

and conditions contained in the addresses of December, 1867.

On the 23rd of June, 1870, an imperial Order in Council was passed, and as was pointed out by the leader of the opposition, that Order in Council has all the effect of an imperial Act of parliament, by virtue of the British North America Act. Now that order recited the Act of 1867 which provided for the admission of Rupert's Land and the Northwest Territories into the union on terms and conditions expressed in the address, subject to the Queen's approval and to the provisions of the British North America Act. The order enacts that from and after the 15th day of July, 1870, the Northwest Territories shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the address. Now what could be more distinct than that Order in Council, which is virtually an Act of the imperial parliament? On the 15th day of July, 1870, the Northwest Territories became part of the union; and yet we are told that that union has not yet taken place. In order to effect the purpose of applying subsection 1 to the new province the minister has, as I have already stated, been compelled to treat the day of union as of the 1st day of July, 1905. To show that not only in Orders in Council, but in our own statutes, the fact was recognized that these were in the union, let me refer to the Manitoba Act that the hon. gentleman cited, and I think these words will leave no doubt as to what was the opinion of the Dominion parliament:

On and from and after the day upon which the Queen, by and with the advice, &c., under the authority of the 146th section of the British North America Act, 1867, shall by Order in Council in that behalf, admit Rupert's Land and the Northwest Territory into the union.

So it seems to me that under no circumstances can there be any question that the Territories were in the union on the 15th of July, 1870.

Now, Mr. Speaker, the next Act of the Dominion parliament of any importance in this matter is the imperial Act of 1871; and I propose to say a few words on that subject, because a great many hon. gentlemen opposite, and the Minister of Justice himself, rely upon that Act as their authority for doing what perhaps under no other Act could be attempted. The contention is that under section 2 of this imperial Act of 1871 we can do just as we please, we can give these provinces any constitution we see fit. If they are correct in their contention, we can upset the whole constitution of the Dominion; we can, in the opinion of some ministers, as was brought out in a question yesterday, take the Post Office Department and the Customs Department from the Dominion and hand them over to the province; we can take away the power over property and civil

rights in the province and hand that power to the Dominion.

First of all, I will call attention to what has been often so said, that the Act of 1886 declares that the Acts of 1867, of 1871 and 1886, shall be construed together. In other words, you are to read the three Acts as if they were all in the one statute. Well, put the clauses of the Act of 1871 into the Act of 1867, and will any one say that they in the least affect or alter the general provisions of the latter Act, or affect in any way the distribution of legislative powers between the Dominion and the provinces?

Let us see what the Act of 1871 says:

Whereas doubts have been entertained respecting the powers of the parliament of Canada to establish provinces in territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such provinces in the said parliament, and it is expedient to remove such doubts and to vest such powers in the said parliament:

That is the preamble of the Act. Now, take clause 2, which the hon. gentleman thinks enables this parliament to override the British North America Act of 1867:

The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof. And—

Here are the words which hon. gentlemen treat as of such vast importance:

And may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament.

Now, Mr. Speaker, if any interpretation can be put upon that section short of one which empowers the upsetting of the whole fabric of the constitution of the Dominion, surely that limited interpretation should be given to it. What is the meaning of making 'provision for the constitution and administration' of the provinces. I suppose the hon. gentleman knows that in the Bill now before the House there are some eight clauses making provision for the constitution of this province, clauses 7 to 14. The legislature of the province cannot be elected or convened until a constitution is provided. First of all it is essential that some authority should decide whether there is to be one house or two houses, an assembly only, or an assembly and a senate. Somebody must settle how many members there shall be in the local legislature and must provide those various details which are found in clauses 7 to 14 of Bill 69 with which we are dealing. That is what is intended by providing for the constitution of a new province. Without such provision the provincial legislature could never get to work, there would be no