

word 'province,' which is in section 93, the word 'territory,' which is not in section 93. I think I am not doing my hon. friend an injustice in stating that as his argument.

Mr. R. L. BORDEN. I am not disposed to admit that my hon. friend (Mr. Belcourt) is exactly stating my argument. However, my argument is before the House and when we come to discuss this question afterwards in committee we will have an opportunity of interchanging opinions. But, I would like to ask my hon. friend one question, if he will permit me, and it is this: I would infer from what he has just said that he considers section 2 of the Bill now under discussion as being sufficient to bring into operation in the new provinces the provisions of section 93, and that these provisions would perpetuate in the new provinces the provisions of section 14 of the Act of 1875. That is the logical deduction from what my hon. and learned friend has just said. Am I correct in so understanding him?

Mr. BELCOURT. If my hon. friend will permit me as my argument develops I will give him an answer to his question, although I am not quite sure that I thoroughly understand his question. It may be that it was doubtful, if, under the original provision of the British North America Act, 1867, we could admit the Territories otherwise than as provinces. I am willing to go that far on the lines of my hon. friend's argument. It is doubtful with me, if the Act of 1871 had not been passed, whether we could have admitted the Territories except as full-fledged provinces to the union. I have not the slightest doubt that the principal reason which prompted the Act of 1871 was the very doubt to which I have referred. But the passing of the Act of 1871 has, to my mind, removed any doubt which could have existed to that effect. What is the general scheme of the Confederation Act? The general scheme of the Confederation Act, as has been pointed out by others, was to establish a national partnership between then fully independent and autonomous provinces or colonies subject only to one jurisdiction, and that was the imperial jurisdiction, whatever it may have been and which I have no doubt varied from one case to the other. But the idea of the fathers of confederation was to make an agreement—a partnership agreement I will call it—for the purpose of determining the conditions, the powers and the relations of these autonomous provinces, as between themselves and for the sake of creating a central power and enlarging the importance of their positions in British North America. They came together for the purpose of determining the conditions of that partnership. The Act of Confederation determined what the relations of these autonomous provinces as between themselves and the central power and what their powers, rights

and obligations would be. It also provided, by section 146, that later on these portions of British North America which at that time did not come into the confederation might do so, and I say that it was the intention then, under the letter of the constitution, and that it was then provided and stipulated that if other provinces should later on enter the confederation they should come in under the same terms and conditions, and that the conditions which were made applicable to the original provinces were uniform conditions applicable not only to the original provinces but to those which might be added to the partnership later on.

It was not contemplated by the provisions of the British North America Act, sections 1 to 146, that there might be admitted at that time as full-fledged provinces any portion of British North America then in process of formation. It was not thought that those portions of territory in the west, which at that time had very little population except the *coureurs de bois* and a few stray settlers here and there, should be admitted as provinces; it was not contemplated at that time, for instance, that there was any possibility of admitting them except as temporary portions of the confederation. I say that the provisions contained in the British North America Act, 1867, so far as they concerned the original portions of the confederation, or such provinces which might be admitted later on, are absolutely immutable; they are unchangeable, at all events, so far as this parliament is concerned, although they might, it is true, be subject to amendment by the imperial parliament. But the Canadian parliament cannot materially alter the specific provisions of the British North America Act.

Mr. SPROULE. You are proposing to do it by this Bill.

Mr. BELCOURT. Not at all. It has been argued, and it has been stated repeatedly, that the Northwest Territories, when they came into confederation in 1870, came in subject to all the provisions of the Act of 1867. Such argument would have some foundation, as I have said, if the Act of 1871 had not been passed, but the Act of 1871, in my opinion, was passed principally in order to get over that very difficulty. It was thought at that time, after Manitoba and the Territories had been taken in, in 1870, that the provisions of the British North America Act, 1867, were insufficient to cover the case of the Territories. There arose a doubt at that time whether all the provisions of the Act of 1867 were applicable to the Territories upon their admission. There also arose another doubt as to whether the powers of this parliament in admitting territories as such under the provisions of section 146 had not been exhausted. It was thought by some that we had exercised the power given to us by section