

QUESTION OF BOUNDARIES.

Dr. Patrick, seconded by Mr. Page, moved: Whereas it is expedient that the boundary line between the North-West Territories and the other provinces and Territories should be finally determined at an early date; and whereas this Legislature desires the right of the Parliament of Canada to increase or diminish or otherwise alter the limits of the North-West Territories, without its consent, because it claims for the people it represents equal rights with the people of the Provinces in this respect; and whereas certain areas now comprised within the North-West Territories more properly belong to other Territories or provinces, and should therefore be separated from the North-West Territories; therefore be it resolved that this Legislature doth consent to such alteration of the limits of the North-West Territories as will separate therefrom those areas lying north of the northern boundaries of the Province of British Columbia and Manitoba respectively.

Dr. Patrick said the resolution was not designed to deal with the internal but with the external relations of the Territories—not with the relations of one part of the Territories with the other parts, but with our relations as affecting the provinces to the east and the province to the west. The resolution was not intended to bear at all upon the right of Parliament to establish a province or provinces in the Territories. By Section 2 of the B.N.A. Act Parliament has power and right to erect a province or provinces were clear and distinct. Neither was the resolution directed in any sense to the action of Parliament in separating the Yukon territory from the North-West Territories. But the question of the right of Parliament to place a part of an existing province or territory into another province was another thing. The resolution was declaratory of the expediency of determining the boundaries of the North-West Territories for certain reasons. Dr. Patrick referred to a resolution passed by the Assembly in 1887, respecting what was termed the integrity of the Territories. At that time the Assembly perhaps lost sight of the fact that there were portions of the Territories which were north of the provinces of Manitoba and British Columbia, and which more properly and reasonably belonged to and could be governed by the governments of those provinces. In 1870 and again in 1881 Manitoba had made claim for the territory lying north of that province. It was perhaps scarcely right for the Assembly to lay claim to all that territory without admitting the right of Manitoba to the portion lying to its north. If the right of the North-West to its hinterland was just, then Manitoba and British Columbia could reasonably lay claim to the portions of territory which were north of those respective provinces. The claim made by the Assembly last year would stand in the way of Manitoba's just claim. It would seem to be perfectly reasonable for Manitoba to claim the territory north of its present bounds. The province of a railway to cross that territory which will extend into the territory north of the province. Along that railway there would be settlement, and before settlement takes place it would be well that the people going in should know to what province they were going to belong. It therefore seemed expedient that the boundaries should be determined at an early date. Then came the question, who was the right to determine the boundaries? The precedent of the former Manitoba extension would be cited, and it might be held that what was done once could well be done again. By a statement made at this session by the Commissioner of Public Works (Mr. Ross) it would appear that the Dominion Government is under the impression that the Territories may be chopped and carved by order in council. He had proposed to secure power from Parliament to separate portions of the Territories from time to time by order in council. A general impression was abroad that the country was threatened with division. He found that one only needed to scratch an ordinary Manitoba to find a Territorial annexationist, and believed that some Manitobaers had a somewhat delusive idea that all the territory lying east of a line as far west as Moose Jaw should be added to Manitoba. Dr. Patrick then proceeded to discuss the clause in the Confederation Act dealing with the power of Parliament to "alter, diminish or extend" provinces. His conclusion as to the meaning of the section was that it was intended that the power should only be exercised upon, by and with the agreement and consent of the people of the provinces affected. A further conclusion was that the section was only intended to be operated in relation to provinces—that was to say, the section could be given practical operation if all the territory of the Dominion was erected into provinces, and then changes could only be brought about with the mutual consent of all parties interested. He said it certainly was never the intention that one local government should have its jurisdiction extended over the people outside its domain without the consent of those people. The N.W.T. had had a legislature, in many respects provincial in character, for many years. This year the fourth Assembly would be elected. The powers conferred upon the Assembly were conferred by Parliament, but because Parliament had the power to confer it did not follow that it had a right to withdraw. The powers possessed by Parliament were conferred by the Imperial Legislature. It was doubtless true that the Imperial Legislature could revoke the powers conferred upon Parliament, but did any one think the Imperial authorities could make practical use of their power of revocation? It would draw sharp distinction between the terms "power" and "right." The wretch who murdered the Empress of Austria proved his power to kill, but did that prove his right to take life? He would deny the right. Parliament sharpen its efforts to cut and carve the body politic of the Territories. (Applause.) Once the people of England had believed that the Briton abroad had lesser rights than the Briton at home, and history records the incident of the B. N. A. tea party, and the encounter at Dunfermill where Greek met Greek and the friendship failed to be established. There had been one legislature in Ireland, with sovereignty quite as limited as that of this Assembly relatively; and while he would not go into the ways and means by which the consent was obtained, he would point to the fact that the existence of that Irish legislature did not end until its very consent was obtained, which showed that its consent was necessary to the ending of that House for instance has conferred powers upon the City of Calgary. Would anyone contend that after consenting to and in a way assisting in the establishment of the institutions of the City of Calgary, this House has the right to revoke the powers conferred without cause, reason or consent? The main principle of the preamble of the B.N.A. Act was based upon consent—those provinces which consented were included in con-

