

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY.

FIRST SESSION

OF THE

FIRST PARLIAMENT OF THE PROVINCE OF MANITOBA.

34 VICTORIA.

Begun and held at WINNIPEG, on Wednesday, the Fifteenth day of March, in the year of Our Lord One Thousand Eight Hundred and Seventy-one, in the Thirty-fourth year of the Reign of our Sovereign Lady VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and of the United Church of England and Ireland the Supreme Head.



HIS EXCELLENCY

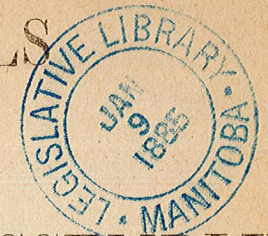
THE HONORABLE ADAMS GEORGE ARCHIBALD,
LIEUTENANT-GOVERNOR.

WINNIPEG:

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ANNO DOMINI 1871.



Under the said Proclamation, Writs were duly issued, bore teste, and were returnable, as therein set forth, and the several Returning Officers, within the same directed, have, as commanded, issued Writs and made the Return directed to the Clerk of the Executive Council.

The First Legislature of this Province, being called under the Act of the Parliament of the Dominion of Canada, His Excellency, the Honorable ADAMS GEORGE ARCHIBALD, Lieutenant-Governor in and over Her Majesty's Province of Manitoba and the North-west Territory, a Member of the Queen's Privy Council for Canada, &c., was pleased on the THIRTEENTH day of DECEMBER, A. D., one thousand eight hundred and seventy, to order Writs to be issued for calling the First Legislative Assembly, which Writs bore teste on the said THIRTEENTH day of DECEMBER, and the Nomination Day thereunder was appointed for the TWENTY-SEVENTH day of DECEMBER last, and the Election Day, in cases where a Poll should be demanded, for the THIRTIETH day of DECEMBER last, and which Writs were all returned on completion of the Election.

The following is the list of the Divisions, and of the names of the Members Returned by the several Returning Officers, and summoned to meet in the First Legislature:—

No. 1	or <i>Lake Manitoba</i>	Angus McKay,
" 2	<i>Portage La Prairie</i>	Frederick O. Bird,
" 3	<i>High Bluff</i>	John Norquay, Jun'r,
" 4	<i>Poplar Point</i>	David Spence,
" 5	<i>Baie de St. Paul</i>	Joseph Dubuc,
" 6	<i>St. Francois Xavier West</i>	Joseph Royal,
" 7	<i>St. Francois Xavier East</i>	Pascal Breland,
" 8	<i>Headingley</i>	John Taylor,
" 9	<i>St. Charles</i>	Henry J. H. Clarke,
" 10	<i>St. James</i>	Edwin Bourke,
" 11	<i>St. Boniface West</i>	Louis Schmidt,
" 12	<i>St. Boniface East</i>	Marc A. Girard,
" 13	<i>St. Vital</i>	Andre Beauchemin,
" 14	<i>St. Norbert North</i>	Joseph Lemay,
" 15	<i>St. Norbert South</i>	Pierre de Lorme
" 16	<i>St. Agathe</i>	George Klyne,
" 17	<i>St. Anne</i>	John McTavish,
" 18	<i>Winnipeg and St. John</i>	Donald A. Smith,
" 19	<i>Kildonan</i>	John Sutherland,
" 20	<i>St. Paul's</i>	Curtis J. Bird,
" 21	<i>St. Andrew's South</i>	E. H. G. G. Hay,
" 22	<i>St. Andrew's North</i>	Alfred Boyd,
" 23	<i>St. Clement's</i>	Thomas Bunn,
" 24	<i>St. Peter's</i>	Thomas Howard.

On the THIRTY-FIRST day of DECEMBER last, His Excellency the Lieutenant-Governor was pleased to issue the Proclamation hereinafter written, appointing THURSDAY, the SECOND of FEBRUARY instant, for the meeting of the First Legislative Assembly, and to require the Members to attend in Legislative Assembly on that day at Winnipeg:

PROCLAMATION.

CANADA, PROVINCE OF MANITOBA.

[L. S.]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

(Signed,)

ADAMS G. ARCHIBALD.

To all to whom these presents shall come—

GREETING:

KNOW YE, that We being desirous and resolved, as soon as may be, to meet Our People of Our Province of Manitoba, and to have their advice in Parliament, Do HEREBY, by and with the advice of Our Executive Council of Manitoba, summon and call together the Legislative Assembly of Manitoba, to meet at Our Town of Winnipeg, in Our said Province, on THURSDAY, the SECOND day of FEBRUARY next, then and there to have Conference and Treaty with the Great Men and Legislative Council of Our said Province.

