were well founded. When this Act went to the imperial authorities it was necessary to introduce legislation; it was necessary to introduce the Act of 1871, known as the doubt removing Act. And, when this Act of 1871—the British North America Amendment Act—was introduced it was necessary to explain its provisions, and it was necessary especially to explain why the imperial parliament was interfering. Earl Kimberley made that explanation on the second reading of the Bill—I quote from imperial 'Hansard' of 1871, page 1171. He explained that the Act he was introducing:

> Was intended to remove doubts which had been cast upon the validity of certain Acts of the Canadian parliament. The Act of the Confederation of the North American provinces gives power to the parliament of Canada to establish provinces and territories admitted or thereafter to be admitted into the Dominion of Canada, but an Order in Council was necessary.

Here is the point I want to make. The law officers of the Crown in England were naturally consulted about the Act, and what did they say? The law officers of the Crown were of the opinion:

> That these Acts (the Manitoba Acts) were valid, but doubts having been expressed the Canadian parliament has addressed the Crown for an Act of the imperial parliament confirming their validity.

There is the opinion of the law officers of the Crown in 1871, expressed at a time when the ink was scarcely dry on the Act of 1867, which had been passed by the same parliament. And who were these law officers? They were Sir Robert Collier and Sir John Coleridge; these were the men who in 1871 expressed the opinion that the parliament of Canada, even without the Act of 1871, had the power to pass sections 2, 22 and 30 of the Manitoba Act. I think that I am fortified by that opinion and may fairly claim the right to set it up against some of the opinions that have been quoted against me in this House, and more especially by the editors of some newspapers who apparently profess to be so well versed in constitutional law.

Let me draw your attention to the fact that when section 22 of this Manitoba Act was enacted for the special protection of the minority in Manitoba, there was no word of criticism in this House or in the great newspapers of those days—then the 'Globe' was edited by George Brown, no word raised against the action of the government which at that time was seeking to give to the minority of Manitoba the very guarantee with respect to education which we are now trying to give to the minority of the Northwest Territories. Surely it will not be argued that there was no word of protest raised at that time because it was then thought that Manitoba was to be a French preserve.

How are we to explain the difference between the spirit shown in those days and the spirit shown in these? Was there any question then among the great men of Canada, the men who had made confederation, of manacles, of shackles, of invasion of provincial rights? Father Richot had been consulted; Archbishop Taché had been summoned from Rome. Was there at that time any denunciation or any suggestion of improper interference by the Roman Catholic hierarchy? Why the contrast between those days and these? Surely it will not be suggested, in this country of broad and tolerant men, in this age of enlightenment, in this twentieth century, when we hear on all sides advanced the doctrine of the universal brotherhood of man, that there are things which Sir John Macdonald might do in 1870 and which are not permitted to Sir Wilfrid Laurier in 1905.

Now, without the Act of 1871 what position would we be in to-day? Under the Order in Council of 1870 we were authorized to legislate for the future welfare and the good government of the territory. Could we to-day have given to that territory provincial status? I say that it is not only doubtful, but it is almost certain that we could not. We have no authority to deal with the Northwest Territories as we dealt with Manitoba under the Act of 1868. That Act was limited exclusively in its application to Rupert's Land. Could the King to-day, pass an Order in Council under the provisions of section 146? Undoubtedly not. A delegated power once exercised is exhausted; every lawyer knows that; and the right to legislate by Order in Council under the provisions of section 146 was a right delegated by the imperial parliament to Her Majesty, and once exercised that power was exhausted. Could we do it under the Order in Council of 1870? Undoubtedly not, because there is another principle of law which is equally certain with the one to which I have just referred: delegatus delegare non potest. Therefore, it is necesary for us to find authority for our action in the present instance within the four corners of the Act of 1871. That Act in section 4 provides:

> The parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included in any province.

It is under that section that we have legislated since 1871 for the Northwest Territories. These words, 'peace, order and good government,' have received a judicial construction by the highest court in this land. They were construed against myself by the Privy Council in a case from which I will read an extract—the Reil case, which is reported in Appeal Cases, volume 10, page 678. Their Lordships of the Privy Council say: