reads from a text on the Northwest Territory which mentions in passing some commercial dealings between white settlers and Indians or merely implied as when A. Mackenzie speaks of "that vast western country where there is hardly a white man living today."[6] When one considers the profound constitutional implications of the recent recommendations of the Royal Commission on Aboriginal Peoples, the problematic status of these peoples residing in Quebec if that province should become a separate nation, or the pivotal role played by Elijah Harper and his aboriginal followers in bringing about the tragic defeat of the Meech Lake Accords, the total irrelevance of the aboriginal peoples to the Confederation Debates is remarkable indeed. [7]

Also missing in action during the Confederation Debates was the Supreme Court of Canada, one of the most important actors in the contemporary crisis.[8] Indeed, pending litigation challenging the constitutionality of Quebec's right to secede from the Confederation threatens to thrust the Supreme Court to the front and center of the most explosive issue of all. The resolutions debated in 1865 conferred upon the "General [i.e., the federal] Parliament" the authority to establish "a General Court of Appeal for the Federated Provinces"--a power Parliament did not exercise until 1875.[9] This leisurely approach seems to reflect the priorities of the early governments under Confederation and, aside from the status of the civil law in Quebec, the indifference of the Confederation fathers themselves to judicial questions in general. This indifference presents a marked contrast to their counterparts in 1787 America and 1958 France who devoted considerable energy to such questions as the jurisdictional problems of American federalism and the relationship of the innovative Conseil Constitutionnel to the well established jurisdictions of the Conseil d'Etat and the Cour de Cassation.[10] Aside from a few brief and superficial references to a "Supreme Federal Court" or to judicial review as practiced in the United States, the Canadian parliamentarians of 1865 showed little interest in judicial power in general and hardly any at all in the proposed "General Court." [11] This is probably best explained by the extremely high value they placed upon "responsible government" and the