

Mr. BELCOURT. For reasons which I am not going to discuss, it appears that the majority of the members of this House think that the time has arrived when the provisions of the Act of 1875 shall be changed. Some of us think it might be changed in a broader sense, while others think it might be changed in a more restrictive sense. Whatever of that there has been a compromise; the majority in this House have agreed that the legislation of 1875 is not the legislation which should govern in the Territories to-day. I say then, that we have a perfect right under the constitution and under the provisions of the Act of 1871 to enact for these Territories which are still under our jurisdiction, Territories over which no other jurisdiction exists, I say we have the power to crystallize by a separate enactment or as we are now doing as part of this measure the provisions of section 16 of this Bill, and these provisions would be in existence when these two provinces come into the union on the first of July next. In other words, we have the right to determine to-day what shall be the law in reference to education in the Northwest Territories. We have now the right and power to repeal or modify the provisions of the law of 1875 as to education.

Mr. R. L. BORDEN. Certainly. I would like to ask my hon. friend a question just here. We have the right to determine that; therefore we can by an Act of this parliament withhold any power whatever in respect of education from these Territories while they are in a territorial condition. It would follow therefore, if my hon. friend's argument is correct, that we can do exactly the same thing when we create them into provinces and reserve to this Dominion absolute control of the educational system. Is that what my hon. friend means?

Mr. BELCOURT. Not exactly.

Mr. R. L. BORDEN. I do not think it is, but it is the logical outcome of his argument.

Mr. BELCOURT. What I mean is this—my argument may not commend itself to my hon. friend, but I would like him to understand what my argument is.

Mr. R. L. BORDEN. I would like my hon. friend to make that clear.

Mr. BELCOURT. My argument is, that to-day with reference to education, and for that matter with reference to all other subjects, the Territories are under the jurisdiction of this parliament. We may repeal those rights or change them at any time we wish. I say that to-day a majority of the members of this House, representatives from all parts of the country, have agreed that the time has come when there must be some modification, important or unimportant, of the Act of 1875, and we have the right to make that legislation until our jurisdiction

Mr. BELCOURT.

is exhausted, until it ceases, which will be only on the 1st of July next. Until then we have a right to make such legislation as we deem proper for the Territories in reference to education. I hope I have made myself plain.

Mr. R. L. BORDEN. I am trying to understand my hon. friend, but will put another question and see if I can make myself plain to him. As I understand his argument, we have full legislative jurisdiction over the Territories. We have seen fit to give them only a modified power to legislate with respect to education—that is to say, we have imposed a limitation on their power. Because we have done that, he says we have an absolute right to continue that limitation when they are created into provinces. If that is good argument, is not this good argument, that because we might absolutely withhold from those Territories, under our legislative power, any jurisdiction whatever in respect of education, therefore, for exactly the same reason that my learned friend has advanced, we can withhold from them when we create them into provinces any jurisdiction whatever in regard to education? That is my hon. friend's position.

Mr. BELCOURT. Not at all.

Mr. R. L. BORDEN. I would like to know what it is, then.

Mr. BELCOURT. I will give an answer which may not be convincing to my hon. friend, but may be to others. It is this. My hon. friend did not follow me closely. I said with reference to the special, clear, definite, specific provisions of the British North America Act, that it is not in our power to modify or change them in any way either with reference to the provinces which came in in 1867 or with reference to those coming later on and one of these is the provision with reference to education contained in section 93. But I say that under the Act of 1871 our power of legislation with reference to those Territories is absolutely unlimited and now at this moment fully existent and unimpaired.

Mr. R. L. BORDEN. When we form them into provinces?

Mr. BELCOURT. To-day our power is unlimited.

Mr. R. L. BORDEN. But when we form them into provinces?

Mr. BELCOURT. That is another subject. I am not dealing with that. I say that to-day it is within our power to enact such legislation with reference to education in the Territories as this parliament thinks fit—so long as they are Territories, of course. When they become provinces, on the 1st of July next, our powers will have ceased. Whatever we may decide now to