

## THE SCHOOL ISSUES.

### Time and Toleration Better Than Interference and Coercion.

Sub-sections 1, 2 and 3 of Section 93 of the British North America Act, 1867, read as follows:

#### "Education.

93. "In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

1. "Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:

2. "All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

3. "Where in any province a system of Separate or Dissident Schools exists by law at the Union or is thereafter established by the Legislature of the Province an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to Education."

Sub-Section 4 provides for the passing by Parliament of Remedial Laws to compel the Provinces to obey any decision under Sub-Section 3, if they neglect to do so.

In 1896 the Conservative Government at Ottawa attempted to pass Remedial Laws to compel Manitoba to restore Separate Schools. Sir Wilfrid Laurier contended that eventually the Province would work out its own edu-

cational problems and resisted the efforts to coerce Manitoba with the result that the Federal Legislation was not passed. The Judicial Committee of the Privy Council of England held that at the time of the union of Manitoba with the other Provinces that that Province did not have Separate Schools, but they were subsequently recognized or established by the Legislature and so when later on they were abolished an appeal was made under Sub-Sections 3 and 4 of Section 93 of the B. N. A. Act. In the Northwest Territories out of which the Provinces of Alberta and Saskatchewan were established in 1905, Separate Schools were in existence from 1875, but by the Federal Acts of 1905 establishing these Provinces instead of the Law of 1875 being re-enacted it was provided that the Separate School System as defined by the Hudson Territorial Government in 1901, be the System of the two new Provinces, and it was declared that Section 93 of the B. N. A. Act apply only to the said Territorial law of 1901.

#### Saskatchewan and Alberta Schools.

In 1875 the Parliament of Canada unanimously passed an Act establishing Separate Schools in the North West Territories. In 1881 the Quebec system under the Act of 1875 had been set up in the Territories providing for two boards of education, (Protestant and Catholic, but each practically under clerical control), two courses of study, two staffs of inspectors, and separate administrations. But in 1892 this dual system had been abolished by the Territorial Legislature and in 1901 the existing system had been definitely established by a series of ordinances. This 1901 system worked very satisfactorily. It gave Catholic and Protestant minorities the right to establish separate schools, and to pay taxes only for such schools. In all other respects the school system was