

# POOR DOCUMENT

## THE WEEKLY HERALD

CHARLES H. LESEUR, EDITOR AND PROPRIETOR.  
FREDERICTON, N.B., JANUARY 28, 1882.

### THE TRUE IDEA OF CANADIAN LOYALTY.

W. D. LeSeur, B. A., discusses in the *last Canadian Monthly* the true idea of Canadian loyalty. The article is a well written and forcible exposition of the relations between the Empire and the Dominion, and presents some of the arguments in favor of the independence of Canada so clearly that it cannot fail to produce a profound effect upon public opinion. We do not know what political party Mr. LeSeur belongs to, neither does it make much difference whether he is a Liberal or a Tory. What the people of Canada are interested in is, the truth or fallacy of his reasoning. And here let us say that New Brunswick is a long way behind the rest of the Dominion in the free discussion of the political status of Canada.

In Ontario and Quebec leading journals openly advocate independence, and a strong and growing sentiment exists upon the subject. Even the most thoroughgoing Tory journals there do not think it necessary to set up a howl about treason and write nonsense about flags, when one of their contemporaries feels called upon to publish his views on the future foreign relations of Canada.

As we stated in a recent article, it is evident that the present relations between Canada and the rest of the Empire cannot much longer continue. One by one the ties between the mother country and her great dependency have been broken until nothing is left, except the right to nominate the Governor General, which may be given up at any time, and the power to amend the British North American Act, which will never be exercised, except at the instance of our own Parliament. The Colonial relation ended when the Beaufort government omitted from the Royal instructions to the Marquis of Lorne, on assuming the office of Governor General, any reference to the reservation of the Royal assent to Bills imposing duties upon goods, the produce of the mother country. Just as the Conservatives gave us our complete political autonomy in respect to legislation, so the Liberals are prepared to bestow upon us full authority to name our own chief magistrate. Mr. Gladstone has said: "If it were the well-ascertained desire of the colonies to have the appointment of their own governor, the Imperial Parliament would at once make over to them that power." Public sentiment in England regards Canada rather in the light of a friendly state than as a dependency, and many instances which bear out this assertion will occur to the mind of any thoughtful observer of events. The colonial relation being at an end, the question is—What next? Mr. LeSeur says independence. Canada has, as we have shown, legislative independence, and our right to have a voice in the making of our own laws is being gradually recognized. The first step in this direction was the appointment of Sir John Macdonald as one of the Commissioners who framed the Washington Treaty, for although Sir John did not actually appear at the Congress as a Canadian representative, it was well understood that his appointment was made with the object of having Canadian interests represented. Later we have seen that Sir Alexander Gait was to represent Canada at the Convention between England and France to frame a commercial treaty. Arguing from some of the facts stated above, and from others which we have not space to give, Mr. LeSeur claims that the true idea of Canadian loyalty is loyalty to Canada: not a blind following of the lead of the home government, but the development of a feeling of national completeness and individuality; or, as he himself says, "of earnest devotion to the land that has borne its future for its institutions and faith in its respect."

The *Sun* anticipates a great demand for railway subsidies at the ensuing session of the House of Assembly, and wants a strict watch to be kept lest the Province be committed to an indebtedness which it can ill afford to carry. We fully agree with the idea that the utmost care should be exercised in the granting of new subsidies. Indeed we would like, if it were possible, to have all applications denied; but if this cannot be, and it is difficult to see how in view of what has been done, it will not be necessary in the interests of fair play to do more, the legislature will have to set itself to work to economize in some way so as to save the interest of any new loan which may have to be made. Indeed the Legislature ought to refuse to vote a dollar to subsidize any one, until they can discover some way of saving the interest without impairing the public service. We believe the pruning knife could be used in a variety of ways. In the first place it is nonsense to keep up the mimicry of a Commons, Lords and King. We are not sure that we want a governor at all, but if we do, the salary he gets from the general government ought to keep up his establishment in every particular. We are sure we do not need a Legislative Council, and although \$300 a year may not be any too much pay for the members of the House, we are by no means convinced that just as good men could be got for \$200. We imagine that the Province could get along without

