

ers, and that the commissioners had acted upon them in every case, and reported in every instance that there was no fraud or misrepresentation in connection with these concessions. It is due therefore to the House that my hon. friend should say he was mistaken.

Mr. R. L. BORDEN. I was not mistaken. I have seen no instructions other than those to which I have referred, and I am not aware that there were any others laid on the table. The instructions which were laid on the table, and in respect of which this motion was moved, are instructions which limited the investigation to the matters to which I have referred. Upon the resolution, a vote was taken and my hon. friend from Ottawa (Mr. Belcourt) voted against any extension of those instructions to the commissioners—a circumstance which I think he should have remembered.

PROVINCIAL GOVERNMENT IN THE NORTHWEST.

House in committee on Bill (No. 69) to establish and provide for the government of the province of Alberta.—Sir Wilfrid Laurier.

Sir WILFRID LAURIER. My hon. friend the leader of the opposition informed me some time ago that he wanted to make some observations with regard to clause 16.

Mr. R. L. BORDEN. I wish to make a few observations with regard to the supposed difference between section 16, No. 1—by which I shall designate the section as at first introduced—and section No. 2, by which I shall designate the section as now proposed by the government. In one or two speeches recently delivered by my hon. friend the Minister of Finance (Mr. Fielding) he remarked that I had been a long time coming to a conclusion that there is no difference between the two sections. My hon. friend was somewhat forgetful in making that statement, because he sat in the House and followed me in debate on the 22nd March, when I expressed the opinion that the two were the same in principle, were practically the same in detail, and certainly the same in substance. No doubt my hon. friend forgot that although he immediately followed me in debate and although the hon. member for Brandon (Mr. Sifton), who spoke a day or two afterwards, controverted very strongly the view I had expressed.

The supposed difference between these two sections has been discussed by the Prime Minister (Sir Wilfrid Laurier), the hon. member for Brandon (Mr. Sifton), and the Minister of Justice (Mr. Fitzpatrick). The argument of the Prime Minister in favour of the amended section as con-

trasted with the original section was this: He said that the Act of 1875, section 11, was restricted in its operation by an ordinance, and that Sir John Thompson, who was then Minister of Justice, would have disallowed that ordinance in 1890 except that such disallowance would bring into effect another ordinance, the time for disallowing which had expired, and the conclusion of the First Minister, based upon this premise was that, under these circumstances, to bring into operation the Act of 1875 purely and simply would create confusion. I am not able to follow the argument of the Prime Minister in that regard for several reasons. The Act of 1875 has been variously called a sacred compact, a constitutional right, a solemn promise; and the Minister of Justice (Mr. Fitzpatrick), in dealing with it on the 3rd May, said:

Dealing now with section 16, I would like to say that the second paragraph of that section was added—although in my opinion unnecessarily—because it was not thought advisable to re-enact the provisions of section 11 of the Act of 1875. This is for the purpose of making it quite clear that this parliament was merely carrying out a solemn promise already made. That very paragraph was intended to give legislative sanction to the conditions now existing with respect to grants in aid of education.

And further on he said:

What are we doing? I say that in the future history of our legislation and in the records of this parliament, it would be a serious reflection upon the people of the Dominion if the solemn promises made in 1875, repeated in 1880, and oft repeated since, were not carried out.

I can hardly understand the argument of my right hon. friend when he suggests that a solemn promise of that character is likely to create confusion. It seems to me that the carrying out of a solemn promise, if it is as distinct and explicit as has been suggested, could not possibly cause any confusion.

The Prime Minister is easily answered. In the first place the Act of 1875 could not be restricted by an ordinance. I take issue with him there, and I base my argument in that regard upon very good authority, namely, the authority in the first place of Sir John Thompson himself, and in the second place that of the Minister of Justice of to-day. Sir John Thompson, in dealing with this question in his report of the 10th January, 1890, said this:

The ordinance respecting schools does not contain the provision that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an organized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public school. It is necessary to point out that the provisions of the Northwest Territories Act, before cited, cannot be abridged by the ordinance and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far

Mr. BELCOURT.