

Mr. FITZPATRICK. We could not attempt to say that the property of the Dominion in one province shall remain the property of that province because almost all the public buildings are in Saskatchewan, and the intention is to provide for an equal division between the two, but if they are not in agreement then the matter is to be proceeded with by arbitration as here provided. The difficulty I have yet to provide for is with respect to the cash on hand on the 1st July. Something must be done with reference to that when the provinces come into existence. It is suggested as a way of dealing with the cash on hand that the treasurer might issue a cheque the day before the change takes place and after the provinces come into existence divide the money between the two. That would be an effective way of dealing with the money so far as the bank is concerned, but we will have to make some provision with respect to that division. I think that the only item not provided for by this section is that of the cash.

Section 21 agreed to.

On section 22,

Nothing in this Act shall in any way prejudice or affect the rights of properties of the Hudson Bay Company acquired, held or existing under and by virtue of the conditions of the deed under which that company surrendered Rupert's Land to the Crown.

Mr. FITZPATRICK. This section is intended to preserve the Hudson Bay Company in their rights in the Territories, but the representative of the company, Mr. Chipman, called within the last day or two and suggested to us that he would prefer to have the same wording here as in the Manitoba Act. I thought my wording was perhaps a little improvement on that in the Manitoba Act, but for the sake of uniformity they asked us to re-enact this clause in the wording of the Manitoba Act.

Nothing in this Act shall in any way prejudice or affect the rights or privileges of the Hudson Bay Company as contained in the conditions of the deed under which that company surrendered Rupert's Land to the Crown.

Then I want to add this amendment at the request of the representatives of the Northwest Territories.

And all rights and privileges conferred on the Canadian government by the said conditions shall, in so far as these relate to matters within the legislative authority of the province, belong to and be vested in the government of the said province.

Mr. HAGGART. The only possible objection is that it is a limitation of the powers given to a province under the British North America Act.

Mr. FITZPATRICK. Except that we are not limiting their power beyond the limitation put on ourselves by a compact.

Mr. R. L. BORDEN

Mr. HAGGART. There is no doubt about it being a limitation. This and the subsequent clauses with reference to the Canadian Pacific Railway are in the same category. If our contention on the subject is correct the absolute power to legislate, even when they do wrong in reference to property is given to the province after we constitute a province, and my contention is that under the British North America Act—although this differs entirely from the opinion of the Minister of Justice—they have the right to grant a province any power to legislate which they like under the Imperial Act of 1871. My contention is that when we constitute a province all jurisdiction over civil rights and property goes to the province, and that notwithstanding the contract made by the Dominion government with both the Hudson Bay Company and the Imperial government and with the Canadian Pacific Railway company, the province have the right to do wrong if they like, they have a right to legislate to the full extent if they like in reference to property once they are constituted a province.

Mr. FITZPATRICK. Of course it is idle for me to attempt to argue the constitutional question now, but I want to point out that we took over these provinces under a deed the condition of which was that certain rights were guaranteed to the company. Now, in my judgment to permit these provinces to violate the conditions of that deed would be absolutely as if we were repudiating our obligation to pay the purchase price. It is exactly the same thing.

Mr. HAGGART. There is no doubt about that; that does not enter into my argument at all. If they repudiate they do wrong, as for instance, if the province would choose to tax lands exempt under an agreement between the Canadian Pacific Railway and the Dominion authority. I am only talking about the point that when you constitute a province with full power they have all the jurisdiction over all the civil property, and as Mr. Blake said speaking upon this subject before, they have assumed the toga virilis they are full grown and they have the right to do wrong if they like; the power is with them and no exemption made by any legislation that we pass here will have weight with the province to which we grant autonomy as they have full authority over civil rights and property.

Mr. LANCASTER. With regard to what the hon. gentleman has just said I think he is justified. I believe speaking for myself that the province would be doing wrong if it repudiated that contract, but I do not know if the Minister of Justice has considered it in this view. At the time when that bargain was made, the other contracting party, be it the Hudson Bay Company, the railway com-