

parliament of Canada existing at the time of the first readjustment hereinafter provided for, continue to be represented in the House of Commons as provided by chapter 60 of the statutes of 1903, each of the electoral districts defined in that part of the schedule to the said Act which relates to the Northwest Territories, whether such district is wholly in one of the said provinces, or partly in one and partly in the other of them, being represented by one member.

He said: This clause is intended to provide that so far as the present parliament is concerned the present representatives from the Territories shall continue to occupy in this House the seats they now occupy notwithstanding that some of these seats are partly in Alberta and partly in Saskatchewan.

Mr. SPROULE. How long are they to continue to represent their present constituencies?

Mr. FITZPATRICK. Only during the present parliament. In section 5 I provide for the redistribution that must take place after the next quinquennial census.

Mr. BARKER. What will be the procedure in the event of the death of a member or in the event of any legal proceeding involving the vacating of a seat?

Mr. FITZPATRICK. So far as any existing seat is concerned, that is not at all affected by this legislation.

Mr. BARKER. Does the hon. gentleman provide any method of carrying on the legal procedure in contesting the validity of the seat of any member?

Mr. FITZPATRICK. That is not in question at all. There is no provision necessary. That is provided for in the Controverted Elections Act. So far as the existing constituencies are concerned, their present representatives in this House will continue to occupy their seats.

Mr. BARKER. After the 1st of July next, with the provincial jurisdiction in force and provincial courts established, does the hon. gentleman say that there will be no difficulty in carrying on any contest affecting the validity of a member's seat? Take, for instance, the case of a member of this House whose seat is partly in one province and partly in another, and whose seat may be contested in the courts of one province or in those of another.

Mr. FITZPATRICK. My hon. friend will find that under section 15 the present courts are continued.

Mr. SPROULE. Suppose a vacancy occurs, would you have a re-election in the same constituency?

Mr. FITZPATRICK. Yes, until the next general election. That is provided for in section 5.

Mr. FITZPATRICK.

Mr. M. S. McCARTHY. After the 1st of July the provinces will establish their own courts. Then, if it were desired to file an election petition, in what court would the proceedings be taken? In the case of a riding partly in both provinces, would proceedings have to be taken in the courts of both provinces?

Mr. FITZPATRICK. Would it not help the proper consideration of this Bill if we dealt with one clause at a time? When we take up section 15, which provides for the organization of the courts, we can take up that question.

Mr. M. S. McCARTHY. I only pointed that out as one of the minor difficulties that are likely to occur.

Mr. FITZPATRICK. When we reach section 15, I may say that I intend to move an amendment which will make the provisions of that section wider than they are now. But if there is any doubt about that, I would like hon. gentlemen to consider it, and I will make it absolutely clear.

Mr. M. S. McCARTHY. There are other objections. If you continue the present representation for the next four years, you will have six representatives from the province of Saskatchewan and only four from the province of Alberta.

Mr. FITZPATRICK. I can see no way of providing for the existing state of affairs other than the way I have provided.

Mr. SAM. HUGHES. You might abolish the seats now and let them be contested over again.

Mr. R. L. BORDEN. When is the quinquennial census to be taken?

Mr. FITZPATRICK. In 1906.

Mr. R. L. BORDEN. Though it is extremely probable that that census will be taken before this parliament will be dissolved, we have to look at the legislation from the standpoint of a possible election taking place in the meantime. How would that work out? Would not the objection raised by the hon. member for Calgary involve some difficulty?

Mr. FITZPATRICK. I have endeavoured to provide for that contingency by the concluding words of section 5, which provide that the present constituencies shall continue to exist so long as the present parliament exists.

Mr. R. L. BORDEN. So far as section 4 is concerned, I do not think I have any further observations to offer at present; but as the clause is a new one, I suppose there will be no objection to refer to it afterwards?

Mr. FITZPATRICK. I am quite willing to leave the section stand if my hon. friend wishes.

Section 4 allowed to stand.