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DEBATES  
OF  
THE SENATE  
OF THE  
DOMINION OF CANADA.

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REPORTED, EDITED AND PUBLISHED  
BY  
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FOURTH SESSION—THIRD PARLIAMENT.



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1877.



# Debates and Proceedings

OF THE

## SENATE OF CANADA,

IN THE

FOURTH SESSION OF THE THIRD PARLIAMENT OF THE DOMINION OF  
CANADA, CALLED FOR THE DESPATCH OF BUSINESS ON THE 8TH  
DAY OF FEBRUARY, 1877.

### SENATE.

THURSDAY, Feb. 8, 1877.

This day, at three o'clock p.m., His Excellency the Governor General proceeded in State to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the Fourth Session of the Third Parliament of the Dominion of Canada, with the following

#### SPEECH FROM THE THRONE :

*Hon. Gentlemen of the Senate.*

*Gentlemen of the House of Commons.*

I am glad to be again enabled to summon you to meet for the despatch of business, at the time which has been considered best suited to the convenience of members.

During the recess I visited the Province of British Columbia, and had much satisfaction in becoming acquainted with the people of that interesting portion of the Dominion, and with the climate and resources of their Province.

The surveys of the Pacific Railway have been prosecuted with the utmost vigor and

at a larger cost during the past than in any previous year, but it has not been found possible, as yet, to complete the location of the line, and I have consequently been obliged to postpone the inviting of tenders for its construction on the terms indicated by the Act of 1874.

A further correspondence on the subjects at issue between my Government and British Columbia will be laid before you.

During the recent suspension of the Extradition arrangements with the United States I took care that the importance to Canada of a speedy resumption of these arrangements should be represented to Her Majesty's Government, whose attention has been further invited to the expediency of largely extending the provisions of the existing Treaty.

I am glad to be able to state that while the operation of the Treaty has been resumed, negotiations are in progress for a convention, more liberal, and better suited to the circumstances of the two countries.

The attention of my Government having been directed to some anomalies in the Royal Commission, and Royal Instructions to the Governor General, particularly with regard to the exercise of the Prerogative of Pardon, steps have been taken towards the amendment of these instruments.

Papers on this subject, as well as on that of the Extradition question, will be laid before you.

The great public works connected with the St. Lawrence navigation, and the canals required to complete the system, have been prosecuted with success during the past year.

Nearly all the works on the Welland and Lachine Canals have been placed under contract on terms favorable to the country.

The active prosecution of these works during the last three years has necessarily increased the public debt, and, though expectations are entertained that the outlay may ultimately be repaid to the country, it may be considered advisable not to press all the works contemplated in the earlier years of Confederation, to completion at present.

I am happy to state that the Intercolonial Railway was opened for traffic throughout its entire length, early in the summer, with as favorable results as could have been expected.

One of the immediate advantages of the completion of the Railway was the delivery and reception of the British Mails at Halifax after the closing of the St. Lawrence; and I am happy to say that up to the present time mails and passengers have been successfully carried over the line without any interruption.

The exhibition of Canadian products, manufactures, and works of art at the United States National Exposition at Philadelphia, was eminently successful, and proclaimed to the world that Canada has already taken a high place as a farming, manufacturing and mining country.

It is gratifying to be able to state that the expenditure was kept well within the estimate.

It is but just that I should acknowledge that the success achieved by the enterprise of our people was largely aided by the energy and wisdom of the Commissioners who had charge of the arrangements.

I have considered it advisable in the interest of the country to make arrangements for exhibiting Canadian products at the Exhibition to be held at Sydney, New South Wales, for which you will be asked to make provision.

Notwithstanding the loss of revenue, consequent chiefly on the diminution of our importations, the reductions effected during the current year have gone far to restore the equilibrium between income and expenditure, though great economy will be still needful to attain this object.

I regret that I am still unable to announce any progress in obtaining a settlement of

the Fishery claims under the Washington Treaty, though my Government has made every effort to secure that result.

My Commissioners have made further treaty arrangements with certain of the Indian tribes of the Northwest territories, by which their title is extinguished to a very large portion of the territories west of Treaty No. 4; and although some of the provisions of this treaty are of a somewhat onerous and exceptional character, I have thought it nevertheless advisable on the whole to ratify it. This treaty will be placed before you. I have made an engagement to negotiate a treaty with the remaining tribes east of the Rocky Mountains.

The expenditure incurred by the Indian Treaties is undoubtedly large, but the Canadian policy is nevertheless the cheapest ultimately, if we compare the results with those of other countries; and it is above all a humane, just and Christian policy.

Notwithstanding the deplorable war waged between the Indian tribes in the United States territories and the Government of that country during the last year, no difficulty has arisen with the Canadian tribes living in the immediate vicinity of the scene of hostilities.

You will be asked to consider the expediency of making such changes in the Joint Stock Companies Act as may obviate for the future the passage of special Acts of Parliament for the incorporation of various classes of companies, including such corporations as seek to engage in the borrowing and lending of money, by providing for their organization by Letters Patent.

The desirability of affording additional security to policy-holders of Life Assurance companies has engaged the attention of my Government, and I trust that the measure which will be submitted will accomplish the desired object.

A measure will be submitted to you for the purpose of extending to the navigation of the great inland waters, rights and remedies at present confined to waters within the jurisdiction of the Courts of Vice-Admiralty.

You will be asked to amend and consolidate the laws relating to Customs.

I have considered it advisable to provide for the permanent prosecution of the Geological Survey, which has heretofore been carried on under temporary enactments, and to make this a distinct branch of the Civil Service; your attention will be invited to a bill for that purpose.

Measures will be submitted also for the amendment of the Weights and Measures Act, the excise laws, and other acts, and also a bill relating to shipping.

*Gentlemen of the House of Commons :*

The accounts of the past year will be laid before you.

The Estimates of the next financial year will also be submitted, and will, I trust, be found to be framed with a view to meet the existing circumstances of the country, while at the same time, providing for carrying on the administration of affairs with efficiency.

*Honorable Gentlemen of the Senate :**Gentlemen of the House of Commons :*

I place full reliance on your prudence and ability, and your devotion to the work of legislation, which, I trust, may be carried on and completed in such a way as to minister to the prosperity of the country, and the unity of the people.

His Excellency was pleased to retire, and the House of Commons withdrew.

Hon. Mr. SCOTT presented a Bill, intituled "An Act relating to Railways," which was read for the first time.

The Hon. The Speaker reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

Hon. Mr. SCOTT moved, seconded by the Hon. Mr. MONTGOMERY, that the House do take into consideration the Speech of His Excellency the Governor General to-morrow.—Carried.

Hon. Mr. SCOTT moved, seconded by the Hon. Mr. MONTGOMERY, that all Members present during this Session be appointed a Committee to consider the orders and customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House, when and as often as they please.—Carried.

The Hon. The Speaker presented to the House the Report of the Librarian on the state of the Library of Parliament.

The House then adjourned.

## NEW MEMBER.

FRIDAY, Feb. 9.

Hon. Mr. Pozer was introduced by Hon. Messrs. Pelletier and Penny.

## THE ADDRESS.

Hon. Mr. SCOTT moved the order of the day, "Consideration of His Excellency's Speech on opening Parliament."

Hon. Mr. HOPE—I rise for the purpose of moving an humble address in answer to the speech of His Excellency. I think hon. gentlemen must all feel gratified that the period of the year chosen for the meeting of Parliament is perhaps the most convenient season. The second clause in the speech refers to His Excellency's visit to British

Columbia, and I am sure that all hon. gentlemen must feel an earnest wish that all difficulties in connection with the railway across the continent should be settled at an early day. There can be only one wish, that the inhabitants of British Columbia shall be satisfied with the efforts that have been made by the Government to carry out, at the earliest possible period, their views with regard to the railway system in connection with the Pacific Railroad. The next clause that I come to refers to the surveys of the Pacific Railway. I suppose we are all agreed that the sooner this road is built the better. It seems to me the Government are willing to use every possible precaution to select the best road, and it is gratifying to know that every effort is being made to ascertain the best possible route. Honorable gentlemen must have regretted the suspension of the Extradition Treaty, situated as we are so near the United States. It was a misfortune to both countries. We are glad to know that suspension is now at an end, and there is a probability of a treaty being negotiated which will embrace more classes of crimes and criminals. There is also mention made with regard to certain anomalies in the royal instructions to the Governor General, and it is gratifying to know those will soon be amended as they require to be. It is also gratifying to know that considerable progress has been made with the works connected with the navigation of the St. Lawrence and the canals on that great river, during the past season. We are also told that the contracts on the Lachine and Welland canals are nearly all given out with some trifling exceptions. Expectation is expressed that the outlay on those works may ultimately pay. For my own part I have never considered the direct return of so much consequence as the indirect advantages which the country derives from the construction of those great public works. I would instance, for example, the great line of Allan steamers, which are the admiration of the civilized world, which would not be in existence to-day but for the Welland Canal. The country has derived great benefit from this and other lines that have been brought into existence by the same great work. His Excellency refers to the completion of the Intercolonial Railway, and it must be very gratifying to hon. gentlemen to know that this road is at last open for traffic. It is a long time since it was first talked of. I remember over 40 years ago when a connection of my own family was employed to run a line from St. Andrew's on the Bay of Fundy to Quebec. That was

the first route surveyed. It has taken all this time to get it through, and yet some of our people grumble now if they do not get a road completed in two or three years. The Intercolonial took 40 years before it was built. It is gratifying to know that we have communication from Halifax to the Western part of Canada. His Excellency notices that the British mails are now received and despatched from Halifax, which must be exceedingly gratifying to all hon. members. I can only say for myself, I despatched my letters by this route the very first time after the Government had taken steps to open it for postal service, and I confess when I did so I felt a sort of patriotic thrill of pleasure that we had at last obtained a port of our own for the receipt and despatch of our mails at all seasons without being dependent upon foreigners for such a convenience. Hon. gentlemen must feel satisfied that the Government did all in their power to bring the products and manufactures of Canada into a prominent position before the nations of the world at the Philadelphia Exposition. From all we can learn, the efforts made in that direction were eminently successful. I notice also that it is the intention of the Government to make arrangements to show the products of Canada at the exhibition about to be held at Sydney, New South Wales, and I am sure every hon. gentleman will feel satisfied and gratified to think that the Government are doing all in their power to promote the manufacturing interests of the country in a legitimate way in bringing the products of Canada before the different nations and parts of the world where suitable markets are likely to be obtained for them. The next paragraph is one of very great importance. It refers to the loss of revenue sustained by the diminished imports into the country, or in other words, by the economy that has been practised by the people under the continued stringency that has lasted for two or three years. That loss of revenue, we are informed, has been counterbalanced to a certain extent—nearly the whole extent—by reductions in the public expenditure, which I think a very legitimate way of meeting a loss of revenue. His Excellency suggests that great economy will be needful to bring about that equilibrium between income and expenditure which is so necessary. Some administrations might have been disposed to meet the loss of revenue by increased taxes and imposts upon the country, but this, I am glad to see, the present Government have wisely abstained from doing. They have taken the more enlightened policy of reducing their expenditure. The

next clause relates to the fishery claims under the Washington Treaty. I hope, at an early period, those claims will be recognized and settled, and the money coming to us paid over by our neighbors. I am glad, and I am sure every hon. gentleman present is glad, that the policy which Canada has pursued towards the Indians has been eminently successful. It is recommended that a Joint Stock Company's Act be passed. There have been various applications made to this Parliament and the Local Legislatures for acts granting special privileges to joint stock companies of many kinds and descriptions. I can see no reason why there should not be one general act under which such companies can organize and carry on their business. For example, look at the loan companies and other corporations that lend and borrow money. There was legislation by this Parliament within the last year of a very similar nature that has given satisfaction to the companies organized under it. I don't see why those individuals that come here to ask for special privileges do not organize under that general law. Those who have given it any attention admit it is a measure liberal in every respect and calculated to enable societies to be fairly successful, but from some bills I have seen of this nature it appeared to me the object was not so much to loan money and deal in matters of that kind as to obtain the greatest possible powers to borrow the largest possible amount of money on the smallest possible security. I think the greatest care ought to be exercised in granting any such powers. There is one matter which, perhaps, the Government should take in hand. This very matter is also legislated upon by the Local Legislature, and I think it would be well to define and settle which legislature should look after those societies. The bill passed here about a year ago, was re-enacted afterwards in the Ontario Legislature. There is an allusion in the speech to life insurance companies. I think anything the Government can do to secure the policyholders, by rendering their security more ample and safe than it has been in the past, will be looked upon with approbation by the hon. members of this House, and by the country generally. Hon. gentlemen will, no doubt, be very glad to hear that the geological survey is to be placed on a better and more permanent footing than it has hitherto occupied. There are also other measures promised, to which hon. members will, no doubt, give their best consideration. With these remarks, I will conclude by moving that an humble address be engrossed, and presented

to His Excellency, in reply to the Speech from the Throne.

Hon. Mr. HAYTHORNE said: "In rising to second the motion that has just been made I think I may very fairly observe that the circumstances under which Parliament has met are such as are subject for congratulation, not only by this House, but by the people of Canada, particularly so when contrasted with the state of affairs which exist in the adjoining Republic. Yesterday, Her Majesty the Queen's representative spoke to the people's representatives, and we find ourselves enabled to proceed with the business of the session without being called upon to make provision as to who should be the future head of our estate. The speech of His Excellency comprises a large number of important subjects of interest to the people of the Dominion. His Excellency's visit to British Columbia was attended, no doubt, with happy results, as it has established a sounder state of information, not only in the other provinces of the Dominion, but also in Great Britain, and throughout Europe, as to the capabilities and prospects of that important Province. The London press was very much misinformed, generally speaking, upon the circumstances that created the difficulty which exists between British Columbia and the Dominion of Canada, but the visit of His Excellency threw new and fresh light on their relations toward each other, and what the natures of the difficulties that unhappily occurred really were. Honorable members will regret that the progress of the construction of the Pacific Railway has been so retarded, not by indolence or parsimony, or any such cause on the part of the Government, but from natural difficulties which have been found absolutely necessary to surmount before the location of the road can be finally established. We all know that across an open stretch of prairie country it is not a difficult task to locate a railway even though there is an absence of population and a difficulty in transporting supplies; but in Europe we find that for over twenty centuries the Alps have formed an almost insurmountable barrier to traffic between France and Italy. Honourable gentlemen will remember that an enterprising leader once crossed the Alps with an army and remained for a time master of Italy. Two thousand years later a French General performed the same feat with a similar result. Since that time the pass has been improved by macadamized roads, but it is only within our own time that engineering skill has succeeded in forcing a tunnel through those mountains, and the construction of another one is under way.

Taking then the analogy of Europe it cannot consistently, with a common sense view of the subject, be expected that the American Continent should be crossed from ocean to ocean without encountering some such difficulties as the Cascade Mountain range presents. Eventually these difficulties may have to be overcome by the slow and expensive process of tunneling, but no doubt this delay will lead to good results, as it will be the means of having the best and most judicious route adopted. In looking at the existing difficulties between British Columbia and the Dominion of Canada, I sympathise with the position of the colonists who occupy so distant and interesting a portion of our Dominion, and if we can in any way reconcile them for the delay in the continuation of the railway we ought to do everything in our power to that end. I can scarcely look upon anything of greater importance or interest to the Dominion of Canada or the United States than the continuance and improvement of the extradition treaty. The interruption which occurred in the carrying out of that treaty arose from a rather extravagant view which the British Government took of the terms of the old treaty. They seemed to hold that a criminal should not be extradited unless he was to be tried only upon the charge on which the extradition took place, and should that charge fall through he should be allowed to go at large and prey upon society again. I think it is an unwise interpretation of the treaty, and if such an interpretation can be put on it, it should be amended. Political criminals were held to be outside of all extradition treaties, and Great Britain has been looked upon as a sort of refuge for political offenders, where they could always find a welcome and a home. I cannot help thinking that political crimes should come within the scope of the Extradition Treaty, inasmuch as political conspiracies and revolutions sometimes lead to great loss of life and property. I think in the course of such political experiments, if life and property should be lost, the originators of such disturbances should be considered subjects that ought to come within the terms of the Extradition Treaty. I believe there is ample room for an improvement in the Treaty, and I hope that His Excellency's efforts in that direction will be crowned with success. In the matter of the St. Lawrence navigation and the canals required to complete the system, every one will regard the prosecution of works of that kind as of great importance to this country. Without canals we have to conduct our commerce at greatly enhanced prices. By improving our canal system we have chosen

the wisest and most beneficial course, not only for ourselves, but for those who are to succeed us, and any debt which may be incurred in that way is perfectly legitimate. Coming as I do from the Maritime Provinces of course I can speak in no other terms than terms of approval of the completion of the Intercolonial Railway. I think it a most useful public work.

Hon. Mr. READ—Hear! hear!

Hon. Mr. HAYTHORNE—I candidly admit there was a time when I did not perceive that that road was likely, in any considerable way, to effect the interests of the Province with which I am connected, otherwise than as a convenience for travellers, but I have had occasion to observe that it greatly facilitates, not only travel, but the commerce of Prince Edward Island, and I believe in the future that these facilities will be greatly increased. Railways are great monopolies. I believe that the most productive tariff has not yet been devised. It must be a subject for those who have charge of the road, to devise a tariff that will bring the utmost amount of traffic to it, and allow the smallest amount to pass our doors. If we find from a bad arrangement of tariff, or from any other cause, that traffic passes by our stations and continues to pass along the highways, you must either come to the conclusion that your tariff is too high, or some other disadvantage prevails that is in your power to remedy. It will require time, experience and excellent judgment on the part of those who have the management of those roads before their traffic is thoroughly developed, and its most beneficial effects on the interests of the country will be found. I think that the success that has attended the exhibitors of Canada at Philadelphia must be a matter of congratulation for everybody. The natural products and the manufactures of our country have been well represented, and, as I am informed, the exhibition on the part of Canada has been a matter of surprise and admiration to the whole of those who assembled from all parts of the world at Philadelphia. As to the revenue and expenditure to which His Excellency has referred, I think that last session Parliament adopted the proper course, when it was found that the revenue was in a failing condition, to curtail expenditure; and if the Government continued that policy I think they will have the endorsement of the country in that direction. It is a matter of regret that the fisheries question should be kept in the unsettled condition in which it is. The fisheries of the maritime provinces have not been as successful this year as usual. So far as our province is concerned

the fisheries have fallen off considerably, which may be attributed partly to want of proper protection of our fishery interests. Our fisheries must be carefully guarded by skill and science. We must study the habits and history of our fish, and ascertain the causes that drive them from our shores so that we may adopt the best measures to improve our shore fisheries. The shore fronts are very apt to alter, and if the fresh water runs are not kept open in the spawning season the consequence is a serious falling off in that important branch of our industries. Whether the Government are aware of it or not there are important claims by individuals in Prince Edward Island against the American Government which have been steadily rejected, although they could not on any just grounds be evaded. I refer to the rebate of duties paid after the adoption of the Washington Treaty, after American fishermen had access to our waters. Notwithstanding frequent representations by the Imperial Government, and remonstrances to the Island Government this refund has never been paid to our fishermen. I hope and trust that the Government of Canada will not allow the matter to drop without further efforts to have this matter settled. As to the Indian affairs of our Dominion I am accustomed to regard the Canadian policy with satisfaction. I believe in their arrangements with the Indian tribes for the extinguishment of their titles to lands in the Northwest; the Government of Canada have done an act creditable to the honor of the Dominion. It has been the policy of this Dominion to raise the Indians in the scale of civilization, to make them farmers, mechanics and members of society, so as to induce them to depend upon other and more certain modes of livelihood than by the chase. Our treaties offer a very favorable contrast when compared with the treaties which our neighbors have made with their Indians. We have our reward in the peace and prosperity of the tribes and the absence of Indian wars, while our territories have been extended peacefully. I believe that a provision for the permanent prosecution of our geological survey is a very wise measure. It is important that we should know the riches of this country below, as well as above, ground. A thorough knowledge of the capabilities of this country, both in its mineral and agricultural wealth, is of the utmost importance, and a full and complete geological survey of the Dominion may save large and fruitless expenditures of money in mining projects that would otherwise be thrown away. I believe that great sums of

money have been thrown away in Great Britain just for want of geological knowledge; therefore I consider it is of great importance that the geological survey should be made a branch of the public service. I see no direct mention has been made in the speech as to the depression which unhappily prevailed when we last met, and we may presume from that that the worst of the commercial depression has passed. No doubt some branches of trade and commerce have suffered severely, and we cannot but sympathise with those who have succumbed through the pressure. But we have to congratulate ourselves upon the establishment of new branches of industry and commerce which have been commenced under favorable auspices with great Britain. It would have been considered a wonderful thing a few years ago to propose to transport cattle alive from this country to Great Britain for food, and yet this has actually been done the past year over and over again, not only with advantage to Canada, but also to Great Britain. I hope that this new branch of business will continue to be a remunerative one, as it will tend to stimulate our agricultural interests much more than the producing and export of grain. In all parts of Canada the lands at first possessed extraordinary fertility, which, after years of tillage, became exhausted, and it required large expenditure of money to renew it. The demand in Europe for our cattle for food, and our horses for military purposes, will stimulate this branch of industry to the advantage of the soil. It is, perhaps, neither the proper time nor place to enquire into the causes of the depression which was noted last year. I assume, from the fact that it has received no special attention from the Government, that it is much modified at present. No person can travel through the length and breadth of the Dominion without seeing signs of prosperity. I have seen progress in the public works, and I have seen in our own Province an experiment carried out with comparative success that may work a revolution in those parts of the Dominion where there are ice bound harbors. It has been an immense advantage in our Province to have a winter steamer cross the Straits of Northumberland with a moderate amount of success. I hope and trust that the prosperity of Canada will continue, and that our course will be onward and upward, with as few checks as can be reasonably expected in the history of the Dominion.