some one of the heads of Department, at least it does manage to get along without some of them being very much in their offices; or, if we must have so many chiefs and generals, either let their pay be reduced, or let them be compelled to do something for their salaries, and thereby lessen the number of departmental clerks. It is a question if some of the Departments could not be united with a gain in the matter of efficiency. As a general thing the salaries are not too high to the subordinate officers. Then we would like to know why a Supervisor gets ten per cent. for driving in a carriage to expend \$5,000 on a bridge, while a by-road Commissioner gets only five per cent. for walking through the mud to expend \$50 on a new road. Either one gets too much or the other too little, and we presume it is the former, since men are anxious to have the smaller per centage than none at all. We think that by simplifying our local legislative machinery, by getting it down to a business basis, sufficient money might be saved to pay the interest on a million dollars, which would be enough to subsidize all the railways we need, and build the bridge at Fredericton in the bargain. The members of the Local Government may as well make up their minds to the fact that if they do not grapple with the subjects spoken of above, they will have to give up their seats to those who will. We have in New Brunswick to decide upon the manner in which a half million dollars shall be spent, enough machinery to regulate the whole Empire. We leave out of consideration altogether the important subjects of legislation other than those bearing on finance, because the opportunities of observation we have had, and they have been very good, convince us that half a dozen men or so, and they are not all in the Government either, do all the thinking and real law making for the country.

There is a growing feeling of indignation all over the country on account of the disallowance of the Winnipeg and South-eastern Railway Act. Even party lines are not strong enough to keep down a hearty condemnation of this stretch of the prerogative from many who have given a firm support to the general policy of the Government. If there is one thing which the Local Legislatures should guard more jealously than another it is the right to exercise their legislative functions without interference from the central executive. They cannot permit Sir John Macdonald or whoever may happen to be Premier, to arrogate to himself a dictatorship in local matters and exercise absolute power at the bidding of any body of men. In the instance in question the Legislature of Manitoba passed an Act incorporating a railway company. This was entirely within the power of that Legislature, but because the Pacific Railway Syndicate thought the road to be constructed under the Act might prove a rival to their line, they demanded the disallowance of the bill, and it was disallowed accordingly. We mistake the temper of the Western men very much if they will submit to be governed according to the wishes of an association composed chiefly of foreign capitalists. Canada cannot afford to tolerate an *imperium in imperio*. Neither will she do so. We believe that at the next general election the people speak with no uncertain voice and pronounced the death knell of toyism.

The Hon. S. L. Tilley, Governor of New Brunswick, when seated upon the throne, dressed in the Windsor uniform which became him so well, upon one occasion told the Lords and Commons that certain claims which the Province of New Brunswick had upon the Dominion Government, ought to be paid at once with interest. To be sure, the words were put in the Hon. Mr. Tilley's mouth by his constitutional advisers. Nevertheless, so truly honorable a statesman would never have uttered them if he did not believe them to be true. And now that our ex-Governor has become a Knight, and sports two handles in front of his name, and is a Finance Minister besides, with dear knowledge how much surplus revenue locked up in his strong box, some very unreasonable people are asking why the principal at least of all these claims was not paid long ago. The king, we know, can do no wrong, and therefore we suppose our Lieut. Governors are not to be held accountable for any propositions they state from the throne, and we refer to it simply for the purpose of severely reprimanding those who expect the Minister of Finance to carry out the promises he made in days gone by. These promises are only to be taken in a Pickwickian sense; and, besides this, the Minister of Finance has too much to do in looking after the North-West to devote any attention to a Province which, by an immense majority, declared it had no confidence in him.

It is useless for the *editor of the Capital* to assume the role of an injured individual on account of THE HERALD'S article on Monday. We simply acted in our own defence, and do not propose to follow up the matter of our business standing any further in the press. The statements made and repeated by the *Capital* are of a character which a court of law will take notice of. We refer now only to the allegations in reference to Mr. Lugin's business standing. These must be stopped, and at once. As for anything the *Capital* can say about our political record, it is at liberty to go ahead, and if we think it worth while we will reply.

