

whether my hon. friend understands the question I have just put?

Mr. R. L. BORDEN. Does my hon. friend desire an answer?

Mr. BRODEUR. Yes. The question which I want to ask is this: Suppose the legislature of Saskatchewan to-morrow should pass a law establishing separate schools—I am supposing that this motion carries and that the legislature, acting upon it, will pass a law to-morrow establishing separate schools—would the legislature be entitled afterwards to abolish those separate schools, or to repeal the law?

Mr. R. L. BORDEN. If the legislatures of the provinces were given full authority in respect to education, of course, they would be permitted to abolish separate schools. They would have the authority to abolish them. As to whether or not there would be any remedy by an appeal to the executive and to this parliament would bear upon the question as to whether the 4th subsection of section 93 had application to the new provinces, when you apply the constitution to these new provinces, not being provinces in the first instance but coming in as Territories.

Mr. BRODEUR. Well, that is not very satisfactory.

Mr. R. L. BORDEN. I assure my hon. friend that I am trying to answer him and I think my answer is quite as plain as his question.

Mr. BRODEUR. I thought my question was very plain.

Mr. R. L. BORDEN. I think my answer is very plain.

Mr. BRODEUR. I will repeat my question in order to be fully understood. If this motion of my hon. friend passes and the legislature of Saskatchewan is organized, immediately after the organization—

Mr. R. L. BORDEN. Just one moment. I must ask my hon. friend to be definite. Organized under what kind of legislation?

Mr. BRODEUR. Under this amendment.

Mr. R. L. BORDEN. Very good.

Mr. BRODEUR. Suppose the amendment should carry and it should be declared that:

—subject to and in accordance with the provisions of the British North America Acts, 1867 to 1886,—

The legislature—

—is entitled to and should enjoy full powers of provincial self-government, including power to exclusively make laws in relation to education.

And that the legislature had established separate schools protecting the rights of the

minority, would the legislature have the right to repeal that law, and if it did repeal the law would this parliament be entitled to pass remedial legislation?

Mr. R. L. BORDEN. The legislature would undoubtedly be entitled to repeal the law just the same as the legislature of Manitoba was entitled to repeal the law which had been passed after Manitoba came into confederation.

Mr. BRODEUR. And what about remedial legislation?

Mr. R. L. BORDEN. I suppose, so far as that is concerned, if you apply the constitution of Canada it depends on whether subsection 4 would apply. If my hon. friend had been careful enough to read my speech he would have seen that I had already pronounced an opinion on that and he need not have asked me the question. I said that in my opinion, the application of subsection 1 might give the answer as to the application of subsection 4, and I thought subsection 1 would not apply to conditions existing in the Territories. Some hon. gentlemen on this side of the House have not taken that view, and most hon. gentlemen on the other side have taken precisely the opposite view. That is a point on which I do not pretend to have a very strong opinion. I have not considered it very carefully. My proposition was simply to apply the constitution of Canada as contained in the Acts of 1867, 1871 and 1886 to these new provinces. I was prepared and am prepared to abide by the result of the application of that constitution. But in any event, I would point out to my hon. friend that the question of remedial legislation could not be one of very great importance in his opinion, because, if the minority in the provinces would apply for remedial legislation, undoubtedly my hon. friend and his leader would oppose it in the future just as they did in 1896.

Mr. BRODEUR. My hon. friend (Mr. R. L. Borden) has not given me a very definite answer and I think I can go a little further and ask him: leaving aside what the judges may decide in the future, whether in his own opinion he is ready to declare that the minority will have the right to remedial legislation under the circumstances which I have mentioned. The hon. gentleman (Mr. R. L. Borden) proposes to make the law now; he should know exactly what he intends in making that law and he must be in a position to declare whether that law will be sufficient or not.

Mr. R. L. BORDEN. I told my hon. friend already—why does he ask me to repeat it—that in my opinion subsection 1 certainly does not apply. That surely is the important question.

Mr. BRODEUR. What about subsections 3 and 4?