

Territories. Parliament, in 1875, was making a temporary provision for the Territories as territories. In 1905 parliament is creating a permanent constitution for the new provinces in the Northwest, a constitution which this parliament cannot alter or amend after it has once been framed. My observations on the matter which I have just referred to are connected, to a certain extent, with the discussion of section 16 and with the discussion of section 2, which is to take place, as I understand, by arrangement, at the same time. They are not, of course, directly connected with the subject upon which I first addressed the House, whether or not there is any real, substantial difference between the effect of section 16, No. 1, and section 16, No. 2. And, while I have every possible regard for the opinion of my hon. friend the Minister of Justice (Mr. Fitzpatrick)—a regard so high that when I find myself differing from him I always have a great deal of doubt as to the correctness of my own opinion—yet I must add that, after all, I do not find in the opinion of the Minister of Justice, read in this House on May 15th, anything that controverts what I have said to-day. For he took particular pains, it seems to me, not to state that there was any real difference between section 16, No. 1, and section 16, No. 2. He only said, so far as section 16, No. 1, is concerned, that the meaning of it was expressed in the earlier school ordinances. That is all he says about it; but then he goes on to tell us what is his view as to section 16, No. 2. I do not find in his opinion, after all, anything that is diametrically—or, indeed, at all—opposed to the view which I have expressed to-day. And it gives me a great deal of satisfaction to find that, in expressing the view I have just ventured to place before this House, I do not find myself, as it seems to me, in conflict with the opinion of my hon. friend the Minister of Justice.

Hon. CHARLES FITZPATRICK (Minister of Justice). I do not know that it would be possible for me to add very much to what I have already said on this subject. I do not think there is anything very new that I have to offer; and, perhaps my hon. friends opposite may say, there is nothing very useful in what I shall add. The leader of the opposition (Mr. R. L. Borden) has been good enough to say that we differ in our opinions as to the meaning of these two sections 16—No. 1 and No. 2. I regret that we should differ; because I had hoped that on a matter of this sort the lawyers in the House who have given this question their serious consideration might have been at one. However, lawyers, like doctors, I presume, must agree to differ. Having listened with the greatest possible attention to what my hon. friend (Mr. R. L. Borden) said, when speaking on the second reading of the Bill, and to what he said to-day, I am inclined to believe that Mr. Haultain was

quite right when in the interview published in the 'Mail and Empire,' and afterwards in the Winnipeg 'Tribune,' he stated that he had a great deal of difficulty in convincing the leader of the opposition to take the position he now takes.

Mr. R. L. BORDEN. I was not aware that Mr. Haultain had so stated.

Mr. FITZPATRICK. I do not think the hon. gentleman (Mr. R. L. Borden) was aware of it. But I will read what Mr. Haultain said. This was published in the Winnipeg 'Tribune' of May 12th, 1905, and purports to be a reproduction of the correspondence of the Toronto 'Mail and Empire':

Mr. Haultain is confident that his contention as to the unconstitutionality of the autonomy measures, so far as the educational clauses are concerned, is sound, and cannot be successfully assailed. He goes even further than Mr. Christopher Robinson in this respect. There were those at Ottawa who were disposed to view with complacent concurrence this element of the Bills as but confirming by statute what already existed. Mr. Haultain had difficulty in convincing those that the proposed legislation was not only constitutionally defective in its conception, but would prove extremely dangerous in its application. It was some time before even Mr. Borden would recognize this, and it required deep reasoning with him to convince him that it was so, but finally he saw the weakness of the thing and the result was the magnificent speech which he delivered on the constitutional aspects of the legislation.

Mr. FOSTER. May I ask if that is Mr. Haultain's statement?

Mr. FITZPATRICK. I think I made it quite clear that I quoted from the Winnipeg 'Tribune' what purported to be a reproduction of the correspondence of the Toronto 'Mail and Empire.'

Mr. FOSTER. So it is a correspondent's statement.

Mr. R. L. BORDEN. I never heard of it before.

Mr. FITZPATRICK. I do not think that I was quite justified in drawing attention to it, because really if Mr. Haultain did make such a statement he is in the invidious position of saying that Mr. Christopher Robinson is all wrong, Mr. Borden is all wrong and Sir John Thompson was all wrong in 1891, but Mr. Haultain is all right. But those who differ from him are in excellent company.

Mr. R. L. BORDEN. I should have a great deal of doubt that Mr. Haultain ever expressed himself in that way, it is not likely.

Mr. FITZPATRICK. That is what he is reported to have said in these newspapers. I have here a report of an interview with him, published in the Toronto 'News' of