

amendment referring to the Act of 1867, for which no doubt the hon. member for Ottawa (Mr. Belcourt) will vote if there is any question about it, because he clearly appreciates the fact that there should be a reference, not to the Act of 1871 alone, but also to the Act of 1867.

Mr. BELCOURT. Is my hon. friend not prepared to admit that the Act of 1871 particularly, possibly the Act of 1875, and possibly the Act of 1886 in a certain measure, probably in a large measure, are necessary to be looked at in order properly to interpret the provisions of section 93 of the Act of 1867?

Mr. R. L. BORDEN. Certainly, as to the Acts of 1867 and 1886, and that is the reason that we are moving a preamble which refers to them.

Mr. BELCOURT. And why has the hon. gentleman left these provisions out of his proposed amendment?

Mr. R. L. BORDEN. I have not left them out.

Mr. BELCOURT. Yes, the amendment is limited to section 93 of the Act of 1867. It makes no reference whatever to subsequent constitutional Acts. I would like to have some reason why that has been done.

Mr. R. L. BORDEN. The amendment of the Prime Minister says that section 93 of the British North America Act of 1867 shall apply to the said provinces, with certain substitutions. The section is designed to deal only with section 93 of the British North America Act. Taking the standpoint of the government that it is necessary to deal with that by a special section, we are providing a section which leaves it unimpaired, unaltered, unmangled. We propose that the provisions of the whole British North America Act should be dealt with by one section; but inasmuch as the government thought a special section was necessary, I adopt in that regard their standpoint, making no criticism along the lines my hon. friend suggests, which I might very reasonably have made, as he has made it, on the attitude of the government in that regard.

Mr. BELCOURT. My hon. friend's object is to repair the defect of the legislation proposed by the government. If he admits, as I understand him to admit, that in order to legislate properly in this matter, the provisions of the constitution subsequent to 1867 are necessary, then he must admit that his amendment is defective, because those provisions are not contained in that amendment.

Amendment (Mr. R. L. Borden) negatived: yeas, 37; nays, 87.

Mr. BOURASSA. Before the amendment moved by the First Minister is adopted, I beg to say that I do not wish to pursue the debate on the lines laid down by the Prime

Mr. R. L. BORDEN.

Minister and the leader of the opposition, because it seems to me that the whole constitutional question was dealt with before the second reading of this Bill. I do not think the government or the Liberal party need to apologize for stating that they do follow the constitution in this matter. I do not think it is necessary to go back over this whole debate in regard to the restriction of provincial rights in matters of education. The only question I want to consider to-day is the difference between section 16 as proposed by the government in the first instance, drafted by the Minister of Justice and adopted by the government, and by the Liberal party of Canada—and the amendment which has been accepted by the government after the late Minister of the Interior thought fit to oppose the clause as first drafted. I think I made it quite clear, in the speech which I made in this House on the second reading of the Bill, that I approved heartily of the legislation as it was introduced in the first instance, and I do not propose to submit to the dictation of the late Minister of the Interior so far as the rights of the minority in the Northwest Territories are concerned. The clause relating to the grants to schools being similar in both clauses as well as the application made of section 93 of the British North America Act, the only difference which exists—and it is a large difference, the opinion of the hon. leader of the opposition to the contrary notwithstanding—is as between the law of 1875 which was adopted by this parliament, and the ordinance of 1901 which was adopted by the Northwest assembly. The text of both clauses shows the difference.

So far as the law of 1875 is concerned, the hon. leader of the opposition, as well as the hon. member for North Toronto (Mr. Foster) have on a previous occasion, during the consideration by this committee of clause 16, put upon that clause a construction which should not go before parliament and the country without contradiction. My hon. friend, the leader of the opposition, supported by the hon. member for North Toronto, argued that what I might call the first subsection of clause 14 of chapter 50 of the revised statutes of Canada, originally clause 11 of the Act of 1875, had no reference whatever to the character of the schools and that the separation granted by the second subsection of that clause meant simply and purely separation without any religious character whatever. Well, I suppose if we want to know what the legislation of 1875 meant, we have to go back to the annals of this parliament. What there do we find? When the Northwest Territories Bill was proposed to this House, there was nothing in it whatever regarding education. Thereupon the Hon. Mr. Blake made an objection. He said:

He believed it was essential to our obtaining a large immigration to the Northwest that