

framers of the Act of confederation, who had started Canada on its triumphant wave,—those men declared, without a dissentient voice, in adopting this measure: yes, we are settling the question for ever; and those who shall hereafter go into the Territories to establish there homes for themselves and their children will know the conditions under which they take possession of the land. They will know that their children will be educated under the system we are creating to-day, which provides for a separate school system.

Mr. SPROULE. With the hon. minister's permission, I would like to ask him a question. Is he strictly keeping faith with those to whom promises were made prior to confederation that they would have institutions similar to those of other provinces? Did not the other provinces have freedom of choice in their educational system?

Mr. FITZPATRICK. Absolutely none. The other provinces have no choice where rights have been guaranteed.

Mr. SPROULE. Never had?

Mr. FITZPATRICK. Never had. A province coming into confederation with a separate school system is bound to maintain that system. And if after coming into confederation they establish a school system under which rights and privileges accrue, they are absolutely precluded from interfering with them.

Mr. SPROULE. Do not they exercise the same rights—

Mr. FITZPATRICK. I fear I am wandering from the point to which I was addressing myself. Without being offensive to my hon. friend (Mr. Sproule) I will claim my right to proceed. I feel that he cannot convince me, and I fear that I cannot convince him. Now, that system was given to this country at that time, and at that time those who were opposed to the principle of separate schools so far as the Northwest Territories are concerned, through Hon. George Brown, voiced this sentiment: You have passed this legislation; you have settled the question for all time; it has passed out of the domain of Dominion controversy. I gave you the views of those who promoted this legislation and were favourable to it. Here I give you also the opinion concerning it and the construction put upon by the man who most bitterly opposed it. So there, friend and foe alike, joined to say that this question was settled for ever. And, as I have said, it passed beyond our domain. Subsequently, in 1891, an attempt was made to settle this question, otherwise. That is when the Act was being consolidated, if I remember rightly, and at that time the attention of the House was again drawn to this section 11, to this provision in the constitution we had given

Mr. FITZPATRICK.

to this territory. We were told: You must repeal that provision, you must not consecrate that principle by your positive legislation; because if you do, the system will be continued under which rights and privileges will be acquired, which, when you come to deal with these Territories and make them into provinces, you will find in existence and you will not be able to get rid of them. Not only that, but, if I remember rightly, it was in 1880, that a statute was passed by this parliament with respect to the constitution of these Territories in which we made the provision of the British North America Act with respect to education, that is to say, section 93, expressly applicable to the Northwest Territories. Now, in the light of these facts, we are called upon to deal with these provinces, and we have to remember the pledge we gave to the imperial authorities that we would give to these Territories institutions similar in principle to our own. We have to bear in mind the fact that we have by our own Act created in the province a certain condition of things with respect to schools, that by our positive act that school system has been continued up to the present time. And, when we come to apply section 93, what do we do? The rights that have grown up in that territory under the present school system, if these rights and privileges have been brought in by reason of the legislation of the Territories, go on in spite of anything that could be done. But, because they have been created and have grown up not by reason of the Act of the territorial authority, but by reason of our Act, we are to repudiate, and say to these people: It is true, we have created that system, true we are responsible for it; true if these had been provinces and the legislation had been their work, we would not have had any right to deal with it;—but because these things have grown up under our Act, we have the right to repudiate them. That is a position this government refuses to take. So far as this government is concerned, there will be no repudiation, either with respect to the contracts entered into with the Hudson Bay Company or the implied parliamentary contract entered into with the minority of the Northwest Territories.

My hon. friend the leader of the opposition has accurately stated the conditions which exist in the Northwest Territories as the result of section 16, No. 2. The minority—and I do not want to use the word 'Roman Catholic' or the word 'Protestant,' I speak of the minority—the minority in any school district would have guaranteed to them all the rights and privileges they enjoy at the present time under chapter 29 of the ordinances. With respect to the minority in general, when they happen to form a majority in a school district, they would not have a guarantee of the continuance of these rights which they now have.