POOR DOCUMENT

THE SEMI-WEEKLY TELEGRAPH, ST. JOHN, N. B., APRIL 18, 1908.

THE HALIFAX FISHERY AWARD DEBATED IN LOCAL HOUSE.

Dr. Pugsley, in Forcible Address, Moves Resolution That House Concur in Government's Action About New Brunswick's Share of the Money.

J. W. Gallagher, C. L. Smith and Chas. H.A. Perkins, and balance on horse "Lavater".

Note Ag. Secys. No. 48, 76 and 78 Victoria county.

Balance on horse "Copyright;" note Ag. Secretary No. 1, 2, 79 and 80, Restigouche county.

Balance on horse "Baron Federai;" note, Ag. Secretary No. 35, Stanley, and horse "Chancellor".

Hon. Mr. Dunn presented the petition of James Ready and others, trustees of school district No. two in Lancaster, in favor of their bill.

Mr. Whitehead presented the petition of the Tobique Salmon Club, in favor of their ball

Hon. Mr. Sweeney presented the petition of Barton E. Kingman and others, in favor of the bill to incorporate the Electrical

Manganese Company.

Mr. King presented the petition of
James Manchester and others for the passing of the bill relating to the Dalhousie

Lumber Company.

Mr. King presented the petition of the G. & G. Flewwelling Manufacturing Company, Ltd., and others, for the closing up of certain disused highways.

Mr. King introduced a bill to exempt the Thompson Manufacturing Company from

On the motion of the Hon. Mr. Pugsley

On the motion of the Hon. Mr. Pugsley, the time for the introduction of private bills was extended five days.

Hon. Mr. Pugsley, referring to the bill to amend the towns' incorporation act, explained that its object was to render unnecessary the holding of an election in the towns of Shediac and Sackville in April, as provided by section five of the act. These towns had been incorporated since the 1st of January of this year, and their officers elected, and the people thought another election in April was unnecessary. On his motion it was placed on the order book for reference to the committee of the whole house.

Mr. Burden introduced a bill to amend the municipalities act, with reference to the qualification of voters for county coun-

Hon. Mr. Pugsley introduced a bill re lating to the Portland rolling mill, and a bill to amend the act relating to the St. John Railway Company.

Mr. King introduced a bill to incorporate the St. John Canal and Dock Company.

On motion of Mr. Jones, rule 84 was suspended for the introduction of the Carleton county hospital bil.

Mr. Hazen moved for papers relating to the horse importation. Hon. Mr. Farris stated the information would be brought

Hon. Mr. Pugaley stated that as there was much interest being taken in the question of the readjustment of the representation, he would state the present condition of the case. The dominion government had consented to the reference of the special ease to the supreme court, and this government had drafted a case and sent it forward. The question to be decided was: Did the words aggregate population of Canada, in sub-section four of section 51 of the British North America act, mean the four original provinces of Canada, or all the provinces of Canada, including those since admitted?

The question affected Ontario and Nova

Scotia as well as this province, although there had been no request from Ontario to join in the case. It was evident that the soin in the case. It was evident that the case as prepared by this government, commended itself to the dominion government, the chief Justice of Canada to set down a day for arguing it. The chief justice thought that all the provincial governments should be notified, so that all might be represented on the argument, and this had been done by the minister of justice, and replies were expected today, so that all might be fixed.

The representative of New Brunswick and Prince Edward Island, and which deals with their proprietary rights. The fisheries with the inland fisheries which it has been decided by the highest court of the empire belonged to the province. Honorable members who read this brief will see that the Halifax commissioners had been done by the minister of justice, will see that the Halifax commissioners and replies were expected today, so that all questions as to commercial advantages. The award was made in November, 1877, and the amount of the award, \$5,500,000, the was satisfied that the people of this country and a large majority of the house would approve of the steps taken by the

Fredericton, April 14—The legislature resumed its sesions this afternoon, after the selection will be approved of by the house and country. It was very essential that the case should be well argued, for if we \$4,500,000 was paid to the government of New York. the case should be well argued, for if we are to be deprived of the safeguard contained in the saving clause referred to, it will be a result never foreseen by the framers of the act, and place us in a most deplorable position. He had given his best attention to the case, and the more he studied it the more he was satisfied that the position taken by this government was correct.

