

the people of the province who will suffer, and yet they are without a remedy, because so long as this government can command the support of a majority of the members from Ontario, Quebec, British Columbia, New Brunswick, Nova Scotia and Prince Edward Island the people of the Northwest Territories must simply grin and bear it. These members, representing these other provinces, have no direct, immediate interest whatever in the administration of those lands, and no knowledge of the local conditions and requirements. That seems to me to be a conclusive reason why these lands should be vested in the government of the Northwest Territories and not in this parliament.

The only pretense that has been set up, so far as I have been able to discover, for withholding the ownership and control of those lands and no knowledge of the local was suggested by the right hon. the premier in introducing this Bill. He said:

If the lands were given to the new provinces, the policy of either one of them might differ from ours and clash with our efforts to increase immigration. It might possibly render these efforts nugatory.

That is the reason which has been assigned by the premier for withholding from the proposed provinces the lands to which they seem, in law and upon grounds of policy, to be entitled. In connection with this matter of immigration, I wish to refer to section 95 of the British North America Act, which deals with the question of agriculture and immigration. It is this:

In each province the legislature may make laws in relation to agriculture in the province, and to immigration into the province; and it is hereby declared that the parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, and to immigration into all or any of the provinces; and any law of the legislature of a province, relative to agriculture or to immigration, shall have effect in and for the province, as long and as far only as it is not repugnant to any Act of the parliament of Canada.

It will be seen by that section that the original provinces of the Dominion were entitled and are entitled to make laws in reference to immigration, as they are entitled to make laws in reference to agriculture, although this parliament has also the power to make laws in reference to the same subjects if it sees fit so to do. But the point I wish to make is that, under the terms of the Bill now before the House, and under the section which I have quoted, the new provinces in the Northwest will occupy precisely the same position in reference to immigration as do the original provinces of the confederation. Why then should there be a difference made with respect to the public lands? The original provinces of confederation, and all the provinces of this Dominion, except, I believe, the province of Manitoba, have control of the public lands;

Mr. CROCKET.

and yet the only reason which the Prime Minister has advanced for withholding from the new provinces the ownership and control of the public lands is that it might interfere with the policy of this government in reference to immigration. The section to which I have referred shows that the relations of this parliament to the new provinces in the matter of immigration would be precisely the same as its relations to the other provinces of the Dominion; and if the other provinces are entitled to retain those lands, then surely there is no reason why this discrimination should be made against these provinces in the Northwest. It is the same, I submit, with reference to immigration as with reference to the administration of the public lands. It is the province and the people of the province who are chiefly interested in immigration. If immigration flows into the Northwest Territories, it is the people of those provinces who profit by it; and if there is an unwise policy in reference to immigration, it is the people of the province who suffer. So that I submit there is no reason or argument whatever in the only pretext which has been set up for withholding from the two provinces the ownership and control of the public lands. The only condition which would lend any colour to that pretext is that this government is to control absolutely the subject of immigration in the Northwest Territories, and not to leave that question to the provinces in the same way as it is left by the British North America Act to the other provinces of the Dominion. So that we have the premier justifying the withholding of original power with respect to one subject by the unjustifiable withholding of it in reference to another. So much, Mr. Speaker, with reference to the question of the public lands.

I come now to discuss clause 16 of this Bill, the educational clause; and I desire to say, in the first place, that I am opposed to this parliament enacting that clause, because I believe that this parliament has no power to do so. I think it will not be disputed that this parliament has no power whatever except such power as it derives from the British North America Act. Now, the only clause in the British North America Act which relates to the subject of education is clause 93, and under that clause, I submit, this parliament has no original jurisdiction whatever in reference to the subject of education. All the power it has is power to pass remedial legislation. I will read the clause as it is in the Act:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

There is certainly nothing in that subsection giving this parliament any power