IN TESTIMONY WHEREOF, We have caused these Our letters to be made Patent, and the Great Seal of Manitoba to be hereunto affixed: WITNESS Our Trusty and Well-Beloved, the Honorable ADAMS GEORGE ARCHIBALD, Lieutenant-Governor of Our Province of Manitoba, a Member of Our Privy Council for Canada, &c. At Our Government House in Fort Garry, in Our said Province, this THIRTY-FIRST day of DECEMBER, in the year of Our Lord, one thousand eight hundred and seventy, and in the Thirty-fourth year of Our Reign.

By Command,

ALFRED BOYD,

Provincial Secretary.

Oath of Allegiance to each of the persons elected, or who shall be elected members of the Legislative Assembly of the said Province.

Given under my Hand and Seal at Arms, at Fort Garry, this THIRTEENTH day of MARCH, in the Thirty-fourth year of Her Majesty's Reign, and in the year of Our Lord, one thousand eight hundred and seventy-one.

By Command,

THOMAS HOWARD,
Provincial Secretary.

The Clerk then read the returns of the Returning Officers to the respective Writs of Election.

The Members returned were then severally called by the Clerk, and the Oath of Allegiance was administered to all of the above mentioned members, and taken and subscribed by them in the presence of the said Commissioners. The Members then adjourned until Two of the clock.

After the Members had re-assembled, a message was delivered by Captain VILLIERS, acting as Gentleman Usher of the Black Rod :

GENTLEMEN :

His Excellency the Lieutenant-Governor commands the attendance of this Honorable House in the Council Chamber.

Accordingly the House went up to attend His Excellency in the Council Chamber, when the Speaker of the Legislative Council said :—

*Honorable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly :*

I have it in command from His Excellency the Lieutenant-Governor, to inform you that he will defer declaring the causes for which he hath convened the Legislature, until the Legislative Assembly have elected a Speaker. It is, therefore, His Excellency's pleasure, that the Legislative Assembly do repair to the chamber appointed for them, and there elect a Speaker, and present him here for His Excellency's approbation.

And the House having returned, the Honorable Mr. BOYD (addressing himself to the Clerk, who, standing up, was pointed to, and then sat down) proposed to the House for their Speaker, JOSEPH ROYAL, Esquire, Member for St. Francois Xavier West, and moved that JOSEPH ROYAL, Esquire, do take the Chair of this House as Speaker, which motion was seconded by the Honorable Mr. GIRARD. The question was then put by the Clerk, that JOSEPH ROYAL do take the Chair of this House as Speaker, which duly passed without division.

Whereupon JOSEPH ROYAL, Esquire, was conducted to the Chair by the Honorable Mr. BOYD and the Honorable Mr. GIRARD.

MR. SPEAKER then said :

GENTLEMEN :

I beg to express my grateful thanks, and humble acknowledgment of the high honor the House has been pleased to confer upon me, and while I leave the floor of this House to take the Speaker's Chair, I feel that I also leave all political or partizan feelings, in order that I may discharge with impartiality to all, and to the best of my ability the various and important duties pertaining to the high office of the Speaker of the Legislative Assembly of Manitoba.

Mr. Speaker elect, with the House, then went up to attend His Excellency in the Council Chamber, when MR. SPEAKER elect was presented to His Excellency by the Honorable Mr. BOYD, who addressed His Excellency as follows :

May it please your Excellency :

The Legislative Assembly, agreeably to your Excellency's command, have proceeded to the choice of a Speaker, and have elected JOSEPH ROYAL, Esquire, Member for St. Francois Xavier West, to that office, and by their direction I beg to present him for the approbation of your Excellency.

After which His Excellency was pleased to say, "I approve of the Speaker whom the Legislative Assembly have chosen."

MR. SPEAKER then addressed His Excellency to the following effect :

May it please your Excellency :

I beg to lay claim, on behalf of the Legislative Assembly of Manitoba, to all our ancient and undoubted privileges, especially freedom of speech, access to your Honor, and that the most favorable construction may be put on our proceedings.

To which His Excellency replied :

MR. SPEAKER :

I most cheerfully grant your request.

The House having returned, MR. SPEAKER reported that His Excellency had in the Council Chamber been pleased to make a speech to both Houses of the Provincial Legislature of which he had, for greater convenience, obtained a copy, which would be laid before the House.

The Honorable Mr. BRELAND presented a petition of JAMES CUNNINGHAM, praying that the return of JOHN TAYLOR, Esquire, as Member for No. 8, or Headingly Electoral Division be set aside, which petition was read by the Clerk, and is marked "1" and appended hereto.

Ordered, That the above petition be taken into consideration to-morrow.

MR. SPEAKER read a letter addressed to him by JOHN SCHULTZ, protesting against the return of DONALD A. SMITH, Esquire, as Member for No. 18, or Winnipeg and St. John's Electoral Division.

