# DEBATE ON REPRESENTATION OF MARITIME PROVINCES

## Increase of Quebec Boundaries Should be Considered in Regard to Claims of Maritime Provinces, Says Dr. Daniel---An Amendment to Constitution Must Be Made With Care, Says Premier.

OTTAWA, Ont., Jan. 28.—In the house this afternoon Mr. Aylesworth introduced a bill in amendment of the National Transcontinental act. It provides that workmen on the National Transcontinental railway shall be in the same position as workmen under the statute of 1896, who have the right to sue for and obtain wages due from contractors from money deposited with the government.

Hon. Geo. E. Foster dropped the resolution of which he had given notice, declaring it advisable in the interest of the country to eliminate party patronage from the Canadian public service and that henceforth appointments should be based on character, capacity and adaptability, and that supplies be purchased on quality and price alone.

A debate on the dwindling representation of the Martime Provinces was brought on by Mr. Hughes of Prince Edward Island. He moved that an address be presented to the British government praying that it cause a measure to be submitted to the Imperial parliament for the purpose of amending the British North America act, so that the Maritime Provinces of the Dominion, comprising the provinces of New Brunswick, Nova Scotia and Prince Edward Island, shall not at any time have fewer representatives in the House of Commons than the number that was assigned to each when it entered the confederation.

Mr. Hughes declared the fathers of confederation intended that the representation of the Maritime Provinces should not be decreased. This was particularly true as far as the province of Prince Edward Island was concerned. Mr. Hughes quoted the utterances of the members of the confederation conference to show their intention was what he claimed it to have been. At the time of confederation all parties held that no less than six members should ever represent the Island province. There was no doubt that the letter of the law was against what he claimed was now the right of the Island, but the spirit of the constitution was with him in his contention. If the letter of the law were not against the Maritime Provinces, they could obtain their rights through the courts. As it was they had to appeal to the generosity of the representatives from the other provinces. He asked support for his resolution from both parties.

Mr. Martin, of P. E. Island, said that the population of the Island and consequently its representation would not have decreased and might have increased if the Dominion government had held strictly to the compact with the Island and maintained communication with the mainland.

Dr. Daniel of St. John maintained that the question was in no sense an academic one. The Maritime Provinces were vitally interested in the matter. When the Maritime Provinces surrendered their rights to impose duties on imports and similar rights it is certain they were not willing to have their position injured through any possible decrease in population. The men who framed confederation never intended that the representation of any province should fall below what it was at the time of union. Quebec was made the pivot, and therefore the increase of the boundaries of Quebec since confederation should be taken into consideration in regard to the claim which the Maritime Provinces were making today. At least the population within the bounds of what was Quebec at the time of confederation should be adhered to in ascertaining the original unit of population.

Mr. Aylesworth said that at the time of confederation Prince Edward Island had at first declined to adhere to the principle of representation by population and had declined to enter confederation unless given six members when only entitled to five. The original four provinces agreed to confederation on the basis of representation by population. Therefore it did not appear that Nova Scotia or New Brunswick should complain about the principle of representation by population being carried out. When Prince Edward Island came in it had the example before it of British Columbia, which had by its terms of union provided that its representation should never fall below the original figure. Manitoba had come in before and had agreed to representation by population. It was clear that Prince Edward Island had come in after bargaining for representation. In the question of law the act had been tested and interpreted against Prince Edward Island. The city of Winnipeg has a larger population than the whole of the Island and yet it had only one member. There was no likelihood of the Island's representation being increased, but every likelihood that it would continue to decline. If it be wiped out altogether or reduced to one, an occasion might arise when an appeal should be made to the British parliament to have the terms of union amended. The question before the house was that there should be an appeal for the loss of one member. If that were done there would be appeals from Nova Scotia and New Brunswick, and if this were granted on the Prince Edward Island precedent would have been put to the principle of representation by population declared for by the Quebec conference.