The St. John *Globe* and its friends are angry without a cause, and are a little fast in their denunciation of the proposed bill at the opening of the Legislature. The citizen's committee are not actuated by any speculative spirit whatever. Some forty persons have united in an undertaking to contribute equally towards the expense of the bill. This committee, on behalf of the citizens of Fredericton, will issue invitations to a large number of ladies, the Lieutenant Governor and his private Secretary, the members of both branches of the Legislature, the Mayors of St. John and Fredericton, and the editor of the St. John *Globe*, the latter invitation being given on account of the generous course taken by the *Globe* when the interests of Fredericton were at stake on the Parliament Buildings question. These invitations, which will number over a thousand, will be complimentary. No gentlemen other than those named will be invited, unless some names may be added at subsequent meetings of the committee. These invited guests will be entertained at a ball, private concert and supper by the citizens of Fredericton, the male portion of whom are expected to purchase tickets at three dollars each, in order to meet a portion of the expense. If any gentlemen residing out of Fredericton, other than those invited, desire to attend, and they will be gladly welcomed, they may do so upon the same terms as a citizen of Fredericton can, that is, by buying a ticket.

Amongst the latest reports from the Arctic Ocean are not of a very encouraging character, those best informed in the geography of northern Siberia are still hopeful of the safety of Capt. DeLong and his party. The distances in that country between the few places which have communication with the outside world is so great that, although news has been received up to Nov. 19, or more than two months after the boats of the expedition parted company in the fog and snow some fifty miles north of the mouth of the Lena, it is by no means certain that the boat crews yet missing are not safe quarters. On Oct. 29th two seamen came from the mouth of the Lena, and reported that Dr. Ambler, Mr. Collins and nine seamen had landed there, and were in a most distressed state, being threatened with starvation and many of them having their limbs frozen. Engineer Melville went back to the coast with a party of natives and searched for his missing commander. He came upon tracks of the party at four points and found instruments, log books and records. The search terminated at the fourth station; but why it is never guessed. It will be resumed under the charge of the Cossack Commandant. The interest which is taken all over the world in the fate of these hardy explorers is very great.

The *Venue* is GIBBARD'S CASE. The jury who sat upon Gibbard's case did not take very long to make up their minds to bring in a verdict of guilty. Whether the wretch is hanged or not makes very little difference; but it would have brought the administration of justice in the United States into contempt if the long trial had resulted in a discharge of the accused. The theory of the defence they would have gone to the very verge of declaring that homicide could never be criminal; for the same reasoning which would justify an acquittal would support a verdict of not guilty in any case of homicide whatever, on the ground that the accused was temporarily insane. No sane man, whose moral intelligence was not perverted, or who was not for the time being controlled by some over-mastering passion, would commit murder; but to say that because of his moral depravity or his reckless violence a man can escape the consequence of his acts, would be to propound a most monstrous absurdity.

SIR JOHN MACDONALD has succeeded in raising a pretty embargo in Ontario, by the manner in which he is treating that Province in respect to its north-west boundary. The Ontario Government has taken a very firm stand, and serious consequences may follow if prudent counsels do not prevail. From Manitoba comes a very portentous sound. The people are determined not to be handed entirely over to the tender mercies of the Pacific Railway Company, and say they will maintain their rights in spite of the Monopolists and their Ottawa backers. The truth of the matter is, that the people of Canada, however much they may be deceived by such chaff as the N. P. rebel against the principles of Toyism and the centralization of power which follows from their application to practical politics. It is a matter of history that Sir John Macdonald favored a legislative union at the inception of Confederation, and only yielded when he saw he could not carry his point.

The winter thus far has been favorable for lumber operations, although the snow kept off longer than usual which delayed the hauling from the yards; but any slight disadvantage caused by this is more than counterbalanced by the great ease with which logs can be got at now. Usually at this season there is from one to two feet more snow than there is now which increases the labor and difficulty of getting out the logs. From what we can learn the different lumber parties are doing very well.

We like the tone of the upper province Liberal papers. They speak out as though in dead earnest, and in a spirited way, which betokens hearts full of hope and courage. We notice a marked difference in this respect during the past year, and are glad to be able to think that it indicates not only the will, but the ability, to achieve a victory when the next appeal to the people is made. In New Brunswick the Liberals never were stronger than to-day, and will give a good report of themselves. Victoria County, long a Tory stronghold, will probably return a Liberal whenever a general election is held. The Liberals of Carleton County can get a man on two days' notice who will beat the strongest Tory that can be found. York is York, and no Tories need apply. The Sunbury Liberals can carry the County by a large majority than ever, and so can those of Queen's. For the rest of the Province we expect at least to see the vote of 1878 repeated.

