

FUTURE OF
THE TERRITORIESContinuation of Mr. Haultain's
Speech on the Territorial
Position.

THE HOUSE PROLOGUE.

partial consideration of otherwise impossible financial conditions and will ask you to take action leading to the earliest practicable solution of Territorial and administrative problems. In accordance with the promise practically made to the House by the government in that portion of the speech the resolution which he introduced was seconded by his colleague, Mr. Ross, but he did not attempt to occupy much time in

PRELIMINARY REMARKS. though in a matter dealing with so many different points, involving so many and such varied topics, each one worthy of a speech in itself, and remarks he must make would be long and he asked the indulgence of that House in that respect. The remarks in themselves would not be particularly original or themselves, but he was going to introduce the most important subject the House had ever had before, and he was doing this in order to direct discussion, not only in the House but in the country, and he hoped the references he should give, the citations he should make, and the sources of information he should indicate would help in the future discussion of the question, as well as point out where any one would be able to get information on this very important subject. The resolutions themselves were largely historical. They were taken almost exclusively in their very words from the public documents. They dealt with the

HISTORY OF THE TERRITORIES. in a very concise way and gave in a few pages the history of the Territories since their acquisition by Canada. They dealt also with some extent with the history of the Dominion, and so far as his argument went, with the colonial policy followed out by the Imperial Government, especially in regard to their lands. The object of the resolution was to introduce the subject within the realm of discussion. It was not a matter of fact that could be settled in a day; not one that the House could settle at all, perhaps unfortunately; or one that could be settled in the immediate future; but in any event before the time was settled it required the fullest discussion. He would not make any further points, as to whether the time was opportune for the introduction of a resolution of this sort. He would try to develop that in the course of his speech. So he would simply begin with the beginning and take up the resolution clause by clause. The resolution in the "it resolved" part dealt with two phases of the business. First, it asked for the fullest entry into the position of the Territories, financial and otherwise, and to cause action to be taken for the present and immediate welfare and good government of the Territories. The Assembly was a practical business. It had to deal with the practical business of the country. They found it today, doing the business as it came up. They had the duty imposed on them of throwing as regarded the future, but to deal with the present. While they talked about

the future, made propositions as to what they would have at a future date, they must remember that their business was to deal with affairs as they came up from day to day. Therefore the necessity for some resolution and some comments by this House on the present and immediate future was just as important as any business the House had to do, and for which it was elected. The first recital in the resolution was historical. Seven or eight of them were plain statements of actual facts taken from public documents. The first recital pointed out that by the British North America Act of 1867 power was given on request by an address to admit Rupert's Land and the North-West Territory into Union. The House would notice that running through all these recitals there was a certain consistent idea. He wanted to impress upon the House the consistent idea of reference to the British North America Act, the analogy that existed between the Territories and the provinces, which made up the chain of argument that pointed most clearly to the duty of the Dominion Government and Parliament in regard to this country. With regard to this first recital, it was founded on the resolutions of

THE QUEBEC CONFERENCE. It was the resolution of the Fathers of Confederation and upon which the Confederation Act was based. He would call attention to the Quebec resolutions, an important document that it would be well for every hon. gentleman to look into when considering this subject. The resolutions passed at the Quebec conference showed that it was not for the benefit of the people of this country that confederation was established; it was for the development of the trade of the great west on the seaboard and it was regarded as a subject of the greatest importance, not to the Territories but to the confederated provinces, that the great west should be opened up, and communication established between Eastern Canada and British Columbia and Vancouver. He would leave the first recital at that point for the present. It might be pointed out the reason why the Northwest should be acquired by Canada, and communication opened up with it, was not for the benefit of the Territories but for the development of the trade of the provinces. The second recital showed that the necessary address had been presented from the Parliament of Canada asking for Rupert's Land and the North-West Territories to be united in Canada. These addresses of the Parliament of Canada were important, the date of them in December 1867, because they were the first parliamentary act of confederation was completed and showed the reason why Rupert's Land and the North-West Territory should be taken into the Union. The Union, so said the addresses, would promote the prosperity of the Canadian people and conduce to the advantage of the whole Empire, by extending westward to the Pacific Ocean. The addresses spoke of the development of the mineral wealth, the extension of means of intercourse

as being dependent upon a stable government in the maintenance of law and order in the Territories. A large population of British subjects were inhabiting these Territories, and it was considered that the welfare of this population would be enhanced by the formation of political institutions bearing analogy to those that existed in the several provinces of the Union. These were the three reasons given by the joint address of the Parliament of Canada. Again, he would repeat that the reasons were not for the benefit of the Canadian people, and incidentally only in a sense were the people of this country mentioned. He now came to the third recital. For the purpose of carrying out the arrangement it was necessary to have possession of the lands of

