

Mr. L. G. McCARTHY. Of a constitutional nature?

Mr. R. L. BORDEN. Of a constitutional nature.

Mr. L. G. McCARTHY. We would have no jurisdiction over that at the present time. I cannot recall, and I have read very carefully, any constitutional provision which would remain applicable to the provinces in any Act.

Mr. R. L. BORDEN. I pointed one out a moment ago. There are some. If my hon. friend will look at the Territorial Act carefully he will find that there are such provisions. The Northwest Territories Act seems to embrace matters that will hereafter be the subject of provincial legislation, others that will be the subject of general Dominion legislation, and also certain constitutional provisions which I think might be continued in force by the provisions of this section in such a way that they could not be dealt with hereafter either by the provincial legislature or by this parliament.

Mr. FITZPATRICK. I would be inclined to believe, if there was no section 16, that what my hon. friend has said about section 11 would apply.

Mr. L. G. McCARTHY. I quite agree with that.

Mr. R. L. BORDEN. I was suggesting also a moment ago that there was a provision in this Act in regard to the appointment of an administrator of the government in the absence or illness of the lieutenant governor. There is nothing inconsistent in this Act with a provision of that kind nor is it inconsistent so far as I remember with the provisions of the British North America Act. Therefore you might have that in the constitution of the province.

Mr. L. G. McCARTHY. It might appoint its own lieutenant governor.

Mr. R. L. BORDEN. No, the provincial legislature would not have power to deal with a matter of that kind.

Mr. L. G. McCARTHY. Well then it would be inconsistent.

Mr. R. L. BORDEN. I do not mention this as a very serious matter, but only to illustrate what might occur in connection with more important matters under the general words which we are employing.

Mr. FITZPATRICK. The British North America Act provides in section 67 for the appointment of an administrator.

Mr. R. L. BORDEN. For the provinces?

Mr. FITZPATRICK. Yes, so that this is merely a re-enactment of the provisions of the British North America Act.

Mr. R. L. BORDEN. Well that will get over that difficulty.

Mr. FITZPATRICK. If there are any other difficulties in connection with joint stock companies, I would like to have them considered, because I must confess that is one of the features dealt with that gave me the most trouble.

Mr. R. L. BORDEN. The next subsection I have is subsection 2.

Mr. FITZPATRICK. That is merely mechanical.

Mr. R. L. BORDEN. Yes, I do not think that is of any great importance. The court is continued by the first subsection?

Mr. FITZPATRICK. Yes.

Mr. R. L. BORDEN. The hon. Minister of Justice has already stated that any difficulty in regard to controverted elections will be provided for by another Bill. It does not seem that there is much more to be said in regard to that at present.

Mr. L. G. McCARTHY. What controverted election law have they now?

Mr. FITZPATRICK. They have practically ours.

Mr. L. G. McCARTHY. That is carried into effect here?

Mr. FITZPATRICK. Except in regard to the jurisdiction of the court. A difficulty arose as to the jurisdiction of the court in a county that overlaps as it does overlap from one province to another.

Mr. R. L. BORDEN. Is the word 'societies,' in the third subsection intended to cover corporations of all kinds?

Mr. FITZPATRICK. Yes, the word 'societies,' as I am instructed, is used here because it is used in the ordinance authorizing such incorporation, and we have just left in the word of the ordinance.

Mr. R. L. BORDEN. I see you use the word 'societies' in this subsection and the words 'joint stock company' in the following subsection.

Mr. FITZPATRICK. I am informed by a gentleman from the Northwest, Mr. Reid, that some of the ordinances provide for associations and they use the words societies and associations.

Mr. R. L. BORDEN. All I am suggesting is that you should have words that are comprehensive and exhaustive. How will this work out? If you want to amend any of the provisions of an Act under which a society or association is incorporated it will in practice be necessary to have it abolished or abolished and a new society created by the provincial legislature. There is no mode by which the provisions of any Act incorporating any society can be amended in any way.