

affairs. He (Mr. Rymal) believed that his course would show that he had advocated economy whenever it was in the interest of the public, and he had no desire that every man's utterances should be fully reported in the case. He had no desire that a column should be given to his own speech, though the hon. member for Leeds might. Whether that hon. gentleman was reported in the regular way or not, he (Mr. Rymal) could not say, but he had frequently noticed that if the hon. member only spoke for five minutes in the House, a column report of it, at least, appeared in the papers. (*Laughter.*) No doubt the hon. member engaged a special reporter to record his wise sayings. As for the charge of inconsistency and want of independence, he (Mr. Rymal) left it to those who had known them to say whether he or the hon. member for Leeds was the more deserving of the charge. The hon. member's course had been what Wm. Lyon Mackenzie had said of such members—that those who boasted of independence in the House were those who never could be depended on. (*Laughter.*)

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WEST INDIES MAIL

Mr. FORBES asked whether, in view of the business between the Dominion and the British and Foreign West Indies, it is the intention of the Government to increase the mail accommodation *during this year* between those countries so as to give greater advantage and larger development to this important trade.

Hon. Mr. TUPPER said the attention of the Government had been drawn to the importance of establishing such a service, but considered it not advisable to undertake it yet.

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PROMISSORY NOTES

Mr. KIRKPATRICK asked whether it is the intention of the Government to issue stamped paper for the purposes of the Promissory Notes Stamp Act?

Hon. Mr. MORRIS replied that the subject was at this moment under the consideration of the Government.

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ST. CLAIR FLATS CANAL

On the order for Mr. Mackenzie's resolution for the correspondence relative to the canal built by the United States Government at St. Clair Flat,

Mr. MACKENZIE said the first Minister of the Crown had promised a portion of this correspondence, and he wished to know if that correspondence could be brought down now.

Hon. Sir GEORGE-É. CARTIER said it would not be conducive to public interests to bring down any portion of the

correspondence. The correspondence was still going on between the Canadian and Imperial Governments and the Government of the United States. He hoped the hon. gentleman would accept his declaration, that it would not be in the public interest to bring any of it down.

Mr. MACKENZIE said he was of course bound to accept the assurance of the Government.

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ADMISSION OF RUPERT'S LAND AND THE NORTH-WEST

Mr. BLAKE moved that this House do resolve itself into a Committee of the whole to consider the following resolutions:—

1. That the sense of the Houses of the respective Legislatures of the Provinces *Canada, Nova Scotia* and *New Brunswick* was taken as to, and formed the basis of the Imperial Legislation under which the said Provinces were federally united into the Dominion of *Canada*.

2. That it was by the *British North America* Act (1867) enacted that it should be lawful for the Queen, by and with the advice of the Privy Council, on Addresses from the Houses of Parliament of *Canada*, to admit *Rupert's Land* and the North Western Territory, or either of them, into the Union by the said Act created, on such terms and conditions as the Queen should think fit to approve subject to the provisions of the said Act; and that the provisions of any such Order in Council should have effect as if they had been enacted by the Parliament of the United Kingdom.

3. That Addresses have been passed by both Houses of Parliament of *Canada* touching the admission of the said Territories into the Union, and *Canada* has paid large sums, and incurred large liabilities in order to accomplish such admission, and an Order in Council has been made by the Queen for such admission.

4. That the Parliament of *Canada* has assumed to exercise jurisdiction over the said Territories and to make provision for the erection of part of the said Territories into the Province of *Manitoba* and for the establishment of federal relations between the said Provinces and *Canada*.

5. That it has been made to appear to this House that the Canadian Government has requested the Government of the United Kingdom to submit to the Parliament of the United Kingdom a Bill touching the said North Western Territories or some part thereof; and that the Government of the United Kingdom in consequence of such request has proposed to the Canadian Government to submit a Bill, a draft of which it has forwarded to the Canadian Government.

6. That in the opinion of this House the sense of both Houses of the Parliament of *Canada* should be taken as to and should form the basis of such proposed Legislation.

