

not see how it could be argued that a power which the territorial assembly had can, without apt words, be made to apply to the two provincial assemblies; they are not continuations of the territorial assembly; they derive no powers by reference to its constitution; they are new bodies created in the execution of special powers by parliament, and there is no room for the application to them of the laws previously defining the constitution of the territorial assembly.

Now I have only a few words more to say in answer to the observations of the right hon. gentleman. He says that the Conservative party has no policy with regard to this matter. The Conservative party has the policy of applying the provisions of the British North America Act, the constitution of Canada, to this matter, without any amendment and without any alteration; it has the policy of neither seeking to strike out or add to anything in that constitution; it has the policy of applying that constitution to the new provinces, and of accepting loyally whatever result may ensue from the application of that constitution to those provinces, even if that result is not in accordance with the views which we think best suited to the conditions of those provinces; it takes that stand because the constitution was settled, as we regard the question, once for all in 1867, because the Act of 1867 was based upon resolutions which not only looked forward to the consolidation into one confederation of the four provinces which originally constituted this country, but which also expressly looked forward to and contemplated the entry into the Dominion of all the territory which now forms part of the Dominion and the colony of Newfoundland as well. Under these circumstances to say that we apply the constitution when we are departing, in so many words, from it is to ignore the facts that are before us, is to ignore the very wording of the Bill itself because it is a direct departure from the constitution and the spirit of the constitution.

I have nothing more to add by way of reply to my right hon. friend. He says he is prepared to stand by the constitution. He says that the compact is contained in section 93 of the British North America Act. He says that he asks no rights for any class of people in this country which are not to be found within the provisions of the British North America Act. He professes to abide as far as education is concerned by the provisions of section 93 of the British North America Act. What is the obvious duty of the House and what is the obvious duty of my right hon. friend under these circumstances? The obvious duty of my right hon. friend and the House is to apply to these new provinces, Alberta and Saskatchewan, the provisions of section 93 in their entirety. My right hon. friend says it is delightfully uncertain to do that. When he says it is delightfully uncertain, he simply says that the constitution is delightfully

Mr. R. L. BORDEN.

uncertain, not that the policy of the Conservative party is delightfully uncertain. The constitution is as we find it and as it was framed by the men of 1867 who were not small men and who were not believed to be unequal to a task of that kind. They prepared a constitution which must be interpreted from time to time in the courts, which has been interpreted many times in the courts in the past, and if you apply the provisions of the constitution it may be and doubtless will be the case that questions as to the meaning of the constitution may arise in regard to section 93 in its operation upon the new provinces just as it has arisen under section 93 in regard to other matters and in regard to other provinces, and just as it has arisen one hundred times, or even two hundred times, I suppose, in regard to the meaning of section 92, the immediately preceding section. The constitution is as we find it and we are content with the constitution and do not desire to alter it according to our view of what a particular class of persons may demand or what the interests of a particular community may require. We believe that we have neither the right nor the power to do that. I therefore beg to move in amendment to the motion of my right hon. friend:

That section 16 be struck out and that the following be substituted therefor:

The provisions of section 93 of the British North America Act, 1867, shall apply to the said province in so far as the same are applicable under the terms thereof.

Mr. FITZPATRICK. Mr. Chairman, I rise merely to put a question to my hon. friend because I think the time has arrived when we ought clearly to define our position on this question. Will my hon. friend be good enough to allow me to put him this question? What would be the effect in respect to the existing school ordinances of the adoption of that amendment?

Mr. R. L. BORDEN. In regard to the existing school ordinances?

Mr. FITZPATRICK. Yes.

Mr. R. L. BORDEN. I expressed my opinion on the second reading of the Bill in regard to that. I believe that the application of section 93 of the British North America Act will leave to the new provinces the right to deal with the question of education. I have said already that this is a question about which hon. gentlemen in this House have differed and that I do not claim to be infallible. I answer my hon. friend because that is my opinion and because it is my duty and the courtesy which I owe him to express it when he asks me for it.

Mr. FITZPATRICK. The result is that the rights and privileges which are granted to the minority by reason of the existing school legislation in the Northwest Territories will be taken from them?