the great west instead of giving them up to new states. This was a question that arose at the very dawn of the history of the United States. It arose in the revolutionary period. It was finally settled, as their large question would doubtless be settled, by mutual concessions on both sides. In the United States some of the larger states that had been formed prior to the revolutionary period, dated their title to the lands from the royal grants. These states had a very large amount of public lands. As the smaller states were established, as the United States developed, the question of the holding of public lands from the central government became a very live question. The committee of Congress, of which the celebrated Mr. Clay was chairman, had referred to the whole question of the lands, and said it was difficult to see how the new states could claim them unless they had been transferred to them. That argument did not suit them. That argument did not suit them. That argument did not suppose that he thought should get a precedent that he thought should be followed here. It was in direct opposition to the foundation principle on which confederation was established. He would like to refer to the imperial practice in regard to the

LANDS OF THE COLONIES.

He would prefer to go to the old country for constitutional precedents than to the other side of the line, hear, hear; especially as the Quebec resolutions said there should be no unnecessary departure from the well understood principles of the British constitution, when the question of the Territories was being discussed. The old imperial idea, the colonial idea, was laid down in eloquent terms by Lord Durham, the nobleman who was sent to Canada to settle some difficulties and whose report was a most important public document in Canadian history. Later Lord Grey laid down the same principle. That principle was that the colonies were not for the benefit of the colonies, but should belong to the empire and be administered for the benefit of the empire. That was the Downing-street policy of the time. It was a policy accepted by all classes of British statesmen of the time; but when it became necessary to put it into practice the real difficulties began, and in the case of Canada proved to be insurmountable. He might say that the principle had ever since been carried out in regard to Canada and Australia; but in 1890 in Western Australia, the principle laid down in an Act of Parliament was that the entire control should be invested in the provinces. The imperial theory was they should be administered for the benefit of the empire; and the colonies had been obliged to hold to their institutions, to use their own lands and develop their own resources. Now, in what position did they stand towards the Dominion? Was it not exactly the same as the Dominion stood towards the empire? They were practically

A COLONY WITHIN A COLONY.

They were dependent upon the Dominion for their institutions and their business just as the Dominion was dependent upon England for its institutions and its business. An exact analogy existed and they should be dealt with in exactly similar way. After what policy had put the Dominion in a position that position was, of the lands? Why, the very policy of England that had enabled the Canadian Parliament to have the sole control of these lands. They could say, if you are in that position, then treat us in exactly the same way as others treat you. That seemed to be a perfectly fair proposition, and he would ask in concluding the part of the subject, that it was unfair to ask the United States to be consistent, revived at certain times the exploded doctrine of Downing Street. In regard to the subject of the Territories generally the following questions arose: how they stood as a colony; how they stood between the Territories and the federal authorities; their dependence upon the federal parliament; and the legal relation that existed between them. Now, he had already pointed out that it was held primarily the colonies were for the benefit of the mother country. It was against such a policy the colonies of Great Britain had been revolted. It was that the colonies only bands more closely to the mother stronger than ever. What was the title of the Dominion to the lands. There was nothing in the act of Parliament that gave them such a title, there was nothing in the act of cession; there was nothing in the act of union; there was no deed of cession. There was no document that he had been able to discover that gave the Dominion a right beyond the right of administration. And, as to the difference, he had quoted the case of Western Australia where the act gave, not the right to administer, but the control and title. In the same way across the line the Union gave the right to the lands; but no such document had been made to give the lands of Canada to the Dominion government. They were handed over to them for the peace, order and good government of the colony. He would ask, was there a distinction, a

SOMEWHAT FINE DRAWN

legal distinction in regard to this. But at the same time there was a sound legal argument; the difference between proprietary right and legislative jurisdiction had been very clearly laid down. The right of property was one thing, the right to administer property was another thing. This had been clearly laid down by the late Lord Herschell in the celebrated fisheries case decided by the judicial committee of the privy council. His Lordship in giving judgment said that it was unnecessary to go into to what extent the lands and mines were vested in the crown, whether clearly crown property and the rights of the public in respect thereof were modified by legislation, were questions the same as in other cases. It was all to be borne in mind, added His Lordship, that there was a broad distinction between proprietary right and legislative jurisdiction. Well, for Mr. Haggart's point was that it did not follow that proprietary rights were transferred to the Dominion, because the right to administer them was transferred. To a certain extent the lands of the country stood very much in that position, but the right of administration was for the purpose of peace, order and good government. These were the only rights possessed by the Dominion Government. There was another case he would refer to, the St. Catherine's Milling Company. Under the British North America Act the Dominion Government had power to make laws for the Indians and the lands reserved for them. These laws were more definite than any powers to make law for the lands of this country. In this celebrated case it was urged that the Indian title, whatever it might have been, was extinguished by the Federal authorities and the question arose, was not that ownership of land. It was held not, as the Indians had not the fee simple. The Indians title had not been extinguished because the Federal authorities had no power to extinguish it. The Dominion authorities claimed the title, but the principles of the North American Act was against them. Now he would not argue that this altogether was a strict legal position. He had referred to these cases more as illustrating what the highest legal tribunals in the empire had said as to the foundation principle of the British North America Act. Of course, here in the North West they stood in a different position, but still there was a distinct analogy. The right to administer had been given to the Dominion, and nothing more. There was not a single clause in the Act, and not a single word in the future acts conferring anything but administrative rights. The proprietary right remained in the crown to this day. He thought, therefore, they could establish a very fair claim with regard to their rights, and to a beneficiary interest in the laws of the Territories, when they came to be a province. If once a