\$\frac{4}{5}.500.000\$ was paid to the government change and went into its treasury. The question is, did this money below the Canadian government? Canada Had No Right to the Award.

He submitted that it did not, and Canada had no more right to it than many. The dominion had no right correct.

The house met at 7.30 and went into committee on bills eight, five and 13, Mr.

sioner who was in office for three years might defy the government, who were responsible both for his appointment and for his act. He assured the leader of the for his act. He assured the leader of the money paid for the Halifax award than 10 per cent above the price at which the money paid for the Halifax award than 10 per cent above the price at which opposition that no license commissioners would be removed for obeying the law. He had no knowledge that there was any reference to anything that had arisen in Campbellton in the bill. The bill was

fish, were turned off their properties by officers of the dominion government. Finally these owners, among others, Judge Steadman, asserted their rights, and in the end succeeded in getting a decision which showed that in inland waters, the fish belong to the riparian owners, and in the case of crown lands, to the province.

This was followed by a claim on the part of the province that the fish in the beds of tidal rivers and in the sea within three marine miles of the shore, belonged to the provinces. They took the position that, while the dominion government, for national purposes, had the right to regulate and to protect the fisheries, the property in them remained in the provinces.

At last, in 1898, in a case before the judicial committee of the privy council, it

At last, in 1898, in a case before the judicial committee of the privy council, it was decided that while the dominion government had the right to make regulations, that was a very different thing from any right of property, and that all property that was in the provinces before confederation remained in them afterwards.

That settled the question of right, and no one who has studied the subject can fail to come to the conclusion that the right to fisheries remains today in the provinces, as it was before confederation. By the treaty of Washington, of 1871, it was provided that the fishermen of the colony and the fishermen of the United States should enjoy the fisheries equally, and that the difference in the value of the Canadian fisheries as compared with those of the United States should be settled by arbitration.

arbitration.

The whole case of the provinces is pre-The whole case of the provinces is presented in a brief which has been prepared, on behalf of Quebec, New Brunswick and Prince Edward Island, and which deals with their proprietary rights. The fisheries arbitrated upon under the Washington treaty with the inland fisheries which it has been decided by the highest court of the empire belonged to the province. Honorable members who read this brief will see that the Helifax commissioners

has been appropriated to the fishermen of the four eastern provinces of Canada. This is not the case for it was given to the fishermen of all Canada and those of British Columbia are just as much entitled to it as those of Nova Scotia. This sum of \$150,000 a year was to be paid out of the consolidated revenues of Canada.

Another cry that was raised was that dominion government with its great re sources and its powers of taxation to re

The British North America act imposed upon the dominion government the duty of making regulations with regard to the fisheries and should have when this duty was cast upon them. They were also charged with the duty of enforcing the regulations. For his part, he entertained very strongly the view that the province is entitled to this money and that if the case is brought before the supreme court the decision will be favorable to New Brunswick.

the decision will be favorable to New Brunswick.'

The question which the supreme court has to decide was how were the proprietary rights and privileges which are referred to in article 22 of the treaty of Washington and in respect of which her majesty recovered the compensation of \$5,500,000 from the government of the United States vested in Her Majesty.

The leader of the opposition had referred to the question of how this sum of \$4,500,000 was to be divided between

'TWAS NEW BRUNSWICK'S DAY IN THE COMMONS

Our Contention in Regard to Represntation the Main Point Discussed in Redistribution Bill Debate--Sproule's Motion to Lay Meaesur Over Defeated, 72 to 37--Read a Second Time and Referred to Committee.

but also to the judicial court of the privy council. In regard to this point, Sir Wil-frid said that much would depend upon the decision of the supreme court as to

Mr. Borden Takes Dr. Pugsley's Views.

the Chicago papers the names ople in that thy alone whom

trouble is trifling or severe-

is to strengthen the inside nerves— at makes the organ do its duty. This

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On Jan. 11. 1903, I published in the and addresses of one thius ad prople I had cured of chronic diseases in just the several thousand other (see then several thousand other (see the several

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The usual way for trea organs themselves. My was to bring back the power

supreme court, and perhaps an opinion ought to be had from the privy council. If parliament passed this bill in its present form and afterwards it was found that it what condition would arise, as it would be difficult to draw a distinction between what in it was good and what was bad.