Hon. MR. CAMPBELL—I am sure that we have all listened with great interest and pleasure to the remarks which have fallen

from the hon. gentleman who moved and seconded the resolution for this address. The hon. gentleman from Prince Edward Island we have had the happiness of meeting for some years in this House; his presence and language are familiar to us, but we meet for the first time the hon. gentleman who moved the address. I think I may say for this side of the House, we are glad to welcome him and to listen to his remarks. It would be impossible for all of us to concur in the views which have been expressed by either of the honorable gentlemen who have spoken. They are the views, no doubt, most pleasant to the ears of the Government, but not those, we believe, which are held by the people of Canada. We are not quite so sanguine as they have expressed themselves to be. His Excellency's visit to British Columbia must have been one attended with great interest to himself, and one which the people of the Dominion, in whose esteem he holds a justly high place, will be glad he had an opportunity of paying. It completes the circle, I believe (with the exception of Manitoba) of His Excellency's visit to the various provinces of the Dominion, and I fancy there are very few people in Canada who have seen more of it or who know more about its affairs than the Governor-General. What passed on that side of the continent we are not informed in any way that we can take notice of in this House. Had His Excellency been accompanied by any Minister and had anything been done there which could properly come before Parliament, no doubt it would have been brought before us. The Pacific Railway surveys, we are told, have been prosecuted with the utmost vigor, but the long delays which have taken place remain still, I fear, unexplained. We find very little work has been done, although the difficulties of location extend over but a small portion, comparatively, of the whole route. My honorable friend from British Columbia will be able to speak on that subject with more certainty than I can. The delay is more probably the result of an inability to cope with the difficult task which is before the government of this country or of determined disposition to defer action as long as possible. I am afraid British Columbia will consider it. From remarks made by members of the Government at different times and places, they have reason to apprehend that there is a disposition to put off the construction of that work as long as possible. The paragraphs relating to the Treaty of Washington and the Extradition Treaty do not seem to require special mention. The negotiation of the latter, to

which the hon. gentleman said, His Excellency was giving special attention, does not come, I apprehend, before him as a matter of fact in anyway, save that we being so deeply interested in it His Excellency will be probably informed of the negotiations from time to time, but they undoubtedly will be entered into by Great Britain and the United States. The suspension of work on the Welland and other canals, which we are informed is to take place, is a policy which offers a remarkable contrast to what we were told by the Ministry of the House during last session. One of the strongest reasons why the Government works should be proceeded with, we were told last session was in order to help to give employment and alleviate the general depression in the country; and even if the work in itself was not expedient to be undertaken yet for general reasons affecting the whole people, we were told it should be pushed forward. We were told so with reference to even that most unnecessary work the Georgian Bay Branch Railroad, and when we expostulated with the members of the Government in this House and pointed out the absurdity of building now a road without connections at either end, when we expressed our convictions that it was impossible that it was in the public interest, and expressed our suspicions that there was some other motive actuating the Government, such as the rewarding of a converted partisan, we were told this work and others should be proceeded with, whether it was wanted or not, in order to give employment to labor in the depressed state of the labor market. Now we are congratulated that works of real value and importance are not to be proceeded with, works which are infinitely more needed than the one to which I have referred. Then, the hon. gentleman who seconded the motion congratulates us upon the completion of the Intercolonial Railway, and says he was at one time opposed to it. I understand he and his friends were opposed to it all along and made it one of their objections to union with this country. But the objections to the Intercolonial Railway were not confined to the hon. gentlemen and his friends in Prince Edward Island. A large section of the party now supporting the Government obstructed the late Administration in the building of that road, and threw every obstacle in their power in our way. Now, when, in spite of their opposition, it is completed and in running order, hon. gentlemen opposite are quite willing—I do not say they are not quite right in doing so—to congratulate the country upon the advan-

tages arising from the completion of a great national work which they had all along vehemently opposed. It is pleasant to us to reflect that the time has come when our opponents are willing to congratulate themselves on what we accomplished. I am glad the rails have gone by that route. I join the hon. gentleman who moved the address in feeling a pride that our mails are passing through our own country all the year round. I believe the experiment has been so far eminently successful. The trip has been made in 19 hours to Riviere du Loup, 22 hours to Quebec and 33 to 36 hours to Montreal, and mails have been delivered in Montreal some twelve or fifteen hours earlier than the average time by the former route from Portland. That advantage has not been extended to Ontario, because the special train that brings the mails has stopped at Montreal. Had it been continued we would have had our mails twelve or fifteen hours earlier in Toronto and the West. It must be gratifying to my hon. friend from Montreal, who was chief Commissioner to the Centennial Exposition to find that his services, and those of his brother Commissioners are considered so great as to justify this unusual step of referring to them in the Speech from the Throne. I had not the pleasure of being at the Exposition, but I am quite willing to believe that everything in the power of this honorable gentleman was done by him to make the Exhibition on the part of Canada a success. There is a from the diminution of importations and my hon. friend who seconded the motion, alludes to the absence of any language in the speech concerning the general depression of trade, industries and commerce. It is one of the most unfortunate omissions that could have occurred in a speech from the Throne, delivered at this particular epoch of the history of the country. My hon. friend must live in a very promising and healthy Province, if the stagnation which has affected the continent generally, has not touched Prince Edward Island. He seemed to believe—and I admire the simplicity of his faith—that because His Excellency did not mention this depression in his speech, it does not exist. Credulity could not possibly go further. The people of Ontario, Quebec, Nova Scotia and New Brunswick would like to be able to come to the same conclusion, but on better premises. The depression of all our industries is only too true. There is hardly a branch of trade, or of manufacture, throughout the country which is not in a state of extreme depression. That, I think, every one knows. So far from there being a termination to it, I



don't think any one sees an improvement. My hon. friend who moved the address made no allusion to it, and we must all regret the absence of any expression of sympathy with the distress which is only too apparent throughout the length and breadth of the country. I apprehend if the members of Parliament who assembled yesterday had, before leaving their constituencies, consulted the electors wishes, they would have replied with a final shake of the hand, "Try and restore the prosperity of the country! Try and put an end to the stagnation which has lasted so long!" This is what three-fourths of the people would have said, yet there is not a word in the speech to show there is any disposition to try and change this state of things. I entirely concur in the expressions with regard to the management of the Indians. I think, without assuming anything that is not fairly due to Canada, we may safely congratulate ourselves on the course that has been pursued for many long years with the Indians in their affairs, a course which has endeared the Government of Great Britain, and the Government of this country as the successor of Great Britain, to the Indians, which has given us an influence over them which has always been exercised for their good. It has been an upright and honest course, and it is, as this speech describes it, a "humane, just and Christian policy." By a uniform system of good faith and honesty we have maintained the influence of the Crown among them. I have listened again and again to the descriptions given by officials who have passed over the continent, of their reception by the various tribes of Indians with whom they have come in contact. I have listened latterly to such a description given by the gallant officer who commands the militia of this country, and whose presence amongst the Indian tribes between here and the Rocky Mountains the year before last was of great use to the country, and satisfied him of the attachment of the Indians to the Crown, and of their perfect confidence in the upright way in which they had been dealt with. Though the Indian title to the lands has not been extinguished in British Columbia, where they have not been treated as the original proprietors of the country, here in Ontario, and between here and the Rocky Mountains, their lands have been purchased before surveys were made or any steps taken to civilize the country. Our success in their management is the envy of our neighbors. Only last week I read an article in the *New York World*, in which the state of Indian affairs in the United States was described,

and it terminated with the statement, "The only country on the continent which seems to be able to deal successfully with the Indian is Canada." This, from such a source, is a tribute paid to Canada's Indian policy which I was very glad indeed to read. The honorable gentleman who moved the address spoke with some degree of confidence—I think with an over-sanguine feeling—of the effect which might be produced by the Joint Stock Companies Act promised in the address. It is, no doubt, a desirable principle, and one which we should all like to see acted upon; but I think my honorable friend will find it is very difficult to keep persons applying for joint stock company powers within those acts. We have had, from time to time, in Canada, Joint Stock Companies' Acts, and some people have been willing to be incorporated under them, but a great many, though they might have done the same, applied for private acts, and whether they got them depended on the Committees of Parliament at the time, and the disposition of the Government towards those who were desirous of getting them. It was during last session or the session before that the question of a Vice-Admiralty Court for our inland waters was proposed in the other branch of the Legislature by a member of the Opposition there. Whether it is likely to be a benefit or not is a doubtful question. The increase of litigation which is likely to result from it may counter-balance some of its advantages. We have for a long time got on without this court for our inland waters, and though we have felt some inconvenience, I think such a measure is yet, at any rate, of doubtful utility. The chief advantages which are contended for it are that you are enabled to stop the vessel itself instead of having to proceed against its owner. For instance, in case of a collision in Canadian waters between a Canadian and an American vessel, the latter goes to her own coast, and you have no remedy, except by suit against the owner; but suppose the collision takes place in United States waters, the Canadian vessel can be stopped and held in security. The principal advantage of this Admiralty Court is that you can hold the vessel itself, which you cannot do in an ordinary court until after the suit is terminated and you have got a judgment. The other measures which are suggested are of very little consequence. The great omission from the speech is the one to which I have alluded, and which I exceedingly deplore. I will not resume my seat without expressing my regret at the loss of the presence of the honorable gentleman who was Minister of Agriculture here, and who

for a very long time had been associated most pleasantly with all the members of this House, on both sides of it. I very much regret his loss, although I cannot but congratulate him upon his elevation to the important office which he holds, and which I am confident he will fill with strict regard to constitutional usage and impartiality to both political parties in that Province. Whether we are indebted to the Crown or to the Opposition in Kamouraska for the presence in this House of the hon. gentleman who has succeeded to his portfolio, it is perhaps difficult to say. We heard it stated that he would not leave the Commons. We saw that he paid a visit to his constituency, and many of us have a suspicion that he was unwilling to face a contest, and that it was in view of the danger of defeat in Kamouraska that he preferred the repose of the Senate. However this may be we hope that the mantle of his predecessor may fall upon him in one respect, and that we shall have the same cordial and straightforward dealing with the House, which we experienced from his predecessor in whose statements in the House and communication of information we felt confidence could be placed.

There are some honorable members on this side of the House who desire to speak on this resolution, but who are not able to do so this afternoon, and I trust the Government will not press the motion until they have had an opportunity of speaking.

Hon. Mr. CARRALL— I have the pleasure of once more seeing a number of old familiar faces around me, and some new ones, while I miss from their places others who shall never fill them again. I would rather postpone what I have to say respecting the speech, owing to the absence of one of my colleagues in England, and the other who is on his way here from British Columbia. But the few remarks I have to make will be exparagraph about the loss of revenue, chiefly pressed in that frank and candid manner that I have been accustomed to give my views on any subject on which I have to speak in the chamber. I congratulate the Government, as usual, on having made a step in the right direction to obtain a conspicuous success in the baldness of the words they have put into their Governor-General's mouth. Year by year the Cabinet have succeeded in making weaker and weaker His Excellency's speech from the Throne, until at length it contains next to nothing. I had not the pleasure of being present when the utterances of the mover of the address were being made, but still I am not without a hope that on some future occasion I shall have the pleasure of

listening to words of wisdom from that gentleman. Many of the hon. members who have been elevated to the Senate are—I must confess my ignorance—unknown to me, but I hope to be better acquainted with them before the close of the present session. While I feel an interest in every Province and parish in the Dominion, I am more particularly interested in that remote district to which His Excellency has been pleased to devote so small a paragraph in his speech. I refer to British Columbia. There are, in my judgment, only two questions in that speech that will involve the particular attention of the representatives of that Province in this body during the present session. With respect to the Pacific Railway His Excellency, I regret to say, seemed to give expression to opinions at variance with the previous utterances of the members of the Government on the subject. I refer more particularly to the remarks of the hon. Secretary of State whose public statements on record were to the effect that the Canadian Pacific Railway could not be built in forty years.

Hon. JAMES SKELD—One hundred years.

Hon. Mr. CARRALL—I am not here to be hypercritical, but I do desire to take cognizance of the pre-portfolio utterances of the hon. gentleman. The honorable Secretary of State has since then toned down considerably the remarks he has made on this subject, and there are others on the floor of this House sanguine enough to believe that the honor of Canada will not be forfeited by a repudiation of her agreement with British Columbia. I regret to see that the Government have persistently, in the faces of the recommendations of the honorable gentlemen who sit both on the right and left of the throne, come down to this House year after year without any Pacific Railway policy, and this year they have made Lord Dufferin say that the surveys have not been completed. These same gentlemen, after all their boast in Opposition that they could build this railway quicker and at lesser cost than the old Government, with all the facilities at their command, with all the previous efforts put forth by their predecessors, have been obliged to force the Governor-General to come down here and say that they are still without a Canadian Pacific Railway policy. The prosecution of the geological survey has heretofore been obliged to depend upon votes for five years, support. I think the Government are acting wisely in making it a permanent branch of the public service, and I shall be glad to co-operate with him in this matter. There is another question upon which I congratu-

late this Administration and the previous Government. The Government of the day have been enabled, by the assistance of their predecessors, to carry out a successful Indian policy. I congratulate the honorable Secretary of State upon the wisdom which the Government have displayed in following out the policy of their predecessors. I have the honor to say that in a very subordinate position I attended the Philadelphia Exposition. I am able to congratulate the Government on the position which Canada occupied in the display of her products and manufactures. But I am bound to say, in the face of the honorable gentlemen here, and in the face of the people of Canada, that I regret there was a manifest want of harmony between the gentlemen on the Commission during the three or four weeks of my study of the different departments, which did not characterize the representatives from other parts of the world. To whom that was attributable I do not wish to state at this time. Perhaps it would be wisdom not to refer to it again; but I repeat my regret, knowing the ability of the gentlemen, that their meetings were not of that character due to their position, and that any success which our exhibitors have attained is due to the exhibitors themselves, and not to the Commissioners.

Hon. Mr. SCOTT asked if it was desired by the leader of the Opposition that the debate should be postponed. Hitherto the custom had been, when the address was taken up on Friday, to dispose of it on that day; or, when it was taken up on Monday, to dispose of it on Monday. He was prepared to take the sense of the House if there was a desire for postponement.

Hon. Mr. CAMPBELL said he entirely concurred in what the honorable Secretary of State had said as to constitutional usage in the debate on the address, but some honorable gentlemen had not yet arrived who would doubtless like to have something to say in the debate, and if it was the pleasure of the House it would be better to adjourn it.

Hon. Mr. WILMOT moved the adjournment of the debate till Monday.

The motion was carried, and the House adjourned at 5:15 o'clock.

MONDAY, Feb. 12.

The Senate met at 3 o'clock.

After routine,

Mr. WILMOT resumed the adjourned debate on the Address. He said:—“There are some points in this address to which I wish to refer. Before doing so, I would congratulate the House on the addition to its num-

bers of the honorable member from Hamilton, who so ably expressed himself in moving the Address. My honorable friend the Minister of Agriculture I have known for several years, and have formed a high estimate of his abilities. He will prove a valuable addition to the House. With regard to His Excellency's visit to British Columbia, I think we can all join in hoping that it may have some effect in bringing about a better feeling between that Province and the other portions of the Dominion. We have on the statute books an act by which the public faith of this Dominion is pledged to construct the Pacific Railway. I, with some other members, voted against the agreement which was entered upon when the Province became a member of the Confederation, and I have not seen any reason to change my opinion in that respect. I am quite certain, if we are to borrow money in Great Britain, creating what may be called a foreign debt, the time will come when there must be an entire change in our monetary system, or it must land us in great difficulties. In connection with this matter, I would refer to the clause in the Address relative to the Royal Commission and instructions to the Governor General. I do not refer particularly to the part relative to the prerogative of pardon, because it is a matter altogether to be dealt with by legal men, but there are two other clauses in the instructions which I hope the Minister of Justice will endeavour to have removed. Both relate to matters which should be entirely within our own control. One is clause 3, which instructs His Excellency not to assent in Her Majesty's name to any bill whereby any paper or currency can be made a legal tender. We have now legal tender notes of the Dominion, and for what reason that clause should be continued is beyond my comprehension. The fourth clause instructs His Excellency not to assent to any bill imposing differential duties on importations from other countries. Now, Parliament has already legislated in that direction and imposed differential duties on salt from foreign countries, while salt from Great Britain was admitted free, and teas imported from the United States was subject to 10 per cent duty, while from Great Britain or China it was admitted free. In both those cases the royal instructions were not acted upon. Sir Alex. Galt, in a report made by him as Finance Minister in 1860, relative to differential duties, said:—“Respect to the Imperial Government must always dictate the desire to satisfy them that the policy of this country is neither hastily nor unwisely formulated, and that due regard is had to the inter-

erts of the Mother Country as well as of the province. But the Government of Canada acting for its Legislature and people, cannot through those feelings of deference which they owe to the Imperial authorities, in any manner or way diminish the right of the people of Canada to decide for themselves, both as to the mode and extent to which taxation shall be imposed. In the imposition of taxation it is so plainly necessary that the administration and the people should be in accord that the former cannot admit responsibility or require approval beyond that of the Local Legislature, self-government would be utterly annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada. It is, therefore, the duty of the present Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best—even if it should, unfortunately, happen not to meet the approval of the Imperial Ministry. Her Majesty cannot be advised to disallow such acts unless her advisers are prepared to assume the administration of the affairs of the colony irrespective of the views of its inhabitants." Now, I entirely concur in those views, and I trust—though I do not know the mind of the Government on this question—that they will urge that this portion of the royal instructions be withdrawn. When we look at Canada now, confederated as it is, and extending from ocean to ocean, with its vast resources, we should be the best judges of what is best suited to our interests without having them regulated through the Colonial Office. At all events, I think under Responsible Government we should adjust the taxation of our own people and the expenditure of our own money within our own territory in such a way as would best suit our own interests. I see, by reference to the trade and navigation returns that our trade with the United States has been as follows: In 1873, our exports to that country were \$47,735,678; imports, \$40,554,655, showing a balance in our favor. In 1874—exports, \$25,061,117; imports, \$54,000,000. In 1875—exports, \$26,653,216; imports, \$50,805,000. Our exports have greatly decreased till they were only half the amount of our imports. It is the opinion of some political economists that the more we import the richer we become. If it were simply a question of a free exchange of commodities for commodities, without the intervention of money, and our goods sent there sold for one hundred per cent. profit, that would be perfectly correct, but honorable gentlemen, understand there are other

matters which enter into this question. Those who are conversant with our trade with the United States know for the last two years it has been difficult to find anything to ship from Canada that would leave any margin of profit at all. I know in our part of the country the markets have been so depressed in lumber that great losses have occurred, and I think from this section the trade has been carried on with very small profit, if any at all. This difference of \$25,000,000 must be paid either in gold, which is our only legal tender, or bills of exchange on other countries, which command the gold, or by bankruptcy. I say a state of trade like this, instead of being beneficial to our interests is adverse to them. Honorable gentlemen may say this is Free Trade. I deny it; it is simply free imports, not Free Trade; Free Trade is an exchange of commodities on equal terms. It may be said we have large markets elsewhere, and we are merely enabled to buy in the cheapest and sell in the dearest market, but when we ship goods to the United States we are met with duties which are almost prohibitory, ranging from twenty to fifty and sixty per cent., while the highest duty on our side on articles coming from that country is only 17½ per cent. Now, let us look at our general trade: In 1873 our exports were \$89,789,922; imports, \$128,011,281. In 1874, exports, \$89,351,928; imports \$128,213,532. In 1875, exports \$77,866,979; imports \$123,070,283. Therefore, if there is anything in what is called the balance of trade, it is very largely against us, unless we recognize the principle that the more we import the richer we grow. Under the circumstances I demur to that. We have only to look round the country to see the depression which exists, and I am rather surprised that no reference is made to it in the Speech from the Throne. I can speak for my own part of the country, and say it is felt there. Last year in alluding of the depressed state of trade throughout the commercial world I said in my opinion it was caused, to a great extent, by the large payment of gold by France to Germany. My honorable friend opposite from Kingston thought it was a rather ridiculous statement to make.

Hon. Mr. CAMPBELL—Not at all. It was only the way the honorable gentleman remarked that the gold was locked up in Potsdam.

Hon. Mr. WILMOT—The reason I said Potsdam was from the fact that the Prussian Government kept their treasure locked up in that fortress. I made the statement in February, and in the London *Economist* of March 11th, about a month

after, I found something to justify my opinion. Probably there are not five honorable members of this House who would not have agreed with my honorable friend opposite, that the payment of that money had nothing to do with the depression.

Hon. Mr. CAMPBELL—That was not my view. I don't think anyone doubts those payments of gold had something to do with it.

Hon. Mr. WILMOT—The London *Economist* gives a general resume of the commercial and financial history of 1875, and it is the organ of the great financiers in London, which may be called the clearing house of the financial world. It says:—"It is now possible, by the aid of experience, to see pretty clearly what have been the general causes which have led to the diffused commercial suffering of the last two years and a half. The first, and the most powerful of these causes, was the Franco-German war; the payment of the indemnity of 220 millions sterling by France to Germany." I formed my opinion from long practical acquaintance in these matters, an experience in the trade, manufactures and agriculture of this country for the last fifty years and its legislation for over thirty, and I, therefore, speak with some knowledge of the subject. In 1866 the great cause of the depression was the large export of the precious metal from Great Britain to the East for the purchase of cotton, &c., which had previously been imported from the Southern States, and was paid for in British manufactures. It was the effect of the currency, which is the life blood of trade, for the withdrawal of it affected the whole fabric of credit to an extent probably of twenty times the amount, for as the gold goes out, the paper circulation must come in. I am satisfied, from my examination of this subject of money, that fixing the price of gold is radically unsound and unscientific. I read a very clever article written by my honorable friend opposite, from Toronto (Hon. Mr. Macpherson), to Sir John Rose, on the subject of the existing banking system. Many of his opinions I certainly concur in, but to a certain portion I am opposed. In the letter he opposes a Government issue, and he speaks of the elasticity of our banking system, by which the crops can be moved whenever it is requisite, by the issue of banking notes. Now, I say that our circulation, whatever it is, should be, no doubt, about the security, and the views I hold are supported by the first financial men in the British Parliament. We all know Mr. Gladstone is a high authority in finance. So also is Sir Stafford Northcote. They and several other members of

the House of Commons have studied this financial question thoroughly. Mr. Palmer, Deputy Governor of the Bank of England, was authorized by the Bank to give evidence before a committee of the House of Commons upon the subject of banks of issue in 1875, and the Committee gathered a vast deal of information from banks on the subject. It is an extraordinary fact that those banks which had not the power to issue made the largest dividends. The question is asked Mr. Palmer: "I think you said that you would maintain the existing restrictions upon banks of issue in England, in order to drive them, if possible into the renunciation of their issues?" And he answers: "As a matter of public policy, I would not remove any disability under which they now labor." The Scotch banks wished to go into England in order to establish branches. Then the question is asked: "You would continue the restrictions, with a view of gently compelling them to give up their issues?" And he replies: "Yes, if they can be induced to do it I think that it would be an advantage to the public;" and he goes on to give his reasons why the issue should be a State issue, and it is the prevailing opinion among the highest financial authorities in England that the issue should proceed from the State, and banking should be free, but the currency should be thoroughly secured. The day must come—if we are to go on borrowing money in Great Britain to build the Pacific Railroad—when a revolution of our monetary system will be forced upon us in some shape, either that of bankruptcy. But referring again to my honorable friend's pamphlet, in which he speaks of moving the crops. How is it done? By the issue of bank notes. But bank notes are not money; they are simply evidences of debt. These are issued to the public at the cost of the printing and the paper, and what do they get in exchange? They get the values of the country on notes issued with the promise to pay gold, which the bank returns show they do not hold, and the parties who give the property pay them interest; therefore, the bank got the interest in place of the public. With regard to the issue of Dominion notes, I am strongly of the opinion, from my examination of the course of trade, that they have been of great advantage to the country, but a great portion of them are held by the banks which issue their own notes upon them. I entirely disapprove of the bill brought in by the honorable Secretary of State to limit those issues. They are the soundest issues we could have, and the public should have the benefit of that circulation in place of the banks. Referring again to the course of

the trade of the United States, under their protective policy, and that of Great Britain, under the free import system.—I quote from an article on British trade—"The completed returns of British foreign trade for the year 1876, shows a large decline in exports, and an almost stationary condition of the import trade. The imports of the year were of a value of £374,004,000, which was an increase of only £63,000 over 1874. The imports in 1874 were of a value of £370,000,000 sterling, and in 1873 they were £371,000,000. In three years, therefore, there has been an increase of three millions sterling, or less than one per cent. The exports in 1876 amounted in value to only £200,576,000, against £233,475,000 in 1875. In 1874 they were valued at £239,500,000, and in 1873 at £255,000,000. The decline has thus exceeded twenty per cent in three years. I probably would not occupy the time of the House in referring to those matters, were it not that the question of the tariff comes before the Senate on the last day of the session. If I am not in order the Speaker will tell me.

Mr. SPEAKER—You are in order.

Hon. Mr. WILMOT—During the last year bankruptcies occurred in this country to the extent of \$26,000,000, and the amount during the last three years approached \$90,000,000. It is the duty of everyone who can speak on this question to express his views, and I have no hesitation in saying the policy which I would approve of in dealing with the United States is, to treat them precisely as they treat us, and stop the larger drain of gold that they take from us. We know what has occurred with regard to our boundaries, and in the Alabama treaty, with regard to our fisheries, the payment of what is due to us. We understand all that, and it is a mistaken idea to pursue the *ignis fatuus* of reciprocity. As I said in 1865 at the Quebec Council of Trade I say now, we should send no one from Canada to negotiate a revival of the Reciprocity Treaty; let them seek us. There are but two factors in wealth—one the natural resources given by the Creator, the other the industry and the ingenuity of the people possessing them converting them into exchangeable commodities. Referring to the tables showing the import and export trade of the United States, they will show how entirely different the result is, compared with ours. In 1874 the imports into the United States were \$577,400,000; exports, \$642,000,000. In 1875, imports, \$525,800,000; exports, \$589,800,000. In 1876, imports, \$561,002,000; exports, \$646,976,000, showing a large excess of exports

every year. Here I may quote from the *Westminster Review*, speaking of the position of the manufacturing industries of Great Britain under the free import system:—"We shall not be considered premature, we hope, in pointing out the danger in this direction"—that is, the danger of losing their manufacturing supremacy—"when we read in the public prints that tires are being delivered in the neighborhood of Sheffield at prices far lower than those at which they can be produced there; that American calico is sent for sale to Manchester at thirteen pence a pound, while the same quality cannot be produced there under thirteen pence halfpenny; that a Halifax carpet firm have removed a large portion of their machinery to the United States, where they hope to turn out their goods more quickly and profitably; that English black silks have given place to those of France, Prussia and the Lower Rhine; that Basle has seriously crippled the ribbon trade of Coventry; that the English silk-velvet trade is quite snuffed out, our velvets now coming from Creffeld in Rhenish Prussia; that in the trimming departments of our warehouses everything is almost exclusively German manufacture." And so it goes on to show how the manufacturers of other countries are underselling their English rivals in their own markets.

