

merely in a few words illustrate the point by saying that at the time the Hudson's Bay Company obtained its grant from Charles II the grant did not profess to give the lands in the Northwest Territories. In the next place if the Crown did profess to cede to the Hudson Bay Company the lands in the Northwest Territories, Great Britain did not own these lands at that time and did not acquire them from France for many years afterwards. It is certain that if Great Britain did not own them Great Britain could not give them and did not give them to the Hudson Bay Company. All that Great Britain did was to grant certain rights to the Hudson Bay Company in regard to fishing, trade and commerce. The Hudson Bay Company never owned these lands in the Northwest Territories and never professed to sell them to the Dominion of Canada. In Vol. 11, No. 5, sessional papers, 1869, paper 25, April 23, after giving all the reasons why the Hudson Bay Company had never acquired any title to the Northwest Territories, Sir George Cartier and Mr. McDougall concluded as follows :

The country which in view of these facts must be excluded from the operation of the charter includes all the lands fit for cultivation and settlement in that part of British America.

Then as to Rupert's Land, which of course is no part of the land we are now dealing with, they say :

We are thus led to the same conclusion as in the case of the territory claimed, but not owned by the company, viz., that what they propose to sell has no pecuniary or commercial value. They are there, however, by at least a show of right. Being there they obstruct the progress of imperial and colonial policy and put in jeopardy the sovereign rights of the crown over one-third (and as some think even a larger portion) of the North American continent.

What is it worth to have this obstruction quietly removed? This is, perhaps the true question, but the answer we submit, belongs rather to Her Majesty's government which has the power, in the case of resistance, to remove the evil by summary process, than to those who are little more than spectators of the negotiation.

That report having been given the Executive Council made the following report :

Report of committee of executive council approved 22nd June, 1866, volume 1, No. 7, 1867-1868. Sessional papers.

In the first place the committee do not admit that the company have a legal title to that portion of the Northwestern territory which is fit for cultivation and settlement. This fertile tract is a belt of land stretching along the northern frontier of the United States to the base of the Rocky Mountains, and Canada has always disputed the title of the company to it.

So we have the unquestionable fact that Canada always disputed with the Hudson Bay Company that they had any title to these lands, and we have the fact that the Hudson Bay Company ceded all their rights

to the Crown. But, my right hon. friend must say if the rights are in the Crown in regard to these lands then we have a right to administer them. There is where we take issue with the right hon. gentleman. We take issue with him when he says the Dominion is supreme. The Dominion is supreme in its sphere, but the provinces are just as supreme within their spheres. In a province the Crown is represented by the province just the same as in the Dominion the Crown is represented by the Dominion. The contention we put forward is that by virtue of the British North America Act as soon as the provinces come into existence the Crown, as to the land within them, will be represented by the provinces themselves and that while the Dominion may have the power to make certain laws for the peace, order and good government of these provinces the title to the land is in the Crown and the Crown is represented in the provinces by the provincial authorities. We had that matter before the House a short time ago. The Attorney General of British Columbia brought action against the Attorney General of the Dominion. We all remember that when the Canadian Pacific Railway was built a grant was made of an area 20 miles on each side of the road out of the British Columbia lands. The province of British Columbia received \$100,000 a year from the Dominion in consideration of the grant, but after this land was granted gold was discovered and the question arose: To whom does this gold belong? The Dominion said: We have the grant of land; it is our gold. The province gave us the land and now we have the land and the minerals on it. But, the Privy Council said no, that the province represented the Crown and that the Crown could not part with its minerals unless it expressly said that it parted with its minerals; the minerals remain in the Crown, the Crown is represented by the province and the province is entitled to them. In the same way we are asked to believe that these lands belong to the Dominion. The right hon. leader of the government says that the Dominion own these lands, whereas we say she never bought them, she never owned them and the province is the proper authority to administer them.

At six o'clock, House took recess.

### After Recess.

House resumed at eight o'clock.

### PRIVATE BILLS.

#### ONTARIO AND MINNESOTA POWER COMPANY.

House in committee on Bill (No. 86) respecting the Ontario and Minnesota Power Company, Limited.—Mr. Campbell.