

will remember that an hon. gentleman, who takes a prominent part in our debates, was objecting strongly to accepting the proposal of the Postmaster General, and the leader of the Opposition turned round to him and said: Oh, well, we will accept that. That looks to me very like an agreement.

THE POSTMASTER GENERAL. I am willing to adopt the suggestion of the hon. member for Pictou (Sir Charles Hibbert Tupper) and allow the matter to stand that his friends who take an interest in it, may be here.

Bill, as amended, reported.

NORTH-WEST TERRITORIES ACTS.

THE MINISTER OF THE INTERIOR (Mr. Sifton) moved second reading of Bill (No. 131) further to amend the Acts respecting the North-west Territories.

MR. DAVIN. There is one clause in this Bill that seems to aim chiefly at providing for a perambulatory banc for the North-West Territories. The hon. gentleman will remember that last year when there was a Bill before the House providing for that, I gave him my views about it in private, and he seemed to agree with them. The consequence was that he struck out the clause, but now I see that clause reappears in this Bill. I think he will agree with me that, from what we know of the effect of having a central judiciary, from its good effect upon the country and good effect upon the profession, it is not desirable to introduce the principle of a perambulating banc in the North-west Territories. Why should we not have the system continued that has already existed, and have the Bench sitting in Regina? I know there are one or two persons who consider that lawyers should not be brought to Regina, but that the judges should travel everywhere over the Territories. I do not think that is advisable. It is impossible to provide a good library in every part of the Territories. A good library will be required, in order to make judicial proceedings effective, at Edmonton, Calgary and Moose Jaw, and I hope the hon. gentleman will reconsider this portion of the Bill.

Motion agreed to. Bill read the second time, and House resolved itself into committee.

(In the Committee.)

On section 1,

MR. DAVIN. I understand why the hon. Minister is making this change; but I think the House generally has not paid very much attention to the provision, and I would ask the hon. Minister to explain what he wants to get rid of by the amendment.

THE MINISTER OF THE INTERIOR. I explained when I introduced the Bill that

section 1 was for the purpose of permitting of the correction of an error which crept in last session when amendments to the North-west Act were being passed. The term "Lieutenant-Governor in Council," under the old Act meant the Lieutenant-Governor acting by and with the advice of the assembly; but under the new constitution, the term "Lieutenant-Governor in Council" means the same as the Lieutenant-Governor of the province, that is, the Lieutenant-Governor acting with the advice of his Executive Council. The clause relating to education in the old Act provided that the Lieutenant-Governor in Council might make orders; and therefore, when the changed interpretation came into force, that section being unaltered, the power of the legislature in respect to education was undoubtedly left to the Lieutenant-Governor in Council, instead of to the legislative assembly. The change is a most necessary one, and the explanations I have made is all that is needed to show the committee the effect of this clause.

SIR CHARLES HIBBERT TUPPER. I quite understand the necessity for that amendment. In connection with the subject, however, I would like the Minister of the Interior to explain his idea of the effect of the Constitutional Act, so to speak, which came into force last October, as regards the position of the Lieutenant-Governor of the Territories, and particularly in connection with the issue of permits for the sale of liquor, as to how far that is under the government of the Territories, or whether the Government consider the Lieutenant-Governor there acts under direct instructions from the federal authority?

THE MINISTER OF THE INTERIOR. The change which was made in the Constitutional Act of the North-west Territories of course placed the Lieutenant-Governor in the position of being very much the same as the Lieutenant-Governor of one of the provinces, an officer who could act only by advice of his council. Under the amendment, the Executive Council of the North-west Territories claim that everything which the Lieutenant-Governor is empowered to do, he must do with the advice of his council. I am not sure that interpretation is correct. I do not think any lawyer would say the question was free from doubt, but the view I entertained was that, inasmuch as the power to issue permits in respect to liquor was a power inserted in the Act in former days when the Lieutenant-Governor was practically an executive officer clothed with power he could exercise without advice, that when the power was in the nature of the exercise of a police regulation, in the absence of anything express or positive it might be considered that the power of the Lieutenant-Governor remained as it was before. I would not say that opinion is without doubt correct; I would not say it is