

majority to have religious instruction shall continue, it is a right and privilege which is given to the people. What people? The people who are represented by the board. It is true that in section 127, the power is given to the board, but what is the board? The board is a board of trustees acting for others; they are acting for the people who have elected them and therefore the people who elected them have this privilege and right of religious instruction granted to them.

Mr. R. L. BORDEN. Perhaps I did not make myself clear. My contention is that this language does go to the extent of preventing the Protestant majority in the Northwest Territories from regulating the religious instruction in their own schools.

Sir WILFRID LAURIER. No.

Mr. R. L. BORDEN. Yes. I do not think the Minister of Justice will say it may not have that effect. It says you are not to prejudice any right or privilege with respect to religious instruction in any public or separate school as provided for in said ordinances, and the ordinances declare that the board of trustees shall have power to deal with that question. There is no reason why the provincial legislature should not be given power to alter that if they see fit, so far as the Protestant majority is concerned. The rights of the minority do not require that limitation of provincial powers. The clause is absolutely general; it does not relate to Roman Catholic schools but to all schools. In respect to all schools the board of trustees have at present the right to regulate religious instruction, and if these words are apt for the purpose intended, then the legislature of the new province cannot in respect to Protestant schools deal with that question by taking away that power from the board of trustees.

Sir WILFRID LAURIER. I understand that, but as I read this clause there is no such thing provided for on behalf of the Roman Catholic minority in the initial legislation of 1875. The right and privilege is given to the majority and to the minority as well. It says the majority shall have the power to have such schools as they see fit. That right is given to the majority in the district and not to the majority in the province as in the case in Ontario and Quebec. The minority in the district is given certain powers also, and therefore the intention of the legislation all through was simply that this power of having such religious instruction as they want is vested in the people of the district.

Mr. R. L. BORDEN. It is not essential to the protection of the minority of the whole province that you should for ever impose a law upon the people of the Northwest Territories, that the power to regulate religious instruction must be vested absolutely

Sir WILFRID LAURIER.

tely in a board of trustees. The majority in the new province may desire, so far as Protestant schools are concerned, to deal with that question in another way and no one would complain if they did; certainly not the majority of the province who do not want to be fettered. I point out to the right hon. gentleman and to the Minister of Justice, that I am afraid these words will go to that extent. I ask the Minister of Justice, because we want to deal frankly with each other in these matters, whether he appreciates my contention; in the first part of the section you deal only with separate schools and Catholics have a separate school and Protestants have a separate school only where they are in the minority. Now, so far as the Catholics are concerned you desire to go further and provide that the power to regulate religious instruction by trustees shall not be taken away from the Catholics where they happen to be in the majority. But surely you do not need to go so far as to apply the same limitation upon the provincial power with respect to schools where the majority in the district is Protestant.

Sir WILFRID LAURIER. So far as I am concerned, I do not agree with the argument that this clause applies to Roman Catholics; it applies to the majority or the minority, just in the language of the Act of 1875.

Mr. R. L. BORDEN. It does, and that is the very ground of my objection.

Mr. FITZPATRICK. The leader of the government took the position which I think I should take. It seems to me that instead of calling these schools Roman Catholic schools or Protestant schools, if we spoke of them as majority or minority schools we would be keeping better within the lines of the Act. We have an Act which contemplates a dual system of minority and majority schools, and as the Act stands with the amendment originally proposed, it seems to me we have conserved to the minority where that minority is a minority in a district all those things which the minority has at the present time. With this additional amendment we will find ourselves in this position that under the Act as we now have it the majority, whatever that majority may be, has also the same right in respect to religious instruction that the minority has got and what is intended, it seems to me is to confirm to that majority the same rights and privileges as the minority has in a school district, whether that majority be Protestant or Catholic.

Mr. R. L. BORDEN. Yes; that is exactly my view of it, but what I am suggesting is that in respect of schools in any district where the majority is Protestant, there is no reason why you should limit the powers of the province in that respect.