

the Northwestern Territory, and to establish the government of the province of Manitoba, formerly known as the Red River Settlement. The law officers of the Crown were of opinion that these Acts were valid, as not being beyond the powers of the Canadian parliament, but doubts having been expressed, the Canadian parliament had addressed the Crown for an Act in the imperial parliament confirming their validity. The Bill would give the Canadian parliament power to establish new provinces and provide for the constitution, &c., thereof much in the same way as the United States government dealt with territories.

Let us then see what are the rights of the federal government of the United States, as regards the admission of territories into the union and their organization into states. Under what terms is the Washington government empowered, by the constitution, to admit these territories into the union.

Cooley, one of the best exponents of the constitution of the United States, answers this question in the following terms, in his treatise, 'Principles of constitutional law' (edition of 1898) page 183 :

The practise of the government, originating before the adoption of the constitution, has been for congress to establish governments for the Territories, and whether the jurisdiction over the district has been acquired by grant from the states, or by treaty with a foreign power, congress has unquestionably full power to govern it, and the people, except as congress shall provide therefor, are not of right entitled to participate in political authority, until the territory becomes a state. Meantime they are in a condition of temporary pupillage and dependence ; and while congress will be expected to recognize the principle of self-government to such extent as may seem wise, its discretion alone can constitute the measure by which the participation of the people can be determined.

As regards the admission of a state, Congress has full discretionary powers ; and I respectfully submit that under the British North America Act, we have exactly the same power as the United States Congress, as regards the organization of a territory into a state.

On February 28, 1890, (see Hansard page 912) the Hon. Mr. Mitchell spoke as follows:

When this parliament creates a province or a number of provinces in the Northwest, parliament will define and particularize in the constitution of those provinces the powers they will exercise. I differ with the hon. member for Bothwell (Mr. Mills) as to what rights can be accorded to these provinces, the hon. member for Bothwell taking the ground that we cannot give less or more extensive powers to the new provinces we create than are possessed by the old provinces under the British North America Act. With all due deference to the hon. gentleman's view, I do not agree with it; but I admit that it is a question open to discussion.

Moreover, it must be stated that if the hon. leader of the opposition does not agree to-day with that view of Sir John Mac-

donald, he has renounced on several other questions, as well, the views held by his old leader.

The opinion expressed by Sir John Macdonald is evidently based on the Act of 1871, concerning the establishment of provinces in the Dominion of Canada. The Act was passed by the imperial government in order to remove doubts as to the power of the Canadian parliament to establish provinces within the territories admitted, or which may be later on admitted, into the Dominion of Canada, and to provide for the representation of these provinces in the said parliament. Such is the very wording of the preamble. Section 2 gives us the right to establish new provinces and to grant them a constitution. It is evident that Sir John Macdonald had that section in mind when he stated that we had a right to grant to the future provinces of the Northwest such constitution as we thought fit. Now, in 1875, we granted separate schools to the Territories. That Act was subsequently, and on several occasions, discussed before this House ; it was amended, revised and it never suggested itself to the mind of any one to alter, or strike out of the constitution of the Northwest Territories, the clause establishing separate schools. To do so, after a lapse of thirty years would be iniquitous from the standpoint of justice and law.

Besides, that law is satisfactory to Catholics as well as Protestants, and we should thereby consider ourselves relieved, since our duty consists in making the people happy and satisfied.

A grievance, however, was voiced in 1894; it was that of the Catholic minority, and it was rebuffed in quick order by the Conservative government. But, to-day, who are those agitating against that clause of the Bill which embodies the present school law of the Northwest Territories, in the constitution of the new provinces ? Are they the representatives of the west ? Are they the representatives of the Territories wherein we are carving two new provinces ? No, the great majority of the House are in favour of that legislation. Those who are voicing that grievance are the advocates of the so-called provincial rights, whose self-constituted champion, the hon. member for East Grey, on that occasion, got ahead even of his chief, the leader of the opposition.

For the sake of provincial rights, do you say ? But, there are no such rights in existence as yet. Surely, this is only a pretense ; hon. members, in this House, are fully aware that this is not the true reason, the real motive of the opposition which has been carried on against the Bill. I have no hesitation in stating so ; this is only a pretense, a means of preventing the establishment of a school system, the principle of which is found objectionable, because separate schools imply the teaching of religion and of our national traditions, the gradual