

which mention has been made so often in this House is just as strong in the people of the Northwest of Canada as it is in the people of any province of Canada. The people of Nova Scotia, New Brunswick and Prince Edward Island have been cited as examples of the good fellowship which exists in the maritime provinces between people of different races and different religious belief. There is no reason for apprehension that any different result will obtain in the Northwest of Canada if these matters are restricted to the provincial area and if the provincial legislature is left to deal with these questions. The people of the west are not less broad, they are not more narrow than the people of eastern Canada, than the people of Nova Scotia, of New Brunswick and of Prince Edward Island who, even without the sanction of legislative enactment, have been broad enough to grant rights which are appreciated by the minority. For what reason are we to conjecture that the people in the Northwest of Canada would exercise the legislative rights conferred upon them in any less reasonable or fair manner? I hope that the government, even at this late hour, may accept this motion to leave the constitution untouched, and to let the new provinces be governed by the exact provisions of section 93 of the British North America Act, unimpaired and unaltered.

Hon. CHARLES FITZPATRICK (Minister of Justice). I am absolutely certain that I give expression to the view, not only of every member of this government, but of every member of this House who is supporting the government on this legislation, when I say that it has been proposed with only one desire and that desire is to respect the true principles of the constitution, not only in its spirit but in its letter. So far as we are concerned there is no desire to antagonize any element of the community, any more than there is a desire to single out any class in the community for special favours. We have, however, to bear in mind that there are obligations on this government which the government cannot refuse to accept the responsibility of. It would be very poor statesmanship, it would be a very paltry thing, if, by simply shutting our eyes to the duty cast upon us we would attempt to get rid of it. I shall not detain the House at any length; I shall merely deal with the question of the land and clause 16, and leave the question of the distribution of seats to the Minister of the Interior and other hon. gentlemen. My hon. friend (Mr. R. L. Borden) has said that with respect to the land we are departing from the principle laid down by the British North America Act. I take direct issue with my hon. friend on that, and I submit to the House that there is absolutely no analogy between the case we now have in hand and the case of the provinces as they came into confederation in 1867 and after.

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These provinces were separate political entities in existence when they decided to enter confederation. At the time they came into confederation, these separate political entities had vested in them their public lands; all their public properties were the property of these federated provinces; and when in the British North America Act we proceed to deal with the question of lands and properties, what do we do? We re-vest in the provinces those lands a part of which have been taken by this Dominion. That is what we did at confederation. Let me draw the attention of the House to sections 108 and 109 of the British North America Act, which deal with this question. Section 108 says:

The public works and property of each province enumerated in the third schedule to this Act shall be the property of Canada.

We take from these provinces, as they came into confederation, the public works and property therein enumerated. Then, section 109 goes on to say:

All lands, mines, minerals and royalties belonging to the several provinces of Canada, Nova Scotia and New Brunswick at the union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the province in the same.

That is, simply a re-vesting, in so far as a re-vesting is necessary of those lands which are their property, or which, by the terms of this section, are declared to be their property. What are the facts in regard to the public lands in the Territories? The facts are that in 1870 they were almost entirely the property of the Hudson Bay Company; and what occurred? The Dominion of Canada, acting in concert with the imperial authorities, contracted to pay to the Hudson Bay Company £300,000 sterling for the purpose of acquiring these properties, they to become the property of the Dominion; and can any man to-day dispute our title to those properties? Now, where is the analogy between the case of a province which has its property vested in the province, coming into confederation and retaining control of that property except the part which it gives up to the Dominion of Canada, and the property of the Northwest Territories, which to-day is the property of the people of the Dominion of Canada? How can you compare the two? How can you draw any argument from the British North America Act to make it applicable to the case in hand? That is not all, Mr. Speaker. My hon. friend says we ought to observe the constitution. The constitution of this country is not only, strictly speaking, the terms of the British North America Act, but is, as I conceive it, the written constitution together with that