

No school shall be organized, whether separate or public, unless it be under the supervision of the province or the authority created by the province.

There is a board of instruction which shall decide what books that separate school shall use, which shall give certificates to teachers, and so on; and, therefore, in section 16, No. 2, it is stated:

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories passed in the year 1901.

To-day, under the ordinances, though there are separate schools, the people who have formed those separate schools have not the right to select their own books or teachers or supervise their own schools as they did before. Many of the rights which existed before the ordinances of 1892 are denied them, and therefore there is all the difference in the world between clause 16, No. 1, and clause 16, No. 2.

Mr. R. L. BORDEN. If those words have the construction which the right hon. gentleman claims for them in the Act of 1875, it inevitably follows that they have the same meaning in the legislation introduced by section 16, No. 2. Those words in the Act of 1875 are: 'The minority of ratepayers therein, whether Protestants or Roman Catholics, may establish separate schools therein.' In section 16, No. 2, the words are: 'The minority of ratepayers in any district, whether Protestants or Roman Catholics, may establish separate schools therein and make the necessary assessment and collection of rates therefor, and that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.'

Sir WILFRID LAURIER. That is from chapter 29.

Mr. R. L. BORDEN. These words are exactly identical.

Sir WILFRID LAURIER. Yes.

Mr. R. L. BORDEN. If they have the meaning attributed to them in the Act of 1875, surely they must have the same meaning in clause 16, No. 2.

Sir WILFRID LAURIER. No.

Mr. R. L. BORDEN. We will see about that. I do not know for what reason you can differentiate, but I would like to have some authority from the Prime Minister or the Minister of Justice other than that which has come to hand up to the present, to convince me that the words 'separate schools' have any such technical meaning as has been given them by the Prime Minister.

Sir WILFRID LAURIER.

ister and the Minister of Justice. The term 'separate schools' in the statute of Canada has no technical meaning. It means exactly what the statute says. It means that the minority may establish separate schools. The right hon. gentleman says that the right to establish separate schools implies the complete control of the education given in those schools. It is sufficient to show that the Act of 1875 does not declare anything of the kind. It simply establishes one principle, namely, the principle of separation. But my right hon. friend, when pressed upon that point, says that he relies upon the interpretation made by the territorial government when it enacted the ordinances under this legislation. He spoke of confusing the issue. There has been no confusion of the issue such as he himself created when he made that remark. There was nothing in the Act of 1875 to prevent the Territories from establishing separate schools of that character if they saw fit, nor was there anything in that Act to impose upon the territorial legislature the necessity of establishing such schools. In other words, such wide powers were given by the Act of 1875 to the Territories that they could establish denominational schools if they saw fit. There was nothing to restrict them, but neither was there anything in the Act of 1875 to impose the obligation of establishing denominational schools. The term used is not 'denominational schools,' but the right hon. gentleman has thus interpreted it. The term used is 'separate schools' and separate schools only. I see that my hon. friend from Montmagny (Mr. Lavergne) is impatient. There is evidently something on his mind which troubling him.

Mr. A. LAVERGNE. In our legislation, is not 'separate schools' synonymous with denominational schools? In section 93 of the British North America Act we see the term 'separate schools' employed once and the term 'denominational schools' also employed once, thereby showing that they mean the same thing.

Mr. R. L. BORDEN. The Supreme Court of New Brunswick must have been very much astray, if that is the case.

Mr. A. LAVERGNE. I think that was the opinion of the Privy Council.

Mr. STOCKTON. That case was confirmed by the Privy Council.

Mr. R. L. BORDEN. Perhaps the hon. member will tell us why the term 'separate schools' is used instead of 'denominational schools' in section 16, No. 2, if they are equivalent to each other.

Mr. A. LAVERGNE. It is used because they are taken as synonymous.

Mr. R. L. BORDEN. Then would my hon. friend support a motion to restore the words 'denominational schools,' if both terms mean the same?