

which this Act takes effect to the same extent in all respects as if incorporated by or under the authority of the legislature thereof.

This provision is made much more ample than the provision contained in the British North America Act so as to provide for existing conditions. We have endeavoured to meet all conditions that exist in the Northwest at the present time. I will not ask the committee now to consider these amendments, because I hope to have the advantage of suggestions from my hon. friends from the Northwest Territories in view of the importance of providing for everything that is necessary and of seeing that nothing is omitted.

Mr. R. L. BORDEN. There are just two questions that I would like to ask about this. Subsection 2 provides that :

The legislature of the province may, for all purposes affecting or extending to the said province, abolish the Supreme Court of the Northwest Territories.

What will be the status of the court in the meantime before the legislature deals with it ?

Mr. FITZPATRICK. Provision will be found in one of the sections for continuing the court in its present condition. The court will continue to exercise its functions as to both provinces.

Mr. R. L. BORDEN. In one of the other sections ?

Mr. FITZPATRICK. In one of the other clauses of this section of the Act.

Mr. R. L. BORDEN. This is the first subsection ?

Mr. FITZPATRICK. Yes.

Mr. R. L. BORDEN. What I mean is that the court, as at present constituted, of course, has jurisdiction over the entire Northwest Territories. It has jurisdiction, I suppose, over the northern portion as well as that which we are adding now ?

Mr. FITZPATRICK. Yes, the Northwest Territories including the Mackenzie District as well as the parts that we are not taking in at all.

Mr. R. L. BORDEN. Will the result be that the court, until dealt with by the legislatures of the respective provinces, will exist as an interprovincial court, so to speak, a court having precisely the same jurisdiction in each province and there being one court for the two provinces ?

Mr. FITZPATRICK. The court will remain in its present condition and will continue to administer justice for the two provinces after they are separated in the same way as it administers justice now for the whole Northwest Territories until such time as the legislature of either of the provinces otherwise enacts. If my hon. friend looks

at this paragraph he will see that it provides that :

All courts of civil and criminal jurisdiction . . . shall continue in the said province as if this Act and the Saskatchewan Act had not passed.

There is one difficulty for which I have not yet found a solution, but for which I hope to be able to find a solution in the next day or two and that is in respect to the jurisdiction of the court in respect to contested elections. I have a scheme in my mind, but I will consult with one of my friends from the Northwest as to whether or not it will work out satisfactorily.

Mr. STOCKTON. Does the hon. Minister of Justice say that the jurisdiction of the court will be continued in both of the provinces, or within the territorial limit ? As I understand the hon. minister, he says that after the passing of this Act these courts will be continued for what are now the Northwest Territories. Would it not be better to confine them to the territorial limits of the court that is in existence ?

Mr. FITZPATRICK. My hon. friend perhaps has not caught the words of the amendment.

Mr. STOCKTON. Perhaps I did not.

Mr. FITZPATRICK. If my hon. friend will permit me I will read it again.

Except as otherwise provided by this Act, all laws—

And so on :

—and all orders and regulations made thereunder, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions, and all officers and functionaries judicial, administrative and ministerial existing immediately before the coming into force of this Act in the territory hereby established as the province of Alberta, shall continue in the said province as if this Act and the Saskatchewan Act had not been passed.

Mr. STOCKTON. Yes, I did not catch that.

Mr. FITZPATRICK. We have had considerable trouble drafting this clause and I think we have succeeded in expressing our idea, but if any improvement can be suggested, I am prepared to accept any suggestion that may be made.

Mr. STOCKTON. I think that covers it.

Mr. HAGGART. I do not clearly understand the hon. minister's explanation. The jurisdiction of the court at the present time is over the whole of the Territories ?

Mr. FITZPATRICK. Yes.

Mr. HAGGART. The two provinces that are carved out of the Territories are less than the Territories. You do not intend that the jurisdiction that the court shall have over the two provinces shall be extended to the territory outside of the provinces ?