

nor in council has the authority to transfer one branch of a department to another department.

Mr. BENNETT: Quite so.

Mr. LAPOINTE: And this has been done.

Mr. BENNETT: Quite so.

Mr. LAPOINTE: I do not see the occasion for the discussion on section 1 of this bill, which merely enacts the law as it stands at the present time. The effect of section 1 is merely to make this law coincide with the existing situation; this is an anomaly which is being repealed by section 1 of the present act. It is a condition which no longer exists.

Mr. GUTHRIE: Has the minister before him the statutes of 1924? This particular clause we are dealing with was not passed in 1925, but in 1924.

Mr. LAPOINTE: I think it was 1925.

Mr. GUTHRIE: Subsection 2 of section 4 of the Indian Act provides:

The Superintendent General of Indian Affairs shall take charge of Eskimo affairs.

That is the same as chapter 47, section 1, revised statutes of Canada, 1924.

Mr. LAPOINTE: Yes.

Mr. GUTHRIE: It is 1924, and not 1925.

Mr. LAPOINTE: My hon. friend is talking about another statute. This was changed by the governor in council in 1927, acting in accordance with or under the authority of the statutes of 1925. It can be done at any time and in any department.

Mr. BENNETT: I am sorry the minister does not appreciate the point we are making. We fully agree with everything he has said, but he does not touch the point. The Solicitor General (Mr. Cannon) sees it, however. The point is that the transfer of administration from one department to another is accomplished under the provisions of the statutes of 1918 and 1925, the substance of which we find in chapter 161 of the revised statutes of Canada, 1927. Chapter 98, however, of the revised statutes of Canada deals with the Indians of the country; it is the Indian Act. Under the provisions of subsection 2, section 4, of that statute, it is positively enacted that the Superintendent General of Indian Affairs shall have charge of matters pertaining to Eskimos. That cannot be repealed, except by this parliament. The transfer of the administration to the Northwest Territories branch does not relieve the minister of his responsibility; on the contrary, he still has that responsibility. What we are endeavouring to

ascertain is why he is desirous of divesting himself of the authority which parliament placed upon him in 1924. That is the whole story. There is no variance between the Minister of Justice and ourselves.

Mr. LAPOINTE: That is the result the Minister of the Interior wishes to effect by the present section of the bill.

Mr. BENNETT: Why?

Mr. LAPOINTE: To make it coincide with the present situation.

Mr. BENNETT: No. Let me illustrate it in this way. The Minister of Justice has under his control both the penitentiaries and the Royal Northwest Mounted Police. If he desired he could, by section 161 of the revised statutes of Canada, 1927, transfer the administration of the northwest mounted police to the Prime Minister, as was done, in fact, on one occasion. It is not competent, however, by order in council, to repeal this subsection of section 4 which affirmatively places the responsibility for the Eskimos in the hands of the Superintendent General of Indian Affairs. For what reason is this being done? It does not touch the administration, but it touches ministerial responsibilities, and as to who shall be the responsible minister in this house for the Eskimos. That subsection states that the Minister of the Interior or the Superintendent General of Indian Affairs is the responsible minister. Why must there be no responsible minister?

Mr. LAPOINTE: There is one.

Mr. BENNETT: Who is to be the responsible minister?

Mr. LAPOINTE: The Minister of the Interior.

Mr. BENNETT: But he only gets it under the section we are going to repeal. The transfer by the order in council for administration does not in any sense repeal the substantive section which places responsibility upon the minister.

Mr. LAPOINTE: He is repealing it now.

Mr. BENNETT: Who will be in charge of it?

Mr. LAPOINTE: He is.

Mr. BENNETT: I am speaking about ministerial responsibility in this house. It says that the Superintendent General of Indian Affairs is responsible for the affairs of the Eskimos, and that he is the only minister in this house who is responsible. Until some other minister is made responsible, he must be.