Sir, we have taken the ground on more than one occasion, we again take this ground and it is the ground upon which we stand in dealing with the present case, that wherever a system of separate schools exists that system comes into force and is constitutionally entitled to the guarantees which are embodied in section 93 of the British North America Act. Be that system much, be it little, whatever it is, it is entitled to those guarantees. That is the position we take, and when we introduced section 16, as it is in the Bill, we had no other intention than to give to the minority the rights and privileges to which they are entitled under the law which they have to-day.

But, Sir, it has been objected to us that the language used in section 16 was too broad, too vague, and that if it were adopted, it would create trouble and confusion instead of certainty as to the rights of the minority. By the first paragraph of section 16 as it stands in the Bill, the Act of 1875 is reproduced in toto. But Sir, an event occurred some 14 or 15 years ago which has to some extent limited that Act. Some 14 years ago the legislature of the Territories passed a law which in the opinion of the minority abridged the rights conferred on them by the Act of 1875. They complained to the federal government at Ottawa. They made representations to the government of that day and asked the disallowance of that law as an infringement upon their privileges as secured to them by the law of 1875. Sir John Thompson, who was then Minister of Justice, examined the question and refused to disallow the Act. He admitted rather, that the Act was an infringement on the privileges conveyed to the minority, but he stated that as this was a consequence, only following a similar Act, or rather continuing a similar Act passed some three or four years before, as to which no complaint had been made, and which was therefore in force, he would not advise disallowance and he allowed the Act to go into force. Under such circumstances the law of the Territories has been in force now for 13 or 14 years. Section 16 thus restricted is now the law of the country which has been in force for 13 or 14 years and which has given general satisfaction. Under such circumstances if we were to re-enact section 93 of the Act, it was possible that we would create confusion and that there would be lawsuits to determine the exact condition of the law. We therefore thought it was preferable to have the law made absolutely certain and in order to do that we have incorporated the ordinances under which the law as it is to-day has been established. It may be disappointing to some, but we believe that on the whole it is preferable to have a clear understanding on this subject so that the minority shall have the privilege of exercising control over their schools as they have to-day, and so that the law shall be absolutely clear and pronounced as to what is intended by the parliament of Canada if it passes this legislation. That is the reason why we have done this. The law of the Territories on this question is established in three ordinances, chapter 29 of 1901, chapter 30 of 1901, and chapter 31 of 1901. Chapter 29 organized a system of schools and this organization retained to the minority the privileges which they have of separate schools. Chapter 30 regulates the power of assessments over the municipalities for contributions to education and chapter 31 regulates the aid and contributions to be made to the different schools conforming to the law. We have introduced into the amendment chapter 29 and chapter 30 ; we have not introduced chapter 31 which regulates the aid and grants to be given to schools because we have thought it preferable simply to lay down the principle, putting no burden upon the Territories, not saying how they are to dispose of their money, not telling them what they shall do but simply stating that when schools conform to the law, whether they are separate schools or public schools, all shall be treated equally and there shall be no discrimination between them. That is the reason of the legislation I have introduced.

Upon this occasion I have nothing more to say but in moving this Bill, as I now do, for the second reading, I want to impress on the House once more that we are acting strictly in accordance with the principles involved in the constitution of Canada. I want to impress once more the fact that the constitution of Canada has been and is a compromise between different elements in order to produce a great result. It is a compromise in order to unite different heterogeneous elements. There are differences of powers, there are exceptions, but all this diversity is intended to promote unity.

Let me say one last word. We have done pretty well so far in the development of our national institutions, but we have not yet reached the maximum ; we have not yet reached the end. We may have a great deal still to do and I hold that we ought always to be ready for the task, and I am sure that it will not be too much to say that it will not injure any one, that it will not do any harm but on the contrary will do much good if, whenever we are called upon to apply the principles of the constitution, we apply them, not in any carping sense, but in a broad and generous spirit.

Mr. R. L. BORDEN (Carleton, Ont.). Mr. Speaker, the right hon. the Prime Minister (Sir Wilfrid Laurier) has spoken with his usual eloquence upon the second reading of this Bill. If I were inclined to use his own words under certain circumstances in the