Hon. Mr. PENNY—Do they recommend protection?

Hon. Mr. WILMOT—They are looking at the facts. I am a free trader if Free Trade is carried out in gold, but I am not one of your free import men. They look at the fact that the United States, under what is called a protective policy, are actually underselling Great Britain in her own markets, and competing with her in all the markets of the world. Should we not adopt what will do most for the development of our own industries and the employment of our own people? We are paying hundreds of thousands of dollars to get immigrants to this country and we cannot keep our own young men. I know in my own neighborhood people are abandoning their farms because they cannot sell them, and are going off to California and the Pacific coast. I read the report of the committee appointed last session by the other House to take into consideration the cause of the general depression, and I see they attribute it to over-production. We have produced too much wealth, consequently we are poor. That is the result. Now, that seems rather anomalous. Is there no other way of looking at it? I say the present currency system tends to place

large fortunes in the hands of the few, while the great mass of the people is poor. I am very much of the opinion expressed by the honorable member of Prince Edward Island last session, that public works should be constructed now when so many are unemployed and labor is at the cheapest rate. No man has a greater objection to running the country in debt than I have, but if those works are to be carried on, now is the time to push them forward. I would issue Dominion notes, but unfortunately the Government have put golden shackles round their hands and cannot do that if they wished, unless they are willing to repeal the Act of last session.

Hon. Mr. SCOTT—Get a press and print off our bills as they did in the United States.

Hon. Mr. WILMOT—Yes, and what did they do? In twelve months they would have been utterly bankrupt if they had attempted to carry on the war on a gold basis. They carried on the great war and built their Pacific Railroad with greenbacks. They paid off a very large portion of their debt and reduced taxation under that system. I think what carried the nation safely through such a great emergency is sound. We know that William Pitt inaugurated such a system in 1797, and when it was abandoned, Great Britain, in 1823, was visited with a commercial panic unparalleled in her commercial history. History is a storehouse of facts, which speak for themselves. In France the only issue is the notes of the Bank of France, not redeemable in gold, and what is the state of trade there? The whole of the business is carried on with that paper, and yet it is at par with gold, and they hold a larger amount of gold now than Great Britain. The United States even, during the suspension of specie payments, had more gold in the treasury than there was in the Bank of England. The gold system is scientifically false, because they attempt to make a certain specific quantity of gold, which is merely a unit in quantity, by legislative enactment, a unit of value, contrary to the great natural law of supply and demand. To my mind it would be just as reasonable to expect a hundred tons of iron to remain suspended in the air without any support, contrary to the law of gravitation, as to pass an act to say that a unit in quantity should at all times be a unit of value. The whole monetary system should represent barter, which is the first mode of exchange in which each article of exchange is the measure of value of every article you receive for it; but under our system you fix the price of gold as the standard which everything else

has to be bartered into giving a monopoly to the holders of money. In the United States gold was at one time 196 premium and it is now within five per cent. of par, as with large exports and small imports, the gold is being brought into the country by the regular course of trade. I have been in a position to frame tariffs, to tax the people, and to carry on the affairs of a country, and I have seen in commercial operations, through an adverse balance of trade, a sort of *legerdmain* by which property has been filched away from the owner at half the value, because there was a drain of gold, causing great depression of trade and panics that have been so frequently witnessed. I wish to lay those facts before the House and before the country. We can have nothing to say here respecting the tariff, but we can speak as to what policy would, in our opinion, be best for the Dominion. With respect to the proposed changes in the Joint Stock Companies' Act, we know that a number of those bills came before us last session, and I for one think there should be a general act under which such companies should be incorporated. I entirely agree, also, that it is desirable to afford additional security to life insurance policy-holders. I think there is nothing that should receive more attention from Parliament. Men on limited revenues deprive themselves of comforts to meet the premiums on their policies in order to make provision for their families, and through the failure of companies in the United States and Great Britain, parties who had paid their policies for years, depriving their families of comforts in order to do so, have lost everything by the fraud or mismanagement of those companies.

Hon. Mr. ALEXANDER—On the opening of Parliament the members of the Senate are more or less anxious to express their individual opinions on the prominent questions of the day. He did not propose to weary the House by going over the different subjects embraced in the Speech from the Throne, but considered it to be his duty to refer to the continued commercial depression felt in all the trade centres throughout the Dominion. Of course we cannot expect that this young country will be exempt from these great periodical changes, to which, we observe, all other countries have been exposed. The causes of such crushing reaction and stringency are well understood. During the years of great prosperity from 1867 to 1873, too many rushed into every department of trade, and as a natural result we have had excessive production and excessive importations, ac-

accompanied by a general extravagance in every class of society, bringing, as a natural consequence, the crisis which we now deplore. We do not charge the Government with having caused the depression so universally felt, but the question is everywhere asked—Is it not the duty of the Government, is it not in the power of the Government, to aid our men of enterprise by a judicious and well considered tariff, to resuscitate many of our drooping industries, which are being crushed by importations from the United States and England? Surely it is not impossible for us to secure again those branches of foreign trade, I mean the tea and sugar trade, which have been snatched from us by our astute neighbors? Surely the Government might adopt a tariff which would make it practicable to re-open our sugar refineries at Montreal and Halifax? Who can examine the last return of the imports from the United States, amounting to \$24,500,000, without feeling that they are gradually crushing a large number of our industries, from our giving them such easy access to our markets, while they restrict us from theirs by an almost prohibitory tariff? In that return, for instance, we are said to have imported from the United States, in 1875, of cabinet ware and furniture, \$328,000; of wood manufactures, \$426,000; of paper, \$46,000; of stationery, \$121,000; of small wares, \$371,000; of iron and hardware, \$1,925,000; which he merely singled out, as a very few items, to show the extent to which our own domestic industries are being sapped by our neighbors, our mechanics, thus thrown out of employment, and our country becoming impoverished. If the American Government had to deal with our position, lying alongside a foreign country, they would soon restore activity to our workshops. I freely confess that I am of the number who believe that we shall secure as low prices to the consumer, through competition in our workshops, as through foreign competition, while we shall be affording a large amount of employment to our own citizens, and retaining the wealth in the country. I now desire to observe, that it is to be hoped that the present deficiency in the revenue and general position of public affairs will lead our public men, and the Government of the country, to be more careful in future of all public expenditure. Our present position, while not such as to cause any gloom or despondency is a position requiring the greatest care and statesmanship. We may be led to entertain too sanguine expectations of the future revenue of the Dominion, from the extraordinary annual

increase, during the first six years after confederation, when it reached in 1873 \$23,000,000. But it behoves us to remember that during those years we were still developing fertile portions of our larger provinces, where the expenditures produced corresponding wealth and revenue. We were also then making large expenditures for railway extension in those parts, which had the effect of swelling the excessive importations of those years—whereas, in the future the work of further development must involve a large further increase of the public debt, with little prospect of corresponding returns of revenue. While we have to carry out the projected improvement of our Canals involving still a very large outlay, we must be prepared to make up large annual deficiencies in running the Intercolonial and other Government railways. We have further undetermined what are our obligations to British Columbia which contains a very sparse population. But the development of this whole region, west of Lake Superior, is surrounded by so many difficulties, climatic and geographical, that it will require more than ordinary statesmanship to accomplish it without placing excessive burdens upon our people. We ought to make the fertile lands of the Northwest, along with reasonable subsidies of money, carry a railway into that distant portion of the Dominion, which ought in no case to be constructed and operated as a Government work. Such a principle extended, can only prove more and more unsatisfactory and disastrous in its results. This whole future of the country now depends upon the care and ability with which the work of further development is carried out. If we adopt a wise and sound policy to build up all our own industries at home, and carry out the proper principle of securing railway extension into our great northwest, we have a bright future before us. If, on the other hand, we permit our industries to be crushed and our men of enterprise to be discouraged by fallacious principles of trade, we may retard the onward progress of the Dominion, and darken for a time the bright hopes and prospects of our people.

Hon. Mr. READ—The first point in the speech is the reference of His Excellency's visit to British Columbia. No one can doubt of the popularity of His Excellency, and all must have been pleased at the manner in which he was received there as the representative of the Sovereign. I for one should have been much delighted if, in his business intercourse with those people, he had satisfied them in a measure for the time being, but so far from that being the



case, I was pained a day or two since with the utterances that fell from the representatives of that province in this, and in the other branch of the Legislature. I thought I must have been mistaken, when I heard a representative of that Province, in the Lower House, get up in his place and state that it was possible, and very probable, that this session would be the last session that a voice from British Columbia would be heard on the floor of this Parliament of Canada. I hope such a thing is not in the future, and that the wisdom of the people of that country will not allow them to carry out the threat that their representatives have given expression to. The paragraph with reference to the Pacific Railway appears to be a remarkable one, and I am sure this country and this House—because it has expressed itself so—would have been delighted if the Government, in their wisdom, had not invited tenders and given out contracts for any portion of the Pacific Railway without the surveys being completed. It is sufficient to have one mistake of giving out a contract for the construction of a section nearly 250 miles in length, a large portion of which was to have been built by the Government, and the rest on a subsidy of \$12,000 per mile, without having any survey of it. It is stated that Mr. Hazlewood explored the line through the forest, but it had been proved that he did not even walk over it, but that he walked over a portion of it only, and went the rest of his journey in a canoe. If the Government had been wise before giving out a contract of such magnitude as the Georgian Bay Branch, they would have had a thorough survey made of it, and would not afterwards have been compelled to cancel the contract because the route was impracticable. The Pacific Railway question is a source of irritation to our friends on the Pacific slope, and if we examine the action of the Government with respect to it we cannot wonder at that irritation. The Government came down with a bill to construct the Nanaimo and Esquimalt Railway on Vancouver Island, but this House failed to appreciate it and by a solemn vote defeated it. In the British Parliament when a Government measure of such importance is defeated in the Upper House, they introduce it again the following year, but we do not find anything in the Speech from the Throne that our Government is to follow such constitutional practice or that we are to have a measure of this kind again this year. In the British Parliament a measure of such importance to the country would

be brought down again and again, and if the Government failed to carry it the Sovereign would grant a dissolution of the House and appeal to the people. After that, if the Lords refused to pass the bill, they were obliged to pass it.

Hon. Mr. SCOTT—We cannot make Lords in Canada.

Hon. Mr. READ—We find on the paper duty the House of Lords threw out the bill, but the Government of the day brought it down again the next session, and it was finally passed. The same with the bill respecting the introduction of Jews into Parliament; it was thrown out by the House of Lords, but the Government found a constitutional way of carrying the measure. I am not surprised that the British Columbians are irritated at the way in which they have been treated, but the Government of the day have been satisfied that the people of the country were opposed to the measure, as the road has not, and never can be, a portion of the Pacific Railway. If it had been, or if there were any means of making it a portion of the main railway, this House would not have voted against it, but from information furnished by Mr. Fleming in order to extend the road to Esquimalt harbor from the main land, we find we would have to construct bridges of from 1,100 to 1,375 feet span, something the world has not yet witnessed, and an achievement which the resources of Canada, even if we had the scientific skill, are not equal. The admiralty chart shows that at this place the water is from 400 to 500 feet deep. So the Esquimalt and Nainaimo branch never can become part of the Pacific Railway, and even as a local enterprise its construction is unnecessary as it would be along side one of the finest water stretches in the world open every day of the year. The Government have not always called for tenders before entering upon contracts. I feel that they were recreant to their trust when they purchased the steel rails without asking for tenders for a certain portion of them. The returns show that the Government bought, without tender, by direct offer. I see it is indicated that the works on the canal system are not to be pressed. I do not know what works they are, but I hope it is not the Welland Canal, or the St. Lawrence Canals, that are to be stopped. It does not appear to me that it is for want of money that the Government will stop those works at a time when labor is cheap and poor people demand employment. It cannot be otherwise than we have plenty of money, because Mr. Cartwright told us in 1874 that he borrowed a larger amount than he then

needed, because he did not want to borrow in 1875. In 1875 he borrowed again and told us that he had gone into the market when it was low before European complications might arise, and in 1876 he borrowed two and a half millions more, or in other words he has borrowed over nine millions of pounds, which shows he has good facilities for borrowing, but the purposes for which he uses the money he does not tell us. Perhaps he has been borrowing to lend it.

Hon. Mr. MILLAR—To the banks.

Hon. Mr. READ—Yes, I suppose so. Two years ago he told us he had twelve millions in the banks, and last year he had eleven millions. We know that he has been lending to the banks and for all we know he is doing so still. When the present Government came into power the construction of the Pacific Railway was being prosecuted, the Welland and Lachine Canals were fairly commenced, and all these works were progressing favorably, and it seems to me that the Finance Minister should have known in 1874 that he would not have to borrow in 1875, and then again in 1876. I hope the Government will do all their power to press on the public works to completion, especially the canals, so that they can give employment to labor when it is required. After all that has been said in and out of Parliament I did expect to see something in the speech with reference to the reconstruction of the Senate. When we find a resolution like the following moved in Parliament by Mr. Mills, and seconded by Mr. Blake, on the 13th of April, 1874—"Resolved that this House do immediately resolve itself into a committee to consider the following resolution: "that the present mode of constituting the Senate is inconsistent with the federal principle in our system of Government, makes the Senate alike independent of the people and the Crown, and is in other national respects defective, and that our constitution ought to be amended so as to confer upon each province the power of appointing its own Senators, and to define the mode of their appointment." We should reasonably expect that those gentlemen would not enter the Cabinet without their being in accord with the Government. When those gentlemen consider the Senate to be defective, it is manifestly their duty to reconstruct it. Yet we see no reference to it in the Speech, so that they must have abnegated the principles which they held before entering the Government. Even the honorable Premier thought a change in the Senate was necessary, and Mr. Huntingdon complained that Senators were appointed as a reward for political services. An-

other member of the Government termed the Senate an asylum for political prostitutes. I hope none of the appointments of the present Government are of that character. I feel sure they are not political prostitutes, and that this is not a Magdalen Asylum for them. As far as I can see the Government have abnegated every principle they advocated when out of power, since they came into office. Either they were sincere or they were not sincere in their professions, but if they were sincere they would have carried their professions into practice. They have always advocated when in Opposition that members of the Government of the day should not be appointed to lucrative offices, but I almost expected to have found a paragraph in the Speech regretting that His Excellency had not been able to find places of honour and emolument for the balance of the Ministers already not appointed. In the short space of time they have been in power they have found places for three Lieutenant-Governors, two Judges and one Custom House officer. I venture to say that in the whole history of this country there could not be found such another example, and it is easy to turn up their own resolutions condemnatory of such practices. One of their first acts after coming into power was to disturb the basis of representation by introducing a bill for the redistribution of South Huron. If that bill had not been defeated by this House it is hard to say how every constituency in the country would have been gerrymandered. They had also, after contending for years for the extension of the franchise, brought in a bill to disfranchise one-third of Prince Edward Island after that province came into the Union. The wisdom of this House threw out the Bill, and it has not been introduced again because it could not be defended. I do not find anything in the Speech respecting the prevailing commercial depression. I am one of those who believe that the Government of the day can do a great deal to relieve the trade and commerce of the country to a great extent, and I believe it is the duty of the Government and Parliament to do all in their power to conduce to the profitable employment of the people by wise legislation. There may be a rearrangement of the tariff, and, should it be the case, I hope our shipping interests will receive that attention that they deserve, so that they may not be fettered as they were attempted to be fettered by the Act of 1874. Our ships that have to compete in all parts of the world, had the Government had their way, would have been like a man compelled to swim with a stone on his head,

instead of sailing with a free wind and a flowing sail, free from all unnecessary restrictions. The tea duties are also unjust and iniquitous.

Hon. Mr. KAULBACH said:—I would not have occupied the time of the House but for the clause in His Excellency's speech, respecting our fishery claims under the Washington Treaty, which says:—"I regret that I am still unable to announce any progress in obtaining a settlement of the fishery claims under the Washington Treaty, though my Government has made every effort to secure that result." I join issue on this clause and the answer thereto, in the Address now before us, that this Government were ready to fling away our claims for a bad reciprocity treaty. The leader of the Government virtually surrendered them in his Lambton speech. And I am satisfied that the Government are not sufficiently alive to the interests of our fisheries; that they do not know or appreciate them, and that they are, and have been, disposed to barter them away in the hopes of obtaining a Reciprocity Treaty. To my mind, it is quite clear that they have not only been wasting time, but jeopardizing our honor and sacrificing the interests of our country, to a great extent, and our claims under that treaty, in order to gratify the ambition of the honorable gentleman, who at that time was elevated to a seat in this chamber. At the time the change of Government took place, the present Government had all the statistics and information in their hands that had been compiled and prepared by the commissioners, who had been appointed by England and Canada to meet and arbitrate on those claims, but instead of trying to obtain a settlement the Government had sent their agent with those facts and figures to Washington and used them up to negotiate a Reciprocity Treaty, which I am glad to say was never adopted, and which, if it had been adopted, would have proved detrimental to the best interests of the Dominion. Therefore I cannot join in the remark that the Government have done all in their power to have the fishery claims adjudicated upon. The United States have had for the past six years the use of our fisheries without paying any remuneration for them. They have been receiving a value from us estimated equal to four millions of dollars annually, which if capitalized would amount to about \$60,000,000, which would be a very important item to the Maritime Provinces if they received their share of it, and they might fairly claim the whole of it. The American fishermen come into our waters now and take our fish without any remunera-

tion, and by the system of bounties which they receive from their Government they drive our fish out of their market. When we take our fish to the West India markets we cannot bring return cargoes except occasionally salt, and perhaps, a few oranges and cocoa-nuts. We cannot bring back raw sugar from the West Indies as our refineries are crushed out of existence, and we are at a great disadvantage with our competitors. The Americans by their policy of protection have obtained control of our market for refined sugar, as we have to pay as much duty on sugars brought into the country for refining as Americans pay for refined sugars exported. Under their drawback system the American refiner can sell his sugar at least sixty cents per 100 lbs. cheaper in our Dominion than our our refiners can. It is not to be wondered at that the Americans have control of our market, and we are helping to build up the refineries of the United States and giving employment to their workmen, which we deny to our own people. By the policy of our Government we are fast being made a commercial dependency of the United States, and in that respect helping them to carry out the "manifest destiny" theory of the Republic. It is folly for us to talk of extending our trade with the West Indies under the present circumstances. Our Government are helping to develop all the industries of the United States by their policy, and are making it a necessity for this country to purchase from our Republican neighbors; and so long as we do not adopt a tariff to counteract the policy of the Americans, so long will we be obliged to carry our return cargoes from the West Indies into the United States and purchase our refined sugars from American manufacturers. We are told we must have a revenue; but can it possibly be a wise system of Government to exclude the raw material from our country. If the Government would reduce the unrefined sugar duty about one-half and raise the duty on American refined sugars, the obstacle in the way of Canadian refiners would be overcome. We should have a national and domestic policy of our own, not one that is to be changed from year to year, that would develop and build up the industries of our country to the benefit of the whole Dominion. The Finance Minister opened his budget last year by declaring that the present circumstances of the country deserved the greatest consideration, and yet we see the Government are content to let things drift on as they are. Could the impotency of the Administration be more manifest? Our farmers and laborers, in fact all who inter-

est themselves in public affairs and see the depression of trade, the commercial stringency, and the depletion of the treasury, look to a change of tariff as the salvation of the country. We are told that a cheap country is the place to live in, and the best to attract immigration. My opinion is that such a country is the poorest, and that the emigrant will not go there. The emigrant is attracted by a demand for labor and high wages. Take the United States, for instance. Is that a cheap country—which means a poor country? The protective system prevails there with its consequences—high wages. Yet no other country attracts more emigrants, from the unskilled hand to the skilled artizan. We have been told that a cheap country is the place to live in, and to attract immigration. My opinion is it is the poorest and least attractive to emigrants, who look for employment and high wages. The United States is not a cheap country, which is only another name for a poor country. Protection prevails there, and there is remunerative employment for the unskilled hand the skilled artizan. If the policy of the Government is to continue, the money expended for immigration purposes can well be saved, for with no Pacific Railway and no employment in manufacturing industries, we should discourage emigrants from settling in Canada. Now, I contend we should encourage all natural branches of industry which are likely to flourish in this country, and in time challenge competition from all countries. That is the true policy to develop our country's growth. Political economy is a great science, but should be modified to suit the exigencies of a country. Free Trade, under existing circumstances, is impracticable, and reciprocity is a delusion. Our neighbors have used us to foster their industries, and will continue to do so until we act independently of them and adopt a national and domestic policy. As regards the Pacific Railway, it appears to me that this Government have not done what the country would expect from them. They say they have not completed the location of the line, and therefore they cannot go on. The Secretary of State in the general election of 1874, stated that neither this Government nor the next, nor many future Governments, would build the road. This seems not to be quite consistent with their Minute-in-Council confirming the award of Lord Carnarvon, to build the road in fifteen years. The Esquimalt and Nanaimo bill came up in Parliament, and two members who were then supporters of the Government voted against it and the railway policy of the Government, but they were

afterwards taken into the Cabinet, as they declared themselves, on their own terms. In this House the bill was defeated by the votes of two Government supporters, one of whom was afterwards rewarded with a commission. If the Government were sincere in their desire to build the Pacific Railway, they would not reward those who opposed their policy. The present Minister of Justice in his Aurora speech declared British Columbia was a sea of inhospitable mountains, and that the Pacific Railway was an impracticable scheme. Subsequently he came into the Cabinet, whose declared policy was to build the road. There is some inconsistency, to say the least, in all this. It is evident, from what we hear, that there is a deficit in the revenue. We know there is a depression in trade, which has lasted for some time, and yet the Government have not noticed it in the Speech, or taken any steps to meet the difficulty. We find from the Trade and Navigation Returns for 1876 there has been a decline in the aggregate trade of the Dominion of \$21,805,983. The imports from the United States amounted to \$46,170,033, while the exports to that country were only \$20,916,876, showing an excess of imports amounting to \$16,053,157, which balance against us we are obliged to pay in gold. When the late Government were in power, the balance of the trade was in our favor. It is evident we must have some readjustment of the tariff to prevent our foreign trade and our home industries from being destroyed. The Government appears indifferent to all this. The country holds them responsible for their share in the evils that exist since they took power and will soon call on them to make way for able men—for true Reformers. Under the late Government there was a balance of trade in favor of this country. In 1872 there was a decided balance in our favor. I hope the Government are taking steps to prevent the money of Canada from drifting out of it. Unless this is done we cannot build our Pacific Railway. It seems to me, however, that the Government would be recreant to their principles of Free Trade—which with them means free to buy but not to sell—if they increase duties. What they may properly do is not for us to say, but it is evident and well known that Protection has done much to build up the prosperity of the United States. During the civil war the branches of trade were broken up, and they had to recommence with a treasury almost bankrupt and all their invested resources destroyed. We find they have paid off in seven years \$427,000,000 of

their public debt and constructed large public works, and stimulated and fully developed every branch of their industry, showing that their country is prosperous. It is the same in France under the same system, and France is now destroying the sugar refining interests of England and Scotland, where many refineries are running on short time. This is the result of a drawback system similar to that which is applied in the United States, and by which our refiners are being crushed out of existence. It is argued that we are getting cheaper sugar by this, but it is evident that as our refiners are being ruined those of the United States are being built up, and it will end in giving them a monopoly of the trade and consequently of the prices. Then, instead of having our sugar cheaper, it will cost us more because we will have to buy from the United States. I believe in the principle of Free Trade in the abstract, but it is necessary to establish and protect infant industries before we can expect them to compete with those of like character in other countries. We find a balance of trade against us in our dealings with the United States; we have to give them millions in gold which we borrow in England year by year. This must be destructive of the best interests of the country. We cannot construct our public works if this system is carried on as it is now. Last November our Finance Minister borrowed £2,500,000 in a manner to which I am opposed. We are not informed for what purpose he negotiated that loan. To raise this sum he required promissory notes of Canada, £100 each, payable annually at four per cent. He practically sold them for less than £91 cash, by payments extending to nine months, which, at 5 per cent greatly reduced the net cash value. Those bonds, or bonds of exactly the same character, were then selling in the London market at £94 10s, so that they were actually thrown away. Yes, thrown away! in one day, hundreds of thousands of dollars of our public money. Anybody else could have purchased in the market for £2,594,600, being about \$1,300,000 of money lost in one day, through the incapacity, blundering, muddling and meddling of our Finance Minister. Now, if this is the case, if we have to borrow money on those terms and conditions, it is no wonder the country is in a depressed state under such Reformers. Some change must be made. We must have something to stimulate our trade. As long as we allow the United States to draw from us the balance of trade in gold, we must expect to remain as we are now—commercial dependencies of that country—

and the "manifest destiny" policy of our neighbors may in a short time be realized. Unless this Government looks with a more anxious eye and fostering care to the industries and financial affairs of this country that result will inevitably follow. But everything indicates a bright future yet. A change is coming for the better. When false professors of purity and economy shall give way to better men—men who in the past successfully carried us through many difficulties, and under whose *regime* the country prospered.