Dr. Sproule thought there would be no objection from the larger provinces if the provinces retained their original representation, on their present representation at any rate.

Dr. Stockton of St. John said he was sorry the Minister of Justice had discussed the question from a strictly legal standpoint. There was no contention by the Maritime Provinces that they had the legal right to what was asked for under the resolution. They had against them the decision of the supreme court and the privy council. They came to ask the larger provinces to generously ask for an amendment to the constitution in favor of the smaller provinces by the sea. He thought one could be safely made to the British North America act. A Maritime Province union had been suggested as a solution of the difficulty. Dr. Stockton thought there might be a Maritime Province union if the location of the capital could be agreed upon.

Mr. Crockett declared the judgment of the privy council was based on the acts of 1871 and 1886 and not on the original act of confederation, as it should have been. Conditions in Canada were materially altered by the change in Quebec's boundaries and by the admission of Manitoba and other provinces to the confederation. He asked Sir Wilfrid to give his sanction to the resolution and he was sure it would pass unanimously.

Mr. Macdonald of Pictou agreed that the privy council had not interpreted the spirit of the constitution, but only the legal structure of the act.

Mr. McLean of P. E. Island reviewed the case from legal and constitutional aspects.

W. F. McLean thought there should be sentiment as well as law in adjusting the relations of the provinces. It would be well to deal generously with the Maritime Provinces. He thought the proper solution was to be found in a union of the Maritime Provinces into one and the adjustment of representation for it on a generous basis with a minimum limit. The growth of the Maritime Provinces should be encouraged by the development of transportation by the creation of a government national port and by aiding shipbuilding.

Sir Wilfrid Laurier said that this was an interesting and important question and one which had been debated in parliament two or three sessions. The resolution asked that the British parliament be asked to amend the constitution. It was asked that the principle of representation by population be departed from.

Sir Wilfrid held that an amendment to the constitution was an extreme step. It should only be resorted to for the amendment of an evil which could not be otherwise dealt with, and the remedy should be for all time. The men of Prince Edward Island who agreed to the province entering the union did not contemplate their population or representation declining or they would have guarded against that contingency, as British Columbia had done two years before. Sir Wilfrid said it had not been demonstrated even yet that the Maritime Provinces would not make progress and gain population so they would not only march with the other provinces but would make up the ground they had lost since confederation. That was his hope. That hope might not be realized and the population and representation of the Maritime Provinces might continue to decrease even to the point when P. E. I. would have no representation at all. Sir Wilfrid said if the Maritime Provinces did not show growth he had no doubt the other provinces would be glad to deal generously with them in the matter of representation. However, the extreme remedy of amending the constitution and departing from the principle of representation by population should only be resorted to when it was sure there was no other remedy. He doubted if the present was the time to declare for it. One province was asking for the change. If one province, dissatisfied with the way the constitution was working should be granted a change by the British parliament on the request of the Canadian parliament, who could say when some other point would ask for a change of constitution and would quote this precedent. Sir Wilfrid was of opinion that before the request of any one province for a change of constitution were endorsed by parliament it should submit its contention to all the other provinces and obtain their consideration. The British parliament was to be asked to change the provincial terms of the constitution, but that was only being done as the unanimous request of all the provinces. Sir Wilfrid was glad the matter had been brought up. There was no occasion to come to hasty discussion. There could be no change in representation until the next redistribution, and that would not take place until 1911. There was little in the point about the change in Quebec's boundaries. The province has not been enlarged, but merely its northern boundary had been fixed. There was no man who could say whether the size of the province had been increased or diminished. If it had been increased it was certain that it had not affected the representation of Prince Edward Island for there was no population along the northern boundary of the province.

R. L. Borden agreed with Sir Wilfrid that on an amendment to the constitution all the provinces should be heard before the British Parliament was asked to make the change. He did not agree that all the provinces had united upon the financial changes. British Columbia had not indorsed the purpose. Australia had provided that no state in the commonwealth should ever have less than a representation of five.

