

existed in the mind of the person who drafted the original clauses of this Bill, because, if we look at the Bill as originally drawn, we shall find that the objectionable clause in regard to education has identically the same language as the Act of 1875. So that it is perfectly apparent, no matter what declarations as to intention have been made in this House upon the discussion of this matter, that whoever prepared that Bill intended that all the rights and privileges accorded by the Act of 1875 should be preserved to the minority in these two new provinces; and those rights and privileges, as the late Minister of the Interior says, included a complete system of clerical schools. Now, when dissatisfaction was expressed, and it became so great as I have already pointed out, the right hon. gentleman, no doubt seeing the impossibility of defending such a course as that, either in this parliament or before the country, introduced the amendments now under discussion. The question now arises, do these amendments improve the situation in any respect, or do they preserve to the minority in those two new provinces exactly what was aimed at by the original Bill as drafted and brought down? I have given this question a good deal of consideration, and my firm conviction is that the amendments as they stand to-day will confer upon the minority in those two new provinces just as great and as wide rights as they would have obtained under the clauses of the statute of 1875, and I will tell you why. The amendment now introduced provides, in effect, that nothing in this Act shall prejudicially affect any right or privilege conferred upon the minority by the ordinances 29, 30 and 31. Now, what does that mean? I have looked over the ordinances very carefully and can only find one section that confers any right or privilege, and that is section 41, and section 41 confers that right without any limitation whatever. Let me refer to this section in order to be perfectly accurate:

The minority of the ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein, and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

Compare the wording of that section with the wording of the Act of 1875:

Protestants and Roman Catholics may establish separate schools therein, and in such latter case the ratepayers establishing such Protestant or Roman Catholic schools shall be liable only to such assessments of such rates as they may impose upon themselves.

That is identically the language of the ordinance I have quoted. Then comes in this amendment which says:

Nothing in the provincial law shall prejudicially affect any right or privilege conferred by such ordinance.

Now the right conferred is to establish separate schools without any limitation of any kind or description, just as the statute of 1875 contained no limit or restriction, and the same rights and privileges will grow up under section 41 as grew up under the latter part of section 14 of the statute of 1875. Hon. gentlemen opposite have argued that section 41 is controlled by the subsequent sections of this ordinance. That contention, I do not think, will bear investigation. They point to section 45 as controlling, but note carefully the wording of section 45:

After the establishment of a separate school district under the provisions of this ordinance, such separate school district and the boards thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities—

Not the same limitations.

—as are herein provided in respect of public school districts.

Mr. CAMPBELL. And methods of government.

Mr. PORTER. And methods of government. They are subject to the same liabilities but not to the same limitations, and even if they were, section 41 would be in exact accord with the statute of 1875, and therefore within the jurisdiction of the legislative assembly, but section 45, which cuts that down, would be ultra vires that legislature altogether. So that this amendment, as it now stands, leaves the matter in this shape that the right to establish separate schools, without limitation or restriction, as provided by section 41 of the ordinances, shall be preserved, and it will not be in the powers of the provinces to cut down or prejudicially affect that right. For those reasons I have concluded that under this amendment, these two new provinces will have fixed upon them unalterably, and for all time to come, the same conditions as are enacted by the statute of 1875, which the people of the Territories have tried to get rid of; and having shown their disposition to get rid of that system of clerical schools it seems to me the greatest injustice for this parliament to endeavour to inflict that system upon them.

But apart from the constitutional question altogether, if I had no other reason for opposing those Bills than the fact that the introduction of this subject, which, it appears, cannot be discussed without raising the ill-feeling that has been exhibited, I am sorry to say on more than one occasion during the debate, could just as well have been avoided and the matter left to the provinces to settle for themselves—if there was no other reason for opposing this measure, I would consider that a perfect justification. But if we are not to enjoy that condition of attending to