

majority to establish 'such schools as they think fit,' had no reference to the religious character of those schools, but that it simply meant that the local majority could establish the number of schools they saw fit.

Mr. R. L. BORDEN. I do not think that the words 'as they think fit' have the significance which was attached to them by the Minister of Justice, with whom I had rather an elaborate argument upon that question, which ended, I think, in each one of us retaining his own opinion. I adhere to the opinion I then expressed; I do not think my hon. friend requires me to repeat what I then said.

Mr. BOURASSA. That is all right, I only wanted to be sure that I understood the hon. gentleman correctly. This then is the result that legal science may produce in an otherwise broad-minded and honest man. The result would be, if we consider the position of the Roman Catholics in the Northwest, who form the majority in the most of the local districts where they live, that nine-tenths of them would be deprived of the schools meant to be given to them. That would be the logical and the actual result of the contention of my hon. friend. Well, I am not a lawyer, but I contend that is not the opinion of the legislators of 1875, that is not the opinion of Mr. Blake, who was considered at that time, and is still considered throughout the British empire to be a lawyer of some eminence. I still adhere to the opinion which was expressed at that time by Mr. Blake, Mr. Campbell and Mr. Mackenzie, that what they meant is what they said; that is, they wanted to give the minorities in the Territories, whether Protestant or Catholic, the right to have such schools as they saw fit; in other words, if they were Catholics they could have Catholic schools, and if they were Protestants they could have Protestant schools, and the majority in each case could not impose its will upon them.

Mr. R. L. BORDEN. Could the hon. gentleman refer to that portion of my remarks on this question which he says bear that construction?

Mr. BOURASSA. I say that if the hon. gentleman means that the first subsection of section 11 of the Act of 1875 has no reference whatever to the religious character of the schools, as a matter of fact, nine-tenths of the people of the Northwest, according to the ordinances of 1901, are entirely deprived of such schools as were intended to be given to them by that Act.

Mr. R. L. BORDEN. How does the hon. gentleman know what was intended except by referring to the statutes?

Mr. BOURASSA. Of course, that may be the narrow legal view to be taken; but I say that if there is anything obscure in the

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language of a statute, then we have to consider the comments that were made upon it by the men who adopted it, and to take the construction that was put upon that statute by those for whom it was made.

Mr. R. L. BORDEN. Really, does the hon. gentleman ask us to refer to the debates in order to interpret a statute?

Mr. BOURASSA. I say that Mr. Blake's object was to give freedom of education to the total minority in the Northwest Territories, and if a narrow interpretation of the law of 1875 will prevent nine-tenths of those people from getting such schools as they see fit, then you are contradicting the spirit of the legislature that passed the Act.

Mr. R. L. BORDEN. I only asked this question of my hon. friend, because he says he is prepared to discuss the constitutional point with any person, and he has told us over and over again that the proper method of construing a statute is to refer to the debates in parliament.

Mr. BOURASSA. I said that was my method.

Mr. R. L. BORDEN. The hon. gentleman said it was not only the proper way, but it was the best way. He is dealing with the question, I suppose, from the standpoint of the legal construction which a court of law would put upon it. Is he doing that, or is he talking about something else? Is the hon. gentleman talking about its real construction which would be given to it in a court of law, or is he talking about something else?

Mr. BOURASSA. I am talking about the law of 1875, and I am talking about those who passed that law.

Mr. R. L. BORDEN. But I am asking whether he is dealing with the question of what the real legal construction is.

Mr. BOURASSA. Oh, no.

Mr. R. L. BORDEN. Then he is not dealing with the meaning of the statute.

Mr. BOURASSA. I am dealing with the common sense meaning, not with the legal meaning.

Mr. R. L. BORDEN. He is not dealing then with the meaning which would be put upon it by the courts.

Mr. BOURASSA. That depends on the courts.

Mr. R. L. BORDEN. That is to say, if the courts adopt his view it is a common sense view, and if they do not adopt his view it is not a common sense view.

Mr. BOURASSA. What I say is very simple. I say that in 1875 the parliament of Canada intended to give separate schools as between Protestants and Roman Catholics in the Northwest Territories, as is done