

remember their contention in reference to the ownership of the land by the Hudson Bay Company. The Dominion government denied that the Hudson Bay Company had any proprietary interest in those lands, holding that they had only the right under their charter to hunt and fish over them.

Sir WILFRID LAURIER. But they had to be paid.

Mr. HAGGART. We came to an agreement by which we got the fee simple of the lands, less those of the Hudson Bay Company, for which they got the fee simple. Let us carry out that agreement in good faith; there is no objection to it whatever; but how is their title made any better by mentioning it here? How do you remove the matter from the provincial jurisdiction by stating that they are bound by that agreement? That provision is of no use whatever. It may be a notice that we have entered into an agreement with the Hudson Bay Company, and that they have control of those lands; but you can impose no limitation at all, and this clause is ultra vires of this parliament.

Sir WILFRID LAURIER. And will be so pronounced by the courts.

Mr. HAGGART. I think so. As the right hon. gentleman suggested the other day when the question was brought up by the hon. member for South York (Mr. W. F. Maclean), perhaps it would be necessary to have imperial legislation to confirm this Act. That was assented to by the ex-Minister of the Interior, and I notice that the right hon. gentleman nodded his head. It will be a trifle getting through this Act compared with getting a petition before the imperial parliament to confirm it.

Mr. R. L. BORDEN. I observe that there are some co-relative obligations on the Hudson Bay Company, and I do not know whether they are provided for in any way. For instance, clause 8 of the Order in Council of 1870 declares:

In laying out any public roads, canals, &c., through any block of land reserved to the company, the Canadian government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block.

Mr. FITZPATRICK. My hon. friend is quite right. That was not provided for in the section originally introduced, but it is now, in these words:

Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown, and all rights, privileges and properties conferred on the Canadian government by the said conditions, shall, in so far as they relate to matters within the legislative authority of the province, belong to and be vested in the government of the said province.

Mr. HAGGART.

This is merely intended to hand over to the province all the jurisdiction we have in reference to those lands.

Mr. L. G. McCARTHY. Suppose a party thinks he has a right to call on the federal power to do something within the provincial jurisdiction with reference to these lands, this clause does not confer power on the provincial authorities to deal with it. I think the clause should stand for further consideration.

Mr. R. L. BORDEN. If the Minister of Justice has no special objection, I think this and the next clause might stand till next week, for this reason only, that some of my friends from the Northwest Territories are endeavouring to expedite an investigation into the constitution of the electoral divisions in order that there may be no unnecessary delay. An investigation of that kind, made with such material and such conveniences as are at hand, involves a great deal of work, and they would like to be present when these clauses are being considered.

Mr. FITZPATRICK. Very well, I will allow sections 22 and 23 to stand. Practically, then, there is nothing more to be considered at present in this Bill. Would there be any objection to our making a declaration that Bill No. 70 should be considered as having been disposed of with respect to the same clauses and in the same way as this Bill?

Mr. R. L. BORDEN. I would not like to speak of that off-hand. The Minister of Justice or the Prime Minister might mention it again. In any case, it will probably be necessary to move an amendment for the purpose of putting hon. members on record with regard to that Bill in the same way as with regard to this one. I am not suggesting that it will be necessary to have the same lengthy discussion upon it; but possibly it would be better to postpone that particular feature.

Sections 22 and 23 allowed to stand.

Progress reported.

### FIRST READING.

Bill (No. 152) respecting the Administration of the Act respecting the Packing and Sale of Certain Staple Commodities.—Sir Wilfrid Laurier.

Mr. R. L. BORDEN. What business will probably be taken up this evening after private Bills are disposed of?

Sir WILFRID LAURIER. There has been more progress made with this Bill than I expected, and we have nothing ready. Private Bills will be the first order on Monday, and I think we had better adjourn. I move the adjournment of the House.

Motion agreed to, and House adjourned at 6.05 p.m.