

fifth section of Rupert's Land Act of 1868, like the Order in Council of June 23, 1870, for which it is the authority, goes no further than to provide that upon the admission of Rupert's Land into the Dominion, it shall be lawful for the parliament of Canada . . . to make, ordain and establish within the land and territory so admitted . . . all such laws, institutions and ordinances, and to constitute such courts and officers, as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein. The words of the Order in Council dealing with the admission into the union of that part of the Northwest Territories formerly known as the Northwestern Territory are more sparing as to number but appear to convey a somewhat wider extent of power, as they not only provide for the 'good government' of the territory, but also for its 'future welfare' at the hands of Canada. With the exception of the grant made to the Hudson Bay Company by the Imperial Order in Council of June 23, 1870, section 30 of 'An Act to amend and continue the Acts thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the province of Manitoba,' confirmed by the British North America Act, 1871, appears to be the only authority under which any portion of the rights of the Crown in Rupert's Land or the Northwestern Territory has ever been alienated.

The Act last referred to is the Act under the authority of which the parliament of Canada has from time to time made 'provision for the administration, peace, order and good government' of the Northwest Territories, being a territory not for the time being included in any province, and it is also the Act under which parliament will provide for the constitution and administration of any province which may be established, and for the passing of laws for the peace, order and good government of such province.

The difference between legislative jurisdiction and proprietary rights was clearly laid down by Lord Herschell in the judgment of the Judicial Committee of the Privy Council in the Fisheries case, but it may be admitted that the necessities of administration, and the duties and obligations of government and legislation as regards these Territories, assumed by parliament, together with the established imperial practice in such cases, would probably, though not necessarily, carry with them the privilege of appropriating the territorial and other revenues of the Territories for the purposes of maintaining good government and furthering the ends of legislation. Upon the formation within the Territories of the promised political institutions bearing analogy to those which exist in the several provinces of the Dominion, it is submitted that whatever interest Canada may have had or exercised in respect of the territorial revenues will devolve upon the new province. As Great Britain has divested herself, for the benefit of her colonies, of all her proprietary rights in the public domain within those colonies so, it is thought, Canada should do with respect to any claim that may be referred on behalf of the Dominion to the beneficiary interest in the public domain within that part of the Northwest Territories to be included in any province to be established.

I desire to put that short argument on record. It is expressed in much clearer and more concise terms than I could pos-

Mr. LAKE.

sibly hope to do it. I do not wish to take up the time of the House further than to say that in my opinion the members from the Northwest Territories on the government side must accept their full share of responsibility for all time to come for the policy of this government in retaining the public lands of these Territories. Without their support, that policy could not have been forced through the House. No doubt these hon. gentlemen consider they are acting for the best, but I hope they will seriously consider the arguments which have been advanced this evening and endeavour to have this clause in the Bill changed and the public lands given to the new provinces.

Mr. P. TALBOT. I would like to take up a few minutes explaining the basis on which I reason out this matter from a practical standpoint. As nearly as I could estimate, the area of the two provinces will be about 300 million acres or perhaps slightly more than that. We know that the northern and eastern part of Athabaska and the northeastern part of the old Saskatchewan district will never be fit for actual settlement. I think it is a very liberal estimate to say that we have 200,000,000 acres of agricultural land in those two provinces. Now, since the Dominion government continues the policy of giving free grants to settlers or homesteaders, we actually in the provinces get half the land. We get the even-numbered sections just as thoroughly, just as completely as if we got all the land and were to continue the policy of giving free homesteads. That leaves then 100,000,000 acres of odd-numbered sections which will be retained by the Dominion government. We must remember that the odd-numbered sections 11 to 29 already belong to us by a previous arrangement. These are the schools lands. That will make 11,000,000 acres of that land which clearly belongs to the province, in spite of anything we can do at present. That leaves to the Dominion government really 89,000,000 acres, that is 89,000,000 of odd-numbered sections. But there have been alienated to railway and colonization companies some 30,000,000 acres of these odd-numbered sections; that leaves a balance of 59,000,000 acres.

Mr. SPROULE. This return which I hold in my hand only gives 25,000,000 of acres alienated, namely, Alberta, 13,000,000; Saskatchewan, 12,000,000.

Mr. P. TALBOT. In addition to that a large amount was given to colonization companies, so that you may take 30,000,000 acres as about correct. That will leave 59,000,000 acres in the hands of the Dominion government for the two provinces. So that when we made that calculation of 25,000,000 acres for each province, we were not very far astray. If hon. gentlemen opposite will look into this matter carefully,