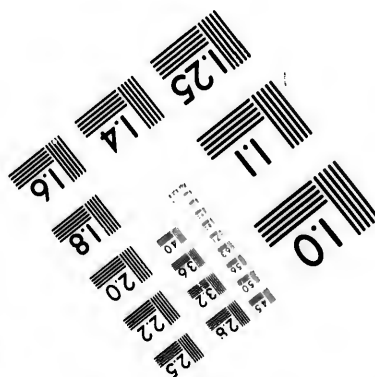
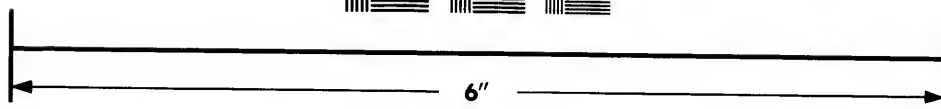
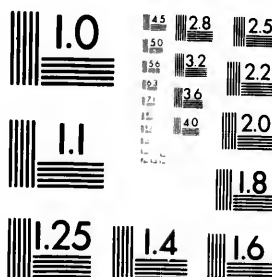


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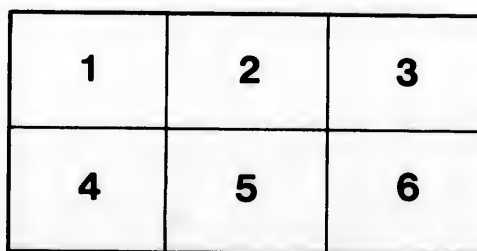
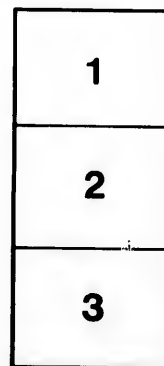
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THE FEDERAL AND PROVINCIAL
CONSTITUTIONS,

COLONIAL CHARTERS,
ORGANIC LAWS, IMPERIAL DESPATCHES
AND OTHER DOCUMENTS,

ILLUSTRATIVE OF THE
CONSTITUTIONAL HISTORY OF CANADA,
FROM 1540 TO 1888.



OTTAWA:
PRINTED BY MACLEAN, ROGER & Co., WELLINGTON STREET.
1888.

DEAR MR. SPEAKER,—

I propose in this communication asking your kind attention to a matter which I wish brought before the notice of the Library Committee at your earliest convenience. As you are probably aware, the Government at Washington not long since ordered the printing of two large volumes containing copies of the Federal and State constitutions, colonial charters and other organic laws of the United States, with such notes and references as are necessary to explain the circumstances under which each document originated. That eminent constitutional authority, Bishop Stubbs, has published a small volume with the title, "Select Charters Illustrative of English Constitutional History." A Mr. Howard Preston has also quite recently issued a valuable work comprising documents illustrative of American Constitutional History.

The value of such works has been well emphasized by the distinguished historian, Professor Freeman, who, in the course of an inaugural address delivered at Oxford, said that the historical student and publicist "must ever bear in mind himself and ever strive to impress on the minds of others that the most ingenious and most eloquent of modern historical discourses can, after all, be nothing more than a comment on a text."

With these examples before me, I have thought of compiling for the use of the Parliament of Canada and for distribution among libraries at home and abroad, all those colonial charters, organic laws, imperial despatches and other documents which immediately relate to the constitutional organization of Canada from the settlement of Canada to the present time.

The following summary of the most important documents to be comprised in this work will give you the best idea of its value :

PART I.

The French Regime.

- I. Commission to Jacques Cartier, 1540.
- II. Commission of Henry IV to the Marquis de la Roche, giving him a general authority of sovereignty in those primitive times of discovery.
- III. Commission of the Count de Soissons, 1612, delegating the sovereignty to Champlain, founder of Quebec.
- IV. Charter of Compagnie des Cent-Associés in 1627.
- V. Treaty of St. Germain-en-Laye, 1632, restoring Canada to France after a short occupation of the country by the English.
- VI. Decree of Louis XIV, resuming, in 1663, the government of Canada which he had conceded to the Compagnie des Cent-Associés, and forming a Supreme (or as it was subsequently called) Superior Council, etc.

VII. Decree conceding Canada to the Company of the West Indies in 1664.

VIII. Decree dissolving the foregoing Company and renewing all authority in the Crown.

IX. Decree in 1675 delegating the government to an Intendant or Commissioner of Justice, and renewing the powers of the Sovereign Council.

X. Decree modifying the constitution of the Superior Council, and continuing the same plan of government.

XI. Decree again re-modifying the Superior Council by the introduction therein of assessors or officers of justice and finance.

XII. Commissions of Governor and Lieutenant-General.

PART II.

Government from 1760-1774.

I. Terms of capitulation, 8th September, 1760.

II. Extracts from the Treaty of Paris, 10th February, 1763.

III. Proclamation of George III, establishing four new Governments in North America.

IV. Commission and Royal Instructions to Sir John (General) Murray, 1763.

PART III.

From 1774-1791.

I. Quebec Act—An Act for making more effectual provision for the Government of the Province of Quebec, in North America.

II. An Act to establish a Fund towards further defraying the charges of the administration of justice and support of the Civil Government within the Province of Quebec, in America.

PART IV.

From 1791-1840.

I. Constitutional Act, 1791.

II. Proclamations in Upper and Lower Canada, bringing the Act into force.

III. Commission of Lord Gosford, 1835.

IV. Imperial Act suspending the constitution, and making temporary provision for the government of Lower Canada, proclaimed 29th March, 1838.

