

specific, clear, definite provision cannot be modified by another provision made in general terms to be found in the same Act or in another Act to be read together with it. All the provisions of the Act of 1871 are susceptible of application and are susceptible of interpretation apart altogether from the provisions of the Act of 1867. What better proof of that do we require than the course we have pursued for the last thirty-five years during which we have administered these Territories altogether by virtue of the provisions of the Act of 1871. Since 1870 when these Territories came under our control, we have not governed them by virtue of the Act of 1867 but by virtue of the Act of 1871. Therefore, the Act of 1871 has not in any way modified or altered the specific provisions of the Act of 1867, and so long as these Territories remain Territories, this parliament of course continues to hold absolute jurisdiction over them. The legislation in these Territories shall be just exactly what this parliament chooses to make it; from time to time this parliament may repeal provisions previously enacted or substitute for them provisions entirely different. But when the status of the Territories is changed and they are made provinces; when they are elevated to the dignity of provinces, then come in and are immediately applicable the provisions of the Act of 1867. The new provinces are entitled to all the benefits and all the provisions of the Act of 1867; they are entitled to all the provisions which were applicable to and which could be claimed by the original provinces of confederation. Therefore it is that I say, that when these Territories are being admitted as full-fledged partners in the original partnership of agreement, when they are admitted as full-fledged provinces of the union they are entitled to the full benefits of section 93 of the Act of 1867 and the rights or privileges referred to in subsection 1 of said section are preserved to the new provinces. Every one admits that we could have repealed the Act of 1875, that we could have modified it, and that we could have replaced it by another Act. If we had simply repealed the Act of 1875 the ordinances made thereunder by the Territories would have all been wiped out as a necessary consequence, but not having repealed the Act of 1875 the ordinances which have been enacted by virtue of that Act remain, and they will be in existence on the first of July when these provinces come into the union. It has been argued, and I am not prepared to dissent, that section 16 of the present Bill constitutes a modification of the Act of 1875. I shall not discuss whether it does or whether it does not, nor shall I say whether the modification if any is an important or an unimportant one. But the very moment it is admitted that this section 16 constitutes a modification of the provisions of the Act

of 1875, then there immediately arises the necessity for the enactment of this very section. It has been said that this section 16 of the Bill we are discussing is the result of a compromise, and that may be or it may not be the case. I admit that it is in some sense and in some respects a modification of the law of 1875, not a modification of the principle of religious instruction in the schools, which in section 16 is again upheld, but a modification probably in the manner in which the principle is to be applied, but the leader of the opposition has told us that because it constitutes a modification of the provisions of the Act of 1875 we are, in enacting section 16, amending section 93 of the British North America Act. I do not think that is correct and I would like to ask my hon. friend (Mr. R. L. Borden) if he will contend that we could not to-day by a separate Bill enact the provisions of section 16.

Mr. R. L. BORDEN. You mean with regard to the Territories?

Mr. BELCOURT. Yes.

Mr. R. L. BORDEN. Why certainly we could enact any legislation with regard to the Territories, and we could repeal it.

Mr. BELCOURT. Quite so; the jurisdiction is in this parliament and it will remain here until these new provinces come in. What is the difference then between enacting section 16 in this Bill or in a separate Bill?

Mr. R. L. BORDEN. I would think there is a very plain difference.

Mr. BELCOURT. I do not think there is.

Mr. R. L. BORDEN. I do.

Mr. BELCOURT. I think not. We have the jurisdiction, and having the jurisdiction what is the difference between enacting section 16 by itself or along with other provisions?

Mr. R. L. BORDEN. The difference is so extremely obvious that I would suppose it could hardly escape the attention of my hon. friend. In one case we are dealing with territories, which, as my hon. friend has just explained, are under the absolute legislative jurisdiction of this parliament until they are created into provinces. In the other case we are creating them into provinces subject to the provisions of the British North America Act as to the distribution of legislative power between the Dominion on the one hand and the provinces on the other. I would think that is a pretty obvious distinction, but it may not commend itself to my hon. friend.

Mr. BELCOURT. I fear the hon. gentleman has not appreciated my argument.

Mr. R. L. BORDEN. I am afraid I have not.