Hon. Mr. REESOR—Hon. gentleman who complain of the Address of the Governor General confine their complaints mainly to the condition of trade, and the delay in the building of the Pacific Railway. When we consider the vast difficulties to be surmounted in constructing a railway through British Columbia; when we consider that a whole season has been consumed by the largest staff that could possibly be put on to survey a single route, there is a sufficient reason given to excuse the delay which the Government have seen fit to exercise. Already three routes have been surveyed—Bute Inlet, Gardner River and Dean Channel—all of which present insurmountable difficulties, and the Government are justified in trying further before adopting any of them. At present they are engaged in surveying what I suppose will be the last route—by the Thompson and Fraser rivers. So far as known there is a better prospect of obtaining a practicable route by this than by any other that has been surveyed, while it passes through the heart of British Columbia, affording an outlet for the most valuable portion of the agricultural district of that Province. It will also afford facilities for ingress and egress through by far the best settled portions of British Columbia, and in the end accomplish more, not only for the Province, but for the whole Dominion, than if any other route had been adopted. It is expected also, I have reason to believe, that in the course of another season the Government will be able to determine whether a practicable route can be found by way of the Thompson and Fraser, and when it is decided I have no doubt all due diligence will be exercised in opening up that route, building the road, and finally connecting the Pacific with the Atlantic by bands of iron that will be lasting and unite the people in such a way as to satisfy them of the advantages of confederation, which we are now beginning to realize. In regard to the trade of this country, it must be admitted there is a great deal of depression. Possibly the Government might not have done anything amiss—my own impression is

they would have done wisely—to make some more direct reference to the state of trade. At the same time I am not one of those who look to the Government to remove all the evils that arise from depression of trade, or that the Government is always to blame for the existence of such a state of affairs. The fact is, the depression of trade we have now in Canada has not arisen from what has occurred in the Dominion alone, but it is the flow of the tide that has spread throughout the whole commercial world. It would be folly to suppose we could escape, as we are largely engaged in commerce with other countries. I know a great deal is said in regard to the advantages that would arise to this country if a higher duty were placed on manufactured goods. Many do not confine themselves to that, but say a duty should also be placed on the raw products of our neighbors, and the reason they urge is that the Americans impose a high duty upon our agricultural products. What we have to do is that which will tend most to our own interest. The Americans will arrange their tariff as they please, not to please us. We may be satisfied in some respects they do themselves harm. Perhaps they do; perhaps they do not. We cannot control their policy. So long as we must have a revenue tariff, I believe duties should be so levied as incidentally to protect the manufactures of this country—nothing beyond that. I do not believe, though, that if the tariff on manufactured goods had been raised to 20 per cent, or even 25, it would have prevented the Americans from selling, in our markets, articles that had grown out of fashion at home—such as stoves, household furniture, &c. You might put on 30 or 40 per cent without preventing that kind of trade. So long as our own manufacturers produce a great deal more than we consume ourselves, and so long as we do not produce it cheap enough to sell in foreign markets to advantage, we must expect to suffer some from the general depression of trade, and no duty that could be imposed would prevent it. If we increased our tariff 2½ or even 7 per cent, this session it would not help us in the slightest. Protection stimulates production to an undue extent and the effect of it on the other side might be produced to a considerable extent in Canada. The great civil war gave rise to it there. They had to build a large number of railways and could not get iron from England fast enough. Furnaces and iron manufactures were established to such an extent that if they were all in operation during one month of the year, they would supply all that the

American market can buy for the present. This extraordinary state of affairs has been brought about by extraordinary events which may not occur again in our lifetime. There were 40,000,000 people engaged in the great civil war. The North produced material very rapidly; the South procured a certain portion from foreign countries and produced some themselves. England and Canada were engaged to some extent in running the blockade, and we sent our agricultural products largely to the Northern States. These they consumed, and also a very large proportion of their own agricultural products. These things went on, and the natural consequence was, it produced such a state of things that it acted upon all the commercial and manufacturing countries of the world. Immediately after the American war, the Franco-German war took place, and the consequence of all this was a great deal of money was put in circulation, speculation ran high, and, as might be expected sooner or later, the crash must come. And it has come. We feel it in this country; it is felt worse in the United States. They have a protective tariff there, but it does not prevent them suffering this commercial depression. We have not a high tariff, but we feel it, too. The only way to get over it is by individual effort. The Government should simply go on discharging their duty faithfully, effectually, economically and ably, and give the people every opportunity to work energetically, prudently and with economy, and I am satisfied this Dominion will rise out of its difficulties just as soon as any other country has done or can do. The resources of Canada are greater now than they were ten or fifteen years ago. The machinery we have for productive wealth is great. Our means of acquiring wealth are large. We are simply suffering that depression which is brought upon us by an extraordinary state of things, which may not occur again; something like the Russian war and the building of the Grand Trunk Railroad, which produced an unnatural inflation, over-production and over-importation. But these things must regulate themselves. So long as we have a credit system, and carry on great commercial enterprises, we must be subject to the fluctuations of commerce. All we have to do is to govern ourselves wisely, and manage with as great care as possible. With reference to our trade with the United States, my honorable friend (Mr. Wilmot) said it was a matter of regret that our importations from that country were double as much as our exports to it. But our imports were of such articles as our

people believed they could realize a profit from. They consist largely of corn and wheat, which are carried in our vessels, manufactured by our millers, transported on our railways, and a portion exported and sold at a profit. Do you suppose our people do not profit by this. A considerable portion of the corn we import has been consumed by our farmers instead of home products, which command higher prices. A great deal has been manufactured into whiskey, it is true, but this whiskey has been largely exported at a profit while the offal of the distillery has been fed to cattle, which have also been sold, and the money has been circulated in the country. Our farmers cannot produce corn as cheaply as our neighbors, but they raise barley, peas and oats, our climate and soil being better suited for them. They sell those grains at about \$1.50 per 100 lbs, and buy corn at \$1, which answers them equally well for feeding stock, and thus they make from forty to fifty per cent profit. Shall we deprive our farmers of this advantage? Shall we put a tax on American corn because of the foolish cry that Americans have put a tax on our corn? I say such a course would be suicidal, and I cannot believe that many of the gentlemen who advocate it would support such a policy if their friends were in power.

Hon. Mr. TRUDEL—I cannot, under prevailing circumstances, remain silent respecting the unfortunate omission in the Speech from the Throne respecting the depression of the trade and industries of the Dominion. I think it is in the interest of the country that some gentleman from each Province should rise and give his testimony as to the effects which the fiscal policy of the Government has produced in each part of the Dominion. As Quebec has suffered, I think, more than any other Province under the present condition of things, it is my duty to mention how far we have been aggrieved by that policy. When we came here at the opening of the present session, I think it was the impression of honorable gentlemen that we were summoned to enquire into the best means to provide a remedy for the present depressed condition of the country. To my astonishment I found no allusion whatever to the main question that occupies public attention all over the Dominion. Strange to say, when it is the general thought of the Dominion that we should find some remedy for the commercial depression, that our Government, whose duty it is to suggest that remedy, do not even allude to the subject, but seem to ignore the fact that such an evil prevails. An honor-

able gentleman who spoke last Friday, expressed the opinion that because the Government had not thought it advisable to allude to that question, it was proof that the crisis was at an end, and the country was in a sound condition. I do not think, however, that the people of the country are of the same opinion, and they will be somewhat surprised to learn that they have been laboring under a delusion; that everything is in the best possible condition; that there is no depression of trade; that our industries are not failing, and that everything is prosperous; and all that, because the Government did not allude to the matter in the Speech from the Throne. Of course, it does not enter into my mind to charge the Government with being the cause of this depression, but I do not think there is a single gentleman in this House who would deny that the Government could have afforded a remedy to a certain extent, and that some of our industries which have been nearly, if not entirely, destroyed, might be at least kept alive through the crisis if not preserved in a flourishing condition. They might have been protected in such a way as to allow manufacturers to keep their business going without being obliged to discharge their workmen until a better time would arrive. It is true that the crisis which we deplore has prevailed all over the world, and that our neighbors in the United States have suffered to a great extent; but during this time the Government of the United States have used every effort to protect the industries of their country, while our industries have been left in such an unprotected state that it has been death to them. The Americans have taken advantage of the crisis to destroy their most dangerous competitors in Canada, so that it will be found that, taken as a whole, the crisis has been a good fortune to them. And this is due to the good fiscal policy of their Government, and the bad fiscal policy of our own. I am always surprised to hear the advocates of the present fiscal policy say that protection to manufacturers would develop undue production. I would ask the honorable gentleman what branch of our industries is threatened with that danger? What industries have we which have been so stimulated as to make us fear undue production from them? As far as I know we import almost every kind of merchandise so that it would take a great many years before the bad effects which the honorable gentlemen seem to fear from protection would be produced in this Dominion. So far as I know the persistent

refusal of the Government to protect our industries and place them on an equal footing with the industries of the United States, has resulted in the ruin of many branches. Many of the manufactories in Montreal have been closed, and those that are not closed are only struggling on keeping their workmen employed in hopes of better times. It is said it is not the interest of the manufacturers alone, but the general interests of all classes of the community, that should be taken into consideration first. I would ask this honorable House if the twenty millions of dollars that have been lost by our manufacturers in consequence of the drawbacks given to American manufacturers by the United States Government, has benefitted our consumers? Has it benefitted the agriculturists and consumers of this country? Certainly not; because it has been remarked that undue competition has not had the effect of lowering the prices of the products the manufactures of which have been destroyed in this country. Since our sugar refinery has been closed we have to pay a higher price for sugar than we had before. It is the same for tea. If this has been loss to our manufacturers and trade, and has not been a benefit to our consumers, it follows that it must have been gain to the manufacturers of the United States, and a total loss for our country. I think it will be admitted that the richest countries are those that have the greatest variety of productions and who do not have to depend upon other nations for the wants of the community. The richest country would be the one, though not excelling in any one branch, would have all branches developed to a sufficient extent to render that country independent of any other country, and to allow it to export more than it imported. There is a great example before the world in that of the French nation, which, though not excelling in quantity in any particular branch of industry, has been least effected by the general crisis of the world. After paying an enormous war indemnity, capital is more abundant in France to-day than in any other country in the world, and this, I think, is due to the fact that all resources of that country have been developed to a sufficient extent to allow it to export almost all kinds of products. It is hard that the Government have not even a single word of consolation or encouragement for our manufacturers. After having killed them the least he could do would have been to tell them by way of consolation, that he would bury them decently. One honorable gentleman has gone so far as to say that because the

Government have not said anything about the depression, it is a proof that the depression exists no more. It reminds one of the French dramatist who represents one of his heroes whose family were starving. He would go out and provide for his own wants and said: "When my stomach is full, I hold that nobody is hungry in my house." I have some questions to put to the honorable Minister of Agriculture, but I do not see him in his place. I would ask the honorable Secretary of State if his colleague will be present to-morrow.

Hon. Mr. SCOTT—The honorable gentleman is temporarily absent from the Chamber.

Hon. Mr. TRUDEL—In his absence I will not go further, but postpone what has reference to him. I would now refer to the Pacific Railway policy. The honorable Secretary of State will remember last year this side of the House was considered as not acting fairly by the Government because it voted censure on their Pacific Railway policy; but a few weeks after the Government told this House that they themselves had condemned their own Pacific Railway policy. This season the people of Quebec expected that at least the section of the railway adjoining their Province would be located, but the Government have found that the best policy for them on this subject is to have no policy at all. I regret that no measure has been announced by the Government respecting the repeal of the Insolvent Act. Almost the entire commercial community is of opinion that if the law is not repealed, at least there should be some serious modification made in it. We have the old machinery throughout the Dominion for liquidating debts of insolvent states by means of the sheriffs, who are receiving salaries from the Crown. This work has been taken from them and put into the hands of the assignees, who have to be paid by the creditors. Honorable gentlemen, no doubt, have occasion to acquire by experience the knowledge that in the majority of cases the assignees take the greater part of the estate to pay their expenses. From the experience of our province the best way would be to leave the liquidation of insolvent estates in the hands of the Sheriffs, and if they find that it will cause too much delay in the sale of movable property, it will be easy to remedy such defects.

Hon. M. McLELAN moved the adjournment of the debate until to-morrow.—Carried.

The House adjourned at 6 p.m.



TUESDAY, Feb. 13th.

The House met at 3 o'clock.

After routine,

Hon. Mr. McLELAN resumed the debate on the Address. He said:—I don't remember that I have ever troubled the House with any observations upon the Address previous to this, and I do not know that I should now, but that circumstances over which I have no control may cause my absence in that period of the session when most of the public questions come up for discussion. In taking up this Address we do not find it very cheering in its tone. The Government anticipates the suspension of certain public works of this country, considered important and necessary at the time of Confederation. The preceding clause relates to canals, and the inference we draw is that the work on those canals is to be suspended. It appears to me unless those works which have been commenced are completed, it is only under the most urgent necessity their construction should be suspended, until the whole channel of communication is finished, because it is only then you can have any advantage for the expenditure. It may be, however, that the revenue necessities are so great as to render this impossible. The honorable gentleman from Fredericton seems to think that by the adoption of his plan of an issue of Dominion notes there would be no difficulty in providing the necessary funds to carry on all the works contemplated. He expressed little hope the Government would do this inasmuch as they were bound by golden shackles and would not issue notes without a metallic basis. It occurs to me that there might be a compromise effected between himself and his friends of the Government, by their issuing eight or ten millions of dollars in paper upon that very permanent metallic basis which they have in the steel rails deposited throughout the country. Congratulation is expressed here at the opening of the Intercolonial Railway, and we who have to travel from the Lower Provinces over that road are, I think, all ready to join in these congratulations, and I may add, from my own knowledge of that work, that when this winter will have passed away, and the rails adjusted after the first year's frost, it will be a perfect luxury to ride over that line, amidst some of the finest scenery of America. And I may add, for the satisfaction of my honorable friend who spoke yesterday, I believe that road will develop such a trade as will leave very little burden on the revenues of this country to sustain it. In the next paragraph, satisfaction is expressed at the po-

action that this Dominion occupied at the great Centennial Exhibition of our neighbors. I am sure it must be pleasant to us and gratifying to the country to know that we made so creditable a comparison, ten years after our union, of products with the products of our neighbors, who are celebrating the hundredth year of their union. This paragraph suggests a theme. We are now in the tenth year since the four original provinces were united. In the married life it is customary at the tenth year to have a wedding anniversary. I don't know whether it is called the tin or the wooden wedding. In this case we are certainly unable to take up this Speech and say it is a tin wedding, because some of our public works are to be held in abeyance for want of tin. I do not know that we can call it a wooden wedding inasmuch as the Government have never yet been able to construct a platform. My honorable friend from Belleville reminded me yesterday that they have one plank—No. 1, self—and he gives us an idea that that plank is enlarging and strengthening, although it is worn smooth by the footsteps of those who are tramping across it to havens of peace and plenty. But although they have that one plank, and although it may be enlarging and strengthening, and although a variety of articles, useful and fancy, have been offered by Boards of Trade, I do not like to call this the wooden period of our union, for fear that some honorable gentleman whose imaginations are not under proper discipline might say I was associating the word "wooden" with the occupants of the Treasury Benches. We have before us the fact that we are near the completion of the tenth year of the union of these Provinces. In married life it is customary for the united, in these periods, to take a kind of matrimonial stock to see what has been the measure of their prosperity and happiness, and what have been their reverses, and in the light of that experience to form their course of action, in order, if possible, that the measure of their prosperity and happiness may be largely increased. It appears to me it would have been desirable if some one who had the materials under his hand had given us such a review of the period over which we have just passed, to have presented in a concise form a history of those ten years to lay before the constituencies of this Dominion for their benefit in the appeal which, I take it, will soon be made to them. I do not refer to that appeal of a general election, which must come under the statute, but to that appeal which I believe the Gov-

ernment themselves will voluntarily make as soon as possible after the prorogation of this meeting of Parliament. I say this, notwithstanding that a leading paper, said to be inspired by an honorable gentleman opposite, pronounces it madness to make such a declaration. If there be one thing more than another which we admire in the British statesman it is that high sense of personal, party and political honor which governs all his actions. When Mr. Gladstone, leading a Government, supported by a large majority in Parliament, found election after election going against him. He naturally said to himself, "Although I may have a considerable majority at my back, and although I am in a position to hold on to place and power until the general election comes, yet, as a man and as a British statesman, I am bound in honor to ascertain whether I possess the confidence of the country." He appealed to the people of England, and we all know the result. Here, in Canada, where we are proud of our connection with the Empire, proud of all that is noble and grand in her institutions, her policy and her public men, we have precisely the same condition of things. We have a Government sustained in the House of Commons by a very considerable majority, and yet election after election is decided either against them or by such diminished majorities as to indicate as clearly as sunbeams that there is a decided change in the sentiment of the country, and I believe that this Government desirous of imitating the honorable example set them by Gladstone, will, as soon as possible, make an appeal to the country. Therefore, I say it would have been very desirable to have had in a concise and convenient form such a review of the past to lay before the people. I have not kept such a record, and I shall leave to those who have the materials on hand to prepare such a narrative as may be necessary and only content myself with a few general observations. Looking over the ten years that have passed we find in the events and circumstances of the country that it is naturally divided into two periods—seven years of plenty and three years, not exactly of famine, but three years, to borrow a phrase from a celebrated committee, of depression; seven years of plenty under the leadership of Sir John Macdonald, and three years of depression under the administration of the gentlemen now sitting on the Treasury Benches. Seven years of plenty it is difficult to find in the history of any country a like period of peace more fruitful in important events and more marked in

general progress. It may be considered a little out of place for a Nova Scotia representative—where we not only opposed this union, but predicted so many evils would accrue from it—to offer congratulations on this prosperity, which has been induced by skilful management. But although we gave opposition and prophesied many evils, most of which, under skilful guidance have been averted, so soon as union became an unalterable fact it was the duty of all to unite to promote the prosperity of our common country, and I am sure there is patriotism enough in Nova Scotia not to feel chagrined that our predictions were not realized, but on the contrary to rejoice, even though we had not the lesson of Jonah's Gourd at the unexampled prosperity of that period. Going back to 1867, we find that four Provinces were suddenly brought together possessing largely elements of antagonism. The two larger differed in the origin of their people, their language, laws, religion and pursuits. The others differ less widely in these respects, perhaps, but were separated by long distance, and they had different laws, different currencies, different interests. To bring these into one harmonious whole was a task that might well have appalled the stoutest heart. And rarely, if ever, has a Government been formed with a greater work to make or mar, or which required more enlarged and liberal statesmanship than that formed under Sir John Macdonald's leadership. Had he, on many occasions, adopted plans not the wisest and best, we could well have attributed it to the enormous mass of work to be performed in a limited time. But the whole country must bear testimony to the great general success attending his leadership. Early in his work attention was turned to the stream of British Americans passing into the United States. The census showed that nearly half a million of our people had, in a comparatively short period, moved there to multiply and increase to millions, and in all time to help build up that foreign country. An examination of the returns showed that a very large proportion of those who crossed the line settled in the prairie States, and accordingly, so soon as possible, the great Northwest was secured and opened up for settlement, and the stream diverted to a prairie land, under our own flag, sufficient to give a home to millions. It will be borne in mind that in 1867 the Provinces, except Nova Scotia, were without a defensive organisation. This want was met, and met successfully, as the Fenians found on two occasions. British Columbia was added, and then Prince Edward Island,

forming an unbroken chain from sea to sea, seven Provinces having all their legal and official machinery assimilated and made to work smoothly as one. The skill and energy displayed by that Government in all this, inspired a confidence that ran through all classes a confidence that gave life and energy to the commercial man to step out into new fields of trade with the feeling that he had a government watchful of his interests, and ready to guard and promote them. A confidence that quickened the hand of the artisan to meet the wants of their extended commerce, a confidence that gave vigor to the arm of the agriculturist, as he improved his farm or embellished a home for himself and children or that lent elasticity to his step as he followed his plough thinking that the men who guide the State plough had "Neth the early morn drawn straight the furrows and planted a great hereafter in the now." It is impossible to over estimate the importance of permeating the masses with a feeling of confidence in the skill and the ability and determination of their leaders in the Government to protect and promote their interests. With this confidence running through all classes, the progress during those seven years was marvelous. The trade of the country nearly doubled, the revenue increased and overran, so that ten million dollars were left and expended in public works, and all the time the taxation gradually reduced by taking duties off tea, coffee, and other necessaries of life. The public credit of the country so rapidly improved abroad that the Auditors in 1870 reported that although there had been an increase in the public debt for the Intercolonial and other public works, of two and a quarter millions, that the interest payable on the whole had only increased \$2,225. But we have on record the testimony of one of the gentlemen on the Treasury Benches, which shows in the clearest light, the progress made under Sir John's Government. It will be in the recollection of the House that in 1875 Mr. Cartwright, the Finance Minister, crossed the ocean to borrow money. A ship is sometime tossed about in a fog for days, and all on board bewildered and depressed suddenly she sails out of the fog into the clear light and ascertains her bearings. So our Finance Minister steamed away from thraldom of party, he sailed out of the fog banks, and in the clear light of duty forgot party and gave to country its due. He laid before the British public a *resume* of the financial position of this country during those seven years in which he states what I have already enumerated, that the trade of this

country from 1867 up to 1873, nearly doubled, that the paid up banking capital of Ontario and Quebec had increased from six to twelve millions of pounds sterling; and the deposits from five to fourteen millions. He says the revenue showed a continuous overplus each year during Confederation although it was charged in the internal with much heavy expenditure of an exceptional kind, such as repelling Fenian attacks, organizing the Northwest, &c," and he shows a continuous surplus in each year amounting to over ten millions of dollars, besides a large sinking fund, and adds, "Special care is taken to charge nothing to capital account which is not on the most rigid construction applicable to it, but to debit every doubtful item against the income of the year." He, however, forgot to mention that whilst all this was being done the customs taxation was being reduced from an average, in 1868, of 12 per cent. to a fraction over 10 per cent. in 1873. This, then, is in brief the financial record of the seven years of the Macdonald Administration. But what of the record of the three years that have just passed? It appears that from the very hour the honorable gentleman opposite assumed position and power, the trade of the country has fallen off. The legislation accomplished by them is comparatively nothing. A few local bills have been amended, perhaps improved, where experience has shown they could be bettered. There are one or two of importance, but the main features of them had been prepared by the previous Government, and submitted to the country. For instance, the Supreme Court Bill was contemplated at the outset of confederation. It was supposed a little time might elapse before cases would arise, and it would be necessary to enact it, thus saving the cost of from thirty to forty thousand dollars a year, so the late Government prepared the bill and submitted it to the country. The present Government completed that bill. Amendments were made to it last year. Other amendment may be allowed this year, and I am told now very many respectable gentlemen are anxious to have introduced into it the power to prosecute the Government for breach of promise. But what has been the commercial and financial record of these last three years. The Government came into power in November, 1873. Early in 1874 they assembled Parliament, and many of us can remember gathering to hear the Finance Minister's exposition of their policy. The honorable gentleman surrounded by his party and under the eye of

his party leader, gave a melancholy picture of the position of this country. We, who listened to him, felt that he was destroying all confidence and hope that that the people had in the future of this country, that hope and confidence were dead, and we, who listened to the funeral tones were all pall-bearers, our faces lengthening as the graveyard fence. He gave his policy to the country the Government proposing innumerable alterations in the tariff. They meddled with every industry in this country and they brought down upon them a continued succession of delegations to protest against their action. Looking at the record, it appears from that hour the trade of this country fell off until it has reached a point \$54,950,138 below what it was in 1873 and added largely to taxation, and yet we find in this Speech before us no sign given that the Government seem to care anything about this decrease of trade, this general depression which hangs over every industry in this country. We had, last session, some intimation that the Government knew there was a depression throughout the various industries of the country. They appointed the celebrated Depression Committee to enquire into the cause of this falling off in trade. They sat throughout the session, summoned leading men from every industry in the Dominion, and what was the result? At the close they reported that nothing could be done by legislation.