V. Copy of instructions to Lord Durham for constitution of Special Council. Lord Durham's Proclamation dissolving Special Council. Lord Durham's letter to the Members of the Executive Council, dispensing with their attendance.

PART V.

From 1840-1867.

I. An Act to reunite the Provinces of Upper Canada and Lower Canada, and for the government of Canada, 1840.

II. Proclamation declaring the Provinces united, 1841.

III. Return to an Address from the House of Assembly to the Governor General, 5th August, 1841, *re* despatch of Lord John Russell to Governor General on Responsible Government, dated 14th October, 1839.

IV. Despatch conveying to Lord Sydenham, Her Majesty's Instructions on his assumption of the government of British North America, 7th September, 1839.

V. An Act for enabling Colonial Legislatures to establish Inland Posts.

VI. Imperial Act respecting coasting trade of the British possessions.

VII. Despatches relative to removal of restrictions on Canadian commerce.

VIII. Imperial Act to repeal so much of an Act of the third and fourth years of Her Majesty, to reunite the Provinces of Upper and Lower Canada, and for the government of Canada, as relates to the use of the English language in instruments relating to the Legislative Council and Legislative Assembly of the Province of Canada, 14th August, 1848.

IX. Imperial Act to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other purposes, 11th August, 1854.

X. Charter of the Hudson's Bay Company, etc.

PART VI.

From 1867-1888.

I. British North America Act, 1867.

II. Proclamation for uniting the Provinces of Canada, Nova Scotia, and New Brunswick into one Dominion, under the name of Canada.

III. Imperial Act for the temporary government of Rupert's Land and the North-Western Territory when united with Canada.

IV. Imperial Act respecting the establishment of Provinces in the Dominion of Canada, 29th June, 1871.

V. Imperial Act to remove certain doubts with respect to the powers of the Parliament of Canada under section 18 of B. N. A. Act, 1867.

Orders in Council respecting Rupert's Land and the North-West Territory, 1870. The Province of British Columbia, 1871.

33 Vic., Chap. 3.—An Act to amend and continue the Act 32 and 33 Vic., Chap. 3; and to establish and provide for the government of the Province of Manitoba, and other Acts relating to Manitoba.

Order in Council respecting the uniting of Prince Edward Island with the Dominion of Canada, 26th June, 1873.

PART VII.

Commissions, &c., of Governor-General.

Of Lord Monck, 1867; of Lord Dufferin, 1873; of Marquis of Lorne, 1879.

PART VIII.

Commissions of Lieutenant-Governors and other documents relating to the government of Nova Scotia, New Brunswick, and P. E. Island previous to 1867.

Constitutions of the Provinces since 1867. Acts relating to the government of the North-West Territories.

From the foregoing partial summary it will be seen that it is the object of the writer to compile all such documents as show the precise nature of the systems of government that have prevailed in the course of the centuries that have passed since the settlement of Canada. So much attention has been given to the collection by the government of Quebec at different times of all documents bearing on the history of French Canada that it is only necessary to quote in the proposed work those charters, commissions and decrees which are immediately connected with the government of the country at various stages or periods of the French *regime*. As respects the period during which the British North American Provinces have been dependencies of Great Britain, all the organic laws and documents establishing changes in the constitutions of those countries are only found scattered in a large number of volumes to be consulted at much inconvenience by the parliamentarian, publicist and historical student in two or three libraries of the Dominion, and indeed some of the papers, necessary to the work, will have to be copied from the Imperial archives.

It is intended to give a short introduction to each document with references to such recognized authorities as will assist the reader in a more thorough study of the subject. The editor will also prepare such a succinct prefatory account of the various stages in the constitutional development of this country as will add to the completeness of the work and make it more valuable to all who may have occasion to consult its pages.

I believe that this work will be found of considerable value to the Parliament and country. But it is quite obvious that it is one not to be undertaken by a private individual at his own risk. I should therefore suggest that the Library Committee, in the first instance, take the whole matter into their consideration; and if after mature deliberation they are of the same opinion as I am, they might recommend it to the favourable notice of the Houses. The question could then be submitted to the Printing Committee, if the Houses should deem it worthy of their attention. The latter Committee could order the printing of at least 600 copies, in a style creditable to the country; for it would never do to send the work abroad in the inferior style of our public documents and statutes.

I may here add that the work published by the government of the United States was compiled and edited by a distinguished official of Congress, the late Mr. Ben: Perley Poore, under the direction of the Committee on Public Printing, in accordance with an Order of the United States Senate.

The committee will understand that I do not propose to prepare this work, which will entail very considerable labour, with a view to remuneration. In fact I shall practically give my own labour to the Houses for nothing. All that I shall expect is such very moderate compensation as can be arranged by the Printing Committee to cover the copying by typewriter of the documents, indexing, proof-reading and editing. The 600 copies should be mostly bound in call, and the distribution can be left to the Clerk of the House and the Parliamentary Librarian.

I shall now leave the matter in the hands of yourself and the Committee, with the hope that you will see the advantages of the work I have brought under your notice. It will be, to all intents and purposes, with the addition of the notes and references I propose to make, a Constitutional History of Canada, for the special use of parliamentarians, publicists and students who wish to consult in a convenient and intelligible form those original documents to which they must sooner or later refer in order to obtain a thorough knowledge of the past and present institutions of this country. It is not too much to hope that such a presentation of the original authorities and sources of our history will promote in some degree a more accurate understanding of the constitutional system of the Dominion, which is every day attracting more attention at home and abroad.

Yours sincerely

JNO. GEO. BOURINOT.

HOUSE OF COMMONS,
17th March, 1888.

