

years, therefore it must continue. It must continue, how? By law? The Minister of Justice will not say that as a lawyer. Must it continue? Where is the law saying it shall continue? The Act of 1875 was an Act that could be changed every year by this parliament, it was a law under which the administration of the Northwest Territories was under the control of this parliament; and then to say that the Northwest Territories voluntarily adopted the principle of separate schools is—well, putting it in the mildest way, contrary to the fact. Now, I want to refer to one or two matters mentioned by my hon. friend the Minister of Justice in his very eloquent and very exhaustive speech this afternoon.

Mr. J. D. REID. Take your medicine.

Mr. FITZPATRICK. Mr. Speaker, I draw your attention to the observation just made across the floor of the House by the hon. member.

Mr. SPEAKER. Order, gentlemen.

Mr. STOCKTON. Well, I am going to be just as good-natured as I can, and as my hon. friend the Minister of Justice this afternoon deplored anything that might stir up personal animosities, or race or religious feelings, let me ask him to consider his own advice to the members of this House at this particular time. Now then let me come back to the Minister of Justice. The Minister of Justice referred to section 2, 22 and 30 of the Manitoba Act. Why, Mr. Speaker, there is no relevancy—my hon. friend will pardon me for saying it—there is no relevancy in citing that Act with respect to the case before the House. The Manitoba Act received the sanction of the imperial parliament, and was to all intents and purposes an imperial Act, and therefore it was the constitution given to the province of Manitoba by the imperial parliament, which has all power throughout the realms of the British empire. Then my hon. friend referred to the law officers of the Crown. I have great respect for the law officers of the Crown—in England.

Mr. FITZPATRICK. Very clever, indeed.

Mr. STOCKTON. And for my hon. friend the Minister of Justice as a lawyer in this House.

Mr. FITZPATRICK. Thank you for nothing.

Mr. STOCKTON. Well, Sir, if a man gets something for nothing he is a pretty lucky individual. Now referring to the law officers of the Crown in England, I understood the Minister of Justice to say that they had no doubt about the legality of the power of this parliament to pass the Manitoba Act, in 1870, I think it was. But if there was no doubt, why did they invoke

the authority of the imperial parliament to validate the Act? There was no necessity for that, if everything was so clear as stated by the Minister of Justice. But in the very application that was made to validate that Act as it was read by the Minister of Justice this afternoon, there was a provision and statement that no authority should be given or read into the constitution greater than that existing in any of the provinces of Canada at that time. But my hon. friend puts that proposition to a strange use; he says that while that may be so, you can clip the sovereignty out of the provinces, because it does not say that no less shall be given. Is there any necessity for any less to be given after a statement of that kind? Did any man ever suppose there would be an attempt in this parliament to create a province, and to give it autonomy and bring it into the sisterhood of provinces under the constitution of Canada, and not put it on a footing of equality with the other provinces? Why, Sir, the suggestion is something remarkable to my mind, at all events, and I do not think the minister can reasonably suppose that there is much strength in an argument like that.

But the hon. gentleman referred to Sir John A. Macdonald and the Liberal-Conservative party as led by him at that time, saying in substance: I want you now, Mr. Leader of the Opposition, to explain the difference between your party as led by the great statesman, Sir John A. Macdonald in 1870, and the position you are putting the Liberal-Conservative party in to-day. Well, Sir, he need not have gone quite so far back in history, he need not have gone further back than 1896, and have said: Explain the difference between the position of my own leader in 1896 and his position in 1905. My hon. friend referred to the Riel case, he referred to the words 'Peace, order and good government of Canada.' That was under a criminal law, and that is essentially within the jurisdiction of the parliament of Canada. I have not lately read the report of that case which was referred to by my hon. friend the Minister of Justice this afternoon, but I shall take an early opportunity of reading it.

But the hon. gentleman says that because, in 1871, the imperial parliament confirmed the Manitoba Act—I do not wish to misrepresent what the hon. gentleman said—therefore power is given to do in this case what is claimed by the First Minister in his Bill. Is that the argument? The hon. gentleman does not deny that. Well, now, what was the Act of 1871? You will remember, Mr. Speaker, that when confederation took effect there were but four provinces that came into the union, the two Canadas and Nova Scotia and New Brunswick. But under section 146 provision was made for the admission of the provinces of Newfoundland, British Columbia and Prince Edward Island, the latter two of which