

future. We know that when the province of Manitoba was created, the Conservative party then in power, did not see fit to express in unequivocal language exactly what the rights of that province were in regard to education, and the consequence was a great lawsuit and much turmoil, which kept the people of Manitoba in a state of worry and excitement for many years. I hope this parliament will not adopt the policy of the Conservative party in that regard, and leave an opening for lawsuits, as was suggested by the hon. member for Stormont (Mr. Pringle) in arguing that this question should be submitted to the courts, the consequence of which would be to continue the uproar that now unhappily prevails. Therefore, as we have full power under the Act of 1871, I think we should define in clear terms exactly what the rights of minorities shall be.

Mr. PRINGLE. I would like to ask the hon. gentleman a question, as he has mentioned my name. The authority to create a constitution given under the Act of 1871—is it to be in accordance with the terms of the British North America Act? Are not the Acts of 1867, 1871 and 1886 to be read together?

Mr. HALL. I thought I had already dealt with that question. Under section 146 of the British North America Act the new territories did not come in as provinces, they did not come in subject to the provisions of the British North America Act, they came in as territories and it became necessary to obtain another imperial Act to provide for the peace, order and good government of those Territories under the jurisdiction of the parliament of Canada. That same Act which gave power to the parliament of Canada to legislate for the preservation of the peace, order and good government of the Northwest Territories, also gave power in these words:

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 of Canada.

Now, Mr. Speaker, if I understand the English language, and if I appreciate the surrounding circumstances, I can understand that the imperial parliament had full confidence that the people of Canada were able to pass laws for the peace, order and good government of the Northwest Territories, and that when we came to create new provinces out of those territories we would be more interested than the imperial parliament and better able to say how these provinces should be formed, what jurisdic-

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tion they should have, and how they should be administered.

Mr. PRINGLE. The hon. gentleman has not answered my question, perhaps this is an effort to do so. I understand his contention to be that under the Act of 1871, the Dominion parliament could create any constitution they saw fit, and are not bound by clauses 91, 92 and 93 which set out what powers come under the federal jurisdiction and what come under the provincial jurisdiction, and that we are not bound by these clauses. I would like his opinion on that point.

Mr. HALL. The imperial parliament has full power and full control over the Northwest Territories to create provinces, and to give them such jurisdiction as they may see fit. It is quite open to the imperial parliament to grant to this parliament such powers and authorities under the widest terms, giving them any discretion they may see fit, in regard to the establishing of new provinces and therefore I say that the imperial parliament did delegate and did give full power and authority to this parliament to pass such laws as they saw fit under the Act of 1871. Of course, I can readily understand that this parliament would desire as far as possible to follow the principles of the other provinces, to adapt these principles as far as they possibly could and as far as they were applicable to the new provinces to be created, to apply the same principles as those under which other provinces have acted and to give to these provinces similar jurisdiction to that which other provinces possess. I desire to say a word in regard to the question of provincial rights. It was pointed out very clearly and very fully by the hon. Postmaster General (Sir William Mulock) in his address that there are not two provinces in the Dominion which have exactly the same constitution word for word. They are all different in some respects. The differences in some cases are minor but in other cases they are not, so that when you hear people talking about provincial rights being invaded they should learn just exactly what the rights are, what are provincial rights and what are not provincial rights before they express their opinion upon the question. I find in section 80 of the British North America Act, 1867, that there are twelve electoral districts in the province of Quebec which are not at liberty to change their boundaries without the consent of the majority of the representatives of these twelve electoral districts in matters relating to their own legislative elections. In matters relating to the election of members to the legislative assembly, the province of Ontario has the fullest power and control over all the boundaries of their constituencies, whereas the province of Quebec has not. Is that an infringement of provincial rights? Yet, we find in the British North America