Resolved, That the letter be not taken into consideration.

Mr. SPEAKER read a letter addressed to him by HUGH PRITCHARD, protesting against the return of CURTIS J. BIRD, Esquire, as Member for No. 20, or St. Paul's Electoral Division.

Resolved, That the letter be not taken into consideration.

Mr. SPEAKER then said he would read the speech of His Excellency the Lieutenant-Governor, which on motion of the Honorable Mr. CLARKE, was taken by the House as read, and is as follows :

*Honorable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly :*

On this interesting occasion, when you meet for the first time under the new constitution which has been conferred upon you, I have much pleasure in welcoming you to the scene of your Legislative labors.

You are about to furnish a test, I trust I may say, you will furnish a vindication of the policy which has given you elective and representative institutions. These are seldom conferred on so small a population. Your case is almost, if not quite, exceptional. It will be your duty to show that the Legislature of the Dominion has not over-estimated your fitness for the discharge of the very grave duties imposed upon you by your new constitution.

The work before you is sufficient to task your utmost judgment and discretion. You have to construct your institutions from the foundation. The arrangements which have sufficed for the Government of this country in the past will no longer serve their purpose. Your isolation from the rest of the world, which deprived you of some advantages, protected you from many evils. That isolation is about to cease. A line of communication between Ontario and this Province will shortly be opened up by the lakes. Different lines of railroad are approaching your borders from the neighboring States, and within a year, there will be steam communication, partly by boat, and partly by rail, between this Province and the rest of the continent. Already a contract has been entered into, to construct a Line of Telegraph, which, before the snow falls again, will put you into instantaneous communication with all the world.

The arrangements recently made between the Governments of British Columbia and Canada, now requiring merely formal confirmation, have grouped into one country all that is British from the Atlantic to the Pacific in this Northern Continent.

As an incident of the arrangements so made, a railway will shortly be constructed through the heart of your country, traversing the rich valley of the Saskatchewan, and opening up to immigration vast tracts of the best unsettled country in the world.

In the new state of things which is at hand, you will find scope for the exercise of the best abilities and the purest patriotism.

Your first duty will be to organize the Province ; to make arrangements for the preservation of law and order ; to establish Courts of Justice ; and to provide the auxiliary machinery required in the decision of controverted rights. You will have to define more accurately than they are now defined, what are the Rights of Property ; how it shall be Transmitted by Conveyance ; to whom

it shall descend by inheritance ; how it may be disposed of by will ; what safeguards may best be provided against fraudulent conveyance ; in short, to lay the foundations of property upon a basis of law.

You will have, also, to provide the arrangements which every self-governing country requires for the management of its Local and Municipal affairs.

You cannot be expected—it would, I think, be unwise for you to attempt to frame a complicated code. The laws to be first enacted, should be plain and simple. They should provide for the essential and the immediate, leaving it to future legislation to deal with matters of less importance, and to adopt the amendments and changes suggested by the wants, and arising from the progress of the country.

Gentlemen of the Legislative Assembly :

The expenditures of the Government since its organization, have necessarily been made upon the responsibilities of Ministers of the Crown. The details will be submitted to you, and the accounts, I trust, will receive your sanction. I shall direct the estimates for the current year to be laid before you. They have been framed with the strictest regard to economy, consistent with the efficiency of the public service.

*Honorable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly :*

You will be invited to discuss measures framed to carry out the various objects to which I have already called your attention : A Bill Providing for the Establishment of a Supreme Court and Courts of General and Petty Sessions ; a Bill to Prescribe the Formalities Connected with the Execution of Wills ; a Bill to Regulate the Descent of Property, Real or Personal, in case of Intestacy ; a Bill for the Registration of Deeds, and the Protection of *bona fide* Purchasers ; and various other Bills for placing the Local and Municipal Government of the country on a solid foundation, will be laid before you and will demand your early attention.

The great body of the settled lands of this Province, are held under the allotment of the Hudson's Bay Company. The lines and boundaries are understood to be governed by the surveys made by the authority of the Company. I regret to have to inform you that the original Plans of Survey have been lost within the last year. Happily a copy has been found which appears to have been made with great accuracy. It will be desirable to prevent the mischief which would arise from the loss of the original plan, by giving the copy, till the original is discovered, the same validity as if it were the original.

Your attention will be invited to a measure for this purpose. In conclusion, allow me to congratulate you upon the prospects now dawning on your country. I have been able for several months that I have been in the Province to maintain peace and order with scarce any of the institutions or aids of an organized society.

