

February 16, 1871

HOUSE OF COMMONS

Thursday, February 16, 1871

The **SPEAKER** took the chair at 3 p.m.

Prayers

Mr. MAGILL presented the first report of this Hochelaga Election Committee.

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NEW MEMBER

Mr. FOURNIER the new member for Bellechasse, was introduced by **Hon. Mr. DORION** and **Mr. GEOFFRION**, and took his seat. **Mr. BAKER**, the member for Missisquoi, having taken the oath, also took his seat.

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THE MANITOBA REPRESENTATIVES

Mr. MACKENZIE asked for information regarding the representation from the Province of Manitoba. By the Act of last session four members were to be elected as representatives of that province to seats in the House. No information had been received concerning the issue of the writs for those elections, or whether the elections had taken place, or whether that province was to remain unrepresented during the present session. It had been agreed that the Bill as passed in that relation was wholly unconstitutional, and opposed to the Federal system, under which we politically exist, and if he recollected aright, the Hon. Premier admitted last session that it might be necessary to apply to the Imperial Parliament to execute the provisions of that Bill—in other words to give them legal force as the law of the land. He (Mr. Mackenzie) thought the House was entitled to know what steps had been taken as regarded this matter, for it was generally admitted by gentlemen well informed on the subject, that the House had exceeded its powers.

Hon. Sir JOHN A. MACDONALD quite recognized the right of the hon. gentleman to ask the question, and he would try to answer it, although it might have been more satisfactory to have waited the submission of the papers on the subject. Perhaps the papers would have answered the question themselves. The first duty imposed upon the Lieutenant-Governor of the new Province of Manitoba was the completion of a census of the people with all convenient speed. That census was undertaken and finished in a manner which the papers would show was satisfactory and above all suspicion of error. The moment the census was taken, the Lieutenant-Governor reported to His Excellency the Governor General the result of the census and the divisions into which, for

electoral purposes, the new province had been made. On the receipt of that despatch, without further delay, writs had been issued and sent up to Manitoba, and the Government expected to hear every moment the result of those elections, *quoad* the members returned to this House.

As regards the question of the legality of the seats of those gentlemen, or of the representative system provided into the Manitoba Act of last session, the question was, he thought, first raised by the hon. member for Halton. In his (Hon. Sir John A. Macdonald's) reply to that question, he stated there was in his opinion a doubt as to the appointments to the Senate, and perhaps as to some other clauses of the Bill, and that they would be carefully considered; and that if it was thought on mature consideration there was any doubt as to the constitutionality of those provisions, steps would be taken to secure their "constitutionalization," if he could use such a word, by an Act of the Imperial Parliament. On his return to Ottawa, after an absence of some months, he examined the case carefully, and made a report upon it, which was made the basis of an order in Council, which was transmitted by His Excellency to the Secretary of State in England. They had received in return the draft of a Bill for the purpose of confirming that Act and all the proceedings under it, and also making all provision for the future, with which he would not now trouble the House. As regarded the other provisions, they might be dealt with so as to settle once for all the affairs of the province. He trusted the settlement or arrangements effected could be transmitted to England by the next mail, with the object of submission to the Imperial Parliament.

Mr. MACKENZIE asked if it was the intention of the Government not to nominate the Senators for Manitoba till this Bill passed the Imperial Parliament.

Hon. Sir JOHN A. MACDONALD said his hon. friend ought to give notice of that question.

Mr. MACKENZIE thought not. The people were represented in the other House as well as in this, and it was certainly the duty of the Government to inform the House whether the people of Manitoba were to remain for the present unrepresented in the Senate. Had the Government appointed the Manitoba Senators?

Hon. Sir JOHN A. MACDONALD said it was the intention of the Government that Manitoba should be represented in both branches of the Legislature during the present session. It would be an anomaly to have the people represented in one House and not in another. Perhaps by concert with the hon. gentlemen opposite it might be arranged, so that without raising any question of constitutionality the representatives of Manitoba might be allowed to take their places in the other House also, pending the receipt of the Bill from England.