

ing in the afternoon, after which time any such instruction permitted or desired by the board may be given.

2. It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer.

138. Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced, as provided for in the next preceding section, or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

Let me observe with regard to this legislation that, so far as religious instruction is concerned, in my humble judgment there is no departure whatever from the principle laid down in the law of 1875, and therefore the majority or the minority in any district in the Territories can have such religious instruction as they think fit. They can have it or not have it, as they think fit; it is for them to say; there is no interference from anybody. But with regard to secular education, it is not the same. The whole subject of secular education, including the certification of teachers, the inspection of schools and the selection of books, is under the control of the board of education. In this the Roman Catholic minority of the Northwest Territories have seen a serious departure from the privilege which was guaranteed to them by the law of Mr. Mackenzie of 1875; and it is not to be supposed that this departure would have taken place without serious protests and remonstrances and even some commotion. I may say that Sir John Thompson, the Minister of Justice, when he came to review the legislation of 1887 and 1888, expressed the opinion that the law which had been passed by the legislature in those two years was a departure from the principle which had been laid down in the Act of Mr. Mackenzie, in so far as the organization of school districts was concerned. This is the language in which he put forth his views:

Section 14 of the Northwest Territories Act, chapter 50, Revised Statutes of Canada, provides that ordinances in respect of education may be made in the Territories, but stipulates that in such ordinances it shall 'always be provided that a majority of the ratepayers of any district or portion of the Territories, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor, and also that a minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein.

The ordinance respecting schools does not contain the provisions that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an unorganized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public school. It is necessary to point out that the provisions of the

Northwest Territories Act, before cited, cannot be abridged by the ordinance, and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable, as being an interpretation by an inferior legislative body of the acts of its superior.

The undersigned only refrains from recommending the disallowance of this ordinance, in consequence of its being merely a re-enactment of an earlier ordinance, which disallowance would not affect, and which was allowed to go into operation, probably because attention was not called to this provision. The undersigned has the honour to recommend that the ordinance bringing these revised ordinances into effect, be allowed to go into operation.

When the ordinance of 1892 was passed, abolishing the dual control of schools through a Protestant subsection and a Roman Catholic subsection of the educational council, the Roman Catholic minority sent to Ottawa a very strong and I may say rather vehement protest. They alleged that by that Act the privileges and the rights which had been conferred on them had been invaded and abridged. They spoke in these terms:

Until the 31st December, 1892, there was in force in the Territories an ordinance, passed in pursuance of the above mentioned provision of the Northwest Territories Act, which contained the following provisions:

The Lieutenant Governor in Council may appoint and constitute a board of education for the Northwest Territories composed of eight members to hold office for two years and until their successors are appointed, five of whom shall be Protestants and three shall be Roman Catholics. (Revised ordinance, chapter 59, section 14.)

Provision was also made in the said ordinance prescribing the duties of the board of education in respect of all schools under their management. (Section 10.)

The said ordinance contained also the following provision:

The board of education shall resolve itself into two sections, the one consisting of the Protestant, and the other of the Roman Catholic members thereof; and it shall be the duty of each section:

(a) To have under its control and management the schools of its section, and to make from time to time such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance.

(b) To select and prescribe a uniform series of text books.

(c) To appoint inspectors who shall hold office during the pleasure of the section appointing them.

(d) To cancel the certificate of a teacher upon sufficient cause.

The said ordinance contained also the following provision: Each section of the board shall have the selection of the text books for the examination of teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the teachers of the school of its section, and in all examinations on such subjects the examiners of each