

North America Act; section 3, the capital of the province; section 15, continuation of laws, &c.—this clause was agreed to, but upon the understanding that the leader of the opposition might make any observations he chose in connection therewith. I thought myself I might suggest some verbal changes. Section 16, with regard to education; section 20, lands vested in the Crown; section 24, date of the commencement of the Act. Then I wanted to have section 22 reconsidered, that is the Hudson Bay clause, which was carried. If agreeable to the leader of the opposition, I will take that up now. Section 22 as it now reads contains some words at the end to which the representatives of the Hudson Bay Company objected. The words are:

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

My hon. friend will remember that this provision is intended to give effect to an agreement made between the imperial authorities and the Canadian government at the time the lands of the Hudson Bay Company were acquired. The provision then made was that no law would be passed which would in any way affect the conditions of that agreement. The representatives of the Hudson Bay Company say that the words to which I have just referred would be a change in the agreement, and they ask that these words be struck out. I do not think that they affect the Hudson Bay Company's position at all, but as they object to them, and as it is made a condition of the transfer by the imperial authorities, perhaps we had better adhere strictly to the terms of the original agreement. I therefore move that these words be struck out.

Mr. R. L. BORDEN. As I understand the Minister of Justice, he is of the opinion that notwithstanding the omission of these words, the rights referred to will belong to and be vested in the government of the province, subject to the agreement which is referred to.

Mr. FITZPATRICK. As our attention has been drawn to it by the people in England, we think it is better to adhere strictly to the terms of our original agreement with them.

Amendment agreed to, and section as amended agreed to.

Mr. FITZPATRICK moved to reconsider section 15.

Motion agreed to.

On section 15, laws, courts and officers, continued.

Mr. R. L. BORDEN. I would suggest two amendments here. One has been suggested by the Minister of Justice in a memorandum which he handed to me. One is that section 15 be amended by striking out these words:

Including the provisions of the Northwest Territories Act and the amendments thereto, notwithstanding the repeal thereof by this Act.

And substitute the following in lieu thereof:

Including, notwithstanding the repeal of the Northwest Territories Act and the amendments thereto by this Act, such of the provisions thereof as remain applicable.

Following exactly the wording of the memorandum of the Deputy Minister of Justice.

Mr. FITZPATRICK. How is that going to be affected by a new clause which I have proposed to move? I think it is all right.

Mr. R. L. BORDEN. You can let the section stand until you have time to consider it.

Mr. FITZPATRICK. I intend to move an amendment to section 24, or to redraft it in this way:

The Northwest Territories Act, being chapter 50 of the Revised Statutes in all Acts amended thereof, are hereby repealed as respects said clauses, provided notwithstanding such repeal so much of the said Acts and of any order or regulation made thereunder as was in force immediately before the coming into force of this Act, and is not inconsistent with anything contained in this Act, or as to which this Act contains no provision intended as a substitute therefor, shall continue in force in the said clauses in pursuance of and for the purpose of section 15 of this Act.

That, I think, might make unnecessary the concluding three lines of the hon. gentleman's amendment. But I will communicate this section to him, and he may see how far it will be necessary to make the change. The first part of his amendment meets my view, but the three last lines might be unnecessary in view of this new clause I have suggested. I intended to add another section to clause 15 in respect to criminal procedure in the Northwest Territories. As my hon. friend is aware, in the Northwest Territories the criminal procedure differs somewhat from the procedure in other parts of the Dominion and in order to cover the point I think this proviso may be useful. I will consider that also.

Mr. R. L. BORDEN. Would the hon. minister read it so that it would appear upon 'Hansard'?

Mr. FITZPATRICK. To clause 15, subsection 2, I beg to move the following proviso:

Provided, that if upon such abolition the legislature constitutes the superior court of