

is proposed to amend it then of course it disappears?

Mr. BARKER. I do not understand that section 16 is to remain in the Bill. Section 16, as I understood, is to disappear and ordinances 29 and 30 are to take its place. As I understand clause 15 as now proposed, it could bring in by reference, clause 11 of the Act of 1875 which is in effect the same as clause 16 of the Bill, and would remain there unalterable even by the Dominion parliament, in other words a fixture as regards the provinces.

Mr. FITZPATRICK. Of course I do not consider that is at all possible, but if there is any doubt about it the doubt ought to be removed and it can be removed very easily by adding a few words to the section. I do not think it possible because if clause 16 disappears another section will be substituted in lieu of it and that clause must be either in conformity with clause 11 or must differ from it, and if it differs it would be inconsistent with clause 11 and as a result clause 11 would be repealed.

Mr. SPROULE. Has this federal authority power in making these enactments? The provisions here are exactly on the same principle that we adopted when we reorganized the medical profession in Ontario; those who were engaged in the practice of the profession had to be provided for, and this was done by giving them perpetual authority to exercise the rights they then enjoyed and then allow all future graduates to come under whatever regulations were made by the new society.

Mr. FITZPATRICK. My hon. friend would continue the members of these societies in the possession of all the rights they now have with respect to both of these provinces?

Mr. SPROULE. Yes.

Mr. FITZPATRICK. At present they have a right to practice extending over the whole Territories.

Mr. SPROULE. That is what I say. They have that right which was originally granted.

Mr. BARR. It seems to me that so far as the medical profession is concerned I can see some danger in this Act. Suppose dentists or medical men were living on the border near the dividing line of those two provinces. They continue subject to the Order in Council, but one province might strike them off the list and they would then have the power only to practice in the provinces in which they live. It seems to me that there is very much in what the hon. member for East Grey (Mr. Sproule) has stated that they, having enjoyed those privileges for a number of years in the past, having been granted their licenses in the past, certainly should be allowed to hold these licenses during their life time. Restrictions might be imposed

which would prevent them practising in more than one province and I think this is a very important point. Therefore I think it would be perfectly safe to grant such privileges as we have done say in Ontario, continuing those who enjoyed rights in the enjoyment of those rights. In this case it would be subject to the Governor in Council and it does seem to me that there might be a great hardship.

Mr. FITZPATRICK. The organization of these associations, as my hon. friend is aware, is a matter of provincial concern. In all the provinces these associations are created by provincial legislation. The intention here is to allow the associations that are in existence to continue in existence not only in the one province where the man belonging to the associations happens to live but in both provinces with the understanding that when the provinces have provided the necessary legislation for these associations, then, in so far as they have power in the two provinces they will be dissolved by the Governor General in Council leaving it a matter to be arranged by the provinces. Pending legislation by the provinces they continue on in the possession of all the rights they now have, these rights including the privilege of practising within the whole of the Territories including both provinces, but when the province in the exercise of its provincial powers decides to organize these associations within the limits of that province then these rights will be dissolved by the Governor in Council.

Mr. BARR. Suppose the case of a man living in one province who had been practising over the border before and suppose that the other province should make laws compelling him to pass an examination, &c., which they might do without recognizing the old standing, then it does seem to me there might be great hardship.

Mr. FITZPATRICK. That province would be in the exercise of its undoubted rights if it passed such legislation. The same thing exists in Ontario and Quebec. There are medical men on the border who might find it convenient to practice on both sides but by the laws of the provinces, in my profession at any rate, they are not allowed to do so unless they become members of the Incorporated Law Society of the other province.

Mr. BARR. The minister must see the difficulty; a young man, say in Quebec wanting to practice in Ontario goes up and passes the Ontario examination, but an aged man who has been practising thirty or forty years would find it practically impossible if it be cut out to go up there and qualify.

Mr. FITZPATRICK. I understand and appreciate the situation, but that is a matter that it seems to me must be dealt with by the provincial authority that has power over