solidation, while the provinces which failed to consent were not included. In that Act it was stated that upon the Dominion was conferred a constitution similar in principle to the British constitution. The practice of the Imperial Parliament in respect of the alteration of the bounds of self-governing or Crown colonies was to be guided by the desires of the colonies. By an act passed in 1858 the consent of the people of the colonies is necessary to any alteration of bounds. Canada has a constitution similar to the British, and the measures meted by the Imperial Legislature to Parliament should be meted by Parliament to this Assembly. If less was used a grievance would be created which the people of the Territories would have a right to lay at the foot of the Throne. But it was not necessary to go far afield for precedents. Such could be found in Canadian history. When the Bay Company, it was forgotten that the inhabitants of the territory were entitled to a voice in their disposition and it was a historical fact that one Wandering Willie Macdonald was sent out to govern those inhabitants but was not allowed to come in and govern. He was not going to apply the acts of the people who created authority but the fact was recorded that an envoy extraordinary was sent from Ottawa to consult the wishes of the inhabitants, sent out with full discretionary powers to treat with them. And before the territory was taken into the council of those inhabitants were invited to go to Ottawa, whose views were accepted and embodied in the Manitoba Act of 1870. At a later date—in 1881—when the Manitoba boundaries were extended, the extension was made with the desire not only of the people of the province but also of the people who were taken into the province, as the words of Sir John Macdonald when the extension was discussed in Parliament show. Proceeding, Dr. Patrick held that the people of the Territories were certain to be benefited when men settled in the Territories they cannot be presumed to have expected that they might be later on made to bear the yoke and the debt of Manitoba—to assume the burden of the mistakes made by a Legislature in which they had no representation. Territorial citizens have inherited all the rights of the citizens of the provinces of Canada and of British subjects. A man coming here from one of the provinces for his own benefit, although in the Territories he consents that certain of his rights shall be held in abeyance. There was every ground to deny the right of Parliament to alter the boundaries of the Territories to any other province without obtaining the consent of the people of the Territories. This statement did not affect the right of Parliament to erect a province or provinces in the Territories. He prophesied that the next few years of the Assembly would be history making years. In considering the question they might expect in night the fact that there was a court of final resort, and they might expect that the spirit of the British constitution would be observed. In taking a stand for fairness, they should be prepared to do fairly. He thought it would be impolitic to claim all the present territory, to do so would give a hardy argument. They should claim no more than they had a good moral claim to. By claiming only their rights they would strengthen their position. By exercising their right to consent to a certain diminution, their position would be made stronger. He was confident that the Territories would cause the motion in favor of the resolution to pass in the House. The final determining of our relations, not with each other, but with those of each side of us. (Applause.)

Mr. Page spoke from the immediately practical point of view of the people of the Territories who reside near Manitoba. He knew that many people were deliberately moving from Manitoba into the Territories, rather than to the newer portions of the province such as Dauphin, for the express purpose of escaping the burden of taxation imposed in that province, and to take advantage of the simpler and cheaper government in the Territories. He referred to imperial territorial divisions being being allowed to make their own arrangements and bargains. The same remark applied to Australia. The Dominion ought to leave the people of the Territories to complete their own consolidation. Parliament might well follow the maxim "Do unto others as ye would have them do unto you," and deal with the Assembly of the Territories as the Imperial Parliament dealt with it.

Mr. Eakin spoke as the representative of a district bordering for a length of 130 miles upon Manitoba. His constituents were therefore interested in the question. He did not wish to refer particularly to Manitoba, but said there did appear to be an impression that because the territory was acquired by purchase by the Dominion, Parliament had the right to diminish or annex it at pleasure. The resolution of the member for Yorkton was generous. It proposed to give to Manitoba what she had a right to. Mr. Eakin held that the people of East Assiniboia had a right to be heard fully to the contention that their consent was necessary in a dispute so vitally affecting them. He was confident, however, that they were not like the people of Red Deer; they were law-abiding, and would seek in a constitutional way to have their rights recognized. Mr. Eakin quoted Hon. Mr. Gerard in support of Dr. Patrick's contention that before the bounds of Manitoba were extended in 1881, the people taken in had expressed a desire to be annexed. The argument might be used that North-East Assiniboia and Manitoba had identical interests; that their products went east through Manitoba and their supplies came west through Manitoba. That was true. Winnipeg, the Manitoba capital, was the gateway and door. But while they were of Winnipeg, there were reasons which caused them to be hostile about throwing in their lot with Manitoba. He thought that, when the time came when the Territories to seek enlarged powers and a changed constitution, when that time came it would be early enough to consider the question. He hoped that when it had to be considered, it would be considered as it deserved and that no sectional view would dominate, but that a broad view would be taken to lead to prosperity and development, and for the security and protection of the best interests of the country. For the present at least was opposed to the idea of annexation.

