

CONFIDENTIAL.

Memorandum by Mr. Blake of his views on the subject of the
Royal Commission and Instructions to the Governor-General
of Canada.

The Honourable E. Blake to the Earl of Carnarvon.—(Received about July 1, 1876.)

My Lord,

IT may be convenient, as a basis for discussion, that I should lay before your Lordship a Memorandum of my present views on the subject of the Royal Commission and Royal Instructions to the Governor-General of Canada, with reference to which I am charged to confer with your Lordship.

The existing forms in the case of Canada have been felt for some time to be capable of amendment for reasons which require that special consideration should be given to her position, and which render unsuitable for her the forms which may be eminently suited to some of the Colonies.

Canada is not merely a Colony or a Province : she is a Dominion composed of an aggregate of seven large provinces federally united under an Imperial Charter, which expressly recites that her constitution is to be similar in principle to that of the United Kingdom. Nay, more, besides the powers with which she is invested over a large part of the affairs of the inhabitants of the several provinces, she enjoys absolute powers of legislation and administration over the people and territories of the north-west, out of which she has already created one province, and is empowered to create others, with representative institutions.

These circumstances, together with the vastness of her area, the numbers of her free population, the character of the representative institutions and of the responsible Government which as citizens of the various provinces and of Canada her people have so long enjoyed, all point to the propriety of dealing with the question in hand in a manner very different from that which might be fitly adopted with reference to a single and comparatively small and young Colony.

Besides the general spread of the principles of constitutional freedom there has been, in reference to the Colonies, a recognised difference between their circumstances, resulting in the application to those in a less advanced condition of a lesser measure of self-government, while others are said to be invested with "the fullest freedom of political government;" and it may be fairly stated that there is no dependency of the British Crown which is entitled to so full an application of the principles of constitutional freedom as the Dominion of Canada.

I feel, however, that I am not on the present occasion charged with the duty of entering into all the considerations involved in this proposition, or of proposing anything requiring Parliamentary action, but am limited to the suggestion of such interpretations of and changes in the Commission and Instructions as may remove or lessen some of the anomalies which they present.

Before referring to the several clauses which seem to call for remark I may observe that by the 12th clause of the British North America Act, certain powers and authorities, defined only by reference to various statutes, are conferred, some on the Governor, and others on the Governor in Council. It would seem expedient to refer