CLAIM TO THE LANDS

be admitted, it opened up all the previous dealings with the lands, and practically put the Dominion in the position of a trustee. He did not propose to go into that branch of the subject, and all he would say was that, at any rate, on the somewhat general consideration he had given the subject, there was ample justification in asking for time to consider and discuss the question, and that negotiations should be begun, enquiries made and accounts taken. The question what they were entitled to was not a question for him to discuss at the present moment. After all, they were confronted with the fact that a very important right existed, one with which the future of the country was concerned. He would not like to pass an opinion on it at that moment, so many things had taken place, so long a time had elapsed, so many vested interests were concerned, that the utmost care was necessary; but if the claims be recognised, it would give them as good a position as in the case of the other provinces. Another question it would be necessary to discuss was the

RAILWAY EXEMPTIONS.

A large number had been given in this Dominion at the expense of this country. Some had been given in perpetuity, which meant a perpetual tax on the people of this country. Then as to the C.P.R., their capital stock, rolling stock, railway stations were exempt now, and they would be exempt when they became a province. Why was the line built? He had already shown that the object was the establishing communications west and, not for the benefit of the Territories but for the benefit of the Dominion itself. In order to build that railway and to establish communication with the west, which was a matter of the highest importance to the confederated provinces, a different condition was entered into and an enormous land grant was given at the expense of the Territories. In addition to that they had levied upon the Territories for ever a perpetual tax in the case of these exemptions. If the whole of the prairie had been a desert waste the C.P.R. would have been built just the same, though there was no population, no legislature to-day discussing the question. Surely here was a ground on which they could claim financial assistance. Then, again, they would have to consider the question of

THE SCHOOL LANDS.

The question was one that had been up in Manitoba for several years. Manitoba had not yet been able to obtain control of her school lands, and there was no reason to suppose the attitude of parliament would differ in regard to the Territories. Then there was a per capita grant; there were their lands, timber and minerals, there were the railway exemptions, and there were the school lands. These were the subjects for enquiry, accounts, and negotiations. No agreement could be arrived at in a day. No question in which there was such difference of opinion could be settled in a day, or without a very large amount of negotiation. He thought he had established that enquiries should be made and accounts taken with a view to the settlement of the terms upon which the Territories or any part of them should be established as a province or provinces. He would not at this stage anticipate those negotiations. Sufficient unto the time was the negotiation thereof. All they had to do at present was to tell the people of the Territories that these subjects were important enough for them to consider. More than that there must be a certain amount of concessions. They would never be able to arrive at a settlement if they said they demanded this or that without reference to the conditions and the history of the whole subject. He thought that the principle and magnitude of the question involved, not only that an enquiry should be made, but that full time should be given to the people of the Territories through their accredited representatives for considering such terms and conditions. All the provinces that might be established in this country were equally affected by the matters he had mentioned. No matter whether there be one province or ten provinces, these things would have to be settled and all of them would be equally interested, and he could say in regard to that, that they were all matters of joint interest, and he had only attempted to indicate them as important matters to be settled and as a small contribution to the discussion. He need hardly dwell upon the

NECESSITY OF UNANIMITY

on the subject. If they were not unanimous they were not going to accomplish very much. They must, too, be backed by a strong public opinion. The duty of every member of that House was to develope that opinion, to show the people that there was a very large interest at stake, that they had claims they had not realized and could only be established by the fullest enquiry and freest negotiation. Exaggerated claims might be made, had been made, but those he had named were not mere speculation. The people of the west had an enormous country, boundless, young, and the questions he had raised showed they were entitled to a splendid heritage. This should not stagger them. He thought they should rather be stirred up to have those claims satisfied and adjusted. He believed the people of the Territories would be ready to assume any responsibility that might be imposed upon them. (Cheers). Then why should they be staggered at it? He had heard and he had read that the bare relation of their rights would be as startling as if a poor man found he had been made heir to a million of dollars. He believed the people of this country would be ready to wake up with perfect equanimity should such good fortune befall them. Perhaps it was a matter worth remembering that the very table round which the House was gathered was the

ORIGINAL CONFEDERATION TABLE,

at which was framed the constitution under which they were working, and under which all the older provinces were joined into a great confederation. That bold scheme, it had been said, was nothing less than to gather all this country into one under the protection of a common flag. Those thirty-five fathers of confederation were practically setting in motion or beginning a movement that had for its object the fulfilment and completing the chain of provinces from ocean to ocean. He would ask them to emulate the patriotism of that time. He asked them to banish local, selfish and partizan ideas; to approach the question in the earnest and candid spirit of men bound by the same interests, singing a common end and loving the same country. (Cheers).

The hon. gentleman resumed his seat, having spoken nearly three and a half hours, and the motion was agreed to unanimously.