

seen that this government have been anything but discourteous. He would have seen that Mr. Haultain had been in correspondence with this government, explaining his views, and even suggesting the very words which he desired to have inserted in the Bill. Therefore, it seems to me, that the charge made by the hon. gentleman that members of this government were in the slightest degree discourteous to the premier of the Northwest Territories was entirely uncalled for. As a matter of fact, the ministers of this government were most courteous. It was at the request of the right hon. First Minister that Mr. Haultain sent a copy of the draft Bill which, in his judgment, should be the constitution for the new provinces; and in his letter forwarding that copy, he expressly stated that it was for the parliament of Canada to decide what the law should be, and that he was merely giving his views as to what constitution should be granted the new provinces when they received their full autonomy. I find in section 2 of the draft Bill which was presented by Mr. Haultain an expression of his views as to what educational system should prevail. His views will be very clearly understood when we read section 2 of his draft Bill in conjunction with the British North America Acts from 1867 to 1886. Section 2 provides as follows:—

From and after the first day of January, 1903, the provisions of the British North America Act of 1867, except those parts thereof which are in terms made or by reasonable intentment may be held to be specially applicable to or affect one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the province of Alberta in the same way and to the same extent as they apply to the several provinces of Canada and as if the province of Alberta had been one of the provinces originally united by the said Act.

Now, the province of Alberta was not in existence in 1870. It was only to come into existence the 1st January, 1903. Therefore, Mr. Haultain takes the condition in which the province of Alberta would be on the 1st January, 1903, as applying to the British North America Act. Consequently, when we read section 93 of the British North America Act, which deals with the question of education, in conjunction with Mr. Haultain's Bill, we can see what this clause in Mr. Haultain's draft Bill means. Section 93 of the British North America Act of 1867 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.

Now, the district of Alberta could not come into the union as a province until the

1st January, 1903, when, under this draft Bill, it was to be created a province. Can the English language express more clearly the intention of Mr. Haultain? Could any one err in his construction of what the law might be? The territories of Alberta and Saskatchewan only come into the union as provinces when they are so created. Neither of them came into the union in 1870 as a province, and consequently did not come in subject to the provisions of section 146 of the British North America Act of 1867. That section only provided for their admission as territories, and that Act was amended, so far as these Territories are concerned, by the Act of 1871. Therefore, I claim that they only come in as provinces when the Bills before the House become law; and the minority, under the strict terms of the constitution, will be entitled to any denominational schools then in existence. I can quite understand that it would be difficult to determine whether it would be section 11 of the Act of 1875 or the Northwest ordinances, as they stand to-day, which would be the law, if this House were to pass the Bill submitted by Mr. Haultain. I can readily understand that there would be a great chance of a lawsuit arising to determine whether the Northwest Territories Act of 1875, passed by this House, or the Northwest ordinances, as they exist to-day, would be the law. I can well understand that that would be a vexed and troublesome question which would bother the people of the Territories for years; and, therefore, it is important that we should express clearly and unequivocally exactly what we mean. I would not like to vote for the passage of a law which was bound to be productive of a lawsuit and to stir up strife and broil. We are here to express our views and intentions in clear and unequivocal language so that only one meaning can be taken out of it. I should be very diffident about giving my views with regard to the effect of Mr. Haultain's Bill did I not find it supported by much higher constitutional authority. I find that the right hon. the First Minister, who has, during the past thirty years, taken a great part in the legislation of this country, gives it as his view that the Northwest ordinances would, under Mr. Haultain's Bill, become part of the law governing the new provinces to be created. I find that the Minister of Justice expresses the same view. I find also that the Postmaster General (Sir William Mulock), who, long before he became a member of this government, held a distinguished place at the bar of Ontario, is also of the same view. That also is the opinion held by the Solicitor General (Mr. Lemieux), whose business it is to construe the different measures submitted to this House. I might go further and refer to the opinion which has been expressed by the hon. member for Beauharnois (Mr. Bergeron), who is also a distinguished member of the bar of the province of Quebec. It is his view that Mr. Haultain's draft Bill