Mr. BLAKE said that he proposed in these resolutions to establish the principle that legislation on matters affecting this

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country should only be undertaken in the Imperial Government when sought for by the people of this country through their representatives. This principle became of still greater consequence when the legislation sought for was of a character which would alter in a material point the compact upon which the union itself was formed, which violated in its most important ingredient the question of the distribution of power, to reintroduce the former evils from which the people of old Canada suffered, and which led to the introduction of the constitution under which we now lived. Not only that, but that it should be done at the instance of a Minister of the Crown when there was nothing to prevent them from asking the people of this country through their Representatives to determine what change, if any, should be made in the constitution of the country, that a Minister of the Crown under such circumstances should have ventured to apply to the Home Government and should have sent home a draft of a Bill which they asked Earl Kimberley to make law, was without precedent, without parallel, without excuse, without palliation. (*Cheers.*) He (Mr. Blake) did not see how it could be done or how defended.

He did not know under what tenure Members sat in this House if the law could be altered at the suggestion of a Minister of the Crown, without the consent of Parliament. Now according to the terms of the Union Act, it was set forth that such legislation should take place by the Imperial Government, not on such terms and conditions as the Queen should think fit to approve, but on such terms as the Queen should see fit to approve subject to the advice of this House. It was on such terms that the four Provinces were united into one confederation, and it was under the same conditions under which the North Western Territories should come in. It was entirely premature to discuss the merits of the Bill and he hoped they would not be dragged into this discussion. He simply wanted the House to say—apart from the consideration of the question, whether the Bill was perfectly right or wrong, or between the two—that it was the duty of Government to initiate a measure asking the Queen to move the Imperial Parliament to enact a certain law. He wished to disencumber the Bill of all considerations as to its character or necessity. He found that the Hon. Minister of Militia, acting for and in the absence of the leader of the Government, had pointed out that it was absolutely necessary that Manitoba should have (as the Opposition had contended from the beginning it should have) its rights as a Province from the same high source as the Dominion. He asked the House to agree that it was their duty to take care that they should determine what legislation the Imperial Parliament be asked to enact on their behalf. Hon. gentlemen opposite might say that the sense of the Parliament of Canada had already been taken on the Bill.

Hon. Sir GEORGE-É. CARTIER: Hear, hear.

Mr. BLAKE thought that was the paltry evasion they would make, but he would tell them that the draft sent to England went far beyond the Manitoba Bill and beyond Manitoba itself, stretching even to British Columbia. He would tell them besides that what the Canadian Parliament did last session it did, knowing that its act was not irrevocable, but it was quite another and a different thing for

them to determine to ask the Imperial Parliament to pass an Act which this House could not at all repeal. No man could fairly and candidly argue, and no man acting as Minister of the Crown dared argue that it was the same thing. What the Imperial Parliament did was a law of the Medes and Persians as far as this country was concerned. The question was whether the people were prepared to surrender into the hands of the Government of the day that power of which the Government of the day was assuming it possessed—the power to ask the Imperial Parliament to make laws for us; or whether the House did not think that every sense of duty called upon them to determine that their sense—that was the sense of the people—was to be taken upon and was to form the basis of that Imperial Legislation.

Hon. Sir GEORGE-É. CARTIER thought the hon. member should have backed up his resolutions with more logic, argument, and law than he had listened to. Every one remembered the different arguments used on both sides of the House when the Manitoba Act was discussed. Some contended we had no right to legislate on the question. On this side it was held we had a right to give a constitution to that Province and the North West. The 146th clause of the Union Act provided for the manner in which the colonies and Provinces having political constitutions should be admitted into the Confederation. (He read the clause, showing the necessity of the formality of previous addresses with that object.) The incorporation of Rupert's Land and the North West was to take place on addresses of Parliament, the terms agreeable to Canada and to Her Majesty in Council, respectively, receiving due consideration. After the question was fully considered in Canada, it was decided that the best way to secure the admission of the North West was to avoid transactions with the Hudson's Bay Company. Canada, in accordance with the Union Act had proceeded by address to solicit the incorporation of the North West with Canada.

It was known to Her Majesty's Government and Parliament, that if once Canada annexed a region twenty times as large, she would not have the right of inheritance or transmission—would not have full sovereign rights for all time to come. Under the transfer made us by the Queen, we have all the privileges and powers previously appertaining to the Hudson's Bay Company. When we had passed our address to obtain that territory, we passed our Act in anticipation knowing it would only belong to us when Her Majesty issued her order in Council. The constitutionality of that act was not questioned then.

Mr. MACKENZIE: Yes. The member for Bothwell raised the point.

