

In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with said chapter 29, or any Act passed in amendment thereof, or in substitution thereof, there shall be no discrimination against schools of any class described in said chapter 29.

To understand what schools are described in chapter 29 we must go to the provisions of that chapter, and we find that in section 4, to which reference is made, the following schools are described :

The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, teachers' institutes and the education of deaf, mute and blind persons.

As will be readily seen by any hon. gentleman who has followed my remarks the effect therefore, is simply this : under the terms of section 16, No. 1, there shall be no discrimination in state aid between public schools and separate schools; according to section 16, No. 2, there shall be no discrimination in state aid against kindergarten schools, public and separate schools, normal schools or teachers' institutes. In this there is no reference to universities and no words wider than 'public and separate schools.' If we read into section 16, No. 2, the material provisions of the ordinance chapter 29, section 4, which I have just read, then section 16, No. 2, will read as follows :

In the appropriation by the legislature of public moneys there shall be no discrimination against public or separate schools.

That is what my hon. friend from Brandon (Mr. Sifton) is willing to accept and the provision which he was not willing to accept (omitting the immaterial words) was:

In the appropriation of public moneys by the legislature there shall be no discrimination between the public schools and the separate schools; such moneys shall be applied in support of public and separate schools in equitable rates or proportions.

Now, to sum up, the effect is just this. The same schools are named in section 16, No. 1, and section 16, No. 2; in the one case they are named by express mention and in the other case by express reference. In the next place, if the word 'school' includes universities the danger which appals the hon. gentleman for Brandon still remains. If the word 'school' does not include universities, then the danger that appals the hon. member for Brandon never existed. That is the sum and substance of the difference, the alleged difference, the supposed difference between section 16, No. 1, and section 16, No. 2, so far as state aid is concerned.

But the hon. member for Brandon was not quite equal to the draughtsman in another respect. Section 16, No. 1, did not define the meaning of the words 'by law'.

Mr. R. L. BORDEN.

in section 93, subsection 3 of the British North America Act. Therefore there was grave doubt whether remedial legislation could be enacted by parliament by reason of laws existing in the new province while under territorial restriction. This of course would not apply to laws enacted by the provinces after they had been constituted as provinces. Section 16, No. 1, left the constitution untouched in that respect; section 16, No. 2, defines the words 'by law,' as meaning the law set out in chapters 29 and 30. The effect of this is to give further opportunities for remedial legislation and to leave all Canada liable to be disturbed by future agitation which in my opinion should be entirely confined to the provincial arena. In this respect also the member for Brandon (Mr. Sifton) was not, I think, quite equal to the occasion when he undertook to revise or consider the work of the draughtsmen in that regard. The Minister of Justice said a very significant thing on one occasion in this House. He said that some censure had been passed on the draughtsman of the Manitoba Act; he was determined that no such censure should be passed upon the draughtsman of the Alberta and Saskatchewan Acts, and I think I may fairly congratulate the Minister of Justice on this that he has at least proved himself more than equal to the member for Brandon in any little skirmishing that has taken place between them in connection with the wording of these sections.

But the draughtsman did not finish with the member for Brandon here. There is another little point that seems to have escaped the observation of that hon. gentleman. Section 16, No. 1, brought into force section 93 of the British North America Act with certain amendments. I shall read that subsection :

The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force, the territory comprised therein were already a province, the expression 'the union' in the said section being taken to mean the said date.

Now section 93 of the British North America Act subsection 1 is as follows :

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.

This therefore preserved rights in respect of denominational schools and in respect of denominational schools only. The hon. member for Brandon (Mr. Sifton) and a great many other speakers in this House have declared and reiterated that there are no denominational schools in the Northwest and therefore a provision preserving rights in respect of denominational schools west and in that case a provision preserving would have no force in the new provinces. In order that I may not do