THE HUDSON'S BAY COMPANY. The Hudson's Bay Company's title had always been a matter of discussion. It had always been an open question whether they possessed territorial rights over all they claimed. He would not go into this subject as it was one that would involve a very long argument, and of any member of the House wished to look into the subject a little more fully he should read the report of Sir Jacques Cartier and the Hon. Mr. McDougall, who were the delegates to Canada to England when the negotiations were going on, when immediately the Hudson's Bay Company's title was very fully discussed, in the litigation in the celebrated *Quebec Case*. Well, it was on the action taken under the King's Letters Patent, that a surrender of the Hudson's Bay Company of its rights to the Dominion of Canada took place, and the Dominion claimed the absolute title to the lands of this North-West Territory in consequence of this. It had been said over and over again when the Territories were first claimed, "Oh we bought you." It might, however, be that the amount paid was not a purchase price, but was in settlement of claims that existed, however it was said the North-West had nothing to do with these lands within their bounds. But if the lands of the Hudson's Bay Company had been bought and paid for, it must be remembered that all the Hudson's Bay Company's lands were paid with. It was not only the provincial districts that now formed the Territories, but Athabasca, Mackenzie and the Islands, Kootenai, a portion of what was now Ontario, Quebec, and a large portion now in the province of Quebec. So when the question came up as a practical question, as to what was paid for the Hudson's Bay Company there would be the still larger question, against which portion of that very large area would be charged. He would not dwell upon that at present, except to point out that the way the Dominion Government was keeping its books at present, the whole of that amount was written up against the diminishing area of the North-West Territories. He came now to recital No. 4. He simply mentioned the recital just then for the purpose of trying always to keep in view that when the Parliament of Canada asked to have the Dominion extended westward, one of the grounds was that the welfare of the people of these Territories would be largely enhanced by the formation of political institutions, similar to those in the provinces, and he wished just now to lay stress upon this fact that throughout the whole history of the question, there is a consistent statement of intention and motive, as to deal with this country in a way analogous to the provinces. He recalled the willingness of the Parliament of Canada to assume the obligations of government and legislation as regarded the Territories. Recital No. 6 dealt with the acquisition, upon a co-terminous basis of Rupert's Land and the North-West Territories. This was accomplished under an imperial order in council on June 23, 1870, and it came into effect July 15, 1870. Under this order in council the Territories and Rupert's Land were admitted into and became part of Dominion of Canada, and had given to them power to legislate for the welfare and good government of the country. Recital 7 went on to say that by the British North America Act of 1871, subsequently amended, the Parliament of Canada was given full power for time to time to make provision for the administration of peace, order and good government of any Territory not included in a province, or for the two Territories together it was found that the only power given to the Territories was to legislate for their future welfare and good government. He would again lay stress upon the particular words, for those words were really the only words upon which was based the right to deal with the question. Recital 8 was one which would not necessitate his making any argument upon. They were here going away from public documents and stating a fact, viz., that the Parliament of Canada had created political institutions in the Territories, bearing a close analogy to those which existed in the several provinces of the Dominion. He need hardly take up time in making any argument as to whether the Parliament had or had not done so. Simply as a matter of reference he would refer to the House to the North-West Amendment Act of 1891 and subsequent amendments to the North-West Territories Act, in which would be found a full description of the powers given to the North-West Legislature. For a more ready means of reference the House to the North-West Amendment Act would be found at the beginning of the *Annuaire of the Consolidated Statutes of the North-West Territories*. He would now refer to Section 2 of the British North America Act. It put it shortly in order to show what a very slight difference there was between the powers enjoyed by the Territories today and those that were represented by the provinces. He would give in a very few words the exact difference that existed. The Territories enjoyed nearly all the powers. They had the power to amend their constitution, outside certain limits, their election law. They could not borrow money, they had no public domains; they could not establish corporations, public institutions, such as hospitals, asylums and other eleemosynary institutions; and they could not alter the law of the criminal law. That he thought would suffice on that head for the present. He might say that the very beginning that the bases upon which the provinces were well defined, in one sense, but they were not exactly right. There had been many departures in some of the provinces. Under the British North America Act the following provisions were made as provincial revenue. A yearly grant from Domi-

nion funds for the support of Government, varying from \$50,000 in Ontario to \$250,000 in British Columbia; a per capita grant for local purposes of 50 cents, as was set forth in the Quebec resolutions. The assumption by the Dominion of the individuals, and the retention of all the provincial revenue producing sources such as excises, etc., were also part of the compact. These were extended to British Columbia and Prince Edward Island when they entered confederation, but were varied when Manitoba entered as would be shown later on. Such were the provisions that were made at the time of confederation for the revenue of the provinces. He now came to recital 9. They were departing a little from pure history and getting into controversial matter. The recital said that the Territories were

