

Dominion of Canada, and to provide for the representation of such provinces in the said parliament, and it is expedient to remove such doubts, and to vest such powers in the said parliament—

—it is therefore enacted, &c. Section 2 of that Act is, I submit, the governing clause, the enabling power, under which the present Bill has been introduced into this parliament, and I desire to read it:

The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament.

This section is wide enough for all the enactments which we hope to make by the present Bill. It is true that a subsequent British North America Act, known as the Act of 1886, was passed, which says that the Acts must be read together, and it is on that point that the hon. leader of the opposition bases his argument. He says that we must read into that statute these words: 'Subject to the provisions of this Act.' I submit, with all deference to his opinion, that those words occurring in section 146 of the British North America Act of 1867 apply only to the provinces and colonies mentioned in that section. They can only apply where they can be applied; and they cannot be applied to territories. We must construe all portions of a statute in such a way as to give them their true and reasonable meaning, and the only way in which we can give the words of this section a reasonable meaning is to apply them to the colonies or provinces enumerated in it; because by no interpretation which I can imagine, or by nothing in the Act itself, can it be said that these words have any reference to territories. If there are any words about territories in that Act, will some hon. member point them out? I will withdraw all I have said if it can be shown that within the four corners of the Act of 1867 there is anything expressed or implied regarding territorial legislation or the constitution of a province out of territories.

Now, reading the Acts together, what is the rule? The rule is well established, that where there is a general enactment followed by a special enactment, the language of the special enactment shall govern the language of the general enactment. That is a cardinal rule in the interpretation of statutes. I can express it in the language of the textbooks better than I can in my own language. Here we have the general enactment in section 146 of the Act of 1867, and we have in section 2 of the Act of 1871 the precise special enactment drawn to meet the defective Act known as the Manitoba Act, drawn to cover the case of the Terri-

ories explicitly and implicitly, and for no other purpose; and it says that the parliament of Canada 'may make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province.' Have we gone beyond that? Is there any suggestion in the Bill that we are going beyond that? Is not the question of education included in the constitution of the new province for which we are making provision? Is it not included in the language 'peace, welfare and good government of the province'? These terms have received judicial interpretation, and perhaps it is just as well to give them the interpretation they have received.

Mr. HAGGART. Would not every power to legislate come under the same terms?

Mr. GUTHRIE. I should fancy it would.

Mr. HAGGART. Then you can give them any powers you like?

Mr. GUTHRIE. I should fancy every power would come under that Act. I think that is the correct conclusion, with all deference to the opinion of the hon. gentleman who apparently thinks otherwise? The language used is 'peace, order and good government'; and to give these words the interpretation which they have received at the hands of the Privy Council is to say that they authorize the exercise by the Dominion government 'of the utmost discretion of enactment for the attainment of the objects pointed to.' That is the opinion of the Privy Council expressed in the case of *Riel vs. Regina*, Vol. 10 of the appeal cases, page 675, and stated in Mr. Clement's work on the Canadian Constitution.

My hon. friend, the leader of the opposition, says we cannot constitute a province on a different basis from that on which the other provinces are constituted. I do not know where he finds authority for such a statement, unless it be in a foot note in Mr. Clement's work on the Canadian Constitution, but that is only an editorial note, not supported by any authority. Yet it is relied upon in toto by the leader of the opposition. Can we constitute a province on a different basis from that on which any other province is constituted? I should say certainly we can. There is ample power given in the Confederation Act, and what is more we have done so time and time again and our right has never been challenged. Why, take the province of British Columbia and take section 91 of the British North America Act of 1867, and what do we find? We find that although by section 91 the question of marriage and divorce rests exclusively within the jurisdiction of the parliament of Canada, yet they have their divorce courts in British Columbia. Likewise in Nova Scotia and New-Brunswick. In Ontario and Quebec,

Mr. GUTHRIE.