 16, as at first proposed, the legislature passed a law declaring that the Minister of Public Instruction would have a right of veto upon the nomination of professors, would that be ultra vires ? I do not think so. But it would be an abridgement of the rights of the minority. Under the present clause 16 the trustees have the right to choose and control their own professors, provided that those professors have the qualifications required by the law of the Northwest Territories. In other words, under clause 16, No. 2, I find the assurance that there would be less possibility of litigation. It merely, in effect, enumerated the privileges which, under clause 16, as at first brought down, it was attempted to secure in a vague way. But there is no doubt that the case of the majority in an organized district, if Catholic, is not provided for in this section. The amendment of my hon. friend from Labelle (Mr. Bourassa) is an attempt to provide for that case, which case, I think, must have been overlooked. The amendment of my hon. friend from Beauharnois (Mr. Bergeron) clearly raises that point—it matters little in what language—as will be seen on reading subsection (c) of that amendment. That is the reason why I vote for these two amendments.

But before I resume my seat, let me advert again to the position taken by the government. The government takes the position that it is not restricted, in the sense that I understood and said that it was, in legislating in regard to these two provinces. It claims to be free. Well, if it is free, why does it not provide further guarantees ? We have declared in this House that the minority in this new province is entitled to protection. If we are not bound by the British North America Act in the strict sense that some have maintained we are ; if, on the contrary, we are free to legislate absolutely untrammelled, why does not the government, I do not say restore all the privileges of which the minority have, in my opinion, been most unjustly deprived, but at least provide guarantees which will give us the assurance that what was promised to the minority in the most solemn manner when these Territories were organized shall be secured to them in the future.

Mr. FITZPATRICK. My hon. friend (Mr. Monk) gives as a reason why he now changes his opinion about the effect of this legislation, that, under clause 16 No. 2, the position of the minority, where they happen to be a majority in a particular school district, was not provided for. As a reason for changing the opinion that he expressed on the 23rd of March, he says that their position is made clear by the amendment now proposed.

Mr. MONK. I do not think my hon. friend is justified in saying that I changed my opinion. If I were one of the minority in that province I would find as much protection in the second clause as in the first, excepting as regards the particular case which I have mentioned a moment ago, and I think I explained the circumstances under which that case was brought to our notice.

Mr. FITZPATRICK. My hon. friend must not overlook what he said. Speaking of clause 16, No. 2, he said :

So I do not see in the last enactment that there is any concession—very far from it. I think the last amendment goes perhaps 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.