

February 16, 1871

HOUSE OF COMMONS

Thursday, February 16, 1871

The **SPEAKER** took the chair at 3 p.m.

Prayers

Mr. MAGILL presented the first report of this Hochelaga Election Committee.

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NEW MEMBER

Mr. FOURNIER the new member for Bellechasse, was introduced by **Hon. Mr. DORION** and **Mr. GEOFFRION**, and took his seat. **Mr. BAKER**, the member for Missisquoi, having taken the oath, also took his seat.

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THE MANITOBA REPRESENTATIVES

Mr. MACKENZIE asked for information regarding the representation from the Province of Manitoba. By the Act of last session four members were to be elected as representatives of that province to seats in the House. No information had been received concerning the issue of the writs for those elections, or whether the elections had taken place, or whether that province was to remain unrepresented during the present session. It had been agreed that the Bill as passed in that relation was wholly unconstitutional, and opposed to the Federal system, under which we politically exist, and if he recollected aright, the Hon. Premier admitted last session that it might be necessary to apply to the Imperial Parliament to execute the provisions of that Bill—in other words to give them legal force as the law of the land. He (Mr. Mackenzie) thought the House was entitled to know what steps had been taken as regarded this matter, for it was generally admitted by gentlemen well informed on the subject, that the House had exceeded its powers.

Hon. Sir JOHN A. MACDONALD quite recognized the right of the hon. gentleman to ask the question, and he would try to answer it, although it might have been more satisfactory to have waited the submission of the papers on the subject. Perhaps the papers would have answered the question themselves. The first duty imposed upon the Lieutenant-Governor of the new Province of Manitoba was the completion of a census of the people with all convenient speed. That census was undertaken and finished in a manner which the papers would show was satisfactory and above all suspicion of error. The moment the census was taken, the Lieutenant-Governor reported to His Excellency the Governor General the result of the census and the divisions into which, for

electoral purposes, the new province had been made. On the receipt of that despatch, without further delay, writs had been issued and sent up to Manitoba, and the Government expected to hear every moment the result of those elections, *quoad* the members returned to this House.

As regards the question of the legality of the seats of those gentlemen, or of the representative system provided into the Manitoba Act of last session, the question was, he thought, first raised by the hon. member for Halton. In his (Hon. Sir John A. Macdonald's) reply to that question, he stated there was in his opinion a doubt as to the appointments to the Senate, and perhaps as to some other clauses of the Bill, and that they would be carefully considered; and that if it was thought on mature consideration there was any doubt as to the constitutionality of those provisions, steps would be taken to secure their "constitutionalization," if he could use such a word, by an Act of the Imperial Parliament. On his return to Ottawa, after an absence of some months, he examined the case carefully, and made a report upon it, which was made the basis of an order in Council, which was transmitted by His Excellency to the Secretary of State in England. They had received in return the draft of a Bill for the purpose of confirming that Act and all the proceedings under it, and also making all provision for the future, with which he would not now trouble the House. As regarded the other provisions, they might be dealt with so as to settle once for all the affairs of the province. He trusted the settlement or arrangements effected could be transmitted to England by the next mail, with the object of submission to the Imperial Parliament.

Mr. MACKENZIE asked if it was the intention of the Government not to nominate the Senators for Manitoba till this Bill passed the Imperial Parliament.

Hon. Sir JOHN A. MACDONALD said his hon. friend ought to give notice of that question.

Mr. MACKENZIE thought not. The people were represented in the other House as well as in this, and it was certainly the duty of the Government to inform the House whether the people of Manitoba were to remain for the present unrepresented in the Senate. Had the Government appointed the Manitoba Senators?

Hon. Sir JOHN A. MACDONALD said it was the intention of the Government that Manitoba should be represented in both branches of the Legislature during the present session. It would be an anomaly to have the people represented in one House and not in another. Perhaps by concert with the hon. gentlemen opposite it might be arranged, so that without raising any question of constitutionality the representatives of Manitoba might be allowed to take their places in the other House also, pending the receipt of the Bill from England.

Mr. MACKENZIE said that would be a matter for consideration.

