

will have an equal right to call on the people of Canada to indemnify them. It has been stated that compensation has been given in various indirect ways to persons interested in this company, by reason of their not getting what they claim—that they have received advantages in the way of leases or other advantages. I object to this item *in toto*. In the first place, no legal liability can be established. In the next place, it cannot be said that there is any moral liability, because these lessees knew that they were buying a doubtful title. This question had been fought out at the polls for years. Everyone in Canada knows that there was a grave doubt whether this Government had any interest in that disputed territory or not. The award of 1878 was against them, and that award has been confirmed by the highest tribunal to which Canadians can appeal. Yet these defendants, in the face of that, chose to enter into this speculative transaction, and to take from this Government the right to cut timber in that territory when they knew perfectly well that that right would be contested in the courts. On what principle, then, are we asked to indemnify them? It is a monstrous thing that the Government should retain one of their own supporters in this House to defend this company, and thus violate substantially the Independence of Parliament Act. This is a transaction which is a disgrace to everyone concerned in it.

Mr. MILLS. I understand that the First Minister is contesting the right of Ontario to this territory, not because he is disputing the boundary of Ontario, but because he claims that the Indians have a paramount title, which the Crown here alone could acquire. I put a question to him the other day as to whether he maintained the same view with regard to the waste territories of the Province of Quebec. If he is right in his contention as to Ontario, I do not see why it should not apply to every other territory in British North America where the Indians have not surrendered their right. I would like to know on what theory the hon. gentleman proposes still further to test this question, and to say that the rights of the Indians on the western side of the boundary between Ontario and Quebec are paramount, while on the eastern side of that boundary they are not.

Sir JOHN A. MACDONALD. I do not know as it would be of any use for us to discuss an abstract question; but as the hon. gentleman asks me the question, I have no objection to giving him my opinion, that the original title of the Indians is the same in one part of British North America as in another. With respect to this case, I would merely say that the hon. member for North York (Mr. Mulock) has done the hon. member for North Simcoe (Mr. McCarthy) a great injustice. He has not been employed by the Government, and has nothing to do with the Government.

Mr. MULOCK. He has got the money.

Sir JOHN A. MACDONALD. The case stands thus, a suit was brought against this capital stock company on behalf of the Government of Ontario. The company employed Mr. McCarthy's firm; neither Mr. McCarthy nor his firm had anything to do with the Government. He simply acted as counsel and as partner of his firm and solicitor for this company. There is nothing wrong in that. The question arose in the courts whether the title of the company was valid or not. They had their title from the Dominion Government, and that question arose over the Indian title. It was very important that question should be settled at once, and as this suit was going on, the Government consider that the most convenient and economical way of settling the question was by making this suit a test case. The Crown supported the Indian title, and helped the company to carry on the suit until the final decision was arrived at as to the validity of that title. Mr. McCarthy,

Mr. MULOCK.

being the counsel of the St. Catharines company, continued to be so. The arrangement was not made with Mr. McCarthy, but with the company, that their case should be made a test case. This would save the bringing of many actions, as the whole thing would be settled finally in this one case. The Government, therefore, on my advice, said we would make it our own case, and have the question settled for once and forever.

Mr. MILLS. Supposing the Supreme Court or the Privy Council sustain the view taken by the First Minister on this question, are we to understand he will act on that principle in all the Provinces?

Sir JOHN A. MACDONALD. If the Privy Council decide in favor of the view which the Dominion Government take, that of course will be the law, and it will be the law with respect to the Indian title in all parts of British North America.

Mr. FAIRBANK. I understood the Government intended to make this their own case, and would consequently have something to do with the lawyers conducting it.

Mr. DAWSON. I think the hon. member for Bothwell (Mr. Mills) will admit that the title of the Indians is not the same in all the Provinces. The title of the Indians which was affirmed by the Imperial proclamation of 1763, is a little different from the claim of the Indians of the Province of Quebec.

Committee rose and reported.

SUPPLY—CONCURRENCE.

House proceeded to consider resolutions reported from Committee of Supply.

Pensions payable on account of Rebellion of 1885.. \$20,000 00

Sir RICHARD CARTWRIGHT. The Minister of Militia was good enough to hand me a statement showing the way in which these pensions are distributed. Looking over this statement—and I think it ought to have been printed—I see that apparently—though there may be reasons for it—there is an enormous discrepancy in the awards made under what seem to be similar circumstances, and I will give two or three instances which will enable the hon. gentleman to state what sort of principle has been laid down about awarding these. I see a sum assigned to a Mr. Swinford, father of Lieutenant Charles Swinford, of the 90th Battalion, wounded at Fish Creek and died afterwards, of \$730 a year. That is a very liberal allowance in itself, and an allowance which, with every desire to deal liberally with the families of volunteers, seems to me to require explanation; but it requires explanation more, I think, on this ground, that, I believe in precisely similar cases, a much smaller pension has been allowed. Here I find Mrs. Elizabeth Lydia Brown, mother of Captain Brown, an officer of higher rank, in Boulton's mounted infantry, killed at Batoche, receives a pension of \$259.15. Now, *prima facie*, there is no reason why \$730 should be assigned to the father of a lieutenant and only \$259 to the mother of a captain, unless there are some reasons which call for very remarkable discrimination. Then, I see an allowance to Mr. Moore, father of Private Thomas Moore, killed at Batoche, of \$500. This is in the nature of a gratuity, and not a pension. John A. Hughes, father of Private Isaac Hughes, who seems to have died after an injury received at Batoche, gets \$1,825. Those two instances will answer my purpose as well as all the rest. There is an apparent enormous discrepancy. There are others in this which require attention, but probably the hon. gentleman, by explaining those two, will give the House and myself a better idea of the principle upon which