

AUTONOMY REFUSED

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"The Assembly of the North-West Territories is placed, and I admit that there is very much in the suggestion which are made in your letter out of the memorial regarding the necessity of a change in the constitutional and financial position of the Territories."

"Without of the present moment committing myself to any positive statement I am prepared to say that the plan has arrived when the question of organizing the Territories on the Provincial basis ought to be the subject of full consideration. It would appear to me that the better way of bringing the matter to a more definite position would be to arrange for a conference upon the subject between the representatives of your Government and a committee of Council representing the Federal Government."

"Against the fifth of April, you write:—
"The latter portion of the Session of the Government here looks all the more bleak and the Government extremely bleak, and if it would be hopeless to expect from them that matter and careful consideration of the various and important subjects which will require to be debated and settled in connection with the establishment of the Territories as a Province or upon a Provincial basis. I think I shall therefore be compelled to ask you to defer the discussion until after the 'Union Day' proceedings."

"These questions and the long delay that followed in order to choose a convenient time for that matter and careful consideration of the various and important subjects which will require to be debated and settled in connection with the establishment of the Territories as a Province or upon a Provincial basis, led us to suppose that the subject would be taken up with a view to its immediate settlement. The written statements which have been made by me, and have proved conclusively pressing ones, and that we had arrived at a point where constitutional and financial position was not adrift, but that the performance of the duties of our Government would be in a state of affairs, we have gone to the Government and said: 'If the Government will not deal with this matter, which have arisen in the Territories, and which are pressing upon us, we will occupy these powers and allow us to work out our own salvation.' To this you have replied: 'That is the view of the Government, that it will not be able to pass legislation that will be of any benefit to the Territories.' One of the

reasons given for this position is:

"That the population of the Territories is sparse. I might point out that we have at least ten times the population of Manitoba when it was erected into a Province, and a larger population than that Province had so lately as 1891; a considerably larger population than the Province of Prince Edward Island and with the immigration of the present season a considerable larger population than the Province of British Columbia according to the latest census. Another reason advanced is:

"That the rapid increase in population is now taking place will in short time alter the conditions to be dealt with very materially." The rapid increase in population is one of the principal reasons why we are asking to be formed into a Province, in order that we may be able to deal with the new conditions that it brings about. The longer it goes on without the change the more aggravated the present difficulties will become.

"With regard to a divergence of opinion as to one or more Provinces, I might say that that is a difficulty which will always exist and which any postponement of action will not remove."

"I must also say on behalf of the North-West Government that after having been asked to meet a subcommittee of the Privy Council and to state our case, we only verbally but in writing, it is extremely unsatisfactory that the Government has come to the conclusion: 'That it will not be necessary to discuss the details of the draft bill which embodied our views.' This is a conclusion to the negotiations which have been held which we could hardly have expected considering the importance of the subject discussed and the formal manner in which the discussion has taken place."

"We cannot but regret that the Government has not been able to recognize the urgent necessity for the change that has been asked and can only trust that as you have denied us the opportunity of helping ourselves you will be at least in possession with the necessity and the duty, which is now yours, of meeting the pressing necessities of these rapidly developing Territories. While we may, in your opinion without inconvenience make time constitutionally, we cannot do without the transportation facilities, the roads, the bridges, the schools and the other improvements which our rapidly growing population imperatively requires, and at once. Whether we are made into a Province or not, our financial necessities are just as real and I conclude I can only trust that when the question of an increase in our authority is receiving consideration, more weight will be given to our representations in that respect than has been given to our requests for constitutional changes."

—A. W. G. HAULTAIN.

MONDAY, April 14.

There was a large attendance of members at the opening of the House today, hardly a seat being vacant. Dr. Patrick had changed his seat and occupied one of the front. Opposition benches Mr. H. B. Bennett being on his right and Mr. Thos. McKay on his left. Mr. J. W. Stairs occupied Mr. Patrick's old seat.

Mr. A. B. Cross (last Calgary) presented a petition asking for an amendment to the Ordinance of 1880 incorporating the city of Calgary. In reply to Dr. Patrick, Mr. Haultain said that certain communications had been received by the Government relative to certain marriages among the Doukhoborts, which were reported to have been performed without the parties having first complied with the provisions of the Marriage Ordinance and he was not in a position to give a definite answer with regard to them.

Mr. J. W. Stairs asked: (1) Has the Government received any petitions or correspondence asking that they take action to assist in the opening of public schools among the Galicians in the West settlement east of Fort Saskatchewan? (2) Does the Government intend taking action to have schools established at an early date?

Mr. Haultain replied: Correspondence has been received and has been and is receiving attention with a view to having them organized.

Dr. Patrick introduced a Bill to further amend "The Medical Profession Ordinance" which received its first reading.

The member for Yorkton also moved for a return showing the various kinds of districts created (or for the creation of which provision has been made) by the Ordinances of these Territories and citing the particular Ordinance providing for the creation of each such district.

Mr. Haultain contended that this was not a proper subject for a return to the House, a return should deal with matters within the scope of the business of the House. The information asked for was as much as the House could expect to receive from the Government. He would refer him to the Ordinances for it.

Dr. Patrick was unable to see the force of the objection as anything which was the result of the work of the Assembly was within the scope of the Assembly. There were 15 or 16 kinds of districts and a compilation would show the complexity of the "simplicity" of the hon. gentleman's Ordinance. A vote was taken resulting in the defeat of the motion. Messrs. Bennett, McDonald, McKay, Patrick and Villeneuve voting in the affirmative and the remainder of the members present in the negative.