Mr. McCarthy of Sincoe, said the question was an important one and he would like to have it debated more fully by Ontario and Western members. He therefore moved the adjournment of the debate.

There was no objection to this and as division was taken the motion to adjourn was carried by 78 to 48.

The opposition voted against the adjournment with the exception of Mr. Paquet. The Government supporters who opposed adjournment were Mr. Hughes, of Prince Erward Island, Laurence, Law, Pickup, and Black and Mr. Carvell.

Dr. Stockton just before the adjournment asked if there was any truth in the report that the C. P. R. were to be given running rights to Halifax over the Intercolonial as the position of St. John as the terminus of the mail boats would be thereby affected.

Mr. Emmerson said there had been no proposal for running rights, but he had been asked to discuss with the C. P. R. the question of giving the running rights to Halifax. If that request was granted it would be granted in such a way as to protect the interests of the Intercolonial, the terms of the mail contract would be carried out and the mail steamers would continue to go to St. John.

It is now, and has been his view, that all the mail steamers should dock at Halifax, land mails and such passengers as wished to go ashore there, and then come on to St. John with freight. That is what will be done, as the C. P. R. discovered recently that they must dock at Halifax the same as the Allans, who really hold the mail contract. Mr. Emmerson had hoped to have the I. C. R. thus handle all the mail and passenger business from Halifax; but when the C. P. R. found they must dock their ships at the Nova Scotia port, they decided to seek running rights in order that they might handle the whole business, passengers and mails from Halifax, and freight from St. John, with their own trains and crews.

The matter was first broached by the C. P. R. officials to the I. C. R. management at Moncton as a feeler, but later, at the time of the Root banquet in Ottawa, Sir Thomas Shaughnessy put the matter before Mr. Emmerson, asking for running rights for passenger trains and participation in local passenger business as well. The minister replied he would consider, but if the arrangements were made the Intercolonial would have to be repaid for what business it thus forfeited to the Canadian Pacific.

Sir Thomas evidently contemplated some agreement for a merely nominal sum, but it was soon made clear that no such proposal would be tolerated. As the matter stands, the next step would be an exchange of views by traffic experts of both roads to find some basis of agreement and give Mr. Emmerson and Sir Thomas something to figure on.

It is believed here the Intercolonial's terms will be pretty stiff, as the minister believes the circumstances are exceptional and he is bound to protect the government road.

Some indication of his attitude is seen in the announcement that after the next change of time table the C. P. R. will have to pay a great deal more for the use of the St. John Intercolonial railway terminal or find room elsewhere. Mr. Emmerson says the present price is merely nominal and wholly unbusiness like.

It is not thought here that the proposed arrangement about running rights will be settled this winter, or that it will affect St.John's freight business, inasmuch as during the life of the present mail contract, St. John will continue to be a port of call.

This suggests another question, which is the importance of St. John getting its harbor in shape before a new mail contract is talked of, and having a settled policy with respect to the nature of the business it is going to handle. Here, in Ottawa, the question of nationalization is spoken of as one to bear fruit only in the distant future.

Men whose judgment should be good, believe St. John should right now spend its time preparing a time to bridge over the long interval that must elapse before the government can undertake to equip all the principal ports.

It is known that St. John, in addition to more wharves, must be widened and deepened, and that there is a great deal of dredging to be done.

OUGHT TO RETAIN CONTROL OF HARBOR.

These men say St. John ought to retain control of its harbor, get the government to do the dredging and let the city raise money by top and side wharfage sufficient to pay the interest and sinking fund charges on the million or two millions needed to keep the millions up to or ahead of the requirements of the immense business offering within the next few years.

They insist that effort along this line is better than generalities about nationalization when, as a matter of fact, the government will not take over any ports for a long time to come.

Dr. Daniel, M. P., speaking today of the application of the C. P. R. for running rights said he could not see that St. John's freight business was in any way threatened.



