

Act of 1896 which in its very terms makes the three statutes one. The Act of 1886 expressly stated that this parliament could only create a province if the territory dealt with had not already been included in any province, and therefore we make a recital which explains that. The preamble of the Bill omits very material words.

It uses the words 'good government in the second paragraph as if we had power to make laws for the good government of the new provinces when all we have power to do is to enable a new province to pass laws for the peace, order and good government of the province. I use the exact words from the imperial statute. I move that Mr. Chairman, and I leave it to the consideration of the Minister of Justice.

Mr. FITZPATRICK. Will the hon. gentleman tell me what is the object of the amendment?

Mr. BARKER. In the Bill, the Act of 1871 is recited as the origin of the authority of this parliament to create this province. That is not so. Our authority begins with the British North America Act of 1867. That Act was followed by the statute of 1871 and again by the Act of 1886, and it is under the provisions of the whole of these three Acts that we are proceeding to create this province. I submit that it is not proper to recite a part only of the authority. In fact, we on this side do not agree with the interpretation of the Minister of Justice, or at all events with the interpretation put by many gentlemen opposite on the Act of 1871. I do not think it gave absolute power to this parliament to create a province without regard to the provisions of the Act of 1867. Therefore it is important, in showing our powers here, to recite all the Acts under which we are proceeding. For that reason I would make the full recital. I think that would have been the course of a conveyancing counsel in settling deeds in matters of importance. He would not omit such important recitals as British North America Act and the Act of 1886.

Mr. FITZPATRICK. We will consider that. Before I move that the committee rise, perhaps we might have an understanding as to the order of procedure for to-morrow with respect to this Bill. Will it be convenient for us to take the educational clauses to-morrow?

Mr. R. L. BORDEN. Perhaps we might take the land clause first, and after disposing of that take the educational clauses.

Mr. FITZPATRICK. Will it do to take all the clauses that remain undisposed of,

Mr. BARKER.

and leave the educational clauses to the last?

Mr. R. L. BORDEN. Yes; I think that would be the best course. Of course, we arranged to discuss clause 2 and clause 16 together, because they are very intimately associated, as to their effect at least. But in moving any amendments in one or the other, we shall have to consider them separately for that purpose. Apart from that, the two might be discussed together.

Mr. FITZPATRICK. So that we might take up all the other unfinished business in reference to this Bill, and leave clauses 2 and 16 to be dealt with together?

Mr. R. L. BORDEN. Yes; I think that would be convenient.

Mr. MONK. Is it intended to take up clause 16 first or clause 2?

Mr. FITZPATRICK. I think that is a matter of absolute indifference, so far as the government is concerned. I think the logical order would be to take up clause 16 first and clause 2 afterwards.

Mr. MONK. I believe there are two amendments, one to each of these clauses, and we would have to separate the discussions.

Mr. FITZPATRICK. I do not think it likely that we can reach either of them to-morrow. Perhaps it will be more convenient to fix the next day for these two clauses, and dispose of the rest of the Bill to-morrow.

Progress reported.

ORDERS DISCHARGED.

Mr. FITZPATRICK. I wish to say that it is my intention to drop Bill (No. 157) respecting the district of Mackenzie, and Bill (No. 158) to amend the Keewatin Act. I do not think these Bills will be necessary in view of the amendments which I propose to make to the Northwest Territories Act. I am making provision for another system of government than that which we had in contemplation at the time these Bills were introduced for that portion of the Territories which remain undisposed of by the Autonomy Bills. The intention is practically to unite all the Territories, with the exception of Keewatin, under the administration of the Governor in Council. I move that these orders be discharged.

Motion agreed to, and orders discharged.

On motion of Mr. Fielding, House adjourned at 11.20 p.m.