

" Heretofore the North-West Territory east and west of Manitoba has been governed by the Lieutenant Governor of Manitoba and a species of half advisory, half legislative council of gentlemen chosen from among the residents in Winnipeg and its vicinity. They are themselves not slow to admit that their constitution is a farce, and it requires no effort of imagination in those even who have never been in the North-West to understand the impossibility of merchants and others in Winnipeg acting as a Legislature for the settlements on the Saskatchewan, and nearly a thousand miles away in the neighborhood of the Rocky Mountains. At one of the last sittings of this Winnipeg Council of which the former editor of the *Nouveau Monde* is a prominent member it was proposed to incorporate the clergy of the missionary dioceses of the North-West with land holding powers. The object of this was so apparent to those in Winnipeg who have seen the effect of the system there, that it was strenuously opposed by some of the English members, but in spite of their efforts it was carried, and would have come to Ottawa with such force as this nondescript council have been able to give to their legislation, had not Lieutenant Governor Morris refused to assent to the Bill."

We have several times in this Parliament incorporated ecclesiastical communities without objection from hon. gentlemen opposite, and have given them the right to hold real estate in the North-West; and this is the crime which is charged on the North-West Council, and which is put forth as the principal reason why it should be abolished. Under the new constitution the seat of the Government was removed to Fort Pelly, in the Territories. The council was composed of five members nominated by the Crown, including the two stipendiary magistrates, *ex officio*. The jurisdiction of the council extended over taxation for local and municipal purposes, property and civil rights, the administration of justice, including the organisation and maintenance of the courts of justice; education, with separate schools if desired by any minority; public health, licensing of inns, landmarks and boundaries, game and wild animals, and the care and protection thereof; roads and highways, the protection of timber, gaols, &c., and generally all matters of a merely local or private nature. Nearly all the powers of Local Legislatures of the old Provinces were thus given to this North-West Council; and to give a representative character to this body the Act provides that any district not exceeding an area of one thousand square miles is entitled to be erected into an electoral district, and to elect a member to the council for its first one thousand inhabitants of adult age, exclusive of aliens and Indians, and to two members for two thousand inhabitants. When the number of elected members shall reach twenty-one, the Act provides that the council shall become *ipso facto* the Legislative Assembly of the North-West Territories, having not only all the powers of the council, but also all the powers of a Legislative Assembly of the old Provinces, which the Governor in Council in Ottawa might confer upon it. The French language was ignored in the Act, but this grave error was corrected two years after, in 1877. A jury of six was granted in criminal cases, but the grand jury and the mixed jury system which prevails in Quebec and Manitoba was refused. With the hon. gentlemen opposite lies, therefore, the responsibility of the position of Louis Riel, who, as matter of right, is not entitled to a trial by his peers. He is entitled to have only six jurymen, and among these he is not entitled to have three of his own countrymen. In 1877 new powers were given to the North-West Council by Order in Council:

" And whereas, by the third section of the said Act, it is further enacted that 'the Lieutenant-Governor, by and with the advice of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may, from time to time, confer upon him: Provided always, that such powers shall not at any time be in excess of those conferred by the ninety-second section of The British North America Act, 1867,' upon the Legislatures of the several Provinces of the Dominion;

" Now, in pursuance of the powers by the said statute conferred, His Excellency, by and with the advice of the Privy Council, has been pleased further to order, and it is hereby ordered, that the Lieutenant-Governor in Council shall be and he is hereby empowered to make ordinances in relation to the following subjects, that is to say:—

" 1. The establishment and tenure of territorial offices, and the appointment and payment of territorial officers;

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" 2. The establishment, maintenance and management of prisons in and for the North-West Territories;

" 3. The establishment of municipal institutions in the Territories, in accordance with the provisions of the 'North-West Territories Act, 1875 and 1877';

" 4. The issue of shop, auctioneer and other licenses, in order to the raising of a revenue for territorial or municipal purposes;

" 5. The solemnisation of marriage in the Territories;

" 6. The administration of justice, including the constitution, organisation and maintenance of territorial courts of civil jurisdiction;

" 7. The imposition of punishment by fine, penalty or imprisonment for enforcing any territorial ordinance;

" 8. Property and civil rights in the Territories, subject to any legislation by the Parliament of Canada upon these subjects, and—

" 9. Generally on matters of a merely local or private nature in the Territories."

I have heard it stated that hon. gentlemen opposite did nothing for the North-West during the time of their administration. I will not go so far; I am too much of an independent member to go that far. I will admit that the late Administration conferred upon the population of the North-West a constitution which is certainly worthy of admiration; but this is the only thing they did. That constitution is similar to the constitution of the old Provinces. To-day the Crown is represented in the North-West council very much in the same way as it is represented in this Parliament or in the Legislature of Quebec. There are two or three Stipendiary Magistrates and other nominees of the Crown numbering six altogether; and at the same time that constitution provides that the people of that country, the moment there is a certain population spread over a certain extent of territory, have a right to send a representative there to deal with what matters? Upon the local taxation, upon the municipal taxation, upon the administration of justice, upon in fact all the matters which are conferred by the constitution of 1867 on the old Provinces, and that is why I am willing to give credit to the late Administration for having done something toward the settlement of the North-West. Later on, I will say, in answer to those settlers who want to have those Territories divided into different Provinces and enjoy all the expense and luxury of the legislatures of the old Province, that in the constitution of the North-West they have all the privileges and liberties of a free people, without having, at the same time, the burden of local legislatures. It is a pity, indeed, that the late Administration did not go further when they were considering the constitution of the country. They nominated to hold office in that Territory people who were strangers to the population. You cannot find even a stipendiary magistrate, you cannot find a nominee, from the Governor down, with the exception of Mr. Forget—a very good nomination—who was clerk of the council and private secretary to the Governor, to represent the people of that country, selected from the people of that country. I am not surprised at this, because, in the opinion of the hon. gentleman (Mr. Mills), the French half-breeds were like Indians; though, later on, on another policy, they were to be treated as white settlers. I am not surprised that the hon. gentleman, as Minister of the Interior, did not wish that the half-breeds should be represented in the North-West, because he considered half-breeds were like Indians; but why did he not take some of the new white settlers? Are you going to tell me you have provided a council of a representative character, without being able to find in the population of the place a single representative?

Mr. MILLS. We appointed a French half-breed, a member of the council.

Mr. GIROUARD. He was appointed in 1878; your council was appointed in 1876.

Mr. MILLS. The hon. gentleman is mistaken, because it was organised on my advice.

Mr. GIROUARD. I will give you the date of Mr. Berland's nomination. He was in the old council which was nominated in the constitution of 1869, and which