

tion will be of some advantage to the new provinces; that is to say, that a minority in the Northwest Territories, whether Protestant or Catholic, may come by and by to this parliament for a remedial order and for remedial legislation. I ask the right hon. gentleman another question: If he believes that remedial legislation is of the value which it seems he would attach to it, how is it that, when a remedial order is still outstanding with regard to the province of Manitoba, and when he himself has stated, as a member of this House and over his own hand, that that final settlement which he made in the province of Manitoba was only the beginning of justice—why is it that he does not apply this provision to that province in the meantime, and demonstrate in the first place that it is of some value to the minority in at least one province?

He referred to my remarks about the basis of confederation. The language which I used did not justify the argument which he sought to make with regard to it afterwards. I said that neither in the resolutions passed at the Quebec conference nor in the British North America Act itself was any warrant to be found for the legislation which is sought to be put through this House to-day. I said that in my opinion what we should do is to apply the provisions of the British North America Act, including section 93 which deals with the distribution of legislative powers, and to stand or fall by the meaning of the constitution as expressed in those provisions. My hon. friend the Minister of Inland Revenue sought to make an argument of the same character some time ago. He went into the question of the Quebec resolutions and what transpired in London. At the conclusion of his argument I asked him whether there was any compact or agreement in the constitution, any constitutional right in this regard, which was not to be found within the terms of the British North America Act itself, and the Minister of Inland Revenue answered, as he was bound to answer, that everything which he relied upon as a compact or a pledge was to be found within the terms of the British North America Act.

The right hon. gentleman has referred to an illustration which I drew with regard to the use of the French language. I drew that illustration for a very good reason, and I used it, as I think, to support a very good argument. I understood that hon. gentlemen on the other side of the House claimed that this parliament, under the British North America Act of 1871, had the constitutional right to alter the provisions of the British North America Act as regards the distribution of legislative power. I understood them to say further that we were bound so to alter the provisions of the British North America Act, because there was a compact contained in the provisions with

regard to separate schools in the Act of 1875; and I stated that if there was such a compact found in that temporary provision contained in the Act of 1875, designed only for the government of the Territories during their territorial stage, I saw no reason why a similar argument, as good an argument, could not be made for the compact to be found in that same provision with regard to the use of the French language in the Territories. I see no distinction whatever between the one case and the other. So far as I am concerned, I do not regard either one or the other as a compact. They were simply statutes passed for the governance of those Territories during the period in which they were Territories; and to argue, as the right hon. gentleman and some of his friends have argued, that this constitutes a compact imposed for all time upon the people of the Northwest Territories, is absolutely contrary to the opinion brought down by the Minister of Justice. The opinion of the Department of Justice. The opinion of the government itself given through the law officers of the Crown, upon this very question, I have read once in the House already, though I may be permitted to read it again:

The criticism of the clause (clause 15) is I think largely, if not altogether, founded on a misapprehension. It is, as I understand it, suggested that these words may enlarge or limit the constitutional powers of parliament or of the legislature of Alberta. They can, I submit, have no such effect. The Northwest Territories Act, so far as it affects constitutional powers, is merely a delegation by parliament to the assembly of the Territories of certain legislative authority for the government of the Territories provisionally. The territorial assembly is, with all its constituent authority, by the provincial Acts abolished, and two new legislative bodies are established with provincial powers. They differ in their nature from the territorial assembly, and are in no proper sense successors to it. It cannot, I think, be argued that because the territorial assembly had certain legislative powers, the provincial legislatures, in the absence of provisions to the contrary, must therefore have the same powers. A provision in the Northwest Territories Act, for instance, that the territorial assembly may legislate in respect of education could not, by reason of the clause in question, be held to confer any power with respect to education upon the provincial assemblies: first, because it has no application whatever to the provincial assemblies, and secondly, because the constitution and powers of the provincial assemblies are comprehensively provided by the expressed provisions of the provincial Acts.

Further on in the same opinion I find this:

The other section to which Mr. Borden refers is section 14 of the Northwest Territories Act with regard to education. This seems to be a case where it is clearly otherwise provided by this Act, inasmuch as the provincial Acts contain expressed provisions determining the provincial powers with regard to education, but if they did not contain any such provisions I do