Hon. Mr. SCOTT—Hear, Hear!

Hon. Mr. McLELAN—Yes, they reported that nothing could be done, and taking their report in connection with the sources whence the committee drew its inspirations, its correspondence with Americans, as printed with the report, we get the idea that they attribute the whole infliction to Providence. Turning to page 260, I ask permission to read an extract, and I shall do it as reverently as the position and its impeny will permit:—"A man has got to get up early that expects to get around God." Providence has done everything. No use to legislate, it is impossible for us to touch it. Now, look at what constitutes the report proper, and you find two-thirds of it is filled with an elaborate argument, drawn from American sources, to prove that the American refiner of sugar has no advantage over the refiner in the Dominion. But, no sooner was this decision reached, and it was known nothing would be done to relieve them, than every refinery in the Dominion closed its doors and the refiners walked across the lines to the United States, where they could enjoy the advantages which that

report attempted to prove did not exist in that country. Lately a paper in the commercial centre of Canada said it is all right, nothing can be done for the sugar refining interests of the country, and we had better seek out those who are affected by its destruction and pension them off just as if the honorable gentleman opposite, who is said to inspire that organ of the Government, had walked into the Privy Council Chamber, patted the Depression Committee on the back, and said, "You are right on the sugar question—quite right—sit still Gentlemen, all sit still, enjoy your ease and comfort here; no use your trying to rise early or late to circumvent Providence, better to pension off those injured by the destruction of the business."

Hon. Mr. SCOTT—On what page is the reference to Providence?

Hon. Mr. McLELAN—On page 260. Now, as the proposition has been gravely made in a leading organ of the Government to pension all those affected by the closing of that business, let me endeavor to show the House the enormous addition it is gravely proposed to put to our pension list, and I do not know that I can do this better than by reading the report of a Committee of gentlemen in the city of Baltimore, engaged in the re-organization of the Calvert sugar refinery. The report is found in the *Weekly Review* of June 3rd, 1876:—

#### "CALVERT SUGAR REFINERY.

The Committee appointed to obtain subscription to the capital stock of the Calvert Sugar Refinery, have successfully completed their work, having secured the necessary capital of \$500,000, and in a short time our sugar interest will begin to show some of the olden activity. The reasons for re-organizing the industry are so lucidly and forcibly given in a circular issued by the Committee that we reproduce it, instead of couching the facts in our own syntax:

#### REASONS WHY THE CALVERT SUGAR REFINERY COMPANY SHOULD BE RE-ORGANIZED.

Because it will give employment to 180 vessels for inward cargoes, and will furnish this amount of tonnage for outward voyages; encourage our importers to bring goods to the market, and stimulate outward trade by the necessity of homeward supply, thus filling up empty wharves and warehouses, and enabling stevedores and laborers to earn their living who are now a tax on the community for their support, and bring back an old trade to its legitimate market, now being deserted to New York. It will also start one of our most important

industries, disbursing in labor, fuel, coöperage, &c., \$500,000 per annum, or \$1,600 per day, an industry which employs 136 hands, distributes 3,500 tons of manufactured product per month, giving our railroads 30,000 tons of freight annually, employing the resources of our banks by buying \$6,000,000 of raw material that has paid \$2,000,000 gold duty to the customs revenue, and selling \$7,000,000 of refined sugars and syrups.

#### REASONS WHY IT IS AN INVESTMENT.

The business is now paying. It is generally admitted sugar can be refined in Baltimore an eighth cent cheaper per pound than at any other point on the Atlantic coast. This fact is based upon the value of real estate, cost of fuel, labor, and discrimination in freights from our shorter railroad lines to the western consuming centres. This eighth per cent. on 80,000,000 pounds, the product of the Calvert refinery, is \$100,000 per annum, or 20 per cent on \$500,000, the capital required in addition to the profit which may reasonably be expected from the business.

The drawback of three nine sixteenths cents per pound allowed under the present tariff on all hard sugar exported has induced a lower cost than from any other manufacturing section of the world. American refined sugars now find a market in all quarters of the globe. As crushed sugar can be shipped to Canada at five seven-eighths cents gold, which is about as low as the raw material can be imported, every refinery there has stopped work, and the United States is now supplying Canada with all the refined sugar their consumptive wants require, in addition to about 700,000 tons consumed in our own country, for the tariff prohibits the importation of any qualities that might go into consumption without being refined, and there are but nineteen refineries at work to-day to supply this demand. The refinery can be put in operation at less than half the cost of any similar establishment in the country, is of modern construction, and capable of competing with the best. Its brand is well known and popular, and was the means of bringing a very large amount of collateral trade to the city. The revival of this industry would stop the diversion of our trade now going on, check the shrinkage in values, and do more toward restoring confidence than any measure that could be proposed, and its reorganization becomes an imperative necessity."

I trust the honorable gentlemen on the Government benches will realize the importance of the question, and, instead of insulting and taunting the county by offers of pen-

sions, will reorganize their whole policy, that not only the sugar renners but the whole industries of our land may be placed on a fair footing with the Americans. But, coming back to the contrast of the financial record of the two periods of which I have spoken, we find the country, in the seven years, prosperous, happy and contented, trade increased ninety millions. A flowing revenue each year with a surplus in the aggregate of over ten millions applied to public works, the public credit improved and the rate of interest reduced, and to crown all, the percentage of taxation largely reduced. Previous to Confederation it was about 15 per cent; in 1868 it was 12 per cent., and in 1873 it had been reduced to within a fraction of 10 per cent. The record of the three years of depression under the management of the gentleman opposite, shows the whole industries of the country disorganized and depressed. Trade has fallen off fifty-four millions; the hand has been turned back on dial the five years, a failing revenue and the rate of taxation increased about 35 per cent. from 10-17 in 1873 to 13-76 in 1876. The contrast is great, the pictures are striking and should lead to thoughtful consideration. But, honorable gentlemen, there are two other companion pictures that present if possible a wider contrast—the policy preached by these gentlemen opposite before they came to power, and that which they have since practised. What a difference! what a change! In one of Dicken's works a man full grown and dressed in all the fashions of the day introduces himself to old Dr. Chillup. The doctor hearing the name looks at him and in amazement says "Bless me! Is this possible! Why, what a remarkable change since I first knew you! What a wonderful change since I had the honor of officiating at your birth!" The change was no doubt great, but it was natural, from childhood to manhood. But here is a change unnatural and unexpected. And yet, in the policy promised and the policy pursued, greater far than that between the infant "mewling and puking in its nurse's arms" and the "soldier full of strange oaths, and bearded like the pard," or in the sixth and last stage into which the Government has passed, and so descriptive of them "lean and slippered, with shrunk shank, in hose a world too wide, sinking into oblivion, sans eyes, sans everything."

Hon. Mr. SCOTT—Encore! encore!

Hon. Mr. McLELAN—Let me ask the attention of the House to a few features in that change. If we go back to the policy of the present Government previous to attaining power, we see standing out promi-

nently on it, retrenchment. Every day and every hour we were told on the floor of Parliament, on the hustings and throughout the press that the people who were then ruling the country were corrupt and extravagant, that they squandered the public funds, and the inference was given—put us in power and we will economize, and the country will be safe and prosperous. Under such promises they came into power, and surely we had reason to suppose that when they got possession of the reins of Government they would have studied to retrench the public expenditure, but what do we find? They came down to Parliament with the largest estimate that had ever been voted in a Legislature of this country—not only for the Public Works of the Dominion, but the largest in those very particulars where-in retrenchment and economy was to be expected. Before they came to power they said the late Government had all these buildings crowded from cellar to garrett with employes, their friends. We naturally supposed there would be a reduction of expenditure within these buildings, but turn to the record, and what do we find? I thought it would be hardly fair, perhaps, to take any single year and compare it with any other single year because accidental circumstances might affect it more or less. For the purpose of making a fair comparison I compare 1872 and 1873 with 1874 and 1875. I find the increase in the Public Works Department, for mere office work alone, was \$27,053; Postoffice, \$33,731; Agriculture, \$15,290; Marine and Fisheries, \$13,432; Justice, \$10,252; Militia and Defense \$15,005; Secretary of State, there was a decrease, and I congratulate my honorable friend upon it, of \$453. I presume that is owing to his teachings in economy in his early political life.

Hon. Mr. AIKINS—The Ordinance and Dominion Lands branches were transferred to the Department of the Interior which accounts for the decrease.

Hon. Mr. McLELAN—You have spoiled the whole thing. I see it is so. The contingencies—you know what they mean—run up to \$113,873 of an increase. Taking the increase in the whole thirteen offices, just for mere office work, there was an increase of \$336,478. I find also an increase under the head of miscellaneous, that is, when they have put all the sums they can under every possible head, there is thrown into this basket, \$213,000 of an increase.

Hon. Mr. SCOTT—I hope the honorable gentleman will give his paper to the printers that we may have an opportunity of answering it.

Hon. Mr. McLELAN—My honorable

friend from Toronto, last year, when the supply bill was before the House, made a similar statement and showed the enormous increase in the expenditures of the country. To this hour that has not been answered.

Hon. Mr. SCOTT—It has been answered.

Hon. Mr. McLELAN—No, but I need not pursue this point farther. Why we can take up the public accounts and without looking at the date, tell by the amount expended whether it was under the present or the late Administration. David Copperfield says his old nurse Peggoty had a habit of bursting off her buttons. On one occasion she was taking him down to Yarmouth and he had the impression that if she made him a lost boy he could track his way back by the buttons she had shed. So if we were to lose every date from the public accounts for ten years we could track the honorable gentlemen opposite through them by their extravagance. Every letter and every line of their financial history is reeking and dripping with extravagance, and now the honorable gentlemen tell us in this speech when the money is all spent in this way "that they are going to be very economical; we must make the expenditure come within our means." How strongly this reminds one of the narrative of the Prodigal Son; when he had wasted all his own substance in extravagance he came back to economy. I am sure we shall be glad to assist the gentlemen to get back somewhere near the position we expected them to occupy when we listened to their declarations before they came into power. There is another point in which there is a remarkable contrast between their practice and their preaching. I remember well that the first speeches I heard in the House of Commons when I had the honor of sitting there, by the gentlemen who now lead this Government, were denunciations of coalition, and entirely in favor of pure party government. If it was then a coalition government they were denouncing, we have a coalition government now. I am not going to find fault with the Government on that account, because I believe, in the outset of this Confederation, it was desirable to bring together the best men to be found throughout the Dominion. But looking back at those declarations, and contrasting them with what we have now, we see how entirely they are contradicted and falsified. Turning to a report of a speech delivered by the Premier last summer, I find this remarkable declaration in reply to the statement that his Government was a coalition: "It would be a very grave charge, did it not want the simple element of truth," and he asked, "With whom was it I coalesced?" and again,

"What single principle did I hold in abeyance in order to form an Administration?" The honorable gentleman says the charge would be serious if true. I think, with one-third of the Cabinet from the old Conservative party, there is a coalition now, just as well as under the late Government, unless you take the last clause of the Premier's declaration in explanation, "What single principle did I hold in abeyance in order to form an Administration?" You must arrive at one of three conclusions—that there is a coalition existing now, or that the denunciation of the late Government was hollow mockery, or that all the honorable gentlemen associated with him, from the old parties, forget that they ever had principles, and only the principles of the Premier rule in that Government, and make it pure party Government. I rather incline to this last idea, for I notice, during last summer, that a gentleman who formerly supported Sir John Macdonald, the present Finance Minister, and who had assisted him in carrying many measures through Parliament, on a public platform in the West, appeared to hold all his former principles and conduct in abeyance, and to be guided, ruled and influenced only by the principles of the Premier's. When Nova Scotia sought better terms and the late Government granted them to a certain extent, the present Finance Minister gave the measure his support, and yet last season, giving to party what party demanded of him, he denounced the whole thing and endeavored to stir up the people of Ontario against the late Government for having granted those terms. I say the late Government never did a more just act than in granting better terms to Nova Scotia. Turn up the record and you will find the trade that Province and New Brunswick have given. You will find it reaches the enormous sum of over \$100,000,000 in the ten years. I take the returns of Nova Scotia and New Brunswick for 1863 and 1866. I see the imports of these ten years and the increase there was. I take the next three years and see the extent to which they have fallen off. In 1863 the imports were \$17,000,000; in 1866, \$24,000,000, for those two Provinces—increase, \$6,521,000. In 1869, at the same rate, they would have reached \$30,000,000, and what were they? Only \$14,829,000, a decrease of \$16,074,000. Does anyone suppose that the people of those two Provinces did not use more goods than that represents? No, but under Confederation, where there is no record of imports from other provinces they bought these goods from Ontario and Quebec. You can only judge the extent of that

trade in this way, and while Nova Scotia and New Brunswick have been pouring this immense sum of over one hundred million in ten years into the lap of the Upper Provinces, I say it was unkind and ungenerous for members of the present Government to go into Ontario constituencies and attempt to create a feeling against the late Government for modifying the terms of our union. But it only confirms me in the idea that one mind, one principle and one voice rules and guides in this Government, and in order that there may be no coalition, pure party Government, all the rest are to hold in abeyance any principles they may have. That we see, is carried to perfection in the Lower House, but it occurs to me sometimes, looking at my honorable friend opposite, the Secretary of State, and who may have some political principles imbibed in his earlier days, to ask myself "Is the Premier not afraid that when this honorable gentleman here is away from under his eye he may not hold those principles in abeyance; but put them into practice," and it has suggested to my mind that the honorable Premier should have a remedy for this—come up here, especially when there is an empty chair, as now, beside the honorable Secretary of State, and see that that gentleman keep all his principles in abeyance. We have heard of managers sometimes running two theatres, and the honorable gentleman might, after he had started well in the Lower House "The School for Scandal" come up here and assist in the "Comedy of Errors," or coming here, put on the boards "The two gentlemen of Verona," and then go back to the other end of the building and enjoy his benefit in the successful management of "the one gentleman of Aurora." It would, I am sure, be considered an injustice to the Government to close without some reference to their melancholy failure to elevate the standard of political purity, a matter of the deepest regret to the country. On no point did their leader appear more sanguine and make louder promises. He declared the whole political condition of the country under Sir John rotten and corrupt to the core, and that the earliest efforts of his party on coming to power would be to reform all this, but hardly had they secured the reins when the evidence of political corruption, comparatively unknown before, spread over the records of our courts and Parliament. The honorable Premier not long since, in a speech delivered before an Ontario audience, said, "I have repeatedly stated that I would prefer at present to have a Conservative Government

n power than a feeble Reform Government that would not give effect to their own principles." Going back to the declarations of the gentleman, before coming to power, we find purity in politics a professed fundamental principle, and how feeble, how powerless has been the Reform Government to give effect to that principle! On the journey to Ottawa I was forcibly reminded that "extremes meet and history repeats itself." Two gentlemen on the cars were discussing life in India, and the conversation turned on the serpents of that country; how the most deadly of the tribe, the cobra, often found its way into the dwelling, the office, and even the private desk. So alarming was this plague at one time that the Government determined to put an end to it, and offered a bounty for every one killed, but to the dismay of the Government, and the horror of the well disposed, the natives immediately started breeding establishments for them. See how closely the precedent has been followed here. When the gentlemen now on the Government benches were in Opposition and loudest in their cry that the political cobra existed in this country, but little heed was given to them until it was discovered that one had found its way to the private desk of a gentleman and appropriated his papers to foster a brood. Shortly after this it was heralded abroad that it was breeding in the public offices of the country, and that in the principal Postoffice of the Dominion its young had been discovered with a venomous hold on private letters—letters properly sealed and lawfully stamped, but which the stamp, the Queen's penny, failed to protect to keep sacred and inviolate. The public mind was intensely moved at this announcement, and when the then leader of the Opposition pledged himself and his party to remove the evil, to inaugurate a new reign of purity, and to elevate the standard of public morality, so that the trail of the serpent should no more be found in political life, the country received with joy the announcement and the pledge, and the honorable gentleman and his friends were placed in power to redeem the promise. But mark what followed, how singularly history repeats. The moment they were in a position to give effect to their principles the natives of the party converted almost every hustings in the country into breeding establishments of the cobra. And the records of our courts and the journals of Parliament show that it has multiplied beyond precedent in any country having representative institutions. If it had hitherto been lying under cover, or creeping in the shade, it became a walker

abroad. If it did not meet us squarely in our pathway, it came upon us in circular form, after its manner. The evidence of its increase grew, and was pushed upon us from all sides, not coming down handsomely but gathering thick as the falling leaves in Valambrosa, until men everywhere are alarmed, and each asks the other where is this evil to end. To quiet in some measure this alarm and anxiety, I bring this Indian precedent. It will be observed in this that no charge was ever made against that Government of having started a breeding establishment on their own account, and therefore our Government is not necessarily called on by it to go into the business. Indeed, taking the precedent in connection with the well known character of the original elevator of the standard, I think we may rest assured that he, at least, is safe though the entire party desert. Though henchman and colleague, all forsake him, yet with an iron will and a purpose of steel he will pursue his own course; and, if left alone, like the last rose of summer, like that last rose he will bloom alone. No sitting down in melancholy sadness as Macaulay pictures the New Zealander in the far future on the broken arch of London Bridge, contemplating the desolation around him, but erect, sternly and grandly, will he fill to the letter the description given of an old British politician, "a solitary sentinel pacing his lonely rounds about the deserted citadel of his own utterances," pacing his lonely rounds about the deserted citadel of Grit purity. Let the country, then, rest satisfied that at least a remnant of purity may be left; and whether the seven years of plenty under Sir John are to be followed by three or five years of depression under the present Government, let us look for nothing worse than State poverty, the Government not being called upon under the precedent to breed the cobra.

Hon. Mr. McPHERSON—I would not detain the House at this period of the debate, but that I wish to direct the attention of honorable gentlemen to one or two points. I have always been of opinion that it is in general desirable that we should follow British parliamentary usage in passing the Address, with as little debate as circumstances will permit, and I was therefore somewhat disappointed that the Address was not passed on Friday last. I feel, however, that the House has been more than repaid for the time occupied in debate by listening to the very able, interesting, and eloquent speech that has just been delivered. An amount of information has been placed before the House in a concise form, which cannot



fail, not only to be exceedingly useful and interesting to this Senate, but also to the country. With respect to the clause in the resolutions referring to the Pacific Railway, I must seize this, the first, opportunity afforded me, to express my strong condemnation of the expenditure that is being made on the section of the railway between the head of Lake Superior and Red River. It is a tract of country which we all know to be inhospitable, without cultivable lands, to any extent, to attract the settler, and when the railway is completed the territory will simply be passed over by those who avail themselves of that route. How any government can defend themselves before the people of this country for undertaking, in the present circumstances of the Dominion, an expenditure in that region that cannot fall short of twenty millions of dollars, is more than I can understand. The expenditure through that country can neither be productive nor reproductive. I merely touch on this question at present, because I do not consider it the proper occasion to go into it in detail, but I must raise my voice on this first opportunity against the expenditure. I think the Speech from the Throne—I say it with great humility—should always give the people some means of judging of the prosperity of the country, but I defy any honorable gentleman to learn from this speech whether the country is in a prosperous condition or not. The usage that prevails in England is, if there is anything of more than ordinary interest to the country to call public attention to it in the Queen's Speech, be it favorable or unfavorable. If anything important is occurring in India or any of the colonies, it is referred to in the Speech. In Canada, where Parliament, representing, as it does, Provinces, some of them very remote from others, we should receive some idea from the Government, through the Speech, of what is doing in each of the Provinces, and so be able to judge of the material progress of the whole Dominion, and also of the several Provinces. But we can discover nothing of this kind from the Speech that has been addressed to us from the Throne. Allusion is made to the falling off in revenue through diminished imports, but no reason is given for diminished imports, and a stranger reading the speech might believe that it was in consequence of the increase of manufactures in this country. No inhabitant of this country would fall into such an error, but a stranger might, as there is nothing to direct him to any other conclusion. It is well known to many honorable gentlemen that

the crop in Ontario last year was an exceedingly deficient one, so deficient that provender is now actually being imported into Ontario for the feeding of farmers' stock.

Hon. Mr. SCOTT—Hear! Hear!

Hon. Mr. MACPHERSON—Is that not a matter of sufficient importance to find a place in the Speech from the Throne? It is known that all the great industries of the country, especially those in Ontario and Quebec, are languishing, and many of them are extinct. Is that not a matter that should have found a place in the Speech, and should not sympathy and encouragement have been expressed? Is it possible that the Government are not aware of those facts? Then we have no idea of the condition of industries in British Columbia. We are told nothing of the progress being made in the settlement of Manitoba. We are aware that a pestilence has prevailed among some of the new settlements of strangers who have been settled in the Nor'-West; is that not a matter worthy of mention in the speech? Would not a few gracious words uttered from the Throne have carried some consolation to those who have suffered the loss of those nearest and dearest to them in a strange land? Would it not have been a matter of gratification to those strangers had the head of the Government and the Parliament expressed sympathy for them in their affliction? It cannot be possible that the Government are ignorant of these things. Is it possible that they are indifferent to them, ignorant they cannot be! I can refer with great pleasure to the Centennial exhibition. I visited it, and I must say I felt much pride and gratification at the high place my country took on that occasion. Much has been said about the inefficiency of the Canadian Commissioners, but as far as I had an opportunity of judging, everything had been done that could have been done to ensure the success of our exhibitors. Much had been done, of course, by the exhibitors themselves, but I am quite sure the Commissioners aided as far as it was in their power to do so. They had great difficulties to contend with.

Hon. Mr. SCOTT—Hear, hear!

Hon. Mr. MACPHERSON—There is very little new legislation invited in the Speech from the Throne. From anything we can gather from it there will be no legislation that might not be deferred without disadvantage to the country for years to come. The truth is that Parliament has been assembled, so far as the Government is concerned, judging from the Speech, simply to vote the supplies. It is a very ex-

pensive mode of doing it, because this Parliament cannot be assembled and sit over thirty days without involving an expenditure of \$600,000 at least. The country will feel that there is no value given for that amount of money. In these days of stringency and when there is so little to do, I think the Government might have their measures ready, so that the necessary legislation and also the great inquest could be proceeded with by the Opposition, and both completed within the thirty days, and then one-half the amount usually expended in legislation might be saved to the country. I think that this is a matter which the Government who came into power on such oft repeated promises of retrenchment and economy might well take into consideration. It affords great scope for retrenchment. I cannot compliment the Government upon the fulfilment of their promises of retrenchment and economy. Nothing could have been more disappointing to the country than their failure to redeem their promises on these points. The expenditures to which they are committing the Dominion is alarming. I see by the Public Accounts that the net debt now exceeds \$124,000,000, and we are committed to an utterly useless expenditure of twenty millions more between the head of Lake Superior and Red River. Surely the Government, knowing the state of the country, and having the Public Accounts before them, will pause before proceeding with this expenditure; they must feel that it will be unproductive, and that the finances of the country are unable to bear it. I certainly did not expect to have to charge the Government of Mr. Mackenzie with reckless expenditure and departmental extravagance, but I have to do both. It was the last charge I expected that they would have been open to. It is true I judged Mr. Mackenzie by his professions. When he first formed his Government—although there were two coalition blots upon it—what from his previous professions he must have considered blots—it was the Mackenzie-Dorion Government. It was respectable, and much was expected from it. I expected much from it, but I had little idea then that the Mackenzie-Dorion Government would have degenerated so rapidly into the Mackenzie-Cauchon Coalition.

I will only allude to one other subject. Considering the general depression that prevails throughout the Dominion, I think it would have been well if the Government had called the attention of Parliament to it, and had been prepared to submit to the Legislature some amendment to the Insolvent Act. Seeing the extent to which it is

taken advantage of; seeing the waste of assets in the hands of assignees, surely it is worthy the attention of Parliament, and the country will be much disappointed unless the Government show they appreciate the gravity of the present situation. Really the most prosperous class, as a class, at the centres of commerce, are the official assignees. I shall only express a hope that this subject will receive the attention of the Government, as it is much more important than anything in the way of legislation mentioned in the Speech.