Hon. Sir GEORGE-É. CARTIER said it could not have been forcibly raised, for no division could have been taken on it. He did not remember any positive objection to our first Act, when passed. We stated that though not actually in possession of the North West Territory, we thought we should legislate in a manner to be able to annex or deal with it the moment the Imperial sanction was given. The advisers of Her Majesty made no objection. On the contrary the action of Canada was endorsed by the British Legislature. The

transfer did not take place when we expected, owing to the Manitoba trouble. During the whole of it, we were not the owners of the territory because Her Majesty had not made the transfer, which took place only on the 15th July last. Then we had delegates from Red River to state their grievances, in response to the invitation of the Governor General. The Imperial Government was unwilling to send any military expedition to the North West till the Canadian Government settled the claims of the inhabitants, and granted their rights.

His colleagues and himself acted all through in harmony with the wishes of the Imperial Government. The result of the negotiations with the Red River delegates was the Bill of last session. The member for Bothwell questioned the power of this Parliament to pass such a Bill, in view of its interference with the constitutional interests and position of the other Provinces. We had positive power to enact the Rupert's Land Bill power granted by the Imperial Legislature itself. To meet the objections of the member for Bothwell, he announced that they would obtain an act confirming their proceedings, and also a provision enacting that Provinces created out of the territory and afterwards admitted into the Union should be regarded as admitted under the Confederation Act itself. That was obtained accordingly. They had power when they passed the Act not only of an inferential but positive character, which the Manitoba Act showed. They passed the Rupert's Land Act in anticipation, and not only it but the Manitoba Act received the sanction of Her Majesty's Government. To remove all doubts on the subject they had submitted all the questions raised on this head to the Imperial Government. Their course in all respects, and as regards both Acts, was decidedly approved.

The object of one of the clauses in the Manitoba Act was to prevent the alteration of its local constitution without the consent of its people. The object of the Bill was to place it on the footing as to constitutional rights as any of the Provinces in the Union. He denied the statement of the member for Durham West that there was a provision in the Bill affecting British Columbia. There was a reference to that Territory in the report, not in the Bill. He also complained that the House was not allowed an opportunity of expressing its will on this measure. Now, in a few minutes, he (Hon. Sir George-É. Cartier) would afford that opportunity. (*Hear, hear.*) Why did not the Opposition last session move an amendment to the Government's proposal on this subject. Could we declare our will more solemnly, more properly than by an Act which the British Government had a right to disallow. The Government had not gone beyond its right or duty in this matter as the House would now see and would hereafter admit.

He would move an amendment that all the words after "That" to the end of the Question be left out, and the words "this House, after full consideration, passed the Act to establish and provide for the Government of the Province of *Manitoba*."

"2. That the said Act has since received the sanction and approval of the Imperial Government."

"3. That for the removal of doubts as to certain provisions of the said Act the Government of *Canada* has requested the Imperial Government to pass an Act in the Imperial Parliament, confirmatory of the said first mentioned Act."

"4. That the Imperial Government have agreed to introduce a Bill to the aforesaid effect, and declaring also the power of this Parliament to create other Provinces in the vast Territory of the North West, now forming part of the Dominion, and to give them constitutions on the same footing as to guarantees of permanence and otherwise with the constitutions of the old Provinces."

"5. That a draft of the said proposed Act has been communicated to this House."

"6. That the provisions of the said draft Act meet the approval of this House, and are in consonance with the will of this House, as expressed in the most formal manner in the said Act relating to *Manitoba*" inserted instead thereof."

Hon. Mr. HOLTON raised the point of order that the Minister of Militia could not move in amendment to a simple motion, what was really a series of Resolutions.

Hon. Sir GEORGE-É. CARTIER maintained that his amendment was all one and not a series of resolutions.

Mr. HARRISON supported Hon. Sir George-É. Cartier's view of the case—and

The SPEAKER ruled that the amendment must be treated as one Resolution, and that it was in order.

Hon. Sir A.T. GALT thought the House had good reason to complain of the way in which the Minister of Militia had moved his amendment. The real question for discussion was the propriety of the Government approaching the Imperial Parliament for the purpose of changing the Act of Constitution without the direct authority of both Houses—which question was entirely changed by the amendment of the Minister of Militia—who had not in the slightest degree answered the point maintained by the member for Durham West. He thought the very greatest care should be exercised in dealing with the "British North America Act 1867." Under the old Province of Canada, the Union Act of Upper Canada had never been changed except on address of the Legislature, and it was most important that the same rule should be followed in dealing with The British North America Act, 1867.

