

for in section 15. Probably the answer which will be made by the draughtsman is that the statutes are repealed but their provisions are continued in force by reference and that those provisions so continued in force by reference are to be dealt with afterwards under the provisions of section 15 by either the parliament of Canada or by the legislature of the province according to the jurisdiction of either the one legislative body or the other. I do not think there is any objection to passing these two to-night, subject to the condition mentioned by the Minister of Justice, that if it is desirable to return to either one or other of these clauses we can do so without any question. Of course it may be that some gentleman who is not here to-night might like to say something about either one section or the other.

Mr. FITZPATRICK. The leader of the opposition has been good enough to suggest that the gentleman in my department who has drafted the clause might confer with some of the hon. gentlemen on the other side for the purpose of endeavouring to get some wording which will carry out the object we all have in view. This is a thing that ought to be settled by conference, and personally I think that is the best way to proceed. The suggestion of the leader of the opposition has been adopted by me, and I shall see to it that the official of the Justice Department shall consult gentlemen opposite with the idea of agreeing as to a form.

Mr. MONK. I was not present when the original section 15 was changed. The first draft of section 15 was very short, but as it is to-day the same idea has been extended considerably. I call the attention of the Minister of Justice to the beginning of section 15:

Except as otherwise provided by this Act, all laws, including the Northwest Territories Act and the amendments thereto notwithstanding the repeal thereof by this Act, and all orders, &c., shall continue in the said province.

The amendment of which the Minister of Justice gave notice seems to change that. It says:

The Northwest Territories Act, being chapter 50 of the Revised Statutes in all Acts amended thereof, are hereby repealed as respects said clauses, provided notwithstanding such repeal so much of the said Acts and of any order or regulation made thereunder as was in force immediately before the coming into force of this Act, and is not inconsistent with anything contained in this Act, or as to which this Act contains no provision intended as a substitute therefor, shall continue in force in the said clauses in pursuance of and for the purpose of section 15 of this Act.

Does it not seem that there is some clashing between this proposed amendment of section 24 and the rather sweeping terms in the beginning of section 15?

Mr. FITZPATRICK. Quite right, but a word of explanation will make it clear. The words in section 15 which constitute a contradiction, namely: 'Including the Northwest Territories Act' are repealed by my amended clause. The history of the legislation is that the original section 15 in that brief form was drafted by myself. When this clause came up for further consideration it was necessary to amplify the original clause to some extent, and hence clause 15 in the form which my hon. friend (Mr. Monk) has it in his possession. That clause was drawn in anticipation of a brief repealing section such as you have it in the original Bill which merely provided for the repeal of the Northwest Territories Act. The intention now is to change it so as to adopt section 15 in the form in which my hon. friend has it, amplified as it has been by the draughtsman, eliminating the words:

Including the provisions of the Northwest Territories Act and the amendments thereto notwithstanding the repeal thereof by this Act.

And for these words substitute the new provisions of section 24. This is the fourth attempt we have made at conveying the idea we all have in our minds.

Mr. MONK. I did not know of the change. I would further call the attention of the Minister of Justice in a general way to this point: That in this section 24 we are maintaining in force a very considerable body of law contained in the Northwest Territories Act. A glance will show the Minister of Justice that there are very few sections of the Northwest Territories Act that are either inconsistent with the Alberta Act or for which there are substitutes in so many words in the Alberta Act. I wish to mention particularly section 110 of the Northwest Territories Act as to the English and French language and in regard to which I have given notice of an amendment. Section 110, under this repealing section 24, would seem to me to be preserved. There is no clause in the Alberta Act under consideration which provides any special substitute for that, nor is it inconsistent with any of the clauses of the Alberta Act, as I understand them. It would remain in the law, and I would venture the opinion that it would remain there very probably, subject to repeal by the local legislature as being a local matter within the province.

Mr. FITZPATRICK. If section 110 is carried forward,—and I myself am disposed to think it is carried forward—it would be the law as they will have it in the province after this constitutional Act is passed. Then of course, it would become subject to the control of the local legislature, and it will be a matter to be dealt with by them; and I say emphatically, Mr. Chairman, that is my intention. That is, the matter as I view it, ought to be dealt with by the local legislature—of course now I am speaking absolutely from my own standpoint.