

be the law with reference to education, in the Territories will be the law and if that law is in existence on the first of July next, when the new provinces come in, will be perpetuated by their charter by virtue of section 93. My hon. friend the leader of the opposition has told us that the provisions of the British North American Act apply automatically or mechanically—I do not remember which word he used.

Mr. R. L. BORDEN. I did not go quite that far. If my hon. friend will pardon me—I do not want to interrupt him except when he does not state any argument correctly—I said that section 2 of this Bill would bring into operation section 93 of the British North America Act, so far as it could have any application to the Territories, and therefore I did not see any necessity or justification for section 16. That a moment ago—whether or not he thinks section 2 of the proposed Bill brings into force in the new provinces the provisions of section 93, and, if it does, whether or not the provisions of section 93 have application, considering the conditions existing at the time when the Territories will become provinces.

Mr. BELCOURT. It is rather immaterial to me whether the provisions of section 93 of the British North America Act apply automatically or mechanically, or whether the enactment of a clause like clause 2 is necessary to make them applicable. It is rather unimportant to me whether that is done by virtue of the Act itself, or whether the duty is imposed upon this parliament when creating provinces to say that those provisions shall apply. But I am not prepared to say that my hon. friend is not right. It may be that the provisions of section 93 apply, as he says, automatically or mechanically; and I must say that I am inclined to believe they do. Of course, he and I disagree altogether as to the time when in this case the application is to be made. He goes back to the time of the entrance of these Territories into confederation, in 1870, and in order to do that he has to read into section 93 the word 'Territory,' which I do not find there. I say that the provisions of section 93 apply at the time of the entrance of the province as a province.

Mr. R. L. BORDEN. In order to understand my hon. friend's argument, might I ask him one more question? In case my hon. friend is right in the view he has just taken, what after all is the necessity of section 16? Is it not superfluous, absolutely superfluous?

Mr. BELCOURT. No. I stated that section 16 constitutes, in a measure, unimportant perhaps, but in a measure, a modification of the law of 1875, and for that reason there is a necessity for section

16 to-day. If the law of 1875 were not modified in any way, perhaps my hon. friend would be right in stating that there would be no necessity for section 16, or for section 2 for that matter; but section 16 is in some respects a modification of the law as it exists to-day, and that is why I say it is necessary for this parliament to enact it to-day, and this parliament has power to enact it. That is my argument.

Mr. SPROULE. The man in the street would have a hard time in getting that into his head.

Mr. BELCOURT. Well, I may say, Mr. Speaker, that I am hardly addressing my argument to the member for East Grey. My hon. friend the leader of the opposition also argued, and he relied upon the opinion of Mr. Christopher Robinson, that section 93 applied only to Ontario and Quebec.

Mr. R. L. BORDEN. I will not interrupt my hon. friend, but I would rather have him take my argument as I stated it.

Mr. BELCOURT. I do not think it can be seriously argued that section 93 was framed for the purposes of Ontario and Quebec only, and that its provisions are to be applied only to Quebec and Ontario. It is true that subsection 2 of section 93 covers the case of Quebec and Ontario, that it was framed for that purpose, and that it protects the rights of the minorities in Quebec and Ontario only. But then I would like to ask, if it was intended by the general provisions of section 93 to protect the rights of the minority, whether Catholic or Protestant, only in Ontario and Quebec, why enact subsection 1, which reads as follows:

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.

Surely this was not intended for the province of Ontario and Quebec only manifestly this was intended for provinces other than Quebec and Ontario. Surely this was intended for such other provinces as came into the confederation at that time and such as would come in later on. I say that the opinion expressed repeatedly in this House that by section 93 it was intended to protect only Ontario and Quebec with reference to education has no foundation whatever, and the merest examination of section 93, subsection 1, will convince any one that it was intended to protect the rights of the minority in any part of the country which was then brought into confederation, or which would be brought in later on.