As to the assertion of the Minister of Militia, that an Act of Parliament was as solemn as an address, he agreed with the member for Durham West, that whereas an Act could always be changed, an address could not be. He believed the House had full power to legislate in respect of the North West, although there might be some doubt as to the representation of that country in Parliament, but the action of Government tended to divest them, if not of the power of

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legislating, certainly of the power of repealing, in that they had approached the Imperial Parliament without the sanction of the Parliament of Canada. He did not think the manner in which the Minister of Militia proposed to deal with the question was the solemn manner in which it should be dealt with, for such a motion should not have been introduced without notice; and without allowing full opportunity for consideration, in order that the people of the country might not be lightly deprived of powers they now possessed.

It was very desirable that Parliament should have power of making laws to govern the North West, and while every one would be prepared to endorse the Manitoba Bill, were an address proposed to that effect, he was not prepared to allow the Government to exercise a power which should alone be exercised by Parliament, and he hoped the Government would see the propriety of proceeding by way of address. The matter was one of great importance, for the only security the Provinces had was that their constitutional rights could not be changed by any Government that might be in power, but by Parliament only. He thought the Government, before taking a vote, should consider whether it would not be better to decide that for all time to come, no change should be made in the British North America Act except in the usual approved mode of address to the Queen.

Mr. HARRISON said that the British North America Act was the constitution and fundamental law of the country, and no change could be effected in it but by the action of the Imperial Government, and he agreed with those who maintained that no change should be based on representations of the Government but by address from both Houses of Parliament, as otherwise the Imperial Parliament would be acting without a proper representation of the wishes of the people. He himself had never doubted the legality of the Manitoba Act, but there were doubts on the subject, which had arisen on the defective framing of "The British North America Act of 1867." That Act provided for the Union of the four Provinces, first forming the Dominion, and also for the admission of other colonies, and the Provisions in the last respect were certainly defective.

If the Act of Imperial Parliament was simply an echo of the Manitoba Act, it might be said that the Legislature in passing that Act, had in effect asked the Imperial Parliament to confirm it, but the Imperial Act went beyond the Manitoba Act and contained matter on which the Canadian Parliament had never expressed an opinion. He was entirely convinced as to the propriety of the North West Legislation, and he thought if the Government would propose an Address involving that Legislation, it would be generally supported. He thought the amendment of the Minister of Militia did not go far enough, but if, after the recital of the facts, it was followed by a recital of the Manitoba Act, and then provided that an address should be presented by both Houses for the confirmation of that Act all difficulty would be removed. This was more than a mere matter of form, for all would feel that it was not desirable that Imperial Parliament should proceed to make any changes in the

constitution except on a deliberate expression of the wishes of the people, through their representatives in both Houses.

Hon. Sir GEORGE-É. CARTIER said that his amendment in no way excluded the subsequent passing of such an address. He had merely desired to meet the resolution of the hon. member for West Durham.

Mr. HARRISON asked whether the Government would undertake to move such an address.

Hon. Mr. DORION considered that the real question was whether the Government should be allowed to ask the Imperial Parliament to change in any way the Constitutional Act, without direct reference to Parliament. If they could do so on an unimportant measure, there was no reason why they should not do it on the most important. He referred to the fact that the old Province of Canada had ever been most careful that no constitutional change should take place except on a deliberate expression of opinion by the Legislature. He then moved, seconded by Mr. Mills, in amendment to the amendment of the Hon. Minister of Militia, that all the words after "That" to the end thereof, be left out, and the words "irrespective of the merits of the measures proposed by the Government of *Canada* to be submitted to the Imperial Parliament for the purpose of confirming certain Canadian Legislation depriving the Parliament of *Canada* of certain existing powers, and altering the *British North America Act*, 1867, this House would be wanting in its duty if it did not express its decided opinion that no such Imperial Legislation should be asked for by the Government of *Canada*, except after the details of such proposed Legislation shall have been submitted to both Houses of the Parliament of *Canada* for their judgment, and Addresses of such Houses to the Queen, praying for such Legislation, shall have been passed" inserted instead thereof.

Mr. HARRISON raised a point of order, submitting that the amendment of the hon. member for Hochelaga, was simply equivalent to the original resolutions.

Hon. Mr. DORION stated that the original proposition was to go into the Committee to consider certain resolutions, and that his amendment was an entirely different proposal and was entirely in order.

Hon. Mr. HOLTON also argued that the amendment was in many respects different from the original proposition and was entirely in order.

It being six o'clock, the House rose.

AFTER RECESS

THE TARIFF

Hon. Mr. HOLTON asked whether the Government had taken any action yet with respect to the removal of duties in compliance