SYDNEY, N. S. W., Jan. 28—There is a recrudescence here of the Bubonic plague which broke out first in February, 1905, and reappeared in March, 1906. Eleven cases, two of which were fatal, have been reported since January 25.

# STAR FASHIONS.

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To obtain Star patterns of accompanying design, fill out the following coupon and send it to

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2178—A novel and good style dress for a girl is given here for the benefit of the home sewer. It suggests a new manner of using box pleats, having them inverted over the shoulder and ending at deep yoke depth to supply extra fulness for the waist. The latter is gathered full at the waistline and blouses a bit all around. The waist and skirt may be made separately and worn over any style of guimpe. Any seasonable material would serve for the dress of which 3¼ yards 32 inches wide are needed for the medium size.

2178—Sizes, 4 to 12 years.



# SUPREME COURT DOCKET.

FREDERICTON, N. B., Jan. 28.—Hilary term of the Supreme Court opens here tomorrow. The docket is made up as follows:

The King v. James McCarthy—Referred by the Chief Justice. McAlpine, K.C., to move for mandamus to compel police magistrate, St. John, to pay over certain fines.

The same v. the same—The like.

Robert Chittick v. City of St. John—Skinner, K.C., to move to set aside verdict entered by Justice McLeod for plaintiff, and for a new trial, or for a reduction of damages.

Peter Petropoulos et al v. F. E. Williams Co. et al—Referred by Mr. Justice Barker. Allen, K.C., to move for order to set aside writ of execution and levy thereunder.

Ex parte Russia Williams—Jones, S. G., to show case.

Ex parte F. E. Williams Co. et al in re Petropoulos et al v. F. E. Williams Co. et al—Wm. Allen, K.C., the like.

The King v. Carleton, Judge Victoria County Court, ex parte G. Miles McCrea—Connell, K.C., the like.

The same v. the same ex parte the same—the like.

The King v. Kay, stipendiary and police magistrate Westmorland, ex parte Patrick Gallagher—Chandler, K. C., the like.

The same v. the same, ex parte the same—the like.

The King v. Steeves, sitting police magistrate, Westmorland, ex parte the same—the like.

The King v. Wilson, judge York County Court, ex parte, John MacPherson—McLellan, the like.

Ingram v. Brown—Trueman, K. C., to move for a new trial.

Bourque v. Record Foundry and Machine Co.—Borden to move to set aside verdict for defendant and for a new trial.

The same v. the same—Welch to move to set aside findings of jury in favor of plaintiff, and judge's rulings as to the advisability of notice of injury and amendments of pleadings on trial, pursuant to leave reserved.

Milmore v. town of Woodstock—Hartley to move for a non-suit or for a new trial or for reduction of damages.

Moran v. O'Regan—Mullin, K. C., to support demurrer to defendant's pleas.

Chittick v. city of St. John—Skinner, K. C., to move to set aside verdict entered by Mr. Justice McLeod for plaintiff, and for a new trial, or for a reduction of damages.

Lynch v. Wm. Richards & Co.—Barry, K. C., to move to increase verdict for plaintiff.

The same v. the same—McLellan to move to set aside verdict for plaintiff and to enter a non-suit or for a new trial.

Southwest River Driving Co. v. Lynch—McLellan to move to set aside verdict for defendant and for a new trial.

Wilson et al v. Clark et al—McKeown, K. C., to move to enter verdict for defendants pursuant to leave reserved.

Green (plaintiff), appellant, etc., Clark, executor (defendant), respondent—Carter to support appeal from the Victoria county court.

Cormier (defendant), appellant, and Arseneau (plaintiff), respondent—Phinney, K. C., to support appeal from the Kent county court.

Clark (defendant), appellant, and Murray (plaintiff), respondent—Barnhill, K. C., to support appeal from the St. John county court.

Peck (defendant), appellant, and Robinson, administrator, etc. (plaintiff), respondent—Powell, K. C., to support appeal from the Albert county court.