Hon. Mr. SCOTT said:—"This debate has become extremely discursive. The Speech has been discussed on what it does contain, and what it does not contain. We have had a very wide discussion on Free Trade and Protection, and upon the general policy of the Government for the last ten years. It is quite legitimate on occasions of this kind for gentlemen to take a very wide limit in addressing the House, and I have no grounds for complaint against any honorable member of this chamber, with the exception of the gentleman who preceded the last speaker—the honorable Senator from Londonderry. Other gentlemen, I think, kept within the rule and addressed the House in terms to which no one can take objection. I do think, though, and I speak advisedly, that that honorable gentleman has departed from well established rules, and has rather degraded than elevated the debate. The honorable gentleman, as once said by Sheridan, relies upon his memory for his wit, and on his imagination for his facts. He has misquoted some statements, highly colored others, and distorted facts. He astounded me, certainly, when he laid a charge against the committee that sat last session in the other branch of the Legislature, and he repeated the charge, that that committee had attributed to Providence the depression in trade. I confess I was shocked. I asked the honorable gentleman on what page it appeared. After some hesitation he gave me the page—260. I turned to it and I found that it is part of the appendix of the report; that in that appendix is a letter from an American gentleman known as Mr Wells, and in that letter is a quotation from an Auburn poet, or some one in Massachusetts, in which, I think, the name of Providence is very improperly and disrespectfully introduced. The honorable gentleman, knowing that he was making a false statement, dares to charge that upon honorable gentlemen sitting in another Chamber in committee. I ask the honorable gentlemen if that is fair play? The honorable Senator has sought to charge the Administration

with crimes of all descriptions, from coalition down to frauds. He commenced his speech by telling the Government that they did not enjoy the confidence of the people of Canada, and that, imitating Gladstone, it was time to dissolve Parliament and appeal to the people. This Government, knowing their duty, while they have a majority in the popular branch of the Legislature of from sixty to seventy, think it would be highly improper, and not in the interests of this country, to dissolve the House. On what does the honorable gentleman base his theory? He tells us that the elections have been going against the Government this last year. Election after election has been decided against the Administration. I turn up the record, and what do I find? That during last year twelve elections have been held in the Dominion of Canada. In all but four of those, gentlemen were re-elected representing the same class of politics as their immediate predecessors. In Two Mountains Mr. Globenski was replaced by Mr. Daost. In Middlesex Mr. Scatcherd was replaced by his brother, a member of the Reform party. In Glengarry Mr. McNab was unseated, and in the election that followed was again returned.

Hon. Mr. MACPHERSON—With a reduced majority.

Hon. Mr. SCOTT—In Beauce the representative was elevated to the Senate. There was a fair test of the confidence of the people in the Government, and a gentleman was elected representing the politics of the Administration. In Cardwell the lamented gentleman whose loss to the House of Commons we all deplore, was replaced by a gentleman representing the same political opinions, as it was a constituency belonging to the Opposition.

Hon. Mr. AIKENS—But his majority was five times as large.

Hon. Mr. SCOTT—In Wellington Mr. Sturton was replaced by Mr. Guthrie representing similar views to his predecessor. In Bothwell and Jacques Cartier there were elections and the gentlemen who came into the Administration were returned by those constituencies. There are four additional constituencies, and on these alone the honorable gentleman could have based his argument.

Hon. Mr. MACPHERSON—And on the reduced majorities in the others.

Hon. Mr. SCOTT—Where the Government have seventy of a majority in the House it is a slender consolation to the Opposition that there have been reduced majorities in their constituencies. In those four that replaced gentlemen opposed to the Government two of the constituencies

did not belong to this Administration. In the two Ontarios supporters of the Government were replaced by gentlemen who had occupied those seats on a former occasion, but in the great upheaval of 1874, when the friends of the honorable gentlemen were swept out of power, the constituencies feeling that the Dominion was dishonored by the presence of an Administration that had marked itself out in the history of the country as being more corrupt than any other that had ever existed, returned supporters of the present Government, and in the last election they only returned to their former love, and that is all that can be said of it. This leaves just two constituencies where the Government were defeated. In Queen's County, Prince Edward Island, Mr. Laird, who was appointed to a Lieut.-Governorship in the North West, was replaced by Mr. Pope, who was elected by only the small majority of fifty, where there were over four thousand votes polled. The other constituency was in Nova Scotia, where Mr. Tremaine, who was elevated to the Bench, was replaced by Mr. Campbell, who, I believe, is a supporter of the Opposition; so that the Opposition have a right to claim just two victories. The closest vote of last session was that on the steel rails question, and that vote was 124 to 54. If that vote were repeated to-day the Government would simply have 120 as against 58, making the Government majority 62 instead of 70. Sixty-two is an extraordinary majority for a Government to have, and I deny the allegation of the honorable gentleman that the sentiment of the country, if to-day tested at the polls, would be against the Administration. Gentlemen may make up their minds that the Government are not going to depart from constitutional usage and throw the country into the turmoil of an election to please the friends of the honorable gentlemen. The honorable Senator took a fling at the Government because, forsooth, it was one of the planks of their platform that members of the Administration, or some of their friends, should have been elevated to positions of trust in the country. The honorable gentleman does not imagine that this Government, or any other Government, when they have an office to fill, go into their opponents' camp and seek in the ranks of the Opposition for men to fill positions of trust. It is quite true that the Premier who controlled the destinies of this country not long ago was in the habit of buying up his opponents in that way, but that has not been the policy of this Administration. The honorable gentleman spoke with great bitterness of feeling, I can readily

forgive him. The honorable gentleman, no doubt, recalls the fact that this Government, bound by the constitutional principles under which we live, felt it their duty when they came into power, to carry out the Independence of Parliament Act, an Act the spirit of which the late Government set entirely at defiance. We know that one distinguished gentleman from the Lower Provinces who sat in the other Chamber, held a position of importance, with a very handsome salary attached to it, for codifying the laws. The Opposition protested over and over again, but the majority at the back of the Government sustained them in keeping him until a judgeship was found for him on the Pacific slope. Another gentleman from the neighborhood of Simcoe enjoyed a very fat office, with a salary of about \$4,000 a year, as commissioner on an important public work; and, if my memory serves me right, there was another commissioner in another branch of the Legislature who also held a similar fat office, with the same emoluments, contrary to the spirit of the Independence of Parliament Act, and contrary to the established usage of the country. From motives of economy, and because it was a blot on the constitution of the country, the Administration found it necessary to remove that honorable gentleman; and this accounts for the spite and venom of the honorable gentleman's remarks on the Administration. He told us in very eloquent language that under the administration of his friends, when Sir John Macdonald was at the helm of State, all was prosperity; that the trade of this country ran up, up, up, until it was fifty millions of dollars in excess of what it is to-day. It is quite true that it did; but did the honorable gentleman tell us where the difference comes in, between that excess of fifty millions of dollars and the trade of the past year? I have in my hands an extract from the Public Accounts, in the preface of which the honorable gentleman will find the exports and the imports for every year from 1868 down to 1876. It is quite true that the exports rose from \$57,567,888 in 1868 to \$60,474,781 in 1869; to \$73,573,490 in 1870; to \$74,173,168 in 1871; to \$82,693,663 in 1872; to \$89,789,922 in 1873, which was the highest point they touched since Confederation, the imports in that year being \$123,011,281. The imports had run up to that figure from \$73,459,644 in 1868. There was in 1873 an excess of nearly fifty millions of imports over exports. Though our imports were fifty millions of dollars in excess of our exports in 1873, does the honorable gentleman tell me, or tell the intelligent people of this country, that that was a mark

of our prosperity, or that the people who are in receipt of eighty-nine millions of dollars can afford to spend one hundred and twenty-eight millions? If he does he is producing a rare theory on finance, and his views will be rapidly taken up by bankrupt establishments and by countries that are falling behind their usual trade.

Hon. Mr. READ—Is not the honorable gentleman making a mistake? Is it not thirty-eight millions or forty millions, instead of fifty millions?

Hon. Mr. MILLER—It does not matter; ten millions is a mere trifle.

Hon. Mr. SCOTT—It does not matter: I will give the honorable gentleman the benefit of the ten millions, if I have made a mistake in calculation, but it does not weaken the force of my argument at all. It simply shows that the people of this country were spending a great deal more in 1873 than they were justified in doing. In 1874 the exports began to drop, not very much, but still they began to drop. In 1876 the exports had gone up something over that of 1875, the exports of '75 being \$77,886,979, while the exports of 1876 were \$80,966,435, an increase of a little over \$3,000,000, while the import, dropped from \$123,070,283, in 1875, down to \$93,210,346, the duty being \$12,823,114 as compared with \$15,361,332 the previous year, and that accounted for the deficiency in the revenue. Yet the honorable gentleman tells us that that is an evidence of the serious condition of the affairs of this country to our disadvantage. It is an evidence that we are coming back to live within our means, and that we are beginning, now, to be more economical, and that we are preserving and conserving the expenditure of the country. The statement is full of thought. I think that statement alone, with one other circumstance to which I would draw the attention of this House, will go far to explain what has caused the depression in this country. The true theory, in my estimation, is, that for several years we were over importing, and in addition to that there were other figures which the honorable gentleman could have quoted with advantage for this House, and which would go far to confirm that view. It is this: That in the report of the Depression Committee there is attached a very important summary, entitled a statement of assignment made by insolvents in the Dominion of Canada, from January 1875 to February 1876, a period of nearly fourteen months. In round numbers the amount of liabilities was twenty-six millions of dollars. Of that no less an amount than sixteen millions was due by persons who were in

trade, known as dealers, either wholesale or retail merchants, or persons who were entirely in mercantile trade. The whole amount of accumulated liabilities through failures among manufacturers was five millions, forming one fifth only of all the failures during that period. That significant fact goes far to establish that the depression in this country was brought about by our merchants importing more than our people could afford to buy. But there is now another point to which I wish specially to call the attention of this House. I think it is one of very considerable importance and it is this: The highest amount touched by our exports was in 1873, when they rose to \$89,789,922, while last year, 1876, they had fallen to \$80,966,435. I found in turning up the Public Accounts of 1873 and looking at the products of the forests the value of our exports of lumber had risen to so large a sum as \$23,586,000. In the following year our lumber exports dropped to \$26,000,000, and the following year, 1875, to \$25,000,000; and last year it had dropped to \$20,000,000. Now the difference between the exports of lumber in 1876 and 1873 is, in round numbers, \$8,000,000. If honorable gentlemen will take the exports for 1876, which were \$80,966,435, and add to that the eight millions deficiency in lumber exports, it will bring the exports of Canada for last year up to nearly as high a point as it ever touched in the history of Canada. Therefore, I am justified in attributing the present depression to two causes—the over-trading and over-purchasing of goods in foreign markets, and to the falling off in the value and exports of our lumber and the inability of our lumbermen to sell it in the markets of the United States. During the years following the great American war we all know the inflation in that country was something that the history of the world had never before witnessed. We all benefited from that inflation. We all found a ready trade for anything we could produce in Canada, and the people became wealthy in consequence. Inflated value was attached to property and to industries in this country, which circumstances did not warrant, and when the collapse came in the United States, many years before it reached Canada, was it not natural that this country should feel the recoil? There is no branch of industry in Canada in which people are so largely interested as in lumber. The moneys derived from the lumber trade permeate every possible class of society. It gives employment to armies of men. The lumbermen buy the coarse grains of the farmer; they give employment to railways and boats in carrying lum-

ber to market, and in every possible way the trade gives to the great mass of the people larger returns than any other industry that can be named. I show clearly by these figures that there was a reduction of \$8,000,000 in this trade in 1876, in which year there was a loss to our lumbermen. The banks had advanced large sums of money, on which the lumbermen had to pay heavy interest; they drew on their friends in Quebec and England until it was impossible to hold out any longer, and low prices had to be taken for lumber that was ruin to all parties concerned. Men employed in the woods were obliged to take lower wages than they had received in former years, and all classes were affected. Honorable gentlemen have discussed the omission of any reference in the Speech to the depression. If they will consult the first address that was placed in His Excellency's hands after this Government came into power, they will there find that if the depression had not set in in this country, it was at least foreshadowed. In 1875 it had come nearer, and it was adverted to in the Speech of that year. In 1876, last year, it formed so important a paragraph as to be the leading one in the Speech. Honorable gentlemen debated it in this chamber, and it was debated in the other House, where it was made the subject of a special committee. The question was very generally discussed in the press and by the public men of this country. A vote was taken in the Lower House as to whether there should be a change in the tariff or not, and the majority in support of the Government on that occasion was, I think, fifty or sixty.

Hon. Mr. PENNY—The Maritime Provinces were almost unanimous against a change.

Hon. Mr. SCOTT—Among other charges which the honorable member for Londonderry has brought against the Government, and one which he had adverted at some length, was our starvation of the sugar industry. I think it was the second year after the change of Government that the refinery of the City of Montreal was about being closed. No change had been made up to that time in the tariff, and the Government, by Order-in-Council, reduced the duty on raw sugar as far as they could do, in order to enable the refinery to work off not only the stock on hand, but the stock that was coming in. Beyond that the Government were unable to go to assist him, without affecting the revenue, because the American Government were paying a bounty to their refiners, on sugars exported by them, in excess of the duty which they

paid on raw sugars. By this means the American refiners have been enabled to sell their sugar in Glasgow, in the very streets where the Scotch refiners have large establishments; in a country where sugar is admitted free, and labor is cheaper than in any other manufacturing country in the world. The result was that the people of Canada were enabled to get their sugar cheaper than they ever got it before. We were all very sorry for the shutting up of our refinery in Montreal, but those who have benefited by its operation were small in number compared with the people who benefited by cheap sugar, and I do not think that the people would recognize the wisdom of keeping up the price of sugar in order to keep open that refinery when they are getting cheaper and better sugar than they ever got before.

Hon. Gentlemen—No! no! no!

Hon. Mr. SCOTT—I think there was a fall in the price of sugar after the refinery in Montreal was closed?

Hon. Mr. READ—Yes, and a great rise now.

Hon. Mr. SCOTT—Mr. Drummond, the manager of the refinery, thanked the Government for what they had done in order to enable them to work off their stock in 1874. They had done all they could without injuring the finances of the country to help the refinery. Mr. Drummond who is more competent to speak than any other man in the country on the subject gives his views at pages 46, 47 and 48 of the report of the Depression Committee.

Hon. Mr. MILLER—Does the honorable gentleman now admit the contention of Mr. Drummond before the committee? I would infer from the honorable gentleman that he admits that the position taken by Mr. Drummond was correct.

Hon. Mr. SCOTT—I am simply quoting what is alleged as the views of the gentleman who has had a larger experience in the sugar question than any other gentleman in the country.

Hon. Mr. MILLER—I would like clearly to understand the honorable gentleman on this point. I apprehend the argument of the honorable gentleman to be, that the drawback given by the American Government on sugar refined for export, was much larger than the duty on the raw material.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MILLER—Speaking for the Government you make that admission?

Hon. Mr. SCOTT—That is my opinion.

Hon. Mr. RYAN—Every one admits that the drawback is very large indeed, and it is

for that reason that a Government wishing to protect its own manufacturers should have taken the precaution to prevent that sugar from coming in here, and the point cited that the sugars were sent to England and sold there is unfavorable to the policy which I was in hopes was to be advocated from the Throne, because it shows that the Americans by their protective policy of allowing bounties on exports have been enabled to go into England, which boasts with its free trade that it can compete with the world—and compete with the English refiners in their own country. I think it would be a good policy, and I think Mr. Drummond would recommend it too if measures were taken to prevent this country from being overwhelmed with exports from a country which has such a tariff.

Hon. Mr. SCOTT—With regard to the paragraph in the speech, relating to British Columbia, I find a good deal of diversity of opinion exists among the honorable gentlemen who have addressed the House. One or two gentlemen thought we were recreant to our duty because we have not expended more money on the Pacific Railway—in other terms, that we have not kept faith with British Columbia. The honorable gentleman from Toronto had a warning note that we were proceeding too hastily; that there were portions of the road that might stand for a considerable time.

Hon. Mr. MACPHERSON—I did not say anything about British Columbia.

Hon. Mr. SCOTT—There may be a happy mean between the suggestion of the honorable gentleman from Toronto, and the earnest appeal from the honorable gentleman from British Columbia who is naturally impatient at the delay in the construction of the road. That honorable gentleman had stated that under the late Government a perfect army of engineers and surveyors were at work in British Columbia, with a view to locating the road, but that the moment a change of Government came about those surveys collapsed and expenditures had ceased in that Province—another instance of want of faith on the part of the present Administration. I find from information I have received from the engineer, Mr. Fleming, that in 1873, the surveys in British Columbia consisted of three parties containing nine engineers and assistants. The sum expended in that year was \$45,000. From November of that year to June, 1874, the amount expended was \$73,000. The first year this Government came into power the staff was the same, immediately under Mr. Sandfield Fleming, and I am not aware that any change was made other than the staff was increased.

Hon. Mr. AIKINS—Do I understand the honorable gentleman to say that the surveying staff was as large in British Columbia last year as it was in 1873?

Hon. Mr. SCOTT—My memorandum does not state in what part of the country the staff was engaged, but I am not aware that any considerable number of engineers were employed anywhere else than in British Columbia on the survey. In 1874 there were six parties, comprising eighteen engineers and assistants; in 1875 there were seven parties, comprising twenty engineers and assistants; and in 1876 there were seven parties, embracing twenty-one engineers and assistants. I assume that a large portion of these—three-fourths of their number—were employed in British Columbia. I am not aware that they were required in any other section, I do not think, therefore, that the Government can be fairly charged with lessening the exploratory or engineering parties. They left in charge the gentleman who had previously control of the engineering parties, and they increased the staff and expenditure, as honorable gentlemen will see by the following figures: From June, 1873, to November, 1873, \$6,000; from November 1873, to June, 1874, \$72,000; from June, 1874, to June, 1875, \$185,000; and from June, 1875, to January, 1877, \$228,000, so that the expenditure has been considerably larger the last half year than any preceding period. I assume, but I do not speak from authority, that this increase is owing to surveys on the Fraser River route. When the Government came into power they found two unanswered protests from British Columbia setting forth that Canada had broken the terms under which British Columbia entered the Union. We found these papers in the Council Chamber, so that the breach was not, at all events, began by us. I have shown the figures in refutation of the statement of the honorable gentleman from British Columbia. I am sure he was without a full knowledge of the facts, and perhaps his statement was a little figurative. The Government addressed themselves to the British Columbia, difficulty, and as it has been discussed over and over again in this Chamber. I do not propose to advert to it further than to say that they recognize the terms under which the railway was to be built, but they also recognize the will of the people that it was to be built, as fast as the resources of the country will permit without increasing the taxation.

Hon. Mr. CARRALL—What I did say, and what I repeat, is, that the people of British

Columbia never did expect, nor never asked for the work to be completed quicker than the ability of the Dominion would allow them to do it, but I remarked that the Honorable Secretary of State had stated—which I can prove—that he did not believe the railway would be built in forty years.

Hon. Mr. SCOTT—I plead guilty to the fact. Soon after I was called to the Government, and before I was called to be a member of this House, when I was addressing an election meeting almost immediately after the change of government, in advertising to the Pacific Railway I did measure its length probably at a longer line than I otherwise should have done. I figuratively expressed that it would take forty years at least. I used it figuratively, and it is not an expression I wish to be bound by. It has been quoted by the honorable gentleman and others. It did drop from me, as those expressions do drop from one occasionally, inadvertently, but I did not attach the importance to my utterances at that time that was proper to a person holding a portfolio in the Government.

Hon. Mr. CARRALL—Perhaps the honorable gentleman will express his regret and say that he has harmonized his views with those of his colleagues. The honorable gentleman will say to the British Columbians that he was sorry for the statement!

Hon. Mr. SCOTT—If it gratifies my honorable friend and allays the irritation of the people of British Columbia, I am quite prepared to say that I harmonize my views with my colleagues. I quite appreciate the heart burnings of the people of British Columbia. No doubt they were brought into the union with glowing hopes that the railway would be constructed in ten or fifteen years, though they see now it is utterly impossible to build it in anything like that time.

Hon. Mr. CARRALL—Under this Government?

Hon. Mr. SCOTT—Or any other Government. Perhaps the honorable gentleman will look at the vote by which this question was tested in the other Chamber; he will find it stood the whole House against ten. It arose on the resolution of Mr. Eoss, of Middlesex, attaching the condition to the British Columbia vote that the road should be built no faster than the resources of the country would allow.

Hon. Mr. CARRALL—Nobody ever asked anything more.

Hon. Mr. SCOTT—That vote carried almost unanimously. The leaders of the party which the honorable gentleman so much admires, I think, voted with the present Administration on that question.

Hon. Mr. CARRALL—It was a put up job.

Hon Mr. SCOTT—Reference is made in the Speech to the extradition arrangements. The honorable leader of the Opposition, in commenting on this paragraph, took occasion to say that he did not see what His Excellency had to do with it, inasmuch as it was a treaty arrangement, one brought about by the two great powers, Great Britain and the United States. It will be seen when the papers are brought down that this Government have felt that Canada had a great deal to do with this matter, and that we were more deeply interested in it than any other part of the empire. This Government would be recreant to their trust if they had not called the attention of the Imperial Government to the necessity of coming to some arrangement with the United States respecting the old treaty, and also to widen its scope. Honorable gentlemen know how defective that treaty is respecting Canada. We see men placed in high positions of trust in our banks. They put thousands of dollars in their pockets, cross over to the United States, and live on their booty in defiance of the people they have robbed. But if a man who was not paid to watch the interest of the bank stole ten dollars he could be extradited, tried and sent to the Penitentiary, but the gentlemanly thief who committed breach of trust could go to the United States and live on his ill-gotten gains. That is one of the points on which, I think, the treaty should be amended. I think I speak the sentiments of all parties when I say that both countries are desirous of having a wider treaty than exists between any other two peoples. It is unnecessary for me to advert to the anomalies that exist in the Royal Instructions. They were framed at a time when the present state of affairs did not exist in the Dominion of Canada. The same instructions were issued to all of Britain's colonies, and certainly the smaller colonies are not to be placed on a par with this Dominion, nor are the instructions for the Cape of Good Hope suitable to four millions of people having self-Government as we have. One important paragraph which has been somewhat commented upon is the reference to the Treaty of Washington. For that treaty this Government is not responsible. Honorable gentlemen who have attacked the Administration on this subject should have suspended their judgment until papers are brought down, when they will see we have done all we possibly could to bring about a settlement of this important question. Sir A. T. Galt was named a Commissioner in 1875, and since

then every possible effort has been made to have the American Government complete the tribunal. Honorable gentlemen can understand the difficulty Canada has, in conducting matters of this kind through the Imperial Government. The Alabama claims award has long since been paid over, some nine millions of dollars in excess of the claims filed, yet in this matter, in which Canada is so interested, there has been an amount of evasion and delay quite unworthy of a nation of forty millions of people. When the papers come down it will be found, at all events, this Government have brought all legitimate pressure to bear to have a settlement of the question accomplished. I am happy to see the Indian policy of the Government meets with the approval of the House. It is to be hoped next year we will have completed treaties with the remaining tribe, the Blackfeet. The amount involved in these treaties is very large, and will be a permanent tax on this country. A graver question arises from the United States tribes taking refuge in Canada. We have to consider what we will do with those migratory Indians. They must have a certain extent of country to hunt in, and they can only obtain that by reducing the reserves legitimately belonging to the Indians of Canada. I felt very much gratification at the references to the newly appointed member from Hamilton, who moves the Answer to the Speech. I am quite sure he will become a very great acquisition to this Chamber. The honorable gentleman who seconded the Address, did so with much ability. There are other points in the Address to which I would like to refer, but more fitting occasions will occur during the next sixty days.

Hon. Mr. McLELAN rose to make a personal explanation. He denied that he had any personal feeling in his remarks against the Government. He explained that before the change of Government took place it was arranged that as the Intercolonial Railway was about completed, the commissioner ship was to be abolished, and the work was to be completed by the Public Works Department. In 1873 the chairman had telegraphed him of the change of Government, and he had immediately sent authority to Mr. Walsh to hand in his (Mr. McLelan's) resignation.

Hon. Mr. SCOTT said he accepted the explanation, and was glad to know the honorable gentleman's remarks were not caused by personal feeling.

Hon. Mr. RYAN asked if the statement of the honorable Secretary of State was that Mr. Drummond was satisfied with the legislation on the sugar duties?



Hon. Mr. SCOTT again explained the Order-in-Council of 1874, reducing the duties on raw sugar, in order to allow the Montreal refinery to work off the stock on hand and the cargoes arriving. He had not stated that Mr. Drummond had expressed himself satisfied with the legislation.

