

that the people of these Territories became entitled to the provisions of section 93 of the British North America Act and every subsection contained in it. Then, when he comes to constitute these Territories into provinces, he takes away what he has already said is the birthright of the people of these Territories. Well, that may be argument and that may be logic, but I am bound to confess that it is argument and logic absolutely beyond my comprehension. What is the subsection which we are going to interpolate into the British North America Act passed by the imperial parliament in respect to these provinces? What is it that we are going to substitute for the constitutional birthright of these people?

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the Northwest Territories, passed in the year 1901.

We are amending the British North America Act of 1867 by inserting in it certain ordinances passed by the legislature of the Northwest Territories in 1901 under a delegated authority from this parliament. That is the position in which the right hon. gentleman places this matter before the House. Further, in the second subsection, it is declared that:

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 the said chapter 29.

And in the third:

Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in said chapters 29 and 30, and where the expression 'at the union' is employed, in said subsection 3, it shall be held to mean the date at which this Act comes into force.

And that, if you please, Mr. Speaker, is a strict adherence to the constitution, which is the birthright of the people of the Northwest Territories. I say, in all sincerity, and without the slightest desire to be offensive: Could absurdity go farther? You have applied the provisions of the British North America Act in section 2, and now, in section 16 of this Bill, you propose to abolish subsection 1 of section 93 of the British North America Act and to amend the third subsection by putting upon the terms of that section an interpretation which, I think, it could not otherwise bear. If the expression 'at the union' really means the date when the new provinces are established, it requires no amendment for the Prime Minister's purpose. If it does not bear that meaning why and by what authority shall we amend it? If my hon. friends on the

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other side of the House differ from me there is one test to which we can both put our opinions. Strike out these words of interpretation, because, according to their view, they are absolutely necessary. Then we will stand by the constitution exactly as it was passed in 1867, and exactly as it should govern the people of Canada, including the people of the Northwest Territories, to-day.

I was under the impression that a great deal of the agitation and dissatisfaction said to prevail in certain quarters on the other side of the House, was occasioned by the provision contained in subsection 3 of section 16 of the Bill as originally drafted. That subsection reads as follows:

In the appropriation of public moneys by the legislature in aid of education, and in the distribution of any moneys paid to the government of the said province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the public schools and the separate schools, and such moneys shall be applied to the support of public and separate schools in equitable shares or proportion.

It was murmured—I know not with what truth—that one of the special reasons advanced by my hon. friend the ex-Minister of the Interior (Mr. Sifton) for his disagreement with his colleagues was the circumstance that this amendment had been made, and that thereby the moneys set apart for a certain purpose under the provisions of the Dominion Lands Act were supposed to be diverted from the purpose for which they were originally intended. Has that been changed? Let us read the provision which is now proposed to be substituted for it, and I will venture to say that there is a great deal less difference between the amended section and the original section proposed by the government than there is between either one or other of these sections and section 93 of the British North America Act. The amendment does not differ so much from the section as originally drafted as either one or the other of those sections departs from the terms of the British North America Act. Here is the amended section in regard to public moneys:

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 the said chapter 29.

Almost ipsissimis verbis and certainly not in the slightest degree different in substance.

What, after all, is the position in which we find ourselves to-day under the proposal of the government? Parliament undertakes to interpret some provisions and to amend others of a constitution which it has not power to alter. If the constitution is to be followed, and if parliament