In my efforts to calm down the exasperations arising from the painful events of last winter, I have been seconded by the co-operation of the great body of the intelligent and respectable people of this country, irrespective of race or creed ; and I owe it to you to say, that the manner in which the people

generally have conducted themselves at the Polls, on their first essay under the new constitution, is such as would reflect no discredit upon people longer exercised in elective institutions.

I trust your deliberations will be marked by moderation, by good sense, by patriotism, and that when the labors of the Session shall have drawn to a close, you will leave behind you, in the work you shall have done, a lasting monument to the zeal, assiduity and success, with which you have applied yourselves to the task of laying the foundations of the institutions of a noble Province.

Mr. DUBUC then proposed the following address in answer to the speech of His Excellency the Lieutenant-Governor :

To His Excellency the Honorable ADAMS GEORGE ARCHIBALD, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, Member of the Privy Council for Canada, &c., &c., &c.

WE, HER MAJESTY'S Dutiful and Loyal Subjects, the Legislative Assembly of the Province of Manitoba, thank your Excellency for the Gracious Speech with which you have been pleased to open the First Session of the newly constituted Legislature of this Province.

We trust that the mode in which we shall discharge the duties assigned us by the constitution under which we have been called together, will vindicate the policy which has given to so small a population, the privileges and benefits of Elective and Representative Institutions.

We are fully alive to the responsibilities arising from the impending changes to which your Excellency has adverted in our intercourse and communication with the rest of the world; and it will be our study, as it is our duty, to devote our whole energies to a consideration of the means by which we may, in the transition state upon which we are now entering, prepare ourselves for the future that awaits us.

We hail as one of the benefits which Confederation has conferred upon us, that our country is shortly to be traversed by a railway connecting the colonies on the shores of the Atlantic with those on the Pacific, opening up to settlement the vast country which lies between us and the Rocky Mountains, which your Excellency observes, is at this moment the best unsettled land in the world for the purposes of immigration.

We are aware that the circumstances under which the Government was organized, rendered it impossible to procure the assent of the Legislature to the necessary expenditure, and that any monies disbursed since the date of the Union, must have been expended on the responsibilities of the Ministers of the Crown.

We thank your Excellency for the assurance that these accounts shall be submitted to us for our sanction.

The estimates for the current year, which your Excellency informs us you have directed to be laid before us, will receive our careful consideration, and we confidently anticipate that we shall find them to have been framed with every attention to economy, consistent with the efficiency of the public service.

We shall devote ourselves to the careful consideration of the various measures, which your Excellency assures us, will be submitted to us—measures

having for their object the establishing of the institutions of the country on the basis of law.

We fully appreciate the importance of defining with greater accuracy than they are at present defined, the Rights of Property, and of establishing the institutions which are necessary for the organization and government of the country, and for the preservation of peace and order in the Province. We thank your Excellency for the assurance that the necessary measures will be laid before us, and we shall gladly give them the most careful attention.

We regret to learn that the Plans of the Survey, under which almost the entire population of this Province hold their titles have been lost, and we thank your Excellency for the promptitude with which, to meet the emergency, you have directed a measure to be prepared to remedy the mischiefs which such a loss would entail, if not provided against by legislation. We shall give the measure, when presented, our careful attention.

We thank your Excellency for the congratulations you have tendered to us on the prospects now dawning upon this country.

The success which your Excellency has had in the maintenance of peace and order under the trying circumstances which have occurred since your Excellency arrived among us, is largely due to the conviction of our people of every race and creed, that your Excellency's sole aim has been to promote the real good of the people of this country.

We are happy to perceive that the exasperations arising from the unhappy events of last winter, are gradually becoming allayed, and we assure your Excellency of our co-operation in every effort you may be pleased to make to restore the happy relations which formerly prevailed in this country between men of all races and creeds.

We shall endeavor to conduct our deliberations under the guidance of the feelings which your Excellency has recommended, and shall entertain the hope that our labors will not be without value in making solid the basis of our Provincial Institutions.

On motion of Mr. HAY, that the address to be presented to His Excellency in answer to the Speech from the Throne be not considered until to-morrow, the House divided and the motion was lost.

On motion of the Honorable the Attorney-General,

Ordered, That the following members do form a Committee to prepare an address in reply to the Speech of His Excellency the Lieutenant-Governor: Mr. BUNN and Mr. DUBUC.

The Committee having reported an address as proposed by Mr. DUBUC.

Resolved, That the address as reported be adopted, and that a deputation, consisting of the members of the above Committee, be instructed to wait upon His Excellency the Lieutenant-Governor, to learn the time when he would be pleased to receive the Address of the House.

Ordered, That a Committee, composed of the following members, be appointed to prepare Rules for the Government of this House, and to report on Sessional Regulations: Mr. SPEAKER, the Hon. Mr. CLARKE, the Hon. Mr.