

What do I argue from that? There were resolutions passed with regard to the union of certain provinces, the 10th article of those resolutions contemplated the bringing into the confederation of the very territories with which we are dealing to-day, and when the question of education was dealt with under article 43, sub-article 6 of the resolutions no restriction was placed upon the powers of provinces which might be created in the future in the Northwest. Certainly, this is very significant. My right hon. friend in his speech upon the first reading of this Bill very frankly admitted this. He said:

I shall be told that that exception applies to Ontario and Quebec alone, and not to the other provinces. Sir, that is true. Amongst the four provinces then united, Ontario and Quebec alone had a system of separate schools.

Let us trace the history of this a little further. The British North America Act was passed and went into force on the first of July, 1867. Section 146 provided for the admission of other provinces upon a joint address of their legislatures and of the parliament of Canada. I shall read it.

It shall be lawful for the Queen, by and with the advice of Her Majesty's most honourable Privy Council, on addresses from the Houses of the parliament of Canada and from the Houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia to admit those colonies or provinces, or any of them into the union, and on address from the Houses of parliament of Canada to admit Rupert's Land and the northwestern territory, or either of them into the union on such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland.

I lay special stress upon the words 'subject to the provisions of this Act.' Under this provision the Territories became part of Canada on July 15, 1870, under an order of Her Majesty in council passed upon two addresses from the parliament of Canada. These addresses, did not, nor did the Order in Council founded upon them, nor did the Rupert's Land Act, 1868, contain any provision which authorized, it seems to me, or justified, in my humble opinion, the imposition upon the people of the Northwest of the educational provisions contained in the present measure. Manitoba was included in the territory which became part of Canada under that Order in Council. The position of Manitoba was a little peculiar. An Act was passed by this parliament in anticipation of the Order in Council to which we have just referred. That Act was passed on May 12, 1870, a little more than two months before these territories became part of Canada, and therefore Manitoba was

created into a province at the very moment that it became part of the Dominion of Canada. That is a circumstance which should never be lost sight of in dealing with any question relating to Manitoba, and I have already pointed out that so doubtful was parliament, so doubtful was the administration of the day of the validity of the Act creating Manitoba into a province, that recourse was almost immediately had to the parliament of Great Britain and the provisions of the Manitoba Act were validated by the parliament of Great Britain in 1871. Therefore, any question which might otherwise have arisen whether or not this parliament was justified in inserting certain provisions in the Manitoba Act became immaterial and never could arise after the passing of the British North America Act, 1871. Under these circumstances it seems to me that no constitutional obligation, and, in my humble opinion, with all deference to the views of those who think differently, no constitutional authority is found for the educational clauses. I am of that opinion because these educational clauses depart in terms from the provisions of the British North America Act which they purport to embody. If my right hon. friend (Sir Wilfrid Laurier) is correct in his contention that he is observing not only the letter but the spirit of the constitution, why is it that he has inserted in section 16 both as originally drafted and as amended provisions which purport to incorporate but which do more than that, which amend and change the terms of the British North America Act?

The Prime Minister in his argument to-day declared that these Territories became entitled to the provisions of the British North America Act when they became part of this confederation. So they did, but 1875 is subsequent in date to 1870, and he is not seeking to-day to preserve any rights which existed at the time of the union in 1870. He attempts by this measure to perpetuate privileges which did not then exist, but which were created by this parliament in 1875. Is my right hon. friend willing to base his case upon the rights which existed in the Northwest Territories at the time of the union? What does my right hon. friend regard as the time of the union? I gathered from him to-day that the time of the union, is the time when these provinces became part of the Canadian confederation. If that is the meaning of the constitution let the constitution be so construed and acted upon without any attempt by this parliament to override or change its provisions. My right hon. friend says that under subsection one of section 93 of the British North America Act, laws imposed by this parliament upon the Territories in 1875, when those Territories had only 500 people must continue for ever to be the laws of these Territories, although they contain 500,000 people now and inside of twenty years they may con-