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THE FISHERIES QUESTION

Hon. Sir A.T. GALT wished to know if the Government proposed to proceed with the debate on the address at once. He had given special consideration to the American question referred to in His Excellency's speech, and holding the opinion he did on the subject, it might be his duty to move for some expression of the House concerning it. The time was so short between the present moment, and that when the Commission would sit, that if any expression of the opinion of this House could have effect upon the action of the Commission, he thought it was necessary that it should be given at an early day. He did not see how it could be done at any other time than during the debate on the address. It was quite true that there would be an embarrassment felt in the absence of the correspondence asked for yesterday by the hon. member opposite, but he trusted that that embarrassment would be greatly relieved by the explanations which, he had no doubt, the hon. gentlemen in the Government would make. He might say with regard to one branch of that correspondence, he thought the Government were in a position to give it to the House before going on with the debates. He referred to that which had taken place before last year. On the 9th of March last year, copies of correspondence relating to the protection of the fisheries were asked for. On the 9th of May, he found, on the reference to the journals of the House, the Hon. Minister of Militia had brought down a short despatch from Earl Granville to the effect that a portion of the fleet in the North American waters would be detailed for the purposes of protecting the fisheries and preserving order. The despatch was very short—only some four lines. The House was told that there was other correspondence which would be brought down without delay. It was not laid before the House, however, and had not appeared during the recess. Now, he thought if that correspondence were laid before the House it would put them in possession of the facts, at any rate up to the period previous to the recent apparent change of policy on the part of the Imperial Government on this question. He hoped that the Government would see that the House was placed in possession of the correspondence, believing, as he did, that it was his duty to call attention more particularly to the circumstances attending the appointment of the Joint Commission which had been announced. The question involved in the debate was of such gravity, and was related so closely to the most important interests of this country, that he thought it would be very improper, he might say, to permit almost the only chance the House would have to express their opinion on the subject to pass without giving full consideration to it. He thought that there was no particular object in detaining the House at this moment, as the House did not know what would be the language contained in its reply to the Address.

Hon. Sir JOHN A. MACDONALD said with regard to the copies of the Address, they would be laid before the House in a very short time. He would repeat to his hon. friend from Sherbrooke what he had said yesterday, that the reply would be so framed that this House would not be asked to commit themselves to the policy

of the Government. Of course they were in the hands of the House with respect to going on with the debate today or having it postponed. The discussion on the Address had now become merely formal in England, and an amendment was never moved except in the way of a vote of want of confidence. In fact, no matter what information the House might obtain by papers being laid on the table, they and the country at large would receive from the discussion expressions altogether unsatisfactory. While the Government were thankful to the hon. gentleman for Sherbrooke for his kind notice as to his intentions with respect to this matter, it was a question whether his motion would not receive more justice at the hands of the House and at his own hands if it were a substantial motion on the Orders of the Day. Those papers that the Government could with any propriety, and without decided injury to the public interests, furnish, would be laid on the table without delay, and then, of course, his hon. friend could have every opportunity to discuss the matter. If the House wished to postpone the debate till tomorrow the Government would do so.

Mr. MACKENZIE quite concurred in the desire expressed by the hon. member for Sherbrooke respecting the correspondence relative to the fisheries. He (Mr. Mackenzie) asked for it yesterday, believing that in a matter of such grave importance to our natural existence, it was exceedingly desirous, almost necessary he might say, that the House should, who had been elected, had been introduced, discuss the debate on the speech of His Excellency. The Government refused his request, though why he did not see, for the Hon. Premier intimated his intention to bring it down after the debate on the Address. If anything should constitute an exception, this case should. With regard to the general question of proceeding with the debate, he would say that unless the correspondence asked for were brought down there was no necessity for delay.

Hon. Mr. HOLTON believed that this House should follow as closely as possible the practice of the Imperial House of Commons. In that body the debate on the Queen's speech lately took place on the same day that it was delivered. If he were disposed to find any fault with the Government it would be because they did not proceed with the debate on His Excellency's address yesterday. Seeing that the Hon. Minister of Justice refused to bring down the papers in advance of the discussion, there could be no good reason why the discussion should not proceed at once.

(Applause.)

Hon. Sir A.T. GALT said that if he was to understand the Premier would afford him an opportunity after the papers were brought down, of obtaining the opinion of this House on the points he desired to bring before it, he would not stand in the way of the address.

Hon. Sir JOHN A. MACDONALD: Certainly.

Hon. Sir A. T. GALT reminded the hon. gentleman there was always a difficulty in making a substantive motion; sometimes it was got rid of by moving the previous question. He did not intend his motion should be so disposed of. He was perfectly prepared to let the matter stand over; but there were considerations higher than mere parliamentary convenience, and among them was the