Another point to be remembered was that British Columbia had come into confedera-

W. B. Northrup (East Hastings) in the course of a lengthy speech, which was enclusion that the question was not free from doubt and that the best opinion should be obtained by the house. He suggested that this parliament is still young and might be wasting time discussing legislation which, perhaps, the privy council would throw out.

The petition of the petition o

act.

In the Manitoba act, it is set forth that the provisions of the British North America act apply to that province, and that its representation, originally fixed at four, is to be readjusted according to section 51.

British Columbia and Prince Edward Island were admitted later on imperial orders in council, based on addresses from the provinces to the Canadian parliament and from the latter to the queen-in-council. In both of these cases it was declared that their representation is to be goved that their representation is to be governed by section 51 and that all the provisions of the British North America act and applying to single provinces were to apply as at the new provinces had been one of the provinces originally united by the said act.

Amendment Defeated.

Sir Wilfrid Laurier

act provides for the admission of other provinces. Section 146 sets forth the way in which this shall be done and then there are the arrangements which the province have since come in containing specifically. province have since come in containing apecifically the provision that their representation is to be readjusted under section 51 and that they are to be dealt with in all respects as if they had been part and pancel of the original provinces when confederation was passed.

How was the readjustment to be effected? Section 51 says: "On the completion of the census of 1871 and of each decenniant census thereafter the representation of the four provinces shall be readujated by such authority in such manner and from the following rules. If the government were to be held to the letter of the act as

self as to his interpretation, he had asked for opinions from eminent authorities out-

C. Robinson, K. C., had agreed with him entirely, stating: "In my opinion Canada, in section 51, means Canada as now constituted. I do not agree with what I understand to be the contention of New Brunswick that, for purposes of readjustment, it means only the four original provinces." The government however did not inces." The government, however, did not want to take from the provinces anything they had; every constitution right is sacred and will not be interfered with, unless it is clear that under the act it is necessary to do so, and for that reason and that reason only, the matter is to be

submitted to the supreme court.

Messrs. Barker, Lancaster and Haggart followed. They took the stand that under the B. N. A. act, section 51 only applied

Mr. Lefurgy contended that P. E. Island, under the constitution, was entitled to six members, and one was already wrongfully taken away.

Doctor Sproule asked delay until the matter was finally settled. He moved an amendment that the bill be delayed until a judicial interpretation of the B. N. A. act was secured as to the proper number of members which were to be given to each province under the census. Sir Wilfrid Laurier could not accept the amendment as, under the B. N. A., act it was imperative to proceed with distribution. He did not agree with the argument that there should be one law for four provinces and another law for all the other provinces. It was intended that other

in respect to representation. The same law in respect to representation should apply to these. If Quebec was to remain the pivotal state and if Canada, was to have unit given by the pivotal province would have to lose, and those which gained would have its representation increased. He argued hat the same unit should apply to

Sir Wilfrid Laurier said that Ontario would be represented in the case which would be submitted to the supreme court. amendment, which was lost by 37 to 72 against. The bill was therefore read a second time, and referred to a committee composed of Messrs. Fitzpatrick, Hyman, Sutherland and Davis (Saskatchewan); Borden, Haggart and Monk. The house then adjourned.

Ottawa, April 15-(Special)-In the house Ottawa, April 15—(Special)—In the bouse today a question from Mr. Clarke (Toronto) brought forth an interesting statement from Mr. Blair on railway accidents. Some time ago, Mr. Clarke got a return from the railway department stating that from 1st of October to 1st April there were 142 accidents in which 179 people were killed. Mr. Clarke said, today that since then there were many more lives lost. He then there were many more lives lost. He wanted to know whether or not there was no official in the railway or labor departments whose duty it was to inquire into such accidents with a view of doing some-

is stands, then there would be no power to readjust the representation of any but the four original provinces, which would be an absurd position.

The B. N. A act has always to be read as in the present, as if passed for the time in which its provisions are sought to be put into force.

Government Has No Doubts on the Case.

Government Has No Doubts on the Case.

nd I have in my office the whom it has cured in the

Mr. Fitzpetrick reminded the house that in 1871, 1881 and 1891 parliament thad readjusted the representation. Where did it get the authority if it was not under this section. Was this legislation all bad, and were the legal lights of the house so