Hon. Mr. CAMPBELL—You said he thanked the Government.

Hon. Mr. SCOTT—I said that there were cargoes of sugar arriving. At all events, the Government, when their attention was called to it, reduced the duty on certain classes of raw sugars, but not enough to continue the refinery in operation. It, however, enabled them to work off the stock they had on hand. It was a very small favor—a temporary one. I stated, further, that Mr. Drummond gave it as his opinion that the American drawback was about 55 cents per 100 lbs. in excess of the duty paid on the raw article when imported into the United States.

Hon. Mr. RYAN—I was only afraid the impression would be made on the House, of which the hon. gentleman's words were susceptible, that Mr. Drummond felt satisfied with the action of the present Government. The report of the Committee of the House of Commons on the sugar question is, "that under the tariff of the United States the American refiner obtains a bounty of 55 cents per 100 lbs., and that the Canadian tariff as it now stands imposes such duties on the different grades of sugar, that when reduced to the *ad valorem* standard it will be found to be lower on the higher grades." They go on to say with regard to the statement that the drawback to the American refiner is 55 cents, "the Committee thinks it greatly exaggerated, and wholly unfounded." My honorable friend in impressing his view of the utility of the sugar refineries in the country, seemed most emphatically to refer to Montreal. Now, Montreal is not the only place that has had a sugar refinery. I think there was one in Halifax, and I believe large preparations were being made to establish sugar refineries in Nova Scotia. The paragraph in the Speech relating to the laws regulating duties on customs is important. I would like to know that there is some intention on the part of Government of remedying the hardships under which many of our manufacturers labor owing to our not adopting—I will not call it a retaliatory, but a reciprocal policy—something, in fact, similar to the system which exists in the United States. It is rumored there is an intention of assimilating our customs tariff to theirs, and I would like to know that it will be in the direc-

tion of protecting our manufacturers and the industries of the country.

Hon. Mr. PENNY—What Mr. Drummond complained of was the alteration in the tariff made by Sir Francis Hincks when he was Finance Minister. Mr. Drummond said that change ruined him.

Hon. Mr. RYAN—Where does he say that? It is not in his evidence.

Hon. Mr. PENNY—I think it is.

Hon. Mr. SMITH—It is not our tariff Mr. Drummond complained of, but the drawback given by the American Government. Unless our Government is prepared to meet that drawback by a tariff equal to it on the same grade of sugars, refiners can never succeed in this country.

Hon. Mr. AIKINS suggested certain verbal amendments to the address which were agreed to and the motion was then carried.

The House adjourned at 6.20 p.m., till Thursday.

THURSDAY, Feb. 15th.

The SPEAKER took the chair at 3 p.m.

MAIL SERVICE.

Hon. Mr. BOURINOT moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House:

1st—Copies of all contracts entered into during the year 1876, for the conveyance of Her Majesty's mails from Sydney to Cow Bay, Little and Big Glace Rays, and Bridgeport in the County of Cape Breton.

2nd—Also, copies of notices for tenders, and the titles of the newspapers wherein they were inserted, with all copies of other documents, correspondence, &c., in reference to such contracts.

Also—Copies of all other contracts entered into in the years 1874, 1875 and 1876, in the said County of Cape Breton, with vouchers of payments for said services for transmission of mails.

Hon. Mr. SCOTT said there was no objection to the address going. The information required in answer to the first and second paragraphs he had then in his hand, and it was at the service of the honorable gentleman. But the third clause would involve some considerable copying of papers. If the honorable gentleman would point out anything specific, he would be glad to take a note of it.

Hon. Mr. BOURINOT said he referred to general irregularities in the contract for the transmission of mails. It would be difficult to point them all out specifically, and he would prefer to wait until the papers were laid on the table.

Hon. Mr. SCOTT said with regard to the first question there was an existing contract from Little Glace Bay to Sydney for \$282.50 for a tri-weekly service; from Reserve Mines to Sydney, \$156, and from Port Caledonia to Sydney, for \$564, making a total of \$1,002.50 for this service. An offer was made to the Postmaster General by a responsible person to do the whole service daily for \$900 a year, and temporary agreement was made at that rate for a daily service from Cow Bay to Sydney, covering the three routes above-mentioned.

Hon. Mr. MILLER—Without tender?

Hon. Mr. SCOTT said it was without tender. The arrangement being a temporary one no tenders were asked and no contract made, but it was a saving of one hundred dollars a year to the public, and the service was made daily instead of tri-weekly.

Hon. Mr. BOURINOT said it was an extraordinary proceeding on the part of the Government. He had been informed that last year the Government thought proper to establish a daily mail over the routes referred to, and without following the usual course, calling for tenders for the work, they took the contract away from the person who had been doing it to the satisfaction of everybody, and had given it to another party without tender or public notice. How could the Government justify themselves before the public on this matter. Was every contract with rail ways and other public works to be considered temporary? This was a system that the country would never submit to.

Hon. Mr. MILLER said that the Hon. Secretary of State had shown commendable zeal in placing information respecting the first two questions before the House, and he might also be able to give information respecting the third question, which involved a breach of the fundamental principles of parliamentary government, and the well established rules regulating the public service of the country. The honorable gentleman had admitted the arrangement was only a temporary one contrary to the law, and the Government, he hoped, would be able to justify it. He hoped they would also be in a position to ask for tenders and put that contract on a legal basis. The principle involved was a serious one, and, unfortunately, in this case there was a feeling in the Island of Cape Breton that this was a corrupt political job.

Hon. Mr. SCOTT said his honorable friend could hardly charge the Government with corruption in this matter, as it was not only a saving to the country, but a better service was secured. If one man could do it for \$900, it might be

possible to discover another that could do it for \$850. The experiment, he fancied, was one very often tried in the Postoffice Department. He assumed the former contracts were given out by tender. He might, or might not, be correct in saying so; but at all events there was patent evidence that under the present arrangement they were getting three times as large a service for one hundred dollars less money.

Hon. Mr. MILLER said, that even admitting what his honorable friend had said to be true, he did not think it was any justification for departing from the mode prescribed by law. He would not undertake to say for what reason the present mail carrier undertook to do the service cheaper than the others, but it was known that the favored party was a political friend of the representative of that district, who was a supporter of the Government. In that part of the country it was looked upon as a piece of political favoritism at the expense of an opponent.

The motion carried.

#### THE STEEL RAILS.

Hon. Mr. READ moved that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House a statement showing the use which has been made, during the year 1876, of any portion of the steel rails purchased by the Government in the years 1874 and 1875. He said it was within the recollection of this House and the country at large that a certain quantity of steel rails were purchased by the Government in the years 1874-75, and the public mind was at the time considerably agitated as to the necessity of that purchase, and now, more particularly as to what had become of them. It appeared to him that the contract system had been entirely done away with.

The motion carried.

#### HUDSON BAY COMPANY'S LANDS.

Hon. Mr. AIKINS moved that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, a copy of all correspondence that has taken place between the Government and the Hudson Bay Company in reference to the purchase of the lands of the Company by the Government in Manitoba, District of Keewatin and the North West Territory. At the last annual meeting of the Hudson Bay Company, held in London, reference was made to correspondence which had taken place between the representatives of the Company and the Dominion Government with respect to the purchase of the

Company's lands in the Northwest. Where the negotiations commenced he was not aware, and it was important that this House and the country should know all about the matter.

Hon. Mr. SCOTT said there had been some such correspondence, but as it had not been final it was not in the interest of the public, nor was it in proper shape, to have it brought down yet.

Hon. Mr. AIKINS asked if the sanction of Parliament was to be asked before the purchase was concluded.

Hon. Mr. SCOTT—My own impression is that on so large and important a question as that Parliament will be consulted.

Hon. Mr. AIKINS asked if the House was to understand that the opinion of Parliament would be asked before the negotiations were closed. It was important to know, because in the past the Government had concluded purchases involving large sums of money before obtaining the consent of Parliament, which, if Parliament had been consulted upon, they would certainly have been adverse to—the steel rails for instance. In a matter of this kind where the purchase of an immense territory was involved Parliament should have a pledge from the Government that before the country was committed to the bargain they should have the assent of the Legislature.

Hon. Mr. SCOTT said he had given his opinion that Parliament would be consulted; that was the proper course, and he had no doubt the Government would do so. He assumed that the honorable gentleman would be perfectly safe in taking the statement he had made.

The motion was withdrawn.

#### DELAYED RETURNS.

Hon. Mr. AIKINS called the attention of the House to the fact that several returns for which he had asked early last session, had not yet been laid before the House. He had, for instance, asked for a return respecting the printing contract with Mr. Anglin, and at the time the honorable Secretary of State had stated the work had been given to that gentleman through inadvertence, but it would not be done again. He found by the public accounts for the past year, however, that it had been done again.

Hon. Mr. SCOTT promised to have the papers brought down at once.

#### MINISTERIAL CHANGES.

Hon. Mr. CAMPBELL asked for explanations respecting the changes in the *personnel* of the Cabinet since the last session of Parliament. The explanations that had been given elsewhere had not touched the change in the *personnel* of the Government,

as represented in this House. The seat formerly occupied here by the honorable gentleman who was now Lieutenant Governor of Quebec, had been filled by the appointment of a Senator not now in his place. Explanations were also due to the House as to the reason of the absence of that honorable gentleman from his seat. No matter how high an opinion the House might have of the knowledge and ability of the honorable gentleman who represented the Government in this branch of the legislature the assistance of his colleague was necessary. The Government were not too strongly represented in this House, and he thought they were entitled to the services of both of the representatives of the Administration. It was said that the honorable gentleman who had recently been appointed to the portfolio of Agriculture, and whose duty was first to his department, and secondly to this House, had absented himself for the purpose of assisting at the election that was being contested for a member of the other branch of the legislature. If that was true, he could only express his surprise and regret, and that surprise and regret would no doubt be participated in by every member of this House—even by those who voted with the Government. The absence of a member of the Government during the session of Parliament, from his place in Parliament, and from his duties to the country in the discharge of the functions of the office which he held, was a slight to Parliament, a dereliction of duty which should be brought before the notice of the country, and which no member of this House would approve of. It was, however, only in keeping with the conduct of the Government in numerous transactions, practicing contrary to that which they had been proclaiming, insisting and preaching during the whole of the time they had been in Opposition. He remembered that when a member of the late Government, not during session of Parliament, not in dereliction of his duty to Parliament, but in vacation, assisted at an election of a member of the other branch of the Legislature, though not a member of this House he was called to account for it and it was described as an indecent act. He would make use of no adjectives, but he would say the policy which the Government now pursued was a persistent reversal of everything they had preached and clamored for when in Opposition.

Hon. Mr. DICKEY said having called attention to this matter during the debate on the address, he desired to refer to it again, lest it should be supposed that his

honorable friend stood alone in the unpleasant feeling to which he had just given expression. The matter was very plain. A Minister of the Crown scarcely warm in his seat in this House, had left it for the purpose of assisting in the election of a successor in another branch of Parliament. It was a case that warranted enquiry from the only Minister that was left to represent the Crown in this body. It was not a mere party question, but one which concerned the dignity and independence of Parliament, and on which there should be but one opinion. It was due to their self-respect to know whether it was a proper thing for a Minister of the Crown to leave his place during the sitting of Parliament and take part in the election of a member to serve in the other House. They might be told it was a matter that concerned only the independence of the other House; therefore, they owed it to themselves to be the first to take notice of it, and not leave the Ministry of the day in ignorance of the sentiments that the House entertained on the subject. The honorable gentleman had thought proper to leave the House even before the address in reply to the Speech from the Throne was passed. It was beyond all precedent, and to the last moment he (Mr. Dickey) had been in hopes that the honorable gentleman would be in his place when the Address was passed, and be a medium for conveying the congratulations of this House to the representative of Her Majesty.

Hon. Mr. SCOTT—This is a proper time to make the explanations to Parliament, in reference to the changes which have taken place in the *personnel* of the Administration since the last session. It seems a proper and fitting tribute to the Hon. Mr. Letellier's services to the country, that he should have been offered the position of Lieutenant Governor in his native Province. The vacancy created by his withdrawal from the Cabinet, was offered to Mr. Pelletier. For reasons which I do not think proper to discuss, Mr. Pelletier thought proper to decline the offer. The offer of a seat and portfolio was then made to Mr. Joly. That honorable gentleman from personal reasons—not on account of any difference in politics from this Government, but for reasons personal to himself—declined to become a member of the Administration. Negotiations were again opened with Mr. Pelletier, and he concluded to accept the seat in the Senate vacated by Hon. Mr. Letellier, and the portfolio of Minister of Agriculture. I confess, I do regret on the present occasion Mr. Pelletier's absence from the House. He

had, as honorable gentlemen are aware, accepted this position but a very few days before Parliament assembled, and it seemed only natural that he should make his adieux to his own constituents. I regret that he is now absent, but I hope that he will be in his place to-morrow or the day following. With regard to other changes, Mr. Geoffrion being in ill-health resigned his position, and Mr. Laflamme was called to take his place. Mr. Laird, having obtained a very thorough knowledge of the Northwest, was offered the Lieut.-Governorship of that new territory, and Mr. Mills entered the Government as his successor.

Hon. Mr. WILMOT said he thought it was pretty well known what was his opinion with regard to sustaining the dignity of the position of the Senate in this Dominion. He saw under the previous Administration that there was a gradual removal of members of the Government from this House to the popular branch of the Legislature. As one who assisted in the formation of the constitution of this country, he looked upon the Senate as the guardian of the rights of the smaller Provinces. He regretted that the representation of the Cabinet had been reduced to two members in this House, and one of those members of the Government was absent, as public rumor had it, in connection with an election, contrary to the dignity of this House. He thought there were honorable gentlemen on the floor of this Senate who were as competent to be members of the Administration as there were in the other branch of the Legislature, and he regretted to see, not only in this House but in the public press—and he had to charge his honorable friend, the leader of the Opposition in that respect also—that they were following a course by which the Senate were merely becoming the endorsers of the action of the other House. He admitted that the Commons should control the affairs of the country, but the Senate had a right to maintain their dignity and express their opinions on all subjects of Legislation. It was to be regretted that an honorable member of the Government and of this House should have descended to take part in an election for the other House. Since he had become a member of this House he had never voted at an election for a member of the House of Commons, and he had always considered it an improper thing for a member of the Senate to interfere in an election for the other House.

Hon. Mr. AIKINS—Do I understand the honorable Secretary of State to say that the second time the portfolio was offered to Mr.

Pelletier it was accompanied with a seat in the Senate?

Hon. Mr. SCOTT—Yes.

The House adjourned at 4 p.m.

FRIDAY, Feb. 16th.

The SPEAKER took the chair at 3 p.m.

After routine,

PRIVATE BILLS.

Hon. Mr. SCOTT moved that the time for the reception of petitions for private bills be extended to February 27th. He said the new rules are now in force. It would have been too expensive to advertise them in all the papers in the Dominion, but the best publication that could possibly be made was given. Parties sending notices for publication in the *Gazette* were informed of the existence of the new rules, and copies were forwarded to them.

The motion was carried.

The House adjourned at 3.20 p.m.

MONDAY, Feb. 19th.

The SPEAKER took the chair at three o'clock.

After routine,

TREATIES RELATING TO CANADA.

Hon. Mr. BUREAU moved that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of every clause or article relating to Canada contained in any treaty or convention or other international agreement now in force between Her Majesty's Government and any foreign power, and not published with the Statutes of Canada. He said it was important for us to know the different conventions and treaties that related to Canada, inasmuch as they might affect tariffs which the Government of this country might frame. Not only in Canada, but elsewhere an impression seems to prevail that we have no right to impose differential duties. This error arises from the Convention of 1815 between the United States and Great Britain, by which no differential duties are to be established, but Canada and the West Indies were excepted. That treaty was only for four years, and it was then extended for ten years more. Since that time he could find no such Convention in existence between the United States and Great Britain, from which he concluded that we possessed the power of imposing differential duties if we think it necessary. This is important, because Canada is placed

in a difficult position in regulating her tariff. Under the Washington Treaty for ten years, and for two years after its expiration, we have no right to impose duties on exports to the United States. In the Imperial House of Commons last year, the Government were asked if any demand had been made on the United States with reference to the surplus money, some \$10,000,000, remaining after adjusting the Alabama claims. The *New York Tribune* of Jan. 8th published, an interview with President Grant in which he expressed the opinion that Congress ought to extend the class of cases for which damages were claimed in order that no part of the award should go back to England, because he considered the entire amount was less than the value of the ships destroyed. He also expressed the opinion that any surplus remaining should be used to restore the mercantile marine of the United States to the condition in which it was before the depredations of the rebel cruisers. Another report published the 3rd of January expressed similar views. It is probable, therefore, that a new bill will be passed by which another class of claims will be admitted and the balance then remaining will go to improve their mercantile marine. In England, judging by the answer of the Government, they entertain very little hope of ever having one cent of the money refunded. In the part of that Treaty affecting Canada, we have been as happy as in the Ashburton Treaty. Under articles 22 and 23 of the Washington Treaty, Commissioners are to be appointed to settle the amount we are to receive for our fisheries and for other purposes. Those articles provide for three Commissioners, and the question arises whether they have the same powers as the Commissioners appointed under Clauses 1 and 13 for the adjustment of the Alabama claims. Contrary to international law and to what would have been honest and fair, the Commissioners in our case must be unanimous. In the first part of the treaty it is set forth in a clear manner that the decision of a majority of the arbitrators is final, but if the United States Commissioner in our case should dissent from the opinion of the other two arbitrators, no award can be given. In that treaty there was a neglect of duty somewhere; yet he did not regret the Washington Treaty, because he preferred peace before anything. He contented himself with stating those facts, because he was of opinion we must decide for ourselves what will be the result of that treaty. He would now refer to the complaints which were made that some of our interests were neglected.

He was a Free Trader as far as possible, but there was no rule without an exception. He thought there were some industries which ought to receive consideration. In the position we occupy on this continent it would be only just that some protection should be given to some of our industries. A comparison of our tariff with that of our neighbors shows that on thirty-six articles on which we impose a duty of only 15 per cent. our neighbors levy 35 per cent., which is practically a prohibitory tariff. Of those 36 articles nine are admitted free into this country. Something should be done—he would not indicate what, but some legislation was requisite under the circumstances. Reference had been made to the Royal Instructions to the Governor-General, and one honorable gentleman had contended that we should possess all the powers necessary to legislate in the interests of Canada. In the report of the Minister of Justice it appeared that he had insisted that sub-sections one, three, four, six and part of seven and eight of the ninth clause of the Royal Instructions should not appear in the future. It appeared to him (Mr. Bureau) that in all the classes of cases mentioned in the sub-sections of clause nine referred to, it would be more conformable to the spirit of our constitution that the legislation should be completed on the advice and responsibility of Her Majesty's Privy Council in Canada and that the reserve power of disallowance was sufficient to protect Imperial interests. This applied with even added strength to the clause mentioned. Our provinces, especially Quebec, had struggled for responsible Government for a great many years. Those who led the people in that struggle had been persecuted. Premiums had been offered for their heads, as in the case of Sir George Cartier and others. Those men—Papineau and others—were now looked upon with gratitude for having secured responsible government. After the union, about 1843, there was some misunderstanding between the Governor and his advisers, and they were obliged at that time to adopt some resolutions in the House. But now it appeared the present Government had taken the lead, and their advice was well received. Mr. Herbert, in a letter to Mr. Blake, acknowledges the receipt of his letter laying before Lord Carnarvon a memorandum of his present views on the subject of the Royal Commission, and instructions to the Governor General of Canada. Mr. Herbert adds:—

“ Lord Carnarvon is much obliged to you for this expression of your opinions, to which His Lordship has already given much consideration, and the suggestions contained

in it appear to him to be of much importance, not only with reference to the Dominion, but as applicable also to the circumstances of some other colonies.

If permitted by the state of public business, which at this period of the year is especially heavy in this department, Lord Carnarvon will be glad to consider with you before you leave England, the principal details of the new drafts which His Lordship would propose to adopt after further examining your suggested alterations; but in the event of his being unable to do so, you may understand that Lord Carnarvon hopes to be in a position, at no distant date, to inform Lord Dufferin that he will advise an amendment of the commission and instructions, in general accordance with your representations.”

There was also some remark to the effect that those representations might apply to other colonies. What was wanted in Canada was as much freedom as they have in England. It was only with true responsible government that the country could prosper. The enjoyment of such freedom and liberties would induce emigrants to come to Canada, where they would be protected. We know and appreciate the value of British citizenship, because England puts forth all her power to protect one of her subjects, whatever may be his position. The French Canadians admired this and believed they were better under British rule than under the French Government, which unfortunately changed so often. They looked upon the British constitution as being a model, under which we enjoy all the rights and privileges that could be obtained in any free country. In his opinion the people of Canada ought to be satisfied with the position taken by the Minister of Justice in trying to affirm our rights and privileges before the Imperial Government.

Hon. Mr. SCOTT said he had no objection to the motion, but desired to have what was specially required pointed out. There were many treaties and agreements made by Great Britain with foreign governments which were not of particular interest to Canada. The rule was to print in the *Canada Gazette*, from time to time, such as specially affected us, and to compile those that were of such general interest as to warrant their introduction into a volume, with the statutes. Last year the list must have been pretty general when it embraced one with the Bey of Tunis and an extradition treaty between Great Britain and the Republic of Hayti. To print every treaty in the statutes would make the volume too cumbersome to be convenient, and it was therefore necessary to cull them.

Hon. Mr. BUREAU.—It is only those relating to Canada that I want.

Hon. Mr. SCOTT said he had mentioned the treaties with Hayti and Tunis to show how very general those treaties were in which Canada was incidentally more or less interested as part of the British Empire. It might not be convenient to publish the whole of them.

Hon. Mr. MILLER said he had been unable to distinguish very clearly from the motion on the paper or the remarks of the mover the nature of the desired information. The hon. gentleman had taken occasion to travel round the whole circle, and indulge in a general review of the state of the country. That was not a fair way to discuss public questions, and he felt it necessary to reply to some of the observations of the honorable gentleman. He did not believe the sentiment of the country would justify the comparison between the Washington Treaty and the Ashburton Treaty. In Nova Scotia, at all events, the former was looked upon as a statesmanlike measure, so much so that some of the strongest supporters of the Ministry—then the Opposition—voted and spoke in favor of it in the House of Commons. In that Province the Washington Treaty had proved advantageous to the people, and he did not think there was any real ground of complaint against it in Ontario, unless it was the giving of the navigation of the River St. Lawrence to the Americans. That, however amounted to nothing, for the navigation of the river, when given to the Americans by the treaty, was broken by rapids, and the use of the canals, which would alone be valuable, was not thrown open to our neighbors. But supposing the river was navigable from the lakes to the ocean, it would be merely a cession to them in time of peace for the purposes of commerce. In time of war it would be held by the strongest. But was it not an advantage to Ontario, instead of a disadvantage, to attract not only the American trade, but the trade of the world through the canals of the St. Lawrence, if that were possible? Would it be safe to pursue such a course as would drive away trade and commerce so necessary to the prosperity of the country.

Hon. Mr. BUREAU—I have not said a word on that subject.

Hon. Mr. MILLER wished to know in what respect the Washington Treaty was deserving of the denunciations of the honorable gentleman as worse than the Ashburton Treaty. The comparison was not a fair one, and would not be endorsed by the House or

the country. As to the question of damages due to Canada under the treaty, great delay had unnecessarily arisen in the settlement of the matter. The legal construction of the clause referred to was a matter for argument. High an opinion as he entertained for the legal acumen of the honorable gentleman, it did not follow that he thought his construction of the clause was the right one. Many good lawyers held a different opinion. If justice should not ultimately be done to this country in regard to these damages the honorable gentlemen opposite would be more to blame than any one. Shortly after the advent of the present Government to power, the Premier, in a speech to his constituents, belittled the value of our claims for damages. He depreciated our claim under the treaty, and thereby lessened the chances of our obtaining adequate damages. When Mr. Brown was sent to Washington to negotiate a reciprocity treaty he looked upon our claim as a mere bagatelle. The blame would, therefore rest with the Government and their authorized agent, if justice should not be done to Canada, ultimately, in this matter. The honorable gentleman (Mr. Bureau) had entered into a very long argument with respect to our right to impose differential duties, and spoken in terms of praise of the action taken by the Minister of Justice during his visit to England last year, in connection with the alteration of the Royal instructions. It would be remembered there was wonderful mystery and importance attached to that visit, and on his return from England his doings there were alluded to by one of the ablest organs of the Ministry as one of the greatest magnitude and importance to the people of Canada. After the laboring of the mountain a very ridiculous mouse was produced, in the shape of this report, as the result of the honorable gentleman's visit to England. The subject of obtaining for Canada the right to impose differential duties did not trouble him much. Why was not something more done to alter that important instruction which prevents this Parliament imposing differential duties. He fully agreed with the position taken by Sir Alexander Galt on that question, and read to this House by the honorable gentleman from Fredericton, that it was the undoubted right of this country, under the free Constitution we possessed, to pass such acts.

