

Mr. BOURASSA. Yes. I simply want to add that if my suggestion is not accepted by the government—and I make it simply to prove that I have always been in good faith in that respect—then although I think it does not cover the point I have raised and which has been acknowledged as serious by members from the Northwest and the government, however reluctant I may be to accept the amendment of the hon. member for Saskatchewan, still as it is an improvement upon the amended clause submitted to us, I am prepared to support it.

Sir WILFRID LAURIER. The mistake of my hon. friend from Labelle is that he argues as if we had the constitutional power to make the laws for the Territories. We have no such power. My contention has always been that our powers are very limited constitutionally and that the only one we have is to perpetuate the condition existing in the Territories. Whether I be right or wrong, that is the constitution as I understand it. My hon. friend from Halton (Mr. Henderson) said that the rights of the provinces are unlimited in this respect. On the contrary they are limited.

Mr. HENDERSON. Not in this case.

Sir WILFRID LAURIER. I shall not argue that point with my hon. friend. But, I have to say to my hon. friend from Labelle that if we were to accept the amendment he suggested we would import into the Northwest Territories a condition of things which does not exist at the moment—the right of the minority in the province to organize a separate school where they happen to be a majority in the school district. That is not the law even under the Act of Mr. Mackenzie in 1875. Therefore the amendment of the member for Saskatchewan (Mr. Lamont) has the effect of continuing the state of affairs that exists today.

Amendment to the amendment (Mr. Lamont) concurred in: Yeas, 99; nays, 27.

Section as amended, concurred in: Yeas, 90; nays, 28.

Mr. BRODEUR. Mr. Chairman, I call your attention to the fact that the hon. member for Beauharnois (Mr. Bergeron) has not voted.

Mr. TAYLOR. I call your attention to the fact that the hon. member for Labelle (Mr. Bourassa) has not voted.

Mr. BOURASSA. I am paired with the hon. member for Beauharnois (Mr. Bergeron).

Sir WILFRID LAURIER. I suppose my hon. friend (Mr. R. L. Borden) does not wish to take up section 2 this morning?

Mr. R. L. BORDEN. We might consider it.

Some hon. MEMBERS. Adjourn.

On section 2—British North America Acts, 1867 to 1886, to apply.

Mr. MONK. I have given notice of an amendment to this section. I think it would be a little late to go into it now.

Sir WILFRID LAURIER. The hon. gentleman (Mr. Monk) intends to speak to his amendment?

Mr. R. L. BORDEN. I have an amendment which might be disposed of very quickly. It is merely a question of form. I bring it forward now to save time, and do not wish to discuss it at length, as I can say what I have to say upon it with equal advantage on the third reading. The provisions of section 2 are quite familiar to the Minister of Justice (Mr. Fitzpatrick). It may be possible—in fact it is very probable—that the language of that section would have the same result as that which I propose to offer in place of it. But I do not regard the expressions used in section 2 with regard to the date at which the province is supposed to have been established as definite but rather descriptive. I do not know whether I make my meaning clear to the Minister of Justice?

Mr. FITZPATRICK. Not exactly.

Mr. R. L. BORDEN. What I mean is this. The Minister of Justice in section 2 uses this language:

The provisions of the British North America Acts, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally united.

'As if the province of Alberta had been one of the provinces originally united.' I regard those words as descriptive rather of the extent and not as definitive of the construction which we should place upon them in respect of the date of admission; that is to say, that notwithstanding the words which the Minister of Justice has used, you would regard the date of union as the 1st of July, 1905, or whatever date may be fixed. However, I think it desirable, in dealing with the establishment of a province out of Territories, to use simpler language to carry out what I conceive to be after all the effect of this section. Therefore, I move that section 2 be struck out and the following be submitted therefor:

The provisions of the British North America Acts, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, except such provisions as in terms, or by reasonable intention, are specially applicable to or affect one or more only and not the whole of said provinces.

The object is to apply the provisions of the British North America Act as of the