Our agricultural contemporary gets quite ruffled over the fact that we are able so promptly to answer its question on the subject of "disintegration of the Union," and it endeavors to explain away the kinship between its utterance and that of the *Ottawa Free Press*. The latter journal said "disintegration" and meant it, the former used the same word but meant something else. We might have known better than to suppose our estimable neighbor meant to express a decided opinion. Indeed on referring to our files we notice that we anticipated some retraction when the *Farmer* talked of "the disintegration of the Union," for we said: "These papers are getting very near to 'velled treason' when they talk of 'disintegration'; but they don't mean it."

The *Globe*, with commendable fairness copies the *Herald's* article upon the question of a free ball at the opening of the Legislature. It corrects us by saying that it was not "sarany," and that "denunciation" was too formidable a word to apply to its remarks. We won't quarrel about it. Every one knows the *Globe* meant well.

### Notes and Notions.

—Speaking of the Canada Pacific Railway subsidy, the *Boston Post* says "the present Canadian Government is made up of 'brilliant' men, such as had full sway in this country under Grant, and bid fair to again under Arthur, and they never think of saving the people's money. The Canadians are to pay out an enormous sum of money for the purpose of lining the pockets of a nest of English and Canadian money grabbers and monopolists."

—Upper Province papers want letter postage reduced to two cents and newspapers to go free by mail, and lower Province papers will say amen.

—The principal and interest of the unappropriated balance of the Geneva award amounts to \$12,000,000, and that, too, after the whole country, from one end to the other, had been racked and canvassed for claims which could by any twisting be made to muster against it.

—Amherst amateurs rendered "Patience" very creditably in St. John. Why can't our Fredericton amateurs bestir themselves and give us some opera.

—It has transpired that the Syndicate which wants to purchase the Nova Scotia Railway, has Sir Henry Tyler, a great Railway Lord, at its head, and a lot of ordinary rascals besides. The proposed sale to them meets with strenuous opposition, but Premier Holmes seems determined to carry it through the Legislature.

—Crip has a good cartoon on the subject entitled "A old cock crows the young cock learns," and represents Sir John perched on one stump with the Pacific Railroad contract, and cawing, "It must be voted thro-o-o-o!" while Mr. Holmes, on another stump, with the local Syndicate bargain, takes up the refrain.

—Guiteau has been found guilty. How a *propos* would the remark of the Senator for Stambury, in reference to Whalen, be in this connection.

—It is not about time that the Attorney General took a decided stand on the question of a bridge at Fredericton? Instead of doing this he gave those who opposed it a point against the project, by declaring at the last session that we had the Parliament Buildings, and should not ask too much, or words to that effect. The Parliament Buildings were not built for Stambury, but for the whole Province, and the bridge we want and must have.

—The *Farmer* "drops into poetry" over Capt. Cheyne's proposed expedition to the north pole, and tells of the delightful land which somebody says is up there. Suppose there is, what is the use of discovering a place you cannot get to.

—The *Farmer* says we took an "underhanded" way to misrepresent it. We deny the fact and repudiate the adjective. Cannot the *Farmer* find enough words in the dictionary to belabor us with. We will begin to consider it "under-minded" if it don't use plain English.

—And our contemporary gets astray in its dates, for its article on the Winter Port was not written "before the HERRALD was born." Really, we must protest against this repetition of mistakes on the part of our buccolic contemporary.

—Our tri-weekly neighbor has water on the brain, evidently. On the 13th of December, in reply to an article in the *Herald*, deprecating hasty action, our contemporary told us the great body of the people were with him. He hoisted its banner and worked hard for a "yes" vote. On January 24th, it stated that he foresaw defeat, but did not deem it prudent to protest for fear of being called an obstructionist. On January 26th, he called the resolution he had supported a "ridiculous" one, which he did not suppose "ten intelligent men in the Province" would have favored. Consistency thou art a jewel.

—And from his own confession it appears that, while he was attacking the *Herald*, his own views were the same as ours, but he did not think it prudent to say so. Yet he has "the courage of his own convictions."

