

will come into operation the moment either of those provinces hereafter grant separate schools and afterwards, by any means, attempt to interfere with the privileges so given. Thus you find the full protection of all the subclauses afforded those two provinces of Ontario and Quebec. And the protection of 3 and 4 is given to the other two provinces.

But the Act contemplated that three other provinces should be brought in, and these would be in a different position from New Brunswick or Nova Scotia. These three provinces were British Columbia, Prince Edward Island and Newfoundland. I need not deal with Newfoundland, as it has never come in yet, but Prince Edward Island and British Columbia were in this position. They were not, like New Brunswick and Nova Scotia, coming at once into confederation. It might be that before they did come in they would pass separate school laws; and, in that case, they would be in the position of Ontario and Quebec, and come into the union with school laws already in existence. Then, in my judgment, the whole of the four clauses would apply to them just as they apply to Ontario and Quebec. But they might come in and afterwards pass such laws, and then the subsections 3 and 4 would apply. So that, as to all these provinces the greatest care was provided for every possible interest and for every variety of condition as to the province, consistent with this principle, that no province was bound to anything with regard to education, there was no limitation of the general power under section 93, which was not the result of its own free action.

In addition, it was contemplated that we should take in the Northwest Territories, but there is not a word in this section about the Territories. However, in my opinion, whenever a territory in the Dominion is erected into a province, the provisions of the British North America Act with regard to education, as affecting a province, will immediately apply according to the circumstances. Thus if we establish Alberta as a province in July next, subsection (1) cannot apply, because the terms of that subsection are not applicable to the case, and we have no authority to change the British North America Act to make it fit any special case. The territory was taken into the union in 1870. We are establishing it as a province in 1905. The words of subsection (1) do not provide for such a case, and however reasonable it might be, we cannot make them applicable. But if after attaining its provincial status, Alberta should pass laws creating separate school privileges, it will be bound by the general rule, and having thus of its own will granted the privilege, anything it may do thereafter to affect it will subject the province to the remedial operations of subclauses 3 and 4. There is nothing in the whole Act from beginning to

end to show that there was any intention or thought in the mind of any person that anything that might be done in the Territories, under the authority or dictation of this Dominion, should bind or affect them as regards section 93 after they became a province. So it seems to me that throughout that statute the most careful provision was made for every privilege conceded by a province through its own legislature. As to such privileges, and those only the minority was protected.

A good many hon. gentlemen opposite have endeavoured to argue that the territory is in some way bound by what has taken place in the last 30 years, that rights granted by this Dominion should be regarded as if granted by the Territories in the free exercise of representative institutions and that when a province comes into being it should be restricted and bound by what this Dominion has done. Well, Mr. Speaker, I look upon it in this way.

These Territories are in the union; they have been in the union since 1870. From the moment they entered the union they were entitled to the rights and privileges of the British North America Act, but they had no power to exercise those rights until they attained the provincial status. The moment they attained that status they would be able to act and to bind themselves; but until then they were not bound by anything that might take place. It seems to me that the Territories were very much in the same position as a young man who is entitled to an estate with the right to enter into possession when he is twenty-one years of age—he is always possessed of his property, it is his and he is entitled to it, but he cannot exercise his rights with regard to it until he has attained manhood, he cannot even detract from his own rights, cannot encumber his property, but the moment he comes of age he attains all power to do with his property as he chooses. So it is with a territory. The territory until it arrives at maturity, cannot speak for itself or act for itself, and it is contrary to the very principle of the Act we are dealing with to hold it down to what has been done without its own consent. Now, hon. gentlemen opposite wish to treat these Territories as bound by subsection 1, that is to treat them as a province now entering the union, on the 1st of July, 1905, with laws as to education in force. Well, if subsection 1 applies, why not say so? Why not apply it and let us see how far they are bound by it? But could there be any stronger evidence of the fact that it is not applicable than the care the Minister of Justice has taken to alter the section to fit it to the facts? If the hon. gentleman thought that the subsection 1 really did apply, he would only have to say: 'Subsection 1 applies to the province.' This is a very small subsection, though a very powerful one. It has only thirty-one words. The hon. gentle-