

the hon. member for Brandon any injustice, as he is not present here to-day, I shall read his remarks upon that subject. His words are these :

I have read these extracts for the purpose of showing that when the ordinance of 1892 was passed the distinctive character of these schools as separate schools, as denominational schools, as schools controlled by a sectarian body for sectarian purposes absolutely disappeared.

You will observe he says their character as denominational schools absolutely disappeared. He goes on further referring to subsection 1 of section 16, No. 2 :

This section preserves the right of the Protestant or Roman Catholic minority to have their school, a separate school in name, but a public school in fact, in a separate building if they wish. That is the right it preserves. It preserves secondly the right of the Protestant or Roman Catholic minority in such school to have religious teaching from 3.30 to 4 o'clock in the afternoon. . . . In the first place there is no such thing as a denominational school. Whether it is a separate school or a public school, a Catholic separate school or a Protestant separate school, it is a secular school from 9 a.m. to 3.30 p.m.

Therefore according to the statement of the hon. member for Brandon, according to the argument advanced by the gentlemen from the Northwest, there are no denominational schools, and therefore no rights to be preserved, but in the amended section 16, No. 2. the word 'denominational' which occurs in the British North America Act is changed to the word 'separate.' Under the New Brunswick Act as has already been pointed out, a question arose with regard to the character of certain schools as to whether or not they were denominational and it was held that they were not denominational and therefore no rights were preserved. The word 'denominational' would not preserve certain rights but the word 'denominational' is changed by section 16, No. 2 to which I have referred and in that respect a material departure from the British North America Act is made by that section 2, although not by section 16, No. 1.

Now one or two general observations with regard to the opinion of the Minister of Justice. I pass over for the moment the circumstance that he entirely ignores the possible effect of section 2. I think on one occasion in this House he stated that section 2 of this Bill as well as of the Haultain Bill might possibly make section 93 applicable—he may have done so here.

Mr. FITZPATRICK. Not in my statement, but in my speech ; I argued in my speech that section 2 made section 93 applicable.

Mr. R. L. BORDEN. I shall pass that over for the moment but I shall speak of it before I close. The Minister of Justice also declared that not a single province

can exclusively make laws at the present time with regard to education. That is true in one sense and not quite accurate in another sense. As was pointed out by the hon. member for the city and county of St. John (Mr. Stockton), the legislature of New Brunswick is the only authority within the province of New Brunswick which can deal with the question of education. The same thing is true of Nova Scotia, Prince Edward Island, Manitoba and British Columbia. But it is quite true—and I have no doubt the Minister of Justice meant this—that, if any one of these provinces should confer by law certain privileges on any class of persons resident within the province, then the remedial powers of the Dominion executive and of the Dominion parliament could be invoked.

Mr. FITZPATRICK. There is a reserve power in the Dominion.

Mr. R. L. BORDEN. The point I desire to emphasize—and I know the Minister of Justice and I are absolutely at one about it—is that until the legislatures of these provinces voluntarily put themselves in a certain position defined by the British North America Act, they have the exclusive right to deal with the question of education. As soon as they confer any rights and privileges on the minority then they subject themselves to the remedial powers which are familiar to every hon. gentleman in this House, and if they do that they do it voluntarily, and within their own powers ; they are not acting under any compulsion, but their will is absolutely free and untrammelled.

Mr. FITZPATRICK. The result is to bring them under the restriction of section 93.

Mr. R. L. BORDEN. Quite so, and I pointed out I think in speaking on the second reading of this Bill that possibly that very circumstance, that very provision of the British North America Act, has deterred the legislatures of those provinces from enacting legislation conferring rights by law upon minorities which they otherwise would have enacted. The moment they give the minority certain rights by law, then they subject themselves to the remedial powers of the Dominion executive and parliament, and this seems to me a very apt illustration of the truth that sometimes an attempt to force by law that which would be freely given without compulsion is in the end of no effect.

Then the Minister of Justice refers to the Bill suggested by Mr. Haultain. It is sufficient for the present purpose to say we are not discussing the Bill submitted by Mr. Haultain ; we are discussing the Bill introduced by this administration. If the administration desire to rely upon any provisions in Mr. Haultain's Bill—and my