—The C. P. Railway Company will lay 500 miles of track next summer, and complete their road in five years. The very favorable terms upon which they got the contract enables them to push work rapidly.

—A new company, called the North American and European Short Line Railway Company, will ask Parliament for power to construct a line from Cape North, Cape Breton, and make connection by ferries and railway lines with all parts of Europe and America.

—The *Capital* pays a deserved compliment to the gentlemen in charge of the administration of criminal justice in the higher Courts, and we think it might have gone farther and said that the proceedings before the Police Magistrate, on preliminary examinations and in looking up of important testimony, are of a character well calculated to secure the respect of all good citizens.

—John Bright, in reply to the statement that England has no friends nor allies, says that he does not care about allies; but that "there never was a movement in our time when the government of this country was more entirely at unity with all other countries of the world, but they imperial, monarchical or republican."

—The Boston and Albany Railway sets a good example by providing the front and rear cars, on all its trains, with axes, crowbars, and a Babcock fire extinguisher. No line in America does more to deserve public confidence than this old established road.

—A gigantic scheme to gridiron Mexico with railways is being started by the Atcherson, Santa Fe and Popocatepetal Railroad.

—The lad Parsons, of Milton, P. E. I. who was arrested a few days ago for placing an obstruction on the track of the P. E. Island Railway, gave an excuse for the deed "that there was no fun about Milton, and he wanted to make some." He will have all the fun to himself for a few years. At his examination he said a girl had gone back on him and made him insane.

—A "light green gallow" for J. C. Gull team says the *Boston Herald*, will about suit the aesthetic taste of the American people.

—A Committee of Montreal Irishmen recently went all the way to New York to discover who wrote an article in the *New York Hour*, containing a charge that a Fenian spy resided in Montreal. They found that it was written by F. J. Hamilton, who formerly ran an alleged comic paper in Montreal, and previous to that was connected with the *Watchman*, of St. John, N. B.

—A correspondent on the Deceased Wife's Sister Bill in the *Quebec Chronicle*, says there is one convincing argument in favor of the bill, as feelingly pointed out by Lord Palmerston, viz., "that a man marrying his deceased wife's sister would only have one mother-in-law." The Bishop of Fredericton has issued a circular letter to the bishops and clergy calling on them to protest against this bill.

—We published recently a statement showing that 72,276,312 bushels of grain shipped from New York to Europe in 1881, not one bushel was carried by an American steamer or sailing vessel. The freight paid to foreigners for carrying grain amounted to \$7,750,000. The total annual tribute which the United States are paying to foreign countries for carrying products and merchandise which they ought to carry themselves is estimated at \$140,000,000. "For the national loss and national disgrace," says a New York dispatch, "involved in the payment of this tribute our legislation is wholly responsible."

—Speaking of the disallowance of the Manitoba railway bill, the *St. Catherine's Journal* (Government) says:—"If a local legislature is a nonentity, this disallowance would go to show, there is no justification for continuing the system which costs a great deal of money."

## SUPREME COURT.

THE FISHERY CASES ON TRIAL—HOW THEY AROSE.

The case of J. Henry Phair vs. William H. Vanning was before the Court yesterday. Mr. Wetmore, Q. C., appeared for the plaintiff and Mr. Burdige for the defence. This action was brought to recover damages for the seizure of the rods and lines of the plaintiff who was fishing upon his own land on the Miramichi. The defendant, who is the Inspector of Fisheries for New Brunswick, Ottawa on the 11th of June 1879, which is as follows:—"Fishing for salmon in the Dominion of Canada excepting under the authority of leases or licences from the Department of Marine and Fisheries is prohibited." Mr. Phair resolutely refused to give up his fishing rod to the officer and only yielded when the latter presented a pistol. At the close of the plaintiff's case, Mr. Burdige moved for a nonsuit on two grounds, 1st—that the defendant was acting in the capacity of a Justice of the Peace and was entitled to one month's notice of action, and 2nd—that the plaintiff was illegally fishing. Judge King overruled both these objections and charged favorably to the plaintiff on the law points, and strongly against him on the question of damages. The jury, however, seemed to think it a case for substantial damages and awarded \$511.