Mr. Brown looked upon the subject as one of great interest. Parliament's power to create or destroy a province was not to be treated as such. He said that the people of the Territories have established a system of government peculiar in Canada. They had followed a course different from that which had been followed in any of the provinces. Undoubtedly provincial status could have been obtained years ago, but benefiting by the experience of the provinces they had chosen the wiser course of having simple, efficient and inexpensive government. The boundaries might have been settled years ago, but because a difference of view had been followed was no reason why advantage should now be taken by Parliament to change the bound-

aries. The root of the question was: Did Manitoba want a portion of our territory for her benefit, or for her own benefit? What Manitoba asks is to keep our people to share with her the burden of the mistakes made by her legislature. It is only a few years ago that Manitoba sided with the Territories. The people of the province were wont to say that their bounds enclosed all the good territory in the west. As far as the argument about area was concerned, it could be pointed out that in area Manitoba is already the fourth province in Canada, and probably contained as much fertile land as any of the provinces, excepting the Territories. If the maritime provinces can get along with much less area, then Manitoba should not be in a bad position. But the matter of taxation was at the bottom of Manitoba's desire to get a portion of the Assiniboia. Manitoba on one side of us has a debt of \$5,000,000, and British Columbia on the other side a debt of \$12,000,000. Of debt and taxation the Territories have none. "Our people profited nothing by the expenditures which created Manitoba's burden and should not be legislated into a position of having to share it."

Mr. Haulin was sure the members would be glad to hear the unusual expression of opinion on the question. Last year the House was equally unanimous in its vote against the withdrawal of any portion of the Territories to add to Manitoba. The House had already stated definitely its opinion on the question. Mr. Haulin said he was interested in Dr. Patrick's arguments that statement although he could possibly not get all the length in some of his analogies. The House was in a different position from the colonies of Ireland, and as regarded the material point of action, our position in relation to Parliament was entirely different from the relation existing between Ireland and the Empire. He had been said to be a colony within a colony, but in the most essential attributes our relation to Parliament differed from the relation of colonies to the Imperial authority. The Territories were added to the Dominion under a provision in the B.N.A. Act, contemplating the inclusion of Territories into the union. Subsequently the powers of Parliament in relation to such territory were definitely fixed. He had heard it argued—would repeat the argument without giving any opinion of his own—that Parliament did not pass as power to add territory to a province—but Parliament had exercised its power by adding territory to Manitoba in 1881. Mr. Haulin analyzed the section of the Act conferring power upon Parliament in respect of the "alter, diminish or extend" provinces. Proceeding he discussed the terms "power" and "right," pointing out that in one sense power means right. He failed to see how there could be any difference between the two in face of the very plain terms of the Imperial Act, as to the power of Parliament over the area and boundaries of the Territories. He was willing to go to the aid of any member who concerned the expediency, the morality, or the justice of the claim of the Territories, but he could not go so much in the direction of the question that Parliament did not possess the right, because Parliament's right was plainly expressed by the Imperial statute, and would go as far as anyone in objecting to any diminution of the Territories as depicting the areas mentioned in the resolution, but he could not join in a statement denouncing a legal fact. He agreed with the line of argument taken against annexation, and was entirely in sympathy with the people who feared they might be pitchforked into another province. He was prepared if the question became a practical one to assist in doing all that could be done to prevent the injustice. But he was not prepared to accept all of the recitals of the resolution. He did not criticize it hotly, but in a friendly way. He thought they should get more directly at the point. The resolution was not excessive. What they wanted to say was that they would resent any interference with the limits of the Territories. He was disposed to think that their offering to consent to a certain diminution of area would be of little use. He was the rather inclined to make more point—more definite. In dealing with a point of vital interest it was important that any resolution should have the unanimous support of the House. Continuing Mr. Haulin said the need of the whole motion did not seem to be very pressing at this time. If the House did not protest, they were still erecting barriers by their daily work. As our school system and other institutions enlarge day by day there is less possibility of our being carried up. We are daily creating a political entity and unity. The longer we go on undisturbed, the less possibility there is of breaking through. Finally erecting these fortifications would seem to be the best and most effective way of resisting any threatened attack. The analogies drawn even to-day of similar dealings in other parts of the world showed that questions of territory and justice were a greater determining factor than the questions of symmetry on the map. The reduction of the map of Europe might lead to improve in artistic beauty, but it was a fact that deeper and more important questions governed the boundaries of countries and provinces. For two years Territories in situations have been growing and developing. To cut up and destroy the equi-

lity of our institutions and all the machinery of government was every day becoming a more serious and formidable undertaking. Our strongest course was to keep on as we have been going. To reach a unanimous conclusion on the resolution Mr. Haulin suggested to move the House into Committee of the Whole. Dr. Patrick agreed, and later in the day this course was followed.

In Committee the resolution was amended by inserting the words "except as herein mentioned." In the second clause between the words "Territories" and "without," and the following was substituted for the last clause: "Therefore be it resolved that while presenting to such alteration of the limits of the N.W.T. as will separate therefrom those areas lying north of the northern boundaries of the Provinces of British Columbia and Manitoba respectively, this Legislature is firmly of opinion that the political unity of the Territories should not be disturbed."

The resolution as amended was reported, and read the first time.