

of Quebec and the other provinces as far as representation is concerned will not be touched.

Mr. FITZPATRICK. The relation between these provinces and the other provinces.

Mr. MONK. The relation between these provinces and the other provinces will not be touched.

Mr. FITZPATRICK. I would like to draw my hon. friend's attention to the wording of section 2. It says that we are to fix the representation, we are to make provision for the representation. There is another extraordinary clause which nobody appears to pay much attention to. By the Act of 1886, subsection 2 of section 2, we practically get power to deal with this question of representation in any way we like. I will just read that again :

It is hereby declared that any Act passed by the province of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act, or in the British North America Act, 1871, has effect notwithstanding anything in the British North America Act, 1867.

Mr. MONK. What section is my hon. friend reading?

Mr. FITZPATRICK. This is subsection 2 of section 2 of the Act of 1886 where they give us power to deal with representation in any way we like in the future and they approve in advance of anything we may do.

Mr. SPROULE. Did we not provide for the representation of Manitoba exactly on the same line? I think that we did.

Mr. FITZPATRICK. I was exactly of the same opinion as my hon. friend (Mr. Sproule) and if my hon. friend will look at section 4 of the Manitoba Act he will find that it provides for an initial representation of four members and then it goes on to provide for a readjustment of the representation under the provisions of the British North America Act. There is no special reference to a quinquennial census.

Mr. SPROULE. It was either in that Act or in the Northwest Territories Act.

Mr. FITZPATRICK. Yes, it was in the Northwest Territories Act.

Mr. SPROULE. Perhaps it was. We were to take a census every five years and a readjustment was to take place on the basis of that.

Mr. FITZPATRICK. That was in the Northwest Territories Act.

Mr. SPROULE. If we can do it under the Northwest Territories Act it seems to me that we can do it here.

Mr. FITZPATRICK. And may do.

Mr. SAM. HUGHES. The Northwest Territories Act did not require the representation to be changed every five years.

Mr. FITZPATRICK. It provides for it.

Mr. MONK. This section 2, subsection 2, of the Act of 1886 that my hon. friend the Minister of Justice has referred to is in rather peculiar terms, no doubt, but it simply sanctions what parliament may have done.

Mr. FITZPATRICK. And may do.

Mr. MONK. I do not think it goes as far as that.

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 or in the British North America Act, 1871, has effect—

I do not think it applies to the future, but I would not like to be certain as to that.

Mr. FITZPATRICK. 'After the passing of this Act.'

Mr. MONK. I quite agree with my hon. friend and it has been mentioned more than once during this debate that under section 2 of the Act of 1871 we must stretch our powers a little in constituting new provinces, but my hon. friend has gone further than that in the drafting of this Bill. My hon. friend the Minister of Inland Revenue (Mr. Brodeur) has stated that under this section 2 we could give almost any kind of a constitution to the new provinces, take away the powers which the new provinces ought to have under section 92 of the British North America Act and give powers which, under the scheme of confederation, are reserved only to the Dominion. I do not go as far as that. I think in the constitution of the new provinces, taking the view I take of section 2, we are not stretching altogether unduly our powers, but we are exercising them merely for a temporary object and in order to organize these provinces.

Mr. PRINGLE. I think the point raised by my hon. friend from Jacques Cartier (Mr. Monk) is a very important one. My hon. friend the Minister of Justice has referred to the statute of 1886. I think if he reads the preamble of that statute he will find that it does not apply to provinces but it applies to Territories.

Mr. FITZPATRICK. If my hon. friend will read subsection 2 of section 2 he will find that it refers specially to the British North America Act, 1871.

Mr. PRINGLE. But you have to read the Act all together. Read the preamble :

Whereas it is expedient to empower the parliament of Canada to provide for the representation in the Senate and House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any provinces.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament as-