The course the Government has taken in reference to the fishing on the Miramichi is one which cannot be too strongly condemned. In the first place Christopher Robertson was given a lease of the stream and its tributaries from Price's Bend to the source, a distance of over 100 miles, for the trifling sum of \$50. This lease was granted by a private arrangement, and there was no advertisement or public notice given that the Government intended to lease the stream. Judge Steadman and Mr. E. Hanson did not propose to submit tamely to this and went on to fish as usual. Robertson seized their rods and an action was brought against him which was decided favorably to the plaintiff, one court ruling that the lease was *ultra vires* the Dominion Government. Robertson did not appeal, but brought a suit in the Exchequer Court to recover damages from the Government for granting him a lease they had no right to make. This lease was a property of some value, for not only did it profess to give him one of the finest fishing privileges in the country for a mere song, but he was able to make a good thing out of it by sub-letting the right of fishing to others for \$2 a day each. The Exchequer Court decided in his favor and ordered that he should be refunded whatever sums he had paid out on account of the lease. Meanwhile, in order to make the lease practically effectual, although void in law, the Order-in-Council above referred to was made. This is a very innocent looking affair on the face of it, but it was administered in a manner which rendered it especially obnoxious. Notwithstanding the fact that Robertson's lease was declared void, he was still practically the owner of the river, and no licenses were issued unless by his recommendation. An instance in point was that of Dr. Holden, who, having obtained leave of Steadman, Phair and Hanson to go upon their lands, applied to Mr. Vanning for a license to fish. That officer referred them to Mr. Robertson, who in this case declined to give a recommendation for fear of prejudicing his claim against the Government, and Dr. Holden had to do without a license. Mr. Hanson also applied for a license. He is the owner of land on the S. W. Miramichi, and certainly ought to have a license if any one ought. Not wishing to be deprived of his summer's fishing, Mr. Hanson asked for a license to fish, stating at the same time that he did not acknowledge the legality of the order in Council, but simply wanted, to avoid the interference of the officers and the trouble of a law suit. He received the following reply:

FISHERIES OFFICE,  
St. John, 18th July, 1881.  
Edgar Hanson, Esq., Fredericton.  
Sir,—On my return here I find answer from Ottawa to your application for license to fish in front of your lands on the S. W. Miramichi. It is as follows:

"Your telegram on behalf of Mr. Hanson has been submitted to the Acting Minister, who makes the proper course for the party is to make application to this Department, setting forth his claims to license and the limits, also referring to titles on which his claims is based. The application should specify what license fee the applicant offers."

Signed W. W. WITCHER,  
Commissioner of Fisheries.  
From the above you will perceive that it is not in my power to give license or permit on the South West.

I have the honor, &c., &c.  
W. H. VENNING,  
Inspector Fisheries.

Why an exception should be made in Mr. Hanson's case it is difficult to understand, except on the supposition that the Department were determined to punish him and the others who had stood upon their rights. This refusal brought matters to a climax. Messrs. Steadman, Phair and Hanson started suits for their fishing grounds, where they were met by the Inspector of Fisheries and the Deputy Minister of Justice, who seized their rods. Suits were at once brought, one of which was tried with the result as given above, and the other will be disposed of this week.

Wednesday Thomas H. Jones vs. Abner Morgan was taken up. Mr. J. A. Vanwart appears for the plaintiff and Mr. G. F. Gregory for the defence. The action is brought to recover damages to real estate in New Maryland. The case is still going on.

THE "ROYAL GAZETTE" HAS THE FOLLOWING ANNOUNCEMENTS:—"Tenders are asked for twelve five per cent. Provincial debentures of six hundred dollars each. The tenders will be received at the Provincial Secretary's office up to Saturday, February 11th. Dr. Patterson has been appointed a coroner; and James Law a Justice of the Peace for York County.

Jeremiah O'Sullivan has resigned Justice of the Peace for Northumberland; and Geo. H. Parks that of Vender of Intoxicating Liquor at Richmond, Carleton County, under the Canada Temperance Act.

Robert Reid and others have filed a memorandum of incorporation of a company to be called "the Chamcook Lake Ice Company," with a capital of \$25,000, and its principal place of business at Kent will be sold at noon on February 1st.