that under the amended clause in the Bill every right or privilege enjoyed by Protestants or Roman Catholics by virtue of ordinances 29 and 30 becomes a fixture, and cannot be taken away as any Act for that purpose would by virtue of the subsection be ultra vires. For example, the provisions of the ordinances as to representation on the board are a right and privilege and no Act can be passed to the prejudice of the privilege. The amendments for which the hon. member for Brandon claims such credit really stiffen the Bill. The hon. Minister of Justice said in the House some time ago, correctly enough, that the Bill as he had drawn it stated the law just as it stood then. There is no question, I think, that he was right. But the hon. member for Brandon, the then colleague of the hon. Minister of Justice—a not very beloved colleague I should say, judging by the sneer cast by him at that hon. gentleman—thought otherwise and said that if the Minister of Justice was not the draughtsman of the Bill, he had given very queer instructions to the draughtsman.

Now, what would have happened if the Bill of the Minister of Justice as it stood had passed? Section 16 would have remained the law. It does not say a word about religious education. It simply says that there shall be separate schools. Ordinances 29 and 30 were repealable. Now ordinances 29 and 30 will not be repealable as regards any minority privileges, which stand for all time; and they contain all that section 16 contained and more. And so the hon. member for Brandon, by his interference—I will not say meddling—has enabled the Minister of Justice to stiffen the Bill that he first brought in.

Mr. R. L. BORDEN. Does the Minister of Justice admit that?

Mr. BARKER. He does not deny it.

Mr. FITZPATRICK. I would dearly love to believe it.

Mr. BARKER. Let us see what the Act of 1875 did provide, that is, the old section 11, sometimes called section 14 of the statute of 1880, and section 16 of the new Bill. It provided that:

> When and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant Governor, by and with the consent of the council or assembly, as the case may be, shall pass all necesssary ordinances in respect to education, but it shall therein be always provided that a majority of the ratepayers of any district or portion of the Northwest Territory or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor; and, further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

All that is provided there is that Protestants could send their children to a school apart from Catholics, and that Catholics could send their children to a school apart from the Protestants. There is not a word about religious education from beginning to end. There is not a word about the ordinances providing for religious education. It was quite free to the officials at Regina to have passed any ordinances that they liked, so long only as they gave the Roman Catholic minority a right to have a school to themselves and gave the Protestant minority a like right. There is not a word from beginning to end as to the control or the regulation of either class of schools; not a word as to teaching of any kind, religious or other. All that was left perfectly open. The ordinances passed by the Lieutenant Governor in Council, might have provided at once, on the very first occasion a system exactly like that in Ontario; and what is that system? Why, the Board of Education in Ontario to-day, and for years back, has had less privileges than are given by ordinances 29 and 30. In Ontario there is a Minister of Education, and a Board of Education. There are twelve appointed members, six by the government and six, I think, by Toronto University; but there is not a word to the effect that any member of the board must be a Protestant or a Catholic. They need not appoint one Protestant or one Catholic; they might appoint all Jews; and the ordinances of 1884 of the Lieutenant Governor of the Territories might have been in the like terms.

Well, they did not do that. What did they do? But before I read the ordinance, I might refer to one matter which seems to have given a good deal of trouble to hon. gentlemen opposite. A number of them think that because in the early days certain privileges were given to Roman Catholics and Protestants those could never be taken away. They argue that when the Lieutenant Governor in Council, passed an ordinance, whereby Catholics had a certain number on the board and sectional control over their separate schools, and the Protestants a like position as to the Protestant schools, it was not within the power of the Lieutenant Governor in Council to make any other arrangement. I doubt if any lawyer would hold an ordinance passed in 1884 by two or three gentlemen who had just entered the territory and knew very little about it, and who were legislating at the moment for a few hundred people, must continue for all time and apply perhaps for centuries to come to many hundreds of thousands who might afterwards enter that country. But we are not left to any legal opinion on that point. We all know that in the legislation of this parliament, we are guided by the Interpretation Act which de-