

fit, because to do that would involve, in the first place, that they might apply religious tests: they might say, no child shall go to that school unless he or his parents make profession of a certain religion; no child shall go to that school unless his parents agree that he shall learn a certain language and no other; no child shall go to that school unless it is carried on subject to such regulations and such supervision, such control and inspection, as are provided, not by the legislature of the Territories, but by the majority of that particular school district; and I fancy that upon reflection the Minister of Justice would hardly like to persevere in a contention of that kind.

Mr. BOURASSA. There is one point that seems to be overlooked. The object of the legislation of 1875 was not to deal with the minority of any particular district, but was to deal with the rights of the minority in the whole territory, and therefore they had to provide for the same rights for every portion of the country, no matter whether a particular district contained a majority or a minority of one class or of the other. The conclusion to which the reasoning of the leader of the opposition would lead us is this, that the legislature of 1875 intended to give some protection to either the Protestants or the Roman Catholics when they constitute a minority in any particular district, but cannot give them any protection if they happen to constitute a local majority, although forming part of the minority of the whole territory. If section 11 is read, not in the light of too much legal knowledge but in a simpler light—

Mr. R. L. BORDEN. May I ask my hon. friend one question?

Mr. BOURASSA. Yes.

Mr. R. L. BORDEN. What does he consider to be guaranteed to the minority where it is a minority in any particular district, by the Act of 1875?

Mr. BOURASSA. I am coming to that, I was about to say that if instead of interpreting the Act of 1875 with too much legal lore, we interpret it simply by bringing to bear on it the common sense of the ordinary man, we might better be able to understand it. If you refer to the speeches that were made in this House in 1875, and especially to the speech of the Hon. Edward Blake at whose suggestion, and I believe under whose guidance this clause was drafted, you find that the object of it was to protect the rights of the total minority of the Territories whether it be Protestant or Roman Catholic, and whatever might be the division of territory that should be adopted by the Northwest government. That is made entirely clear by the part of the clause relating to the school districts. What they wanted to provide

for was the establishment of separate schools for the minority of the Northwest Territories, and to provide for separate schools in every district whether that minority might be represented either by a local minority or by a local majority. It would be absurd to think that Mr. Blake meant to give separate schools either to the Protestants or to the Roman Catholics of the Northwest, only when they happened to be a minority in a particular district. For instance, let us take the facts as they have developed. To-day the Roman Catholics in the two new provinces are represented for nine-tenths of their population by local majorities. Was it the intention of the Act of 1875, and would it be the intention of this legislation, that one-tenth of the Catholics of the Northwest Territories would be entitled to separate schools and that nine-tenths of the Catholics in the same Territories would be entitled to no schools at all? Does the leader of the opposition intend to say that in case the majority of the people of the Northwest were Catholic, the Protestants would be entitled to separate schools only when they were a minority, but would be subject to the Catholic regime everywhere they formed the majority? The conclusion would be absurd. I believe, the whole clause means that either the majority or the minority must be considered not in the light of whether they belong to this place or to that place, but whether they belong to the Protestant or Catholic religion. What is guaranteed is the right to the majority to choose what kind of schools they would have with respect to the division that has been adopted throughout the Dominion of Canada, so far as the separation of schools is concerned. If the Catholics are in the majority they can organize Catholic schools under the guidance of the state under the same limitation that is provided in the former portion of the section; and if the majority is Protestant the majority may organize either a Protestant school or a non-sectarian school, because it is well known that on this question Protestants are not a unit and that sometimes they prefer sectarian and sometimes non-sectarian schools.

Mr. R. L. BORDEN. My hon. friend observes of course that the word 'majority' is used in connection with the district or portion of the Territories. Does he not think the word 'minority' is used in the same connection?

Mr. BOURASSA. Certainly.

Mr. R. L. BORDEN. I thought he said the word minority meant the entire minority in the whole Territories.

Mr. BOURASSA. On the contrary—

Mr. R. L. BORDEN. Quite so. I want to ask my hon. friend another question. Suppose there was no majority of either