

to have said so, but he wanted more. It may be said that the Act of 1870 was modified in its passage through the imperial parliament, and that Sir John Macdonald's idea was not crystallized into legislation, but I have taken the trouble to follow the career of this Act in its different stages through the imperial parliament, and I find that it was introduced one day, read a second time another day, a third time another day, and not a single syllable was said about it in the House or in Committee of the Whole. This clearly shows that the imperial parliament simply took the Bill as it was sent to them from the Canadian government, and put it through without any change. We are quite familiar with the Act itself, and I think that any ordinary man can have no difficulty in coming to the conclusion that it gives us new powers which up to that time we had not. It says :

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 admission make provisions for the construction and administration of any such province and for the passing of laws for the peace, order and good government of the province.

Reading that, with the explanation contained in Sir John's letter to Lord Kimberley, I do not think there is very much difficulty in concluding what power we have. It may be said : if the power of the Dominion parliament to form the new provinces of Manitoba was good and absolute, and if there was no question about its constitutionality, why did the Canadian government go to England for confirmation of the Manitoba Act. Without setting oneself up as any great constitutional authority, I think it is perfectly plain why that happened. The parliament of Canada believed that it had no power to deal with the Northwest except as to the power which was delegated by the Orders in Council which I have read, and by acts which were passed subsequent to the British North America Act of 1867. The Order in Council giving them power to deal with this question was passed on the 21st day of June, but it will be seen that the Manitoba Act received the assent of the Governor General here in Canada on the 12th of May previously. The Act being passed in this House before the passage of the Order in Council, it might well have suggested itself to the law officers in Canada that they had no authority, and that as it was an important constitutional matter, it was better to remove any doubt by a confirming Act. If the dates were revised ; if the Order in Council giving the parliament of Canada power to deal with this question had been passed on the 12th of May and the Manitoba Act passed on the 21st of June following, you would have heard nothing about the constitutionality of the law, but the fact that the Act was passed before the

Order in Council was signed by Her Majesty created the doubt. The ex-Minister of the Interior, excellent lawyer that he is, gave it as his opinion (and it has not been contradicted), that the law officers of the Crown in England did not consider that a confirmatory Act was necessary and that they held there was ample power in this parliament to pass the Act of 1870. I submit that if we had power to pass the Manitoba Act of 1870, there is nothing in the Bill now before the House which takes it out of the category of the provisions contained in the Manitoba Act, and which would oust us from our power to legislate.

It may be said that there is an amendment in the Manitoba Act. So there is, and there is only an amendment in this Act. The power of amendment was recognized in the Manitoba Act, and section 2 of that Act simply says that the British North America Act will be changed in such a way as to suit the circumstances and conditions existing in Manitoba. Those changes are contained in that Act to-day. The second section of the Act to-day is precisely, as nearly as I can read it, the same as the second section of the Manitoba Act of 1870. The Act of 1870 reads that such changes shall be made as are necessary to make the British North America Act applicable to the conditions existing in Manitoba. That is not the exact wording, but that is the meaning of it ; it is changed to suit the circumstances. Now, what do we find to-day ? All that we find in the second section of the Bill which is now before the House is that changes will be made to suit the circumstances existing at the time at which we create another province. A great deal of fear seems to be expressed by some parties in this House that we are destroying the constitution, that it is an awful thing to make any amendment in this Act, and the slightest change would destroy the whole fabric of the constitution. Sir John Macdonald was, I presume, as loyal to the constitution as any man in this country. Our hon. friends, at any rate, were willing to follow him and to endorse his views on constitutional matters. He proposed this amendment to the constitution in 1870, he put it through this House, he went several times to the country, and the electors endorsed himself, his constitution and his amendments, and nobody ever suggested that there was the slightest danger in the world in anything he did in connection with this bringing into effect of the provisions for the admission of other provinces. If it was all right to make these slight changes in 1870, to legislate for separate schools in 1875, why is it not all right to-day to make slight changes in order to bring the Act fully and properly into effect in the western provinces ? The leader of the opposition, since this debate commenced, suggested an amendment in clause 109 of the British North America Act. The British North Am-