

with respect to public schools. Now with reference to the difference of meaning between section 16, No. 1, and section 16, No. 2, I agree with my hon. friend the leader of the opposition as to the legal effect of the language used in these two sections. No. 2 goes as far as No. 1, as originally introduced by the right hon. First Minister; and if we attempt to whittle down the meaning of No. 2 by saying that it does not go as far as No. 1, then the duty is cast upon those who argue in that direction to show where there is a limitation. I can find none in the section itself, and I have not understood the Minister of Justice to make the statement on the floor of the House that there is a less power in section 16, No. 2, than there is in section 16, No. 1. I did not understand the Minister of Justice to say so to-day; I did not understand him to say so when he made his explanation the other day. I think section 16, No. 2, is as full and ample to give separate schools to the constitutions of the new provinces as section 16, No. 1. I may be mistaken about that. I would like to hear from the Minister of Justice as to whether he is of opinion that section 16, No. 2, does not go as far as section 16, No. 1. If the Minister of Justice will make that statement, I would like him to say in what respect he is of opinion that it does not go as far.

Mr. ARMAND LAVERGNE. He said it twice.

Mr. STOCKTON. Had we not better let the Minister of Justice speak for himself? If he will stand in his place and make that statement, it will simplify the matter very much.

Mr. BRODEUR. My hon. friend said that he did not know that there were four kinds of schools in the Northwest Territories. I have in my hand the report of the superintendent of education, for 1901, on the first page of which four classes are specified: public school districts, Roman Catholic public schools districts, Roman Catholic separate school districts, and Protestant separate school districts.

Mr. STOCKTON. The report may put it that way, but the schools are not so constituted under the Act of 1875.

Mr. BRODEUR. That classification is still maintained.

Mr. STOCKTON. The fact that it is so stated in the report of the officer of the government does not make it the law.

Mr. BRODEUR. This report is accepted and published by Mr. Haultain.

Mr. FOSTER. Is it a legal document?

Mr. BRODEUR. I suppose it must be. It has been accepted by the Attorney General.

Mr. FOSTER. Is it a clause of an Act?

Mr. STOCKTON.

Mr. BRODEUR. No, it is a report.

Mr. FITZPATRICK. My hon. friend from St. John is perhaps somewhat justified in saying that he did not catch my statement in respect to the difference between clause No. 2 and clause No. 1, in so far as clause No. 2 abridged the right of the minority, because I was unfortunate enough to read the statement as to the effect of that clause; and, in reading, one cannot make his meaning quite as apparent as he can when speaking. But I will read again what I said on that point:

In effect, section 16 (that is No. 2) gives the minority the right to erect a separate school district in which district the minority may establish a separate school; but after the district is established, the board of trustees shall possess and exercise all rights, powers and privileges, and be subject to the same liabilities and methods of government as herein provided in respect of public school districts.

That is, the same right, so far as that particular minority is concerned, as they have under the Act of 1875. But where the minority in the Territories happens to be the majority in the school district, then they have to avail themselves of the public school; and, so far as that public school is concerned, they have no right or privilege whatever secured to them under that clause. The minority in the district, where it happens to be Roman Catholic, will have certain rights and privileges secured to it under clause 2; but where the Roman Catholic minority of the Territories happens to be a majority in the school district, then it has no right whatever. Then, there is the other abridgment referred to by Sir John Thompson, resulting from the legislation of 1891, that the organization of a separate school district is dependent upon the action of the majority in the district. If the majority or the government does not organize a school district then the minority is without any privilege whatever.

Mr. R. L. BORDEN. My hon. friend the Minister of Justice has certainly said something to-day which he did not say in the opinion which he read in the House before.

Mr. FITZPATRICK. I have endeavoured to avoid repeating what I said. I quoted Sir John Thompson's opinion when I spoke first.

Mr. R. L. BORDEN. Is there any opinion of Sir John Thompson's along the line which the hon. gentleman read to-day?

Mr. FITZPATRICK. It is the same as my hon. friend read.

Mr. R. L. BORDEN. So far as the question of separate schools is concerned, the expression on which the Minister of Justice relies does not occur in that particular portion of the clause of the Act of 1875 at all. I will just read it in order to make my meaning perfectly clear: