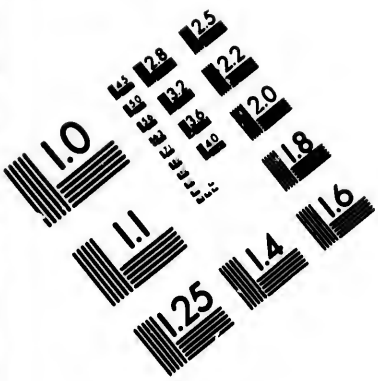

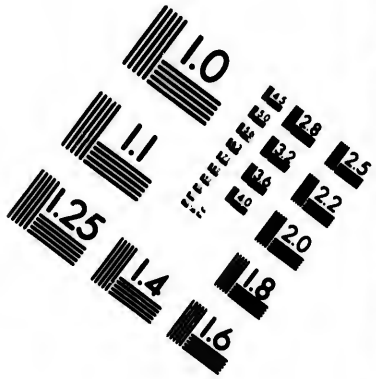

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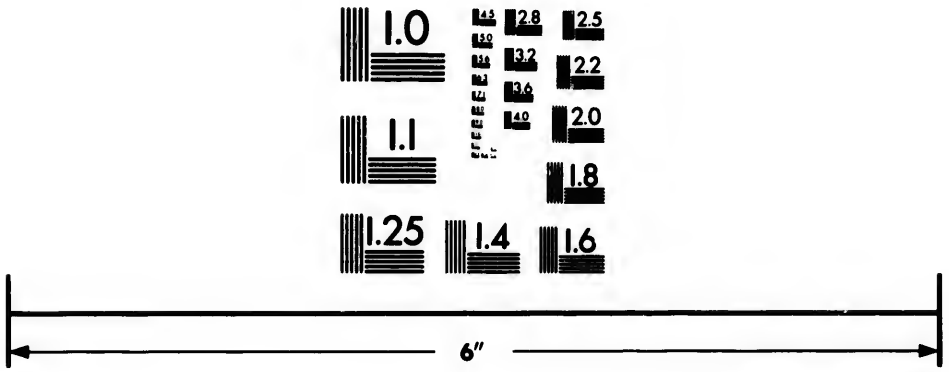

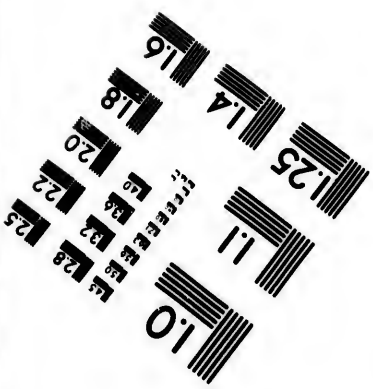

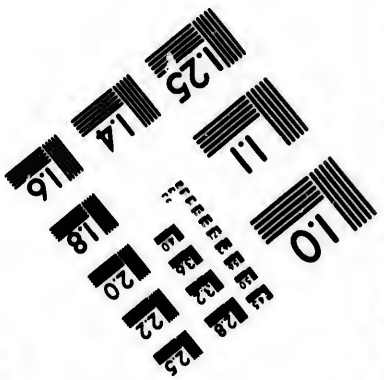

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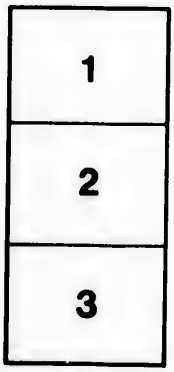

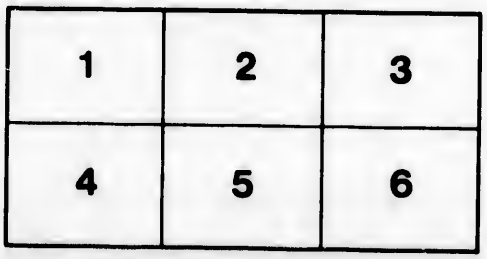

House of Commons Debates

FOURTH SESSION—SEVENTH PARLIAMENT

SPEECH

OF

SIR JOHN THOMPSON, M.P.

ON

SCHOOLS IN THE NORTH-WEST TERRITORIES

OTTAWA THURSDAY, 26TH APRIL, 1894

Sir JOHN THOMPSON. I feel that it is due to the House, considering the great interest manifested in this question by the discussion we have had here during several days, that I should express myself briefly upon the points brought out. There is reasonableness in the desire of hon gentlemen to know the views of the Government, in so far as they can with propriety be expressed on a question of great importance like this, even as a mere motion to bring down the papers. At the same time, I beg to say, in a preliminary way, that in my judgment it is better that the question, at the present time, should be very sparingly discussed; and, as far as I am concerned, I beg to intimate to the House, at the outset, that I do not intend to enter upon any exhaustive discussion of it to-day, nor even to make what I would consider, myself, a full defence of the position of the Government. The reason for that is perfectly obvious. To a great extent the question, in so far at least as it relates to the North-west, is one under consideration; and at this stage what may be incautiously said with regard to it may affect seriously the result of the consideration which the subject is receiving. As members of the House have become already aware, through the press and through the observations in this House, the Government have made a request to the Lieutenant Governor of the Territories to convey to the Legislature of the Territories the great desire felt by His Excellency and his advisers—and, I am sure, very widely shared in this country—that the Legislature of the North-west Territories should reconsider the whole subject of education, with a view to giving redress to any grievances which exist there, and with a view likewise to giving any safeguards which are needed in order to make any portion of the people feel that their rights are well safeguarded and preserved. If, therefore, at the present time, members of the Government especially, should enter upon an elaborate discussion of the question, or upon a review of all that has transpired in this debate, we might find that the position of one side or the other had been seriously prejudiced by that course. For example, if we committed ourselves to opposition to the Ordinance of the Territories we might find that no serious grievances existed worthy of being made the basis of a complaint to the Legislature; on the other hand, if we warmly espoused the statement of grievances that has already been made, we might raise a feeling of resentment among the people of the Territories on the ground that we had, to a great extent, prejudged the case before the complaints could have been considered by the legislature. For these reasons, I trust

that the House will make allowance, in considering the observations which I am about to make, for the want of an elaborate and full statement with regard to these various complaints, and that the public, in so far as they may deem my observations worthy of consideration, will recognize the fact that we hold in reserve much that, under other circumstances, we would desire to say in view of the deep interest that is manifested in the country upon this question. I shall endeavour to arrange what I shall say as not to carry on a direct discussion of the merits of what are alleged to be grievances in the North-west Territories on the subject of education, but what I shall say will be in the direction of laying before the House the reasons which have influenced the Government in coming to the conclusion not to disallow the Ordinance of the Territories of 1892. However, before discussing the matter of the Territories and the Ordinance of 1892, I desire to say a few words on the subject of the educational question in Manitoba, because the hon. gentleman who moved the resolution which we are discussing introduced that subject in the early part of his remarks, and strongly challenged the position of the Government and my own position in relation to it. I need speak but briefly upon this subject, because the whole question was elaborately discussed last year at a time when we sustained the combined assault of the hon. member for L'Islet (Mr. Tarte) and the hon. member for North Simcoe (Mr. McCarthy), based upon absolutely opposite and irreconcilable views as to what ought to be done. Any one who cares to turn up the record of that discussion will find the answer I have to make in regard to the remarks of the hon. gentlemen about my position and the position of the Government now. Our position was assailed on the ground, so far as the hon. member for L'Islet was concerned, that we ought to have disallowed the Manitoba legislation which was complained of, and on the ground, so far as the hon. member for North Simcoe was concerned, that we ought to have refused redress before the application for redress was heard. As to the subject referred to by the hon. member for L'Islet in the opening of his speech—the reference of the legal question to the Supreme Court of Canada, and the report I presented to His Excellency more than three years ago, these points were fully discussed last year, and I could say nothing more in defence or explanation than could be said by reading the report of the observations I made to the House last session. I shall not read my speech of that time, because I do not desire to fill the columns of 'Hansard' of this year by a repetition of what appears in 'Hansard' of last year. But, briefly, as regards my own position and as regards the language of my report, which the hon. member has again challenged as being a direct promise—a promise which, if I understood him rightly, he said no person who understood the English language could misunderstand—a promise that remedial legislation would be given here if the litigation contesting the validity of the Act should fail, I have a few words to say. I explained that subject fully to the House last session, and at that time I read my report. I have only to repeat now what I said then, and what was not then challenged in the discussion, much less shown to be erroneous, that the report contained no promise whatever either upon the subject of remedial legislation or upon any other subject. In that connection, I wish to observe that it has been said in many places, that as the report which I made and to which I am referring had a reference to redress by way of remedial legislation, it has been the cause of commotion, disturbance, expectation and disappointment in the province of Manitoba. In one place it was said by a gentleman in the province of Manitoba, a gentleman whose professional attainments certainly enabled him to know better, that what I had done was to put on record on behalf of the Government a very distinct promise that a law would be passed to give redress to the minority there. Mr. Speaker, both of these contentions are directly contrary to the fact. It is not in the least degree correct to say that my statement in that report, to the effect that the time might come when remedial legislation would have to be considered, induced expectation, induced agitation, and resulted in petitions being sent here, for the fact is that the report was a report upon petitions for that very redress, and in that report I merely indicated, as I was bound to do, what course, in my opinion, might properly be followed by the Executive at Ottawa as regards these very petitions and that very agitation for redress. There were at that time before Council, and referred to me for report, two different classes of petitions, the one asking for disallowance of the legislation, and the other asking for remedial legislation. And if any hon. gentleman cares to turn to that report he will see that what the report says is in substance this: That, as regards the petitions for disallowance on the ground that the Act was beyond the competence of the Provincial Legislature, it was unnecessary to take proceedings by way of disallowance, because if the contention that the Act was ultra vires were sound that contention would be established in litigation, which was then in progress, the decision of the courts would finally dispose of that point. But with regard to the other class of petitions, the petitions asking for remedial legislation, I said that when the litigation was ended, if it should not end satisfactorily to the petitioners, the time would come when His Excellency in Council would have to take those petitions into consideration. That, Sir, was simply an indication that it was unnecessary to consider these petitions then. The House is well aware—and I shall refer to this but briefly—that the time did come when the petitions for

remedial legislation had to be taken into consideration. The litigation had resulted in a decision by the highest court of appeal adverse to the petitioners, so that the time came when we were bound to take those petitions into consideration. Having taken them into consideration, we found important legal questions involved which we thought it necessary to refer to the courts under the statute providing for the reference of such questions. The proceedings on that reference are still in progress. The results, so far as the Supreme Court of Canada is concerned, are that the majority of the court has negatived the right of the petitioners to make an appeal under the circumstances, and has negatived the power of the Governor General in Council to entertain the appeal for remedial legislation at all. What can be meant by the assertion which has been made upon that subject that, notwithstanding that decision, if it should stand unreversed, or if it should be confirmed on appeal, the responsibility of the Government will still remain as to remedial legislation, I have never been able to understand. If the courts should decide eventually that there is no jurisdiction on the part of the Government to entertain the appeal for redress—that the petitioners have no case for such appeal, and that this Parliament would, therefore, not have power to pass a remedial statute giving redress to the petitioners, it is impossible for me to understand how there can be any further responsibility upon the Government in the matter. I only say that by the way, because the information I have is that a considerable body of the petitioners, representing the religious minority in the province of Manitoba, have taken steps to appeal to the Judicial Committee of the Privy Council on that subject, and, therefore, I forbear to discuss that feature of the question further. I come now to the question of the Territories, and let me call the attention of the House briefly to an analysis of what the complaints were, and what the requests were on behalf of the minority for redress under the Ordinance of 1892 in the Territories. Now, in order that the House may appreciate the various steps that were taken to investigate the complaints of the minority, let me premise that the Ordinance itself was passed, I think, on the very last day of December, 1892, that it was late in the month of October, 1893, before the first complaint came to my knowledge, or to that of my colleagues, so far as I can tell, and that the first petition on the subject only reached Ottawa pretty late in the month of November, 1893. So that when the subject came to be a matter for practical investigation, the time at our disposal within which disallowance would be possible, was very brief, and was not made brief by any want of diligence on the part of the Government here. The complaints are of two kinds. First, there is a complaint that harm has actually been done by the Ordinance of 1892 and regulations made under it. So far those complaints, of course, relate to the past, but there is likewise a very strongly urged complaint that the safeguards for the future, which the spporters of Roman Catholic separate schools had in the Territories, are removed by the provisions of the Ordinance itself; so that there is alleged to be a case of grievance as regards what has already been done, and apprehension as regards the future. Now, I desire to call the attention of the House to this principle, the correctness of which I am sure no member of the House, on reflection, will dispute, and that is that what had been done by way of regulation in the Territories, whether before or after 1892, was absolutely beyond the power of the Executive here to redress by way of disallowance. When we come to state what the particular complaints made by the petitions were, the House will perceive that several of them arose from educational regulations made in the Territories before the Ordinance of 1892 was ever written at all, and what I wish to impress upon the House at this moment is that as regards those regulations, the disallowance of the Ordinance of 1892 would have had, as a matter of course, no effect whatever, and that the grievances, if there be grievances, would have remained precisely the same after disallowance had taken effect, except, of course, as to the power of the Board of Education to alter matters, but that I will discuss by itself. But I wish to go a step further, and to say that as regards the regulations made under the Ordinance of 1892 itself, if those regulations were found to inflict a grievance upon the petitioners, that grievance would not be removed, those regulations would not be nullified, by the disallowance of the Ordinance. It is well established, it is clearly written in the British North America Act, as regards disallowance in the provinces, and the same principle would undoubtedly prevail as regards the Territories, that disallowance takes effect from the moment of its being proclaimed, gazetted or announced to the Legislature; and, therefore, it follows that what has been done under the disallowed Act in the meantime remains in full force and vigour. If the statute disallowed, or the Ordinance disallowed, has been void as being ultra vires, of course everything is null and void from the beginning; but if the statute or Ordinance had effect, that which has been done under it, while its life and vigour remains, until the moment of disallowance, remained still in full force and in effect, and is beyond the reach of the Executive here. Now, the first series of complaints relate to grievances which are said to exist by reason of certain regulations in the Territories. I do not propose to deny that those exist. We have here hon. gentlemen representing the Territories; they have as good a constitutional right as any man in this House to say whether com-

plaints are rife there, because they represent immediately the people of the Territories, they have their confidence now, and they are responsible to them for any misstatement which they may make with regard to the state of affairs in their constituencies; we have statements made by these gentlemen, that they have never heard a complaint until they came to listen to the debates in this House during the present session, or until they read of those grievances in the press published in other provinces. I do not intend to discuss that question. I appreciate very highly that statement by these gentlemen, but I do remonstrate strongly against assertions which have been made here, and I admit made upon pretty high authority elsewhere, that separate schools have practically ceased to exist in the Territories, that they exist only in name, that they have been subjected to a stroke of paralysis, and that they have no force or vigour any longer. When we find it stated by responsible gentlemen whose word has the confidence of this House, and who are well qualified to speak upon the subject, that separate schools exist there still, receive their public aid still, have religion taught in them still, and that as regards those schools, not a complaint has been made by the parents of one child attending them, and that those parents, controlling those schools, supporting those schools, sending their children to those schools, are really unaware from experience that the Ordinance of 1892 was passed, I venture to think that those who make such strong assertions as to the non-existence, as to the destruction, as to the paralysis, of separate schools in the Territories, have been misled, either by the zeal with which they advocate their opinions, or by information received elsewhere which is not strictly exact. The first complaint which has been made relating to the past is one with regard to the normal training required of teachers in the territories, and it is a complaint which has been strongly pressed in this debate; it is an assertion that no person is qualified under the Ordinance of 1892, to teach in the Territories unless, besides having educational qualification, they have passed a term at a normal school in the Territories, and that therefore persons whose profession is religion, and who live in communities, are not able to conform to that regulation. That regulation, if it had that scope, would indeed be very severe and a disaster to the children, at least to the female children attending the separate schools in the Territories, because it would prevent the best qualified teachers who are instructing Catholic girls there or elsewhere from teaching in the separate schools. But, Mr. Speaker, let us see, before we condemn, what the exact scope of that regulation is. When we find exactly what it is, it may constitute a grievance into which the Legislature of the Territories will be well disposed to inquire, and will be justified in redressing, but we shall only lessen the weight of our request that the grievances shall be investigated, if the people of the Territories, who know best about these matters, and watch them, find in the discussion of the question that we are exaggerating and over-stating the effects of the regulation itself. In the first place this regulation with respect to normal schools qualification does not apply to teachers at present authorized to teach, and even as regards those who may ask hereafter authority by certificate to teach in the Territories, there are certain limitations to the rule. One of them is a limitation to this effect, and it is alleged it has been inserted out of consideration for the position of those who are not able from their calling and engagements to attend the sessions of the normal schools, namely, that if they possess equivalent qualifications, certificates that show that the, are not only persons of education, up to the standard established in the Territories, but that they have likewise acquired the art of teaching, their certificates shall be accepted as equivalent, and they shall not only be exempt from attendance at the normal schools, but they shall likewise be exempt even from examination, and shall receive certificates accordingly. There is a further exemption, on behalf of those who have obtained such certificates in the province of Ontario and the province of Manitoba, and I am told it is under the consideration of the Council of Public Instruction there now whether the same principle shall not be established as regards the province of Quebec. But let me call attention to the fact that while this complaint has been made the subject of strong animadversion against the Government for refusing to disallow the Ordinance of 1892, that regulation was by no means made in, by, or under the Ordinance of 1892. In the year 1891, at a meeting held on 2nd September of that year, of the whole Board of Education of the Territories, comprising the Catholic Separate School Board and the Public School Board likewise, five Catholics and three Protestants, certain proceedings took place with regard to normal schools which I will presently read. I quote meantime from the report made by the Executive Council of the Territories upon that subject, and I will refer in a moment to some proofs that the statement is well founded:

With regard to the training of teachers I might say that our regulations do not compel any teacher who possesses equivalent qualifications to attend our normal sessions. Teachers are required to possess scholarship and professional skill. If any member of a religious order presents evidence of these she can obtain her certificate without attending our normal schools, but if she does not present such evidence, under our regulations she is not entitled in her religious character to anything more than any other lady who wishes to teach in a Government school and obtain a Government grant. Our duty is to see that none but properly qualified teachers are engaged in our schools and

that none but properly conducted schools receive public money, and those duties cannot be delegated to the representatives of any religious body or bodies. As a matter of fact, many members of religious orders are specially and splendidly trained as teachers, and our regulations will admit them without any attendance at our normal classes. No member of any religious order teaching in the Territories to-day is affected by the normal school regulation, but, for the future, members of religious orders, of communities wishing to engage as teachers in schools drawing public money in the Territories, must conform to the regulations of which they have had full notice.

Mr. LAURIER. Will the hon. gentleman state the document from which he is quoting ?

Sir JOHN THOMPSON. It is the reply of the Executive of the North-west Territories to the petitions. It is dated 4th January, 1894. When we look back we find that the normal system of training was established under the Ordinance of 1888. The regulations which made it compulsory, and which are referred to in the document I have just read, were passed in 1891, fifteen months before the Ordinance of 1892. It is curious to look back at the history of normal school training, because there one will find it begins by a request on the part of the whole Board of Education to the Governor in Council to ask this Parliament for a grant to establish a normal school, which shall sit at certain places, and then when the grant was obtained the system was established and adopted, tentatively, it is true, but established and adopted unanimously by the Board of Education, by its Protestant and Roman Catholic members, and that the chief resolution connected with it was adopted on the motion of one of the Roman Catholic members of the board, no doubt in recognition of the great advantages, especially in a country of that kind, of having teachers not only qualified as regards the possession of learning, but qualified as regards the art of instruction itself. Let me read the proceedings of the Board of Education, and when I speak of the Board of Education I beg hon. members to observe that I speak of the united boards under the old system and not the present Council of Public Instruction, as it is styled, and as it is established under the Ordinance of 1892. Of a meeting of the Board of Education, in September, 1891 (page 21), these observations occur in the report :

The action taken last year by the board with reference to normal training, although tentative in its character, was attended with such results in Eastern Assiniboia as to warrant more decided action.

The board has, therefore, decided that, for the future, all persons who hold non-professional certificates, and desire to teach school in the inspectoral districts of Eastern and Western Assiniboia, must receive adequate normal training, either at Moosomin or Regina.

The board earnestly desires to extend similar advantages to all other inspectorates under its jurisdiction, but the schools in these inspectorates are so few and so widely scattered, that the same course is out of the question.

To meet the difficulty, the board would respectfully submit a proposition made by it to the authorities at Ottawa, in January, 1888, in the following terms, namely :—

That in the opinion of this board it is necessary to make provision for the instruction and training of teachers for our public schools in the science and art of teaching ;

That the board feels that the appointment of a normal school principal, whose duty it would be to hold normal school sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and stimulating education.

Therefore resolved :

That His Honour the Lieutenant Governor be requested to urge upon the Dominion Government the advisability of granting the sum of five thousand dollars for the next financial year for normal school purposes.

In the event of this suggestion receiving the approval of your Honour and being adopted, the board would further suggest that it be empowered to secure the services of a competent person to fill the position of normal school instructor, and also to make provision for the holding of normal sessions at Lethbridge, Calgary, Edmonton and Prince Albert, and at such other places as may, from time to time, appear to require them.

In 1891 that resolution was unanimously passed by the board, and the system which had been in force. tentatively only before that, was then established. I am not by any means making this statement with a view of minimizing what has been said in reference to the inconvenience as regards certain classes of candidates, attending these schools. I am making the statement for the purpose of showing first of all, what the scope of the regulation complained of is, and secondly for the purpose of showing that the regulation is one which existed before the Ordinance of 1892 was passed. Let me say by way of explanation and by way of caution, that the passage which I have just read (necessitating, for example, that no person shall be qualified who does not attend the normal school) is merely a rough statement of the matter in the report of the proceedings of the board. When we come to look at the language of the regulation itself (also made before 1892), we find the exceptions which I have already mentioned as regards the possession of equivalent qualifications being acceptable. Then there is another complaint made to the effect:

That there is imposed a uniform course of instruction and a uniform selection of text books for all schools, Protestant and Catholic.

I am reading from one of the principal petitions which was presented for disallowance, and the expression appears in many places else. Now, Mr. Speaker, under the Ordinance of 1888, the Board of Education, which had

control of education generally in the Territories, divided itself into two parts. That is to say, the division took place after certain business relating to specified matters which, under the Ordinance, came under the control of the board as a whole, had been disposed of. The board divided into these two branches, and thereafter one of the things intrusted to each branch was the selection of the school books which should be prescribed, by the one section for the Catholic separate schools and by the other section for the public schools of the Territories. What I wish to show the House is: That as regards the prescription of school books—which I grant is a matter vital to the operation of separate schools—this matter of the school books to be prescribed was settled by the Roman Catholic division of the Board of Education before the law of 1892 was passed, and it has not been disturbed and has not been unsettled since, excepting in two or three particulars which I will mention presently and which the House will see do not affect the point that I am now taking. The principal point which I make with regard to that is this: that it cannot be said with accuracy—as one hon. member asserted last night, but surely under a misapprehension of the facts—that the present Council of Public Instruction had thrust Protestant books upon the Catholic schools; nor can it be truly said that the Council of Public Instruction has withdrawn (in any sense which would make it a grievance so as we see) any Catholic book tha[illegible] permitted then, for in the case wh[illegible] shall come to presently, the book was withdrawn as a favour to the Roman Catholic minority; or instead of calling it a favour, I would say, withdrawn as a step in the direction of meeting their wishes and their views. Since the objectionable Ordinance was passed, there has been no change with regard to school books except the changes that I shall refer to now. There was a meeting of the Council of Public Instruction soon after the passage of the Ordinance in 1892. There was a careful consideration and discussion as to what should be done with regard to the school books. There is a list of books prescribed. The House will readily understand that there are only two or three—four at the utmost—points upon which there is likely to be disagreement between the separate schools and the public schools as regards the books that should be used. That would be, as I recall at the moment, as to books referring to history, literature and science; and with regard to all those matters the books that should be used were agreed upon. Subsequently to that meeting, and on the 30th of September, 1893, a circular was issued by the Secretary of the Council of Public Instruction, and in that circular is to be found the only change which was, up to that time, made as regards school books prescribed for the Roman Catholic separate schools. I ask the attention of the House to it, for the House will perceive that that circular has not thrust Protestant books upon the separate schools, nor has it withdrawn any Roman Catholic book which was desired to be retained. There is on record a statement of the Executive of the Territories to the effect that the changes it has made were with the approval of the Roman Catholic advisory members of the board, and that they were made in the direction of what was believed to be the interest and desire of the Roman Catholic minority of the Territories. The changes mentioned in the circular are these:

> The regulations of the Council of Public Instruction mailed to all schools on or about 10th August last, govern all examinations held under the direction of the Council.
>
> The following readers are authorized for use in Roman Catholic schools in standards I and II, and become compulsory after 1st January, 1894, viz.:—
>
> The Dominion series (Sadlier's Catholic Readers), parts I. and II., and the Second Reader; or the Ontario Readers, parts I., II., and the Second Reader.

Then comes the passage which I had in my mind when I answered the hon. leader of the Opposition the other evening, and which, I think, I accurately stated in the interruption I made for the purpose of answering him, although an hon. gentleman who spoke last night seemed to be under the impression that I had misled the hon. leader of the Opposition. The passage I will read. Although it does not immediately relate to this part of the subject, I read it now so as not to refer to it again:

> In school districts, where French is the vernacular, the school trustees may, upon obtaining the consent of an inspector in writing, use the Ontario series of Bilingual Readers, parts I., II., and the Second Reader, instead of the Dominion series or the Ontario Readers.
>
> In all standards above the second the Ontario Readers are prescribed after 1st January, 1894.

The House will remember that what I am specially directing attention to is what has been done to constitute a case of complaint under the Ordinance of 1892. Now, I turn to the explanations given by the Executive authorities of the Territories, for the purpose of showing the House that what has been done has not been done with any view of creating irritation, causing complaint, or limiting, in any way, the free action of the separate school teachers. Mr. Haultain, in his answer to the petitions, says:

> The only change of text books for these schools since 1888 was made at the last general meeting of the Council of Public Instruction held in June, 1893. At that meeting, and with the approval of the Rev. Father Caron, a Roman Catholic member of the council, a uniform series of text books for all schools was prescribed, with one exception.
>
> At the Rev. Father Caron's request, Roman Catholic schools were allowed to use as optional text books the Roman Catholic Readers in the primary classes.

The only school text books in our programme which could possibly excite controversy, are the readers and histories.

In history, the text book, under the new regulations, is Buckley & Robertson's History of England and Canada. This book was already prescribed by the Board of Education, having been considered unobjectionable by the Roman Catholic section, and was in use before the late regulations and the Ordinance of 1892 came into force.

I ought to say here that in a letter which has been published and circulated through the House, the Rev. Father Caron denies that he was properly understood as assenting to the uniform class of text books prescribed for teachers' examinations; and, therefore, I do not wish to press unduly the statement I have read from this document to the effect that he was an assenting party. It is enough for my argument that nothing was done by way of abridgment of the rights which existed before the Ordinance of 1892 was passed, and that is the object I have in view. Now, Mr. Haultain has made a further statement which bears on this subject, and to which I will call the attention of the House. This is dated the 12th January, 1894:

In my previous communication of the 4th January inst., I stated that the only change of text books for these (Roman Catholic) schools since 1888 was made at last general meeting of the Council of Public Instruction held in June, 1893. At that meeting, and with the approval of the Rev. Father Caron, the Roman Catholic member of the council, a uniform series of text books was prescribed with one exception.

Instead of using the word "prescribed," I should have said "determined upon." As a matter of fact the only changes in text books for Roman Catholic schools actually made by the Council of Public Instruction are the changes set forth in the explanatory circular of the 30th September, 1893, the copy of which is hereto attached.

That is the circular of which I have read the principal part to the House. He continues:

I have already referred to changes in text books prescribed for examinations for teachers' certificates, and in this letter deal only with the question of school text books.

The changes indicated in the circular of the 30th September are the only changes in Roman Catholic school text books which have been made since 1888. The effect of that circular is: (1) To strike from the list of books for Roman Catholic schools the Metropolitan series of Readers; (2) to prescribe for all standards above standard 2 the Ontario readers; (3) to continue for standards 1 and 2 the Dominion series of Readers, the text books already in use under the regulations of the Roman Catholic section of the Board of Education, the Ontario Readers being only made optional in these standards; and (4) to allow the Ontario Bilingual Readers to be used in French-speaking districts under the conditions set forth in the circular.

I have said that no school book was struck off which the Council supposed the Catholics desired to retain, and that none had been put on which was deemed by them objectionable. Let me read, in confirmation of that, a little further:

In abolishing the Metropolitan series of Readers, the example of the Roman Catholic Committee of the Council of Public Instruction of the province of Quebec was followed. At a sitting of that body held on the 20th May, 1892, His Eminence Cardinal Taschereau in the chair, among the books struck from the list of books approved for use in the Roman Catholic schools in the province of Quebec were the Metropolitan 1st, 2nd, 3rd and 4th Readers.

My previous communication has sufficiently stated the unobjectionable character of the Ontario readers.

Therefore, let me turn back to his first letter for the purpose of seeing what he says about those readers. The statement he made, which I have not under my hand at the moment, but I remember sufficiently as to detail, is that the Ontario readers were selected because they are prescribed for the Roman Catholic separate schools in the province of Ontario; and I think the House was made fully aware last night of the opinion entertained by at least some members of the House, that the most admirable system, and the system they would desire to have regarded as a standard, is the Ontario system of separate school education. If the Ontario system is so admirable and satisfactory, I think it can hardly be said that the readers prescribed for the separate schools in Ontario are objectionable for the separate schools in the North-west. In looking for the passage to which I was just referring, I have come upon the authority I referred to a moment ago, as regards the proceedings of the Board of Education with reference to normal training, and I find that on the 3rd of September, 1891, Mr. A. E. Forget, one of the Roman Catholic members of the board, moved this resolution:

That all persons in the inspectorates of Eastern and Western Assiniboia who obtained non-professional certificates, at the recent examination of teachers, not holding certificates of normal training——

Those may be roughly described as interim certificates merely, not qualifying a person to be regarded as a professional teacher.

—and who desire to obtain professional certificates, be required to attend a normal session, either at Moosomin or Regina, such normal session to commence on the reopening of the Union schools after the Christmas holidays, and to terminate, for third class teachers six weeks, and for first and second class teachers, three months from the date of commencement.

On this occasion were present and approving the Rev. Father Leduc, the Hon. Mr. Justice Rouleau and Mr. A. E. Forget, all members of the Roman Catholic section of the board.

Now, there is another branch of the subject which I have to touch upon briefly. That

is the prescribing of text books for teachers' examinations, and I admit that that subject was dealt with to some extent under the Ordinance of 1892. The House will observe, when I come to show what the proceedings since the Ordinance of 1892 were, how unimportant were the changes that were made as to these text books. I must mention how these changes came to be made. In 1891, although the Roman Catholic section of the Board of Education had the right to prescribe the books to be studied by the teachers, and which would be the basis of their examination, the members of that section did not so treat the subject, for the reason that it was the opinion of at least one, and probably all the members of the Roman Catholic section of the board, that it would be more satisfactory if there could be, as regards teachers, a uniform set of text books. And on the 3rd of July, 1891, the Rev. Father Leduc—although the matter was one entirely within the competency of his own section of the board, addressed the secretary of the whole board thus :

At the next meeting of the Board of Education I wish to have the following subjects submitted to discussion, namely :—1. Certificates to priests and ministers. 2. Certificates for strictly elementary schools. 3. Blank forms for school returns, and so on. 4. A very clear programme of all the subjects on which candidates are to pass their examination, to be framed, printed and distributed to inspectors. 5. Only one good text book on each subject for teachers candidates, to be adopted by the sections of the board, and the same text books only to be used by the board of examiners.

At the meeting which followed that letter, that programme, which Father Leduc proposed, was adopted. The result was a uniform set of text books for the use of teachers of all classes, and the text books which were adopted, in the debatable subjects of history, literature and science, were books supposed to be unobjectionable to the teachers of any of the classes, whether Protestant or Roman Catholic. Therefore, I think, I need say very little more on that branch of the subject. But let me refer—and I must apologize for the disorder of my remarks, the material being somewhat diffuse, and many references being required—let me refer again, for the purpose of proving what I have said as regards the scope of the regulations with regard to normal school training, to the regulations themselves. If the House will look at the regulations of 1891 and 1893 they will find this set forth : The adoption, in the first place, on the motion of Mr. Forget, of the regulation which I have stated, and then a careful selection of all books which can be agreed upon, and which have been agreed upon, as unobjectionable, for teachers' examinations. And then they will find the regulations which permit equivalent qualifications to be accepted by way of dispensing with the attendance at normal schools in the case of those who do not desire, and who do not need to attend. So much for the objection that a uniform system of class books has been adopted for all classes of schools, and that objectionable books have been introduced into the syllabus. Now I come to what is said as to the effect of disallowing the Ordinance of 1892. I have endeavoured to divide the subject into two branches. First, to show what the complaints are as to existing regulations, and I think I have proved that, as regards each one of these, the complaint is founded, not on the Ordinance of 1892 or anything done under it, but on what was done by virtue of the Ordinance of 1888. I beg to say that, as regards the Ordinance of 1888, we have not, as far as I can remember, received a remonstrance or complaint as to its provisions, or anything done under it. On the contrary, we have the statement contained in the petition of His Lordship Bishop Grandin of St. Boniface, that the system established under the Ordinance of 1888 worked with perfect harmony. I shall, to be exact, quote the passage, because I may have inadvertently overstated it. The passage to which I refer is this :

The system indicated above for the management of the schools operated with entire harmony, to the general satisfaction of all connected with the active work of education in the Territories.

So that we had no reason to suppose that anything objectionable existed in the Ordinance of 1888, or that anything objectionable had occurred in the regulations which were made under it. But it is said that by the operation of the Ordinance of 1892, whether anything objectionable as regards Roman Catholic separate schools had been done previously or not, the Roman Catholic minority were rendered powerless to remedy anything which they thought wrong in the regulations which existed before. It is said that while disallowance could not have nullified the regulations which existed before, it would have restored to the separate schools control by the Catholic section of the Board of Education, and that the Catholics would therefore have been able to get redress against any regulations which were objectionable. So strongly was that pressed upon us, that it does seem to me it was carried to the length of admitting that there was no cause of complaint as to what had been done, down to the passage of the Ordinance of 1892. The matter was pressed to this length—I telegraphed to one of the petitioners, to the most eminent of them, to send to us, who were then earnestly investigating the complaints which were made in the petitions for disallowance, asking him to send as soon as possible the text of the regulations which the petitioners complained of as having been made under the Ordinance of 1892. The reply which I received is contained in the pamphlets from which most of the members here have read and which will doubtless be produced in this House as part of the return to this order. The reply

was in the form of two letters the contention of which was that there was a want of safeguards for the future and that the Ordinance of 1892 removed the power from the hands of the Roman Catholics to redress their own wrongs and grievances by their own action in the Board of Education. I am sure that these letters, which were thus published and which, I think, were read in the course of this debate, indicated pretty strongly, not that there was any regulation with regard to which any practical grievance had arisen in the past, but that the principal grievance was want of security as to what might happen in the future. Now, let me state my contention on the subject, with the greatest possible respect for those who have differed from it so strongly, and who have based their opinions upon the remonstrance of His Grace of St. Boniface against the Order in Council declining to disallow. As regards safeguards for the future, my contention is that, inasmuch as there was a practical admission that no complaint was to be made as regards the text of the regulations under the Ordinance of 1892, or before 1892 there was nothing requiring urgency or haste, and we were bound to treat the Legislature of the North-west Territories precisely as it is the practice to treat the Legislatures of the various provinces. One of the regulations which has been adopted as regards the reviewing of provincial legislation—adopted with assent of both parties, because followed by both parties—is this, there shall be no disallowance, even where there appears to be reason for disallowance, of an Act 'intra vires,' as we considered this to be, until the Legislature has had an opportunity to repeal or modify the legislation which is objected to. In practice, except in cases calling for expedition, we have always adopted the course of informing the Legislature of the cause of complaint and requesting repeal or modification. I am happy to say that, generally speaking, these representations have been acted on; and, when it was found that the principal cause of complaint against the Ordinance of 1892 was as regards safeguards for the future of the separate schools, and not a contention that they had been abolished, our duty obviously was to treat the Legislature of the Territories as we would treat the Legislature of a province and to call its attention to the complaints which had been made and ask them to review the whole subject and give redress, if redress were fairly called for. Now, Mr. Speaker, in a comparison of the correspondence which is in the hands of most hon. members in advance of this return being brought down—because I admit that we have been carrying on this debate to a great extent on the basis of documents that are being asked for, but most of which hon. members have in their hands—one cannot help seeing that in almost every step of the inquiry we are met by a controversy as to what the facts are. On one side it is alleged: You have practically abolished the separate schools; on the other, the separate schools are in the same vigour as ever, and are just as efficient and make as strong demand upon the treasury as ever. On one side it is asserted, you have made regulations under the Ordinance of 1892 which are injurious to the separate schools; on the other it is alleged, we have made no regulations of the kind. Then there is the demand that the regulations objected to shall be produced, and in answer to that we find the response: We produce such as have been made; but do not look there for our grievances, because our grievances may arise in the future. Assertions are made on one side and denied on the other as to the carrying out of regulations with regard to normal school training; the examination of teachers, the thrusting of Protestant books upon the Catholic pupils, the withdrawal of Catholic books. Upon every one of these points there is a positive disagreement as to the facts. Surely the onus lay upon those who raised the objections; and, although we would not let the question turn upon the rule as to the burden of proof, where there was time for inquiry, let me call attention to the fact that not until the end of October did I receive the letter complaining of the Ordinance, and not until November did we receive a petition, eleven months having elapsed since it was passed and ten months after it was received here. There was certainly no time for an examination into controverted facts. There was barely time to investigate what appeared on the subject in half a dozen volumes of ordinances and half a dozen regulations, and there was certainly no time then to await an answer, if the answer could have been made satisfactorily—as I shall admit for the sake of argument it could—by His Grace of St. Boniface, in response to the reply which had come from the Executive of the Territories, and from which I have quoted. Therefore, it seemed to me plainly the obligation of the Governor in Council to decline to disallow under these circumstances. Let me call attention especially to the differences which exist, as to disallowance, between an ordinance of the North-west Territories and the statute of a province. If a year is allowed to elapse without the disallowance of the statute of a province, that statute being within the provincial powers—and that is practically admitted here, except for the statement of Mr. Justice Rouleau which I shall not discuss—that statute becomes law and is beyond the reach of any power but the legislature which enacted it. But, as regards an Ordinance of the North-west Territories, it must be remembered that this Parliament has control of the Territories in a fuller and more absolute sense that it has control of the provinces. We have a limitation upon our power with regard to the provinces; we can only exercise our jurisdiction within a limited sphere. But from day to day everything that happens within

the Territories is within the jurisdiction of this Parliament, no matter what the Legislature of the Territories may do with regard to it. So instead of being limited to the immediate exercise of the power of disallowance, as in the case of provincial statutes, we have the power from day to day, and from year to year, to correct any substantial grievances found to exist there, if the Legislature should turn—though I am sure it would not—a deaf ear to those complaints. Therefore, in view of the limited time for investigation, in view of the plenary powers which this Parliament has with regard to the Territories, I felt there was no just and proper call for the exercise of the strong power of disallowance with regard to this Ordinance. Now, in discussing another question, namely, the question as to religious instruction in the Catholic schools, it seems to me that, barring the apprehension which exists in the minds of the petitioners as to what may be done in the future, the Ordinance itself had not made such a decided change in the matter of religious instruction as to call for the exercise of the power of disallowance. The comments which have been made upon our minute of Council on the subject, are to this effect: that there is no religious test applied to the teachers, there are no means of ascertaining whether a teacher is qualified to teach religion, and that the morning prayer with which the schools were formerly opened, has been abolished, and the time at the close of the day in which religious instruction may be given to the children, is likewise curtailed. Now, as regards the qualification of the teacher to give religious instruction, there remains what I venture to think is the most vital principle with regard to separate schools, the pivotal point on which the whole system of separate schools turns in any country, and that is, the domestic control by the trustees of the section, or of the district, as they are termed there. The separate school supporters are controlling their separate schools, assessing themselves for their schools, receiving public aid for their schools, electing trustees who shall govern them, and no teacher can cross the threshold of a school-house door, unless under engagement with the trustees of the district; and if, therefore, teachers in Roman Catholic separate schools are not qualified to teach religion, or are not willing to do it, it is the fault of the people themselves, with whom ample powers of local government are still left by the provisions of this Ordinance. I might extend my remarks upon that subject to the question of the French language. There is much in this Ordinance and the regulations which have been made under it, to excite the susceptibility of those who are strongly attached to that language; but I submit to the calm judgment of this House that there was not sufficient to warrant this Government in disallowing it, so far as our information at present goes. We have the provision, I admit, that the instruction which shall be given in all classes of schools there, public and separate, shall be given in the English tongue, and I am sure that anybody who realizes at all the advantages of education, would be delighted if, in every school in this country, French could be taught also. It would be an acquisition and an accomplishment, but if any duty at all rests upon the state in regard to French-speaking children and with regard to English-speaking children alike, in a country like this, surely it is that at least they shall receive an English education. The views which have been expressed in the past by some of my hon. friends on the other side of the House in the province of Quebec, are broad and liberal as they are true, viz., that in a mixed population like ours, with the great body of the population of the Dominion of Canada speaking English, it is the plain interest of the children of the French-speaking population that they shall learn English; and if we English-speaking people can learn French too, we shall praise God for it. But, Mr. Speaker, French is not abolished in the schools. There is the provision which I read from the regulation of 1893 for the teaching by Bilingual Readers of those in the primary classes where French is the vernacular in order that they may be trained to learn the English tongue and to acquire the English education which is provided for them. But it is remarkable that, while petitions came from almost every Roman Catholic school district in the Territories, against the Ordinance of 1892, alleging many things against it by way of mistake—as to regulations which existed before the Ordinance of 1892 was passed—alleging all that could be urged against the Ordinance, the complaint that the teaching of the French language was interfered with unduly, is not to be found in any one of the petitions on the file—with one exception, in a letter of His Grace the Archbishop of St. Boniface, transmitting petitions, His Grace mentions that subject as one that would be well deserving the attention of the Council. But it seems not to have been thought of until the last moment, and then it was only put in by way of supplement. I may mention, however, before I leave that branch of the subject, what the provisions are, and what may be stated in their favour or in their excuse, because it is but fair that we should consider both sides. Whether I concur in the answer, with regard to the abridgment of religious instruction, I do not say at the present moment, but I presume it will be admitted that in some districts it will be found convenient by Protestant parents to send their children to the separate schools, in some instances they may have no strong objections to that course. Out of deference to their interest and convenience, especially in sparsely-settled districts, it is provided that the morning prayer at the opening of

the school shall be optional. The school hours are from 9 o'clock until some time early in the afternoon, and then from recess on to 4 o'clock; and while in the Ordinance of 1888 it is provided that religious instruction may be given during the last hour, all that can be alleged against the Ordinance of 1892 as to that is that religious instruction shall be given but half an hour, out of consideration to the interest of children whose parents dissent from the religious teaching of the school. Now, I beg to call the attention of the House to one branch of the subject which appears to me to be of great importance in considering what reasons the Government had for doing what they did. The prayers of these petitions, without, I think, a single exception, are in the alternative; they ask that this Ordinance shall be disallowed, or that the Legislature of the Territories shall be commanded to repeal or to amend it. Now, Sir, finding that under the circumstances which I have mentioned, as regards many of the complaints, they did not arise under the Ordinance of 1892 at all, and, therefore, did not call for disallowance, we turned our attention to the alternative, which, as I have just stated, was a prayer that the Legislature of the Territories be commanded to repeal or amend the Ordinance. It was not in our power to command the Legislature to repeal its Ordinance, not within our constitutional authority, and nothing would have made it more certain that representations in behalf of redress would be spurned, than that we should adopt the language of command which we had no right to use. But we did practically what the petitioners asked us to do, only we did it in terms that we thought would be more effective, that is to say, we presented in the name of His Excellency the Governor General of this country, and his Executive, an earnest request that the Legislature of the Territories should re-examine the whole subject, should inquire not only into the complaints that grievances which existed, but into the complaints that grievances might arise, and should make any amendment to the Ordinance which was necessary to remove the grievances that exist and the alarm with regard to the future. I think that in making that application to the Territories to give redress, we were complying, if not literally, at least in spirit with the second prayer of the petitioners that the Legislature of the Territories should be ordered to give redress. We were doing it to the extent of our limited authority, and what right has any one, then, to make the aspersion against us that in doing that, in complying to the fullest extent of our power and authority with that prayer, we were simply handing the minority over to their enemies, who had shown themselves hostile and aggressive already? We were not doing so, Sir, but we were appealing to the Legislature of the Territories, as we would appeal to the Legislature of a province; and we were doing more, we were appealing to a body which was perfectly conscious that the exercise of its legislative functions with respect to this question was all the time under the watchful eye of a Parliament which had ample jurisdiction to give redress, if such were denied by the Legislature. A question was asked last night by one of the hon. members who debated this subject very earnestly, it was this: Why, when we had referred the question of the validity and so forth of the Manitoba Act to the Supreme Court of Canada, we had not followed the same course with respect to this Ordinance? Well, Sir, in the first place, I say that this was not requested, by the petitioners or on their behalf, and I doubt exceedingly that it would give them anything like the redress they demand. The contention has hardly been put forward seriously that this Ordinance is ultra vires of the Legislature. If it were so, if the minority should desire that the question should go before the courts, there is abundant opportunity yet of sending it there; but doubting exceedingly that the Ordinance is beyond the power of the Legislature of the Territories, and doubting the desirability of putting the petitioners to the expense of a course of litigation in the Supreme Court on a question on which we entertain ourselves a strong opinion, by referring that question to the courts by the way of giving them redress, we should have been giving them a stone when they asked for bread.

Mr. LAURIER. Hear, hear.

Sir JOHN THOMPSON. I beg to distinguish for the benefit of the hon. gentleman who has been good enough to give me the first cheer I have received from him in the course of my remarks, the difference between this case and the case of Manitoba. This case rests certainly on a different principle, because the question there with respect to the validity of the statute admitted of such very great doubts, nay, of such confidence as regards the opinion that the statute was ultra vires of the Legislature, that we found the whole bench of the Supreme Court judges deciding that the Act was invalid. When that decision had been reached by that body, although it was subsequently reversed by the appellate tribunal, it showed there was ample ground for submitting the validity of the Act to that tribunal. Furthermore, the subject was of such doubt and uncertainty as regards the scope of the constitution that the House of Commons voted the money for carrying on the litigation, which, perhaps, the House would have been unwilling to do under the circumstances which surround this particular Ordinance, as the case did not seem to be so strong, and especially after the result of the litigation in the other case which was sent for adjudication. There were some questions raised in the course of the debate which perhaps it will hardly be necessary I should say much about, and which were hardly put forward

with seriousness, but which have attracted some attention from the press. It was said: Here is a strange and suspicious circumstance: there must have been strong differences of opinion on the part of the members of the Executive at Ottawa, because we find these petitions referred to a sub-committee of the Council, consisting of three gentlemen, whose names were mentioned, and it is quite certain they must have fought like cat and dog, because they made no report and the subject had to be dealt with by the whole Council. All that supposition is founded on a singular misconception of the course of procedure in the Privy Council from day to day. Matters which come up concerning any particular department of the Government are referred to the Minister at the head of that department for his report, and in the great majority of cases, matters are decided on the report of the head of the department. The petitions which were presented in this case hardly referred to a question of law, and therefore did not come particularly under my care, nor did they fall particularly under the care of any other department, and so there being no particular Minister who had charge of the subject, no Minister of Education, for example, no Minister particularly in charge of the revision of the work of the Legislature, they were referred for convenience to a sub-committee, and that sub-committee made, it is said, no report on them, because they could not agree. The sub-committee made four reports on them, all of which were approved by His Excellency. It may be a matter of form, it may be a matter of routine, and it may be unimportant as to what was contained in their reports. So it was with respect to the reference to the committee itself. The committee examined the petitions, considered the questions raised in them and the requests embodied in each of them; and the committee recommended, as a Minister would have done, if they had been referred to him, as each batch of petitions came in, that they be transmitted to the Lieutenant-Governor of the Territories with a request for the observations of the Executive upon them; and when the observations of the Executive were received, the whole subject was taken up by Council itself, and the reference to the committee was cancelled, because the subject was one so difficult as to require the consideration of every member of the Council. The matter was no longer considered as a matter of routine, but as a subject that required the consideration of every member of Council. I perhaps ought not to have troubled the House by referring to that subject at all, because it is so utterly unimportant, and because every one who is acquainted with the working and proceedings in Council knows that there can be no disagreement unknown to the public immediately. When this Order in Council was passed everybody knows, who knows anything of procedure in a body like that, that the conclusions arrived at received the unanimous sanction of every member of that body. I grant that in the consideration of almost every question which can arise from day to day in such a body there are various shades of difference between members gathered together to discuss questions whether political or commercial, but the course always followed as regards matters coming before the advisers of the Executive authority of this country is simply this: that if these differences of opinion are as to mere matters of detail, mere matters as to whether it is advisable to do what shall be done in this or in that way, generally speaking the opinions can be harmonized, but if it involves a question of principle and members of the Council are irreconcilably divided the public within a very few hours hear of the circumstance through the retirement of the dissenting member or members. But with respect to this question it stands precisely on the same footing as other questions, and as regards any one of the fifty Orders in Council which are in this batch of papers under my hand, that unanimity was arrived at before advice was submitted to His Excellency for confirmation. I beg to say that while I have detained the House so long, I have spoken under the restraint of a strong desire to refrain from saying anything in the discussion which would affect the future settlement of the question, or which would minimize in any way the weight of the considerations which ought to be taken into account by the authorities of the territories, who will have to deal with the subject presently. And, Sir, begging the House to consider the circumstances which I have mentioned, under which this question of disallowance came before us, with regard to time, with regard to the plenary powers of this Parliament over everything that transpires in the territories, with regard to the obviously mistaken views of the petitioners as to regulations which existed before the Ordinance of 1892 was passed, and as to the character of the regulations which were adopted after the Ordinance had passed, and as to the absence of urgency, I think the House will be disposed to agree that after all we came to the safe and wiser conclusion, although it has created, I admit, considerable irritation on the part of those who had formed expectations of a more speedy, decisive, and heroic remedy being given to the petitioners.