

vince at the time it is created into a province.

Sir WILFRID LAURIER. Very good. When I understand that the position taken by my hon. friend (Mr. R. L. Borden) is that the provinces come in with their legislative authority, with their school legislation, and that we are bound by the constitution to apply that school system. That is all my theory; I never went further than that. We are bound to apply the system which is now in force, the only difficulty that there is now will be to ascertain what is the system in force in the Territories which we are going to make into provinces. But, Sir, although my hon. friend to-day takes a position which is somewhat ambiguous, for my part I take the ground that we are bound constitutionally at this table to insert legislative provisions which will make the system of schools which exists in the Northwest Territories to-day absolute and beyond the purview and the powers of the legislature. That is to say, we are bound to apply the principles of the constitution.

Mr. R. L. BORDEN. Does my hon. friend claim that we should do that even if, in doing so, we go beyond section 93?

Sir WILFRID LAURIER. My contention is that we must not go beyond section 93.

Mr. R. L. BORDEN. Then why do you?

Sir WILFRID LAURIER. We do not, because we must remain within it, as I shall point out by-and-by. If all the question between myself and my hon. friend (Mr. R. L. Borden) is that we must apply section 93, a great deal of ground that has been obscure is now clear. I am only sorry this was not known three or four weeks sooner; it would have saved a good deal of turmoil if we had known it.

Mr. R. L. BORDEN. Let me say to my hon. friend that I shall ask him before the conclusion of the session this afternoon to vote for a motion to that effect.

Sir WILFRID LAURIER. I shall wait for this motion of my hon. friend. I know something of it and I shall tell him that he will not escape in this way. These clauses contain what is to apply in the Northwest Territories, not in the way my hon. friend wishes to move, as I shall show him presently when we come to discuss his motion. But at all events I shall be spared a good deal of the argument which I intended to make upon this subject since we are agreed that it is the provisions of section 93 which must apply. We come now to the question of what is involved in this proposition, but we have to apply section 93. What is the system which prevails to-day in the Northwest Territories? because, as I understand, the contention of both my hon. friend and myself is that we must apply the system

which exists in the Northwest Territories, and then my hon. friend will see by-and-by, that he is not on very safe ground in the proposition he wants to make, which I see looming up, but which I shall not define now.

Mr. R. L. BORDEN. My right hon. friend curiously misquotes me. I said we were to apply the provisions of the British North America Act in which the constitution of this country is embodied.

Sir WILFRID LAURIER. Very good. This is delightfully indefinite, delightfully uncertain; I want to come to facts, to pure certainty which we can understand and apply. I wish to say to my hon. friend (Mr. R. L. Borden) and to show him presently that the condition of things is not so clear as he seems to imagine and to think. We thought ourselves that we were on pretty safe ground when we reproduced in this Bill the provisions of the Act of 1875, introduced by Alexander MacKenzie in this House, in which the system of separate schools was made the organic law of the Northwest Territories. We reproduced in clause 16 of the first Bill the provisions of that Act; we thought, as I said, that we were on safe ground, but on a closer examination of the subject we came to the conclusion that it was very much involved and would require a little more attention that we had given to this matter. The Act of 1875, I may observe, which is the organic law of the provinces up to this moment, was not a school Act, it was simply an organic law. It did not pretend to frame a school law for the Territories, it did not pretend to enact a school system, it simply put forth certain rights which were to be pilots to the legislative power when it came to exercise its authority. It imposed certain restrictions on the legislative powers of the Territories which they were bound to observe. Now what were these restrictions? I cannot do better than give the very words of the Act itself. The Act stated this:

The legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided:

(a) That a majority of the ratepayers of any district or portion of the said province or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (b) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therefor, and make the necessary assessment and collection of rates therefor, and (c) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

The principle there is clearly laid down that where the majority or the minority, whether Protestant or Catholic, shall have