# LARGE ATTENDANCE AT FUNERAL OF LATE HON. A. G. BLAIR

OTTAWA, Ont., Jan. 28.—The funeral of the late Hon. A. G. Blair took place this afternoon. It was held at the family residence, O'Connor street. A great number of friends, both political and personal, gathered to pay their last respects to the dead statesman.

The services, conducted at the house, were of a simple nature, in keeping with unostentatious life of the deceased. Rev. W. T. Herridge officiated.

The members of both houses now in session were present in numbers, and the staff of the railway commission, of which Mr. Blair was the late chief, showed their last deep respects.

Sir Wilfrid Laurier, Hon. H. R. Emmerson, all the other members of the government, and Premier Tweedie of New Brunswick were present.

Floral offerings came from all portions of Canada and telegrams of sympathy were received from many personal and family friends. Chief among the floral offerings were those from the government of New Brunswick and the City of Fredericton. The list included:

Wreaths — Hon. L. J. Tweedie, Messrs. J. Bebbington & Sons, Fredericton, N. B., officers of the local government departments, Fredericton, N. B.

Cross—Officers of the hospital aid, Fredericton, N. B.

Pillow—Mr. and Mrs. J. H. Barry.

Pillow and wreath — Intercolonial Railway officials, Moncton, N. B.

Broken column—Government of New Brunswick.

Broken column with shield—City of St. John, N. B.

The chief mourners were A. G. Blair, jr., and Donald Blair, sons; R. G. Randolph, W. C. Clarke, Dr. Geo. S. MacCarthy, sons-in-law; M. Slosson Thompson, Chicago, brother-in-law; Senator Thompson, Fredericton, and W. F. Whitehead, life-long friends.

The cortege proceeded to Beechwood cemetery, where the remains were placed in the vault.

# KINGSTON HAS ANOTHER HEAVY EARTHQUAKE; NO DAMAGE DONE

KINGSTON, Jamaica, Jan. 28.—The heaviest earthquake shocks since the one that devastated Kingston on January 14, occurred here at 4.30 o'clock this morning. No particular damage is reported as the result. It was announced here today that a special commission to investigate the situation at Kingston in behalf of English insurance companies sailed from Bristol last Saturday.

Acting upon instructions from the Washington government, Captain John S. Battle of the eleventh infantry arrived here today on the steamer Oteri with more than a hundred army tents from Guantanamo.

Givernor Swettenham, who refused Rear Admiral Davis' offer of the same tents a few days after the earthquake and fire, has now graciously and gratefully accepted the loan of them.

Albert E. Angier, who was reported missing following the earthquake, is safe, having reported himself to the American consul several days ago.

Daniel White Comstock, an American tourist, who was seriously injured at one of the smaller hotels, is now out of danger and progressing satisfactorily.

OLEAN, N. Y., Jan. 27.—Dr. Hibbard tonight gave out this bulletin regarding the condition of former Governor Higgins:

"Mr. Higgins has passed a comfortable day, and during the last 48 hours has lost nothing. He has held his own in all particulars."



# WILL BE TRIED BEFORE SUPREME COURT

## Preliminary Hearing In Cora McKinnon Case Concluded—Accused Sent Up for Trial.

SYDNEY, Jan. 28.—The preliminary hearing in the Cora McKinnon case before Stipendiary W. R. Hearn, was concluded today with the examination of Dr. Brookman. Dr. Brookman sworn said:

"I know the accused. Saw her about two years ago at my office. Had some conversation with her regarding her physicial condition. She said she was in trouble. I told her to go home and not allow any person to do anything to endanger her life. She left the office apparently persuaded to let nature take its course."

Cora McKinnon, when called had no answer to make.

The crown prosecutor, D. A. Hearn, in summing up, thought that the evidence adduced was good. The magistrate committed the accused to stand trial at the February of the Supreme Court. At the request of the crown prosecutor, the hearing of the Rice case has been postponed until next Saturday.