

sembled, and by the authority of the same, as follows :

The parliament of Canada may from time to time, make provisions for the representations in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province.

Then section 2 says :

Any Act passed by the parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen be, and shall be deemed to have been, valid and effectual from the date in which it received the assent in Her Majesty's name of the Governor General of Canada.

It is hereby declared that any Act passed by the parliament of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act—

Now the purpose mentioned in this Act—

Mr. FITZPATRICK. Read the words following :

Mr. PRINGLE (reading).

—or in the British North America Act, 1871—

Mr. FITZPATRICK. Exactly.

Mr. PRINGLE. Well then let us get back to the British North America Act, 1871. It is clear that the Act of 1886 is dealing with Territories, not with organized provinces.

Mr. FITZPATRICK. What about the Act of 1871 ?

Mr. PRINGLE. Section 2 of the Act of 1871, says :

The parliament of Canada may, from time to time, establish new provinces in any territories—

And provides :

For its representation in the said parliament

But when you come to read the Act of 1871 you have to read it with the last clause of the Act of 1886. The last clause of the Act of 1886 states that :

This Act and the British North America Act, 1867, and the British North America Act, 1871, shall be construed together, and may be cited together as the British North America Acts, 1867 to 1886.

So that the Acts, being construed together—and section 51 has to be read in to the Acts of 1871—under section 51 of the original Act, 1867, a decennial census is provided for and the representation is based upon that. As I understand it, this section proposes that the representation will be fixed for these new provinces at the quinquennial census.

Mr. FITZPATRICK. Only the first one.

Mr. PRINGLE. Even so, it may be going beyond the provisions of the British North America Act, because it may place the province of Ontario for example at a

Mr. PRINGLE.

disadvantage in not having increased representation at the end of five years as these two provinces shall have if their population is increased.

Mr. SPROULE. When we reach the time when the population would justify an increase, I have no doubt we will have lots of trouble on our hands and a pretty strong fight against it. I think that could be avoided by providing that the representation shall not be less than it is at present until the population increases.

Mr. FITZPATRICK. I would like to do that. If they are not entitled to ten members they ought not to have them and if they are entitled to more they ought to get them. Once they get the provincial status they should come in absolutely as the other provinces.

Mr. SPROULE. The principle we have usually followed is to give sparsely settled districts over representation rather than under representation.

Mr. FITZPATRICK. We are proceeding all through this legislation on the presumption that each province has a population of 450,000, and that would give about eleven members on the present unit of representation.

Mr. SPROULE. It is only an assumption as to the population. I do not suppose any one thinks they have that population now.

Mr. FITZPATRICK. The ascertained population is at least 170,000 in Alberta, the smaller of the two provinces.

Mr. LANCASTER. Does it not strike the Minister of Justice that if he readjusts the representation of these new provinces under the quinquennial census, it would be almost impossible to deny the right to every other province to have its representation readjusted on the same census. Is not the whole spirit and intention of the British North America Act, that when you increase or decrease one province all the other provinces must fare likewise.

Mr. FITZPATRICK. We are not interfering with that principle.

Mr. LANCASTER. The Minister of Justice may intend to do that, but he will not accomplish it by this clause; he may be doing it partly in the letter but he is not doing it in the spirit. The quinquennial census will affect the representation of these new provinces, but the representation of the other provinces will not be affected until a census is taken five years afterwards. The Minister of Justice said that we were stretching our powers as far as we possibly could in this respect, but I would respectfully submit that if we are doing more than giving a fair application of the powers under the British North