ENTITLED TO FEDERAL ASSISTANCE. to such federal assistance as would have been proportioned and analogy to that given to the provinces. Now the expression in the recital, "an integral part of the Dominion," had been used earlier for the purpose of the Territories had been created a political entity; they had political powers as separate and distinct provinces; they had a legislature; and with the exceptions he had already named, they should very much the same as a province, and might fairly be called a province, part of the Dominion. There was no doubt of their having imposed upon them the duties and obligations incident to the political institutions, that had been created in the Dominion. A legislature had been created with certain powers, and a council of advice, the duties and obligations attaching therefrom. The Parliament of Canada assumed for themselves the duties and obligations and had imposed them upon the Territories. He did not use the word "imposed" in any complaining sense. The point asked for to make out the recital was that the Territories were entitled, not only to be dealt with analogously to the other provinces, but to deal with the institutions, that if they were to have the institutions, the duties and the obligations, they were to be treated on an equal and proportionate amount of financial assistance for doing that. He wanted to him to be perfectly fair in relation to be made from the position and would commend itself to the House. (Hear, hear.) In the *Memorandum of the Assembly in 1896 and 1897*, and in the materials that had been sent up from time to time to the Executive Committee the same arguments had been forcibly made in regard to the Territories. He did not think it necessary for him to give any evidence in support of the argument that represented that had been made by past and reputable financial assistants. He would not state, or that they had been made in the right way. All the assistance measures that he had called for, yearly representations had been made with a view of obtaining just and equitable financial assistance. That would be agreed to by every member of the House. (Hear, hear.) The results of those representations could be seen in the journals of their House and in the Appropriation Acts of the Dominion Parliament. Those standing evidence that the Territories never received a sufficient amount of money. Recital 10 went on to say that it was desirable a basis should be established upon which the claims of the Territories might be settled and agreed upon. This also was a statement that needed no long argument of his to establish. A satisfactory basis of a permanent character, a basis of a certain number of years would be a good thing for carrying on the business. He would again refer to the journals of the legislatures of government and legislation as recorded the Territories. Recital 11 dealt with the fact that the Territories had been one of the provinces for a term of years had been one of the provinces for a term of years, and in 1896 there was a similar request. There had, however, been no such dealing with the question either by the Federal Government or the Dominion Parliament. He need not tell the House these were incontrovertible facts. He now came to the resolution itself.

"THEREFORE BE IT RESOLVED."

This No. 11 dealt with their present position and their immediate future. He would like the House to understand that there had never been at any time any tendency on the part of the Territories to stand still and theorize, or to balance on a tight rope. He thought the policy of the Government had been a careful and gradual development of their institutions and financial requirements. They had from time to time obtained a little more money and a little more power. At no time had they so long as they had a sudden stop and mark time. The work of the North-West must be carried on, the intentions of the Legislature should be carried out, and they should not modify their requests, but should use to the fullest the power they already possessed, and the better they got to what the law could give them as to provincial rights, the more the analogy already insisted upon, the less dangerous would be the journey when the point was reached, the thing that would result from a definite and permanent basis was that it would go away with the much spoken-of annual

PLEADING TO OTTAWA.

He had always thought it was an undebatable thing an undebatable thing that the representatives of that House had to Ottawa asking for what they considered their right. But such arguments had to be made. The circumstances required that they should be placed before the Dominion government, when they did not know from year to year that they should obtain as much as in the preceding year, and that any increase must depend upon the amount of representation made, so long as that state of affairs existed, just so long as they would have to have the same. He would now leave the claims of the Territories upon the Federal Government. The next argument was that their financial affairs settled for two years or a number of years, and that there would be no speculation from year to year as to the amount of money they would have to spend. An opinion had been expressed as to the time for the sitting of the House, that should meet early in the year, the earlier the better, and more convenient. In present circumstances, if the Dominion parliament had not begun to sit, there would be no time for what the Territories would receive. In what position would they be in the spring? Their estimates? They would not know what they were going to get and

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