Premier Haultain asked that the introduction of the Bill to amend "An Ordinance respecting the Legislative Assembly of the Territories" be allowed to stand over. Agreed.

Dr. Patrick moved for a return showing copies of all correspondence between Robert Russell Smith, secretary-treasurer of the Devil's Lake School District No. 10 and the Departments of Education and of the Attorney General and between the said Departments or either of them and the Commissioner of Immigration at Winnipeg relative to the assessment and taxation by the said School District of certain Doukhobort occupants of within the said District.

Dr. Patrick said he considered it in the interest of the country to know that the Attorney General's Department had constituted itself the legal adviser to the immigration department at Winnipeg and that there also appeared to be a conflict of opinion between the Education Department and the Attorney General's Department in regard to the advice given the trustees of the Devil's Lake School District with regard to the taxation of the Doukhoborts. Taxes were levied on five Doukhoborts who were occupying land as squatters within the school district. The school trustees were advised by the department, mistakenly he thought, that they should not take such steps as were necessary to collect these taxes. The correspondence would show that they did take steps and did collect them. The Attorney General's Department had undertaken to advise the school district as to the policy they should follow.

Mr. Haultain replied that the hon. gentleman had apparently moved for this return in order to enable himself to make a large number of statements of which the House was unable to judge of their accuracy. He would give the facts of the case. Certain Doukhoborts occupied a portion of the Devil's Lake School District, 100 of them. They lived practically in a village occupying possibly five quarter sections. Five of 100 were assessed by the school district for the five quarter sections. This was reported to the Immigration Department at Winnipeg and by the Commissioner of Immigration to the Department of Education and through them to the Attorney General's Department. The opinion was given that the assessment should be made as follows:—

It was not a question of policy but of law. To pick out five people and assess them was wrong. He did question the right to assess the 100 people. The hon. gentleman had referred to joint tenancy. He knew very well there was no joint tenancy in the case of squatters. In order for there to be tenancy there must be a title and there was no title in this case. They had refused to take out entries and had no title. The school district was not advised independently and he could see that it was the duty of the Government to all districts in carrying out their duties. Every day advice was asked for and given. There was no advice given on a question of policy: It was purely a question of law. More than that the Doukhoborts were subsequently informed that they would have to pay the taxes. It was purely a point of law as to whether five people out of 100 who are purely squatters, taxed as joint tenants. He had no objection, however, to bringing the papers down.

Mr. H. B. Bennett (West Calgary) thought the Premier had misconceived the remarks of the member for Yorkton, who had insisted that it was not the duty of the law officers of the Crown to advise districts on questions of policy. The Government had undertaken to say that this district had better not assess these people and the Deputy Commissioner of Education wrote: "I am directed to inform you that the Attorney General's Department is of opinion that the taxes cannot be collected." Now if these people do not take the course which was open to them it would follow that the taxes could be collected from them. It would appear that the whole thing was a matter of expediency and policy, and not of law, to allow these people to evade paying taxes that year. A squatter must pay his taxes the same as any man who has a title to his land. The instructions of the department were erroneous, misleading and wrong when it said that these taxes could not be collected. Not only could they be collected but they were. It was better not to assess these people? Why? For what reason? Because it might inconvenience Mr. Haultain at Winnipeg. These people had a right to pay taxes as any other British people. He submitted that the point taken by the Attorney General was not the real point at issue, and the department had no right to say to the secretary-treasurer of districts you had better do this and better not do that.

Dr. Patrick was answered that the Doukhoborts had been written to that they would have to pay the taxes. When on June 2, 1901, Mr. Calder had written to the school trustees and said the Attorney General's department was of opinion that the taxes could not be collected. Was this the kind of advice that districts had a right to expect. Either Mr. Calder had misconstrued the advice given him or else a deliberate attempt was made to deceive one or another of these people. The motion was then agreed to.

Mr. A. B. Gills presented the report of the committee on standing orders to the effect that they had examined several petitions and recommending:

that the Government should take action to have schools established at an early date.

Mr. Haultain replied: Correspondence has been received and has been and is receiving attention with a view to having them organized.

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The member for Yorkton also moved for a return showing the various kinds of districts created (or for the creation of which provision has been made) by the Ordinances of these Territories and citing the particular Ordinance providing for the creation of each such district.

Mr. Haultain contended that this was not a proper subject for a return to the House, a return should deal with matters within the scope of the business of the House. The information asked for was as much as the House could expect to receive from the Government. He would refer him to the Ordinances for it.

that they be received.

Mr. Villeneuve introduced Bills to incorporate the habits of Athabasca and to amend the Ordinance incorporating the Saskatchewan Exploration Co., both of which were read a first time, and put down for a second reading on Thursday.

Premier Haultain moved that to-day the debate of the motion, Messrs. Bennett, McDonald, McKay, Patrick and Villeneuve voting in the affirmative and the remainder of the members present in the negative.

Dr. Patrick moved for a return showing copies of all correspondence between Robert Russell Smith, secretary-treasurer of the Devil's Lake School District No. 10 and the Departments of Education and of the Attorney General and between the said Departments or either of them and the Commissioner of Immigration at Winnipeg relative to the assessment and taxation by the said School District of certain Doukhobort occupants of within the said District.

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