

criminal jurisdiction the procedure in criminal matters then obtaining in respect of the Supreme Court of the Northwest Territories shall until otherwise provided by competent authority continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

Mr. DEPUTY SPEAKER. Section 15 and the proposed amendment stand.

Mr. FITZPATRICK. I think we have disposed of everything except sections 2, 8, 16 and 20. Section 2 and 16 must of necessity be taken up together. As I view it I do not think we can very well dispose of section 2 until we dispose of section 16.

Mr. R. L. BORDEN. No, I think not. We will allow that to stand.

Mr. FITZPATRICK. Then, we want to consider this proposed section 24 at the same time as we consider section 15. That is the repealing section. Then we will keep section 2 to be dealt with at the same time as section 16. Section 8, in respect to the capital of the province, is, I understand, to be allowed to stand over. Will my hon. friend take up the question of lands to be vested in the Crown under section 20?

Mr. R. L. BORDEN. I think we might make some progress with that. We have an amendment and we may as well move the amendment at least.

Mr. FITZPATRICK. I beg leave to move to substitute the following for the original section 20:

All crown lands, mines and minerals and royalties incident thereto shall continue to be vested in the Crown and administered by the government of Canada for the purposes of Canada, subject to the provisions of any Act of the parliament of Canada with respect to road allowances and roads or trails as in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the Northwest Territories.

Mr. R. L. BORDEN. The change is in using the words 'Crown lands' instead of 'Dominion lands'?

Mr. FITZPATRICK. Yes, I have adopted the words of the British North America Act. In view of the fact that the words 'Dominion lands in the said province' might not cover lands, mines and minerals. Then paragraph 2 of the section would read as it is in the original:

2. The Rocky Mountains Park shall continue to be subject to the provisions of the Acts of the parliament of Canada applying thereto, and to regulations made or to be made under any such Act: Provided that the provincial laws shall apply to and be operative within the said park so far as they are not inconsistent with such Acts and regulations.

Mr. FITZPATRICK.

Mr. W. F. MACLEAN. That is giving the Dominion more jurisdiction than it has over parliament square here?

Mr. FITZPATRICK. No, I may state my difficulty in connection with this section so that my hon. friend the leader of the opposition will see the way I propose to meet it. Section 2 makes applicable to the new province the provisions of the British North America Act which are applicable to the original united provinces, so that it might possibly follow from that that section 109 of the British North America Act would apply to the provinces; that is to say that all lands, mines and minerals and royalties, except as we are now making provision for them, might pass to the province. My intention is to keep the lands, mines, minerals and royalties vested in the Dominion. I thought I would make that point clear. A difficulty occurred in the case of the Attorney General of British Columbia vs. the Attorney General of Canada in regard to the gold mines in British Columbia.

Mr. R. L. BORDEN. I follow the hon. minister's suggestion in regard to the amendment. I do not know that I follow exactly the effect of section 109 of the British North America Act upon the change.

Mr. FITZPATRICK. Perhaps I have not made my point clear. Section 2 of this Bill would make applicable all the provisions of the British North America Act. Then section 109, which is one of the provisions of the British North America Act, provides that:

All lands, mines, minerals and royalties belonging to the several provinces of Canada, Nova Scotia and New Brunswick at the union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the province in the same.

Section 109 might be construed, being made applicable by section 2, as conveying to the new provinces all lands, &c., and bearing in mind the difficulty that occurred in connection with the case of Attorney General of British Columbia vs. Attorney General of Canada and I thought it would be well to make the point clear, because, when it comes to be a question of principle as to whether the lands should pass or not, in our view we want to keep the lands and we want to make the point clear.

Mr. R. L. BORDEN. I think I see the point. You are providing by section 20 against the operation of section 109 of the British North America Act; therefore, you use the language that is employed in the section to negative the effect of that section?

Mr. FITZPATRICK. Exactly.