

These addresses were received in England by an intimation of Her Majesty's willingness to comply with their prayers and that intimation was coupled with a statement to this effect:

That the law officers of the Crown advise that the requisite power of government and legislation could not be transferred to Canada without an Act of parliament, on account of the existing charter of the Hudson bay.

The result was that the Rupert's Land Act, 1868, was passed to enable Her Majesty to do with respect to Rupert's Land what was in contemplation by virtue of the provisions of section 146 of the British North America Act, and I would like to point out here immediately that Manitoba did not come into confederation, as has been generally supposed by virtue of the provisions of section 146, but that it came in by virtue of the provisions of the Imperial Rupert's Land Act, 1868. There are two sections of that Act of 1868 which are deserving of consideration. The first is section 2 which provides that:

For the purposes of this Act the term 'Rupert's Land' shall include the whole of the land and territory held or claimed to be held by the said governor and company.

That is to say, the governor and company of Hudson bay. It was intended that Rupert's Land should be held to include only what the company was supposed to be entitled to under and by virtue of the extraordinary charter to which I referred a moment ago, but Rupert's Land is defined here as meaning all that land which they held or pretended to hold; hence the necessity for my referring, as I did a moment ago, to the license of 1821. Section 5 of the same Act (Rupert's Land Act, 1868) says that:

It shall be competent to Her Majesty, by any such Order or Orders in Council as aforesaid, on address from the Houses of the parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada; and thereupon it shall be lawful for the parliament of Canada, from the date aforesaid, to make, ordain, and establish within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances.

Etc., as it may deem desirable.

The result was that in 1868, Sir George Cartier and Hon. Mr. McDougall were sent to England to carry on the negotiations which had been opened by the Colonial Secretary with the Hudson Bay Company for the acquisition of the territory to which I have just referred; and in 1869, on the 21st May, new resolutions were passed by this House with respect to Rupert's Land and a new address was presented, so that you must in dealing with Rupert's Land and Manitoba look at the terms of the address of May 1869 and not at those of the first address. The Hud-

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son Bay Company having proposed to surrender their country to the Dominion of Canada this proposal was submitted to His Excellency the Governor General in Council on July 5th, 1869, and met with his approval. The result was that on November 19, 1869, a deed of surrender was signed, and on June 22, 1870, almost two years after the first address had been presented, the Rupert's Land Order in Council was passed. I wish to draw attention to the terms of that Order in Council which contains among others this provision:

It is hereby ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of parliament, that from and after the 15th day of July, 1870, the said Northwestern Territories shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore cited address, and that the parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said territory.

That provision of the Order in Council disposes of the Northwestern Territories and then it is further ordered:

And it is further ordered that without prejudice to any obligations arising from the aforesaid approved report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions.

It is not material for my argument to refer to these terms and conditions, but it will be seen—and for the accuracy of debate it is important that we should understand all that occurred up to the time these Territories and Rupert's Land came in—that Rupert's Land was dealt with under the terms of the second address of May, 1869, and that the Northwestern Territories were brought in under the terms of the first address of December, 1869.

In anticipation of the passage of this Order in Council of June, 1870, 32-33 Victoria, chapter 3 was passed in 1869; that is the Act which makes provision for the administration and government of Rupert's Land and the Northwest, and in 1870 on the 12th of May, 33 Victoria, chapter 3 was assented to, and that is the Manitoba Act. Doubts having been expressed as to whether or not certain provisions of that Act were within the sphere of the authority of the parliament of Canada it was decided to submit the Act for approval to the imperial authorities, and I desire to examine some of the provisions of that Act and also to see what were the doubts expressed at that time. Let me, in the first place, draw special attention to sections 2, 22 and 30 of the Manitoba Act.

Section 2 applies the provisions of the British North America Act to Manitoba, except so far as these provisions may be varied by that Act. Section 22 is what is