Hon. Mr. PENNY said it appeared to him that the contention of the Minister of Justice in Downing street applied to all the instructions which directed the Governor General to refuse his assent to bills. The

cases in which, by the instructions, he was directed to refuse his consent, were set forth in a general clause, with certain classes of specified cases. Mr. Blake asked to have this instruction abolished in all these cases, and then he said:—"This view seems to me to apply with even added strength to certain of the classes, viz. 1, 3, 4 and 6, and that part of 7 not referring to the prerogative." Now, 4 was precisely the one the honorable gentlemen referred to. It said that assent must be given to "no bill establishing differential duties." The only one of the classes excepted in Mr. Blake's general demand was clause 8. The Hon. gentleman might think the Treaty of Washington very excellent. He (Mr. Penny) was not one of those who ran it down, but there were gentlemen in the Ministry, colleagues of Sir John, who thought it so bad that they professed to find it necessary to apply for money from England to make it acceptable. As to the free navigation of the St. Lawrence he thought it was an advantage to Canada, but he did not see why we should grant it forever and only get the navigation of Lake Michigan for ten years. There was no reason, either why we should not have got the free navigation of the Columbia River, and he need hardly remind the House we had lost the channel we contended for in the Straits of St. Juan as a result of the Treaty. With regard to whose fault it might be that the arbitration respecting the Fisheries was not going on, he thought it was idle to discuss it at present. The Americans would not appoint an arbitrator, and they stopped the way; but it might have been arranged in dealing with so sharp a people as our neighbors, to have this matter settled simultaneously with the Alabama matters, so that the final settlement might have been had by handing over whatever balance might remain on the settlement between the two countries. With regard to the award of the Commissioners in the Fisheries he would not set up his opinion as to whether they must be unanimous to make their award valid, but in the arbitration between Ontario and Quebec, Judge Day, who acted for Quebec, claimed the right to upset the award of the majority, because it was not unanimous.

Hon. Mr. MILLER—The award was final, nevertheless. The case is exactly against you.

Hon. Mr. PENNY said he only mentioned this to show that such a point was raised, and by a lawyer of very good authority. One thing was important, however, in this connection. It was that in this same treaty it was stated distinctly, that the majority should prevail in the one case, of the Ala-

bama claims, while in the other, that respecting the fisheries, no such statement was made. It was certainly a rule in law that, when such a distinction was made in the same document, it was because different action was intended. It was, therefore, probable that it would be contended that the decision of the arbitrators on the fishery claims must be unanimous to make an award. He agreed in the opinion that such round about discussions as the present should be avoided, but the example was set by the honorable gentleman opposite, and it seemed to be the custom of the country.

Hon. Mr. BUREAU said, perhaps if he had spoken in French he would have expressed his views more clearly. He contented that he had not touched on subjects which had no relation to his motion, since it involved all our rights and privileges. He was very glad to have the honorable gentleman's opinion about the clauses he had cited. If the award of a majority of the commissioners would be obligatory, so much the better; but whenever an opportunity was offered, our neighbors always managed to have the last word.

Hon. Mr. WILMOT said he thoroughly believed both the late Government and the present Administration had been pressing on the Imperial Government the necessity of bringing this question to a point. Two of the Commission, he believed had been named, but the United States would not appoint the third. Another matter was the navigation of the canals. He had read a memorandum from the Minister of Customs to the Government pressing on the United States to carry out that portion of the treaty, and to procure for our people the reciprocal use of their canals. Their vessels have the use of ours, but it seems impossible to get the navigation of their canals under the terms of the treaty. With regard to differential duties, he knew since Confederation we had legislated in that direction, as he had previously said, and had also issued notes that were legal tender, although the Royal Instructions directed the Governor-General not to assent to the bills without a suspending clause. The sooner such anomalies were swept away the better. We had a perfect right, constitutionally, to tax our own people, raise our own money and expend it among ourselves without being interfered with by the royal instructions. This matter might have been brought up in a more tangible shape, but even this desultory discussion would do good. He had not seen the report of the Minister of Justice on the subject of changes in the Royal Instructions until now, and was not in



a position to express an opinion on that report. In referring to the subject in the debate on the address, he expressed the hope that the Minister of Justice had called the attention of Lord Carnarvon to these important matters. He thought his honorable friend (Mr. Bureau) had done good service in bringing the subject before the House.

Hon. Mr. SCOTT said the honorable gentleman from Arichat had chosen an unfortunate line of argument to take a fling at the Administration. If anybody was responsible for the weakness of the Washington Treaty it was the former Government. The honorable gentleman had stated that Parliament had given away nothing under that treaty but the navigation of the St. Lawrence, but if the honorable Senator would read the treaty again with more care he would find they had also given up the navigation of the Welland and St. Lawrence canals.

Hon. Mr. MACPHEE—Not given up by the treaty, but with the assent of Canada only.

Hon. Mr. MILLER—Nobody, of course, reads treaties with care but the honorable gentleman (?)

Hon. Mr. SCOTT said the honorable gentleman knew very well that Canada gave her assent, but the American vessels were navigating our canals the moment the treaty was perfected, and the Dominion entered into an agreement to expend eight or ten millions of dollars in enlarging the St. Lawrence and Welland Canals. It was not done simply for the benefit of the Americans, but for the benefit of the trade of this country, and he was not finding fault with it. The honorable gentleman had charged the present Government with being responsible for the non-settlement of the fisheries question. The treaty was made at Washington, in 1871, and the Parliament of Canada, under the auspices of the late Administration gave to the American fishermen the right to come in and fish in our waters without seeking, in the first place, to enforce the conditions of the treaty, even before commissioners were named, thus placing it beyond the power of this Government to enforce the one important clause of that treaty in which we were interested. A law was passed, under which American fishermen were allowed equal rights with Canadian and British fishermen in our inshore fisheries. That law came into force the first of July, 1873, previous to the change of Government. When Canada parted with that right, she parted with the only lever she had to compel the United States to give us a recipro-

city treaty, and the American Government failed to fulfil their part of the agreement. When the present Administration came into power they found no progress had been made to settle the question; the Commission had not been named, the time had gone by for the completion of the tribunal as first proposed, and this Government, thinking that it might be used as an element in the bringing about of a reciprocity treaty with the United States, deputed the Hon. George Brown to go to Washington. There the matter was discussed in connection with the proposed commercial treaty. That negotiation fell through, and immediately after this the Imperial Government named, at the instance of this Government, Sir A. T. Galt as Commissioner. Since then every effort had been made to induce the United States to complete the tribunal by naming their commissioner. The third commissioner was to be named by the Austrian Emperor through his Minister at London. Practically this Government could do no more than remonstrate with the Imperial Government, and the Imperial Government had remonstrated, but the United States were very slow to act in such matters. Whether the national honor of the United States had been tarnished by failing to carry out their treaty obligations was a matter for the rest of the world to decide. Every possible obstacle had been thrown by that country in the way of a settlement, and the Washington Treaty, as far as Canada was concerned, was not surrounded with such guards or such protection as would ensure this Dominion obtaining anything substantial under it. He was sorry that the honorable gentleman had made such unfavorable comments on the honorable Minister of Justice, as he considered his position and reputation in this country were too high to be open to any such remarks.

Honorable gentlemen—O! O! O!

Hon. Mr. SCOTT said he considered the papers before the House ought to satisfy everybody that the questions which the Minister of Justice had undertaken to discuss with the Colonial office had been discussed in a manner that could not be excelled. He did not think that the question of differential duties was one that the honorable Minister of Justice had been charged with at all in his mission. It was, of course, one of these subjects that was not committed to him nor did he believe that it was a proper thing that this country should seek to introduce differential duties against Great Britain.

Hon. Mr. MILLER—No one but yourself

has been saying anything so absurd as that.

Hon. Mr. SCOTT said that as far as differential duties in favor of England were concerned, there could be no possible objection, but he had drawn the inference, from what his honorable friend had said, that Canada should be entitled to pass a law for the imposition of differential duties as against England.

Hon. Mr. WILMOT said the honorable gentleman must have misunderstood him if he thought he was in favor of differential duties against Great Britain. What he wished to be understood as advocating was that when the United States were imposing heavy duties on everything that passed from Canada into that country, in order to meet them, it was wrong that we should have to impose the same duties on British and Colonial goods as on goods coming from the United States into Canada. It was to bring about a remedy to this, so that we could impose differential duties against the United States favorable to the Mother Country and sister Colonies, that he had called attention to the sub-section in relation to differential duties in the Instructions.

Hon. Mr. MILLER said he thought it was unfortunate that the honorable Secretary of State had, on rising to address the House, indulged in such uncalled for observations as he had made, and lecture honorable gentlemen on giving expression to their opinions. The Secretary of State should be the last man in the Senate to question any member's accuracy. During the ten years he (Mr. M.) had been a member of this House, he had always been careful of his statements, and seldom had had them contradicted, and he did not think the Hon. Secretary of State could say the same of himself. He had said that differential duties was not specifically dealt with, although there might be a passing reference to it in the correspondence.

Hon. Mr. PENNY—In the first instance, the honorable gentleman had stated he read the correspondence cursorily, and he did not notice it, and I said, as I read it, the question of differential duties was included in the ninth clause.

Hon. Mr. MILLER said the honorable Secretary of State, in direct contradiction to the honorable gentleman, stated the Minister of Justice was charged with no particular instructions on that question, showing that the Government attached no particular importance to it. Before passing from this question he wished to make an observation with respect to the manner in which the honorable Secretary of State had alluded to

the honorable Minister of Justice. In an extraordinary manner he had told this House the Minister of Justice stood so high in the country, that anything he said or did was not to be questioned. Did any one ever hear such language before in this House, and that regarding a Minister of a Reform Cabinet? It would not do to talk about responsible Government after that assertion. If that was not high Toryism in its very worst aspect, he did not know what responsible Government was. Did anybody ever hear of such a doctrine, that because a Minister of the Crown says so and so it was not to be disputed. He would tell the honorable gentleman no matter how high the position of the Minister of Justice, or how great his abilities, which no one would admit more readily than he did, it was a preposterous position to take in this House to say that the Minister of Justice should not be contradicted. He hoped the honorable Secretary of State would mend his manner of reference in the future. He was not here to defend the conduct of the late Government with reference to the Washington Treaty. There were honorable gentlemen present who were well able to do that if there was anything said on the opposite side of the House that required it; but he was prepared to sustain his position that the present Government were largely to blame for the delay of the arbitration and the settlement of the fisheries question. If that settlement was unsatisfactory, it would be in consequence of the public utterances of the Prime Minister, of Senator Brown's visit to Washington, and the statements of the *Globe* newspaper. These three sources had endeavored to belittle the value of the award due to this Dominion under the arbitration provided for by the treaty, and such a policy was of incalculable damage to our interests by depreciating our rights before the world, thereby preventing our claims from receiving that consideration to which they were entitled. The honorable gentleman assumed that the Government had made a great mistake in giving up the fisheries before the settlement of the damages. Coming from Nova Scotia, which was, perhaps, more interested in the fisheries than the whole of the rest of the Dominion, their exports being something like seven or eight millions of dollars annually, and living among the people who pursued that branch of industry, he was in a position to tell the honorable gentleman that the Maritime Provinces would have looked upon it as an egregious blunder if the course which he talked of had been pursued. If that policy had been

adopted the result would have been the American markets would be closed against our fish for years longer than it had been. As it was, we now had the American markets for our fish and fish oils, which was a great boon to the Maritime Provinces. He could only attribute the position assumed by the Hon. Secretary of State to his entire ignorance on this question, a quality which too frequently distinguished him in dealing with subjects brought before this House.

Hon. Mr. HOPE said the honorable gentleman who had just spoken had accused Hon. Mr. Brown with having belittled the fishery question at Washington, but they had only to refer to that honorable gentleman's own speech to see that he placed only a very small value on our fisheries himself. He seemed to think that Canada had been amply repaid for allowing American fishermen to fish in our waters, by obtaining access to the American market. Instead of Mr. Brown belittling our fisheries, he (Mr. Hope) was informed on good authority the honorable gentleman had stated at Washington that the Alabama claims were a mere bagatelle as compared with the Canadian fisheries, and he made the American statesmen open their eyes at the statement. With regard to the Washington Treaty, what did we get in return for the navigation of the St. Lawrence and our canals? We got the navigation of the Stikkeen River. We did not even get the navigation of Lake Michigan, nor a settlement of the fishery claims, and if the representative of Canada at that treaty had put on his hat and left the British and the United States Commissioners to settle it for themselves, he would have done a patriotic act. England was satisfied, but Canada had no reason to be thankful for that treaty. With regard to the mission of the Honorable Minister of Justice to England it had been stated it was understood he was to have made application for power for Canada to levy differential duties against foreign countries. Differential duties were abolished in Canada 30 years ago. When Lord Derby was in Canada at that time a remonstrance had been addressed to him against differential duties in favor of Great Britain, and they were abolished. If they were again levied it would lead to the closing of ports, and the next thing, war. He for one could not support such legislation no matter what side of the House he came from.

Hon. Mr. BOTSFORD said if the object of the address was to obtain information respecting the treaties between Great Britain and foreign countries bearing on commercial relations affecting Canada, it was very desirable. An

honorable gentleman, in making some observations respecting those treaties, compared the Washington Treaty to the Ashburton Treaty. The Ashburton Treaty, however, was in a very different position from the Washington Treaty. Under the former the United States took away a large portion of our territory, not only from Quebec, but from New Brunswick, and at the time that treaty was made the Washington Government had in their possession documentary evidence clearly showing the title of Great Britain to the territory claimed. If the Treaty of Washington had been carried out in good faith it would have been a good one for Canada, but the misfortune was that the American Government had only carried out those portions of it which were to their own advantage, and had persistently refused, and had thrown objections in the way of carrying out the portions which affected the interests of Canada and Great Britain. If the United States had thrown open their canals to us under their treaty engagements we should have had a large and valuable trade on those waters, but they failed to do so. Then, with respect to the fisheries, there is not the least doubt if the articles respecting the fisheries of the Dominion had been honestly and fairly carried out it would have been to our advantage, not only in having a free market for our fish, but also in having a fair compensation for the value of our inshore fisheries over and above the inshore fisheries of the Atlantic coast of the United States. It was most remarkable that after the British Government had carried out in good faith their portion of the treaty, such as the Alabama claims, the arbitrators should have been allowed to take into consideration, in adjusting the Alabama claims, the three new rules of international law, agreed upon between the two Governments, which were to have a prospective effect, but which the Americans insisted should be retroactive, the result being it gave to the Commissioners power to assess very large damages which a true construction of international law, in force at the time of the Alabama depredations, would not have allowed them. Under that treaty the Americans obtained fifteen millions of dollars award, although they could only since make out claims amounting to a little over five millions of dollars. In this way they had received nearly ten millions of dollars over and above the losses sustained by American citizens, after full investigation; but still they refused to carry out in good faith their part of the treaty with respect to our fisheries and the naviga-

tion of their canals. He considered this was unjust to Canada, and it became the imperative duty of the Government of this country and its Parliament to express their deep sense of the injury and humiliation which has been sustained, not only by the Dominion, but by the British nation. It was one of those questions that had not been sufficiently agitated and remonstrated against. Even the press had not expressed its disapprobation in terms such a course of proceeding on the part of a friendly nation deserved; and it became the people of Canada to express in indignant terms their opinion of the want of faith on the part of the Government of the United States.

Hon. Mr. HOWLAN said this question of the fisheries and the treaty was one that had occupied the minds of the people of the Maritime Provinces a great deal. It was not a question that could be measured by a million dollars or a million pounds as far as exports were concerned. No country was great unless it was great on the sea, and no country could be great on the sea without sailors. It was in this light that the fisheries of the Gulf of St. Lawrence and the Maritime Provinces were looked upon as the great school for educating the sailors of Canada. It is our boast as a Dominion that we are the fourth, if not the third ship-owning community in the world, therefore the greater necessity, for fostering, encouraging and protecting that great branch of our industry, an industry which is still in its infancy, and where there is an unlimited field for capital and enterprise. Its products are known on the shores of the Mediterranean as well as in all the commercial marts of Southern Europe and America. For the foregoing reason the United States Government have always laid claims to what might at one time be properly called our fisheries. It was the training school of their hardy seamen, who were amongst the first who responded to the call of their country during the late fratricidal war. France owning but the small Island of St. Pierre de Miquelon, near the Newfoundland coast, has from year to year expended a large amount of money in the way of bounties, in the prosecution of the fisheries, a bounty per quintal a most equal to the value of the same fish in our market, an expenditure which has always been defined as one which conduces to the strengthening of their navy. The honorable gentleman from Hamilton had spoken of Hon. Mr. Brown opening the eyes of the American statesmen at Washington respecting our fisheries, but he was in a position to state that Hon. Mr. Brown was not prepared with figures, and facts to open the eyes of

the Americans. In fact he was totally ignorant on the subject, and it would be impossible for Mr. Brown or anybody else to be in a position to gather from fragmentary evidence coming from the Custom Houses of the Maritime Provinces, such information as the American Government had compiled from the complete inland revenue returns of the New England States. He considered that Mr. Brown got his eyes opened himself instead of opening the eyes of the Americans. It would be in the recollection of hon. gentlemen that during the war everything in that country was taxed, and returns of produce of all kinds were made on oath. Even the gold watch in a man's pocket was taxed two dollars if he were known to carry one. By this means a mass of statistics had been collected that confronted Mr. Brown at Washington which the honorable gentleman was unprepared to meet, although he had reason to believe the Department was now using every effort to obtain information respecting our fisheries. Some remarks had dropped from the lips of the Hon. Secretary of State, from which he had drawn the conclusion that negotiations were now pending between the Dominion Government and the United States, by which Canada was to offer our fisheries damages in exchange for a reciprocity treaty.

Hon. Mr. SOTT—The honorable gentleman has misunderstood me.

Hon. Mr. HOWLAN said he was not in the secret of the Government, but that was the only inference he could draw from the honorable gentleman's remarks, and he was not disposed to find fault with the Government if they were acting on that policy, but if there were any papers in the hands of this Government on the question, they should be placed on the table. Previous to the adoption of the Washington Treaty, Prince Edward Island was an independent colony, and at that time it was notorious that the waters of Nova Scotia, New Brunswick and the St. Lawrence were a great resort for American fishermen, and their vessels were seized and sold by the Canadian authorities. But Prince Edward Island threw open their harbors to the American fishermen, for which they received a promise from the American Government that duties on fish from that Province entering the American markets should be refunded. The offer was if the Prince Edward Island harbors and fishing grounds were thrown open for the current fishing season, that when Congress met in December a sufficient sum would be placed in the estimates to

cover a refund of the duties that were to be paid. On those conditions the Island ports were thrown open, but at the close of the season the American Government failed to keep faith. Protests were entered by the Island Government, and a claim of \$18,000 was entered, but when it was submitted to the American Government, the Province was told very politely, that because the Dominion of Canada had not given the American fishermen the same privileges, Prince Edward Island was not entitled to this refund of duties. He considered since there had been a surplus of money paid by Great Britain over and above the Alabama claims, to the American Government, that this was a proper claim to be considered before the Fisheries Commission, or in any correspondence that might take place respecting a reciprocity treaty. Another question which was now occupying the attention of the American Government was the extra insurance premiums that had to be paid by American ship-owners during the American war, which in some cases were as high as twenty-five per cent. He was not one of those who believed that it was not a wise policy to throw open our fishing grounds to the Americans at the time they were opened. In the first place it secured the American markets for our fish, and it brought to our shores large numbers of fishermen, who spent a great deal of money in the Lower Provinces for supplies. It could not, however, be doubted that the Americans have had the use of our fisheries since the treaty, and ought ere this to have complied with the conditions of the agreement. It would also be in the recollection of this honorable Senate that since the formation of the Dominion the Marine and Fishery Department had used great exertion to protect our sea and river fisheries, and with good results, and thus rather creating than destroying this industry. It would also be remembered that whilst we have a fishery in its infancy the fisheries of the United States have been to a great extent destroyed, and that for the past few years a persistent and intelligent effort is being made to renew them by importing spawn from our fresh and vigorous rivers, &c. In conclusion, he had to say that too much importance could not be attached to this industry, as it furnishes our people with a great source of health, as well as wealth, and the prosecution thereof tends to strengthen the Dominion and carry its flag throughout the world.

Hon. Mr. KAULBACH said, as a representative from Nova Scotia, and taking a great interest in her fisheries, he could not let the remarks of the Secretary of State pass with-

out expressing his entire dissent from the views of the honorable gentleman, respecting the action of the late Government. He (Mr. Kaulbach) believed the late Administration had acted with promptness and vigour, and had done all they could to get full information to lay before the Commissioners. When the present Government came into power they were willing and tried to barter away our claims and our honor, in the most complacent and shameful manner, for a reciprocity treaty. The Hon. Premier, in a speech at St. John's, which the Secretary of State seemed to forget, said he could hope for nothing save "an unfavorable result" from such a Commission and his friend the Secretary of State ought to remember that the honorable gentleman from Toronto, who was sent to Washington to negotiate a Reciprocity Treaty, admitted in this House, where his action in this matter was severely criticised, that he considered our Fishery claims of little or no importance in comparison with the obtaining of the object for which he went to Washington. A Washington correspondent of the New York *Tribune* fully explained the cause of the delay, and showed it was entirely owing to this Government that our claim had not been adjudicated upon. He asked the attention of the Secretary of State to it. The correspondent said:—"The long delay in making this appointment has been caused by the desire of the Canadian Government for the ratification of a general Reciprocity Treaty, and not by any fear on the part of the President that the Commission's award against us would be a large one. All reports that any misunderstanding between the Governments of the United States and Great Britain has arisen from their delay are, therefore, without foundation. Had the Senate ratified the Reciprocity Treaty which the President submitted to it during the last Congress, the Canadian Government would never have cared whether the Fishery Commission met at all or not." This was a full answer and denial of the assertions of the Government.

Hon. Mr. SCOTT—What is the date of that?

Hon. Mr. KAULBACH—The latter part of 1875. This distinctly shows why we are up to now without our fishery claims adjudicated upon. By the action and inaction of the Government, we have jeopardized our fishery claims and our prospects of obtaining a fair Reciprocity Treaty.

Hon. Mr. PENNY and his friend from Arichat had apologized for him as if he (Mr. P.) had made a mistake; but the mistake was on the side of his honorable friend. He was not aware whether the Minister of

Justice was charged with the duty of discussing the Royal Instructions as to differential duties, but there was no doubt he did press upon the Colonial Office the importance of changing it among the rest and especially. On page 9 of his report the following paragraph appeared:—"It is beyond my province here to discuss the propriety of the clauses of the British North America Act on the subject of the reservation and disallowance of Bills, or to touch on the principles on which the power of disallowance, while retained in the present form, should be exercised. These questions involve another difficult phase of the problem of Imperial Government, but one that is not directly presented for consideration on this occasion, and on which, therefore, I express no opinion. It appears to me that in all the classes of cases mentioned in the clause referred to, save perhaps class 8, it would be better and more conformable to the spirit of the constitution of Canada, as actually framed, that the legislation should be completed on the advice and responsibility of Her Majesty's Privy Council for Canada; and that, as a protection of Imperial interests, the reserved power of disallowance of such completed legislation is sufficient for all possible purposes. This view seems to me to apply with even added strength to certain of the classes, viz., 1, 3, 4, 6, and that part of 7 not referring to the prerogative." Now, clause 4 was the one which related to differential duties. There could be no doubt he asked that all restraints upon the assent of the Governor-General to our legislation should be removed.

The motion was then carried.

#### STANDING COMMITTEES.

On motion of the Hon. Mr. Scott, the Standing Committees of the House were then appointed.

#### A PERSONAL EXPLANATION.

Hon. Mr. MACPHERSON—I desire to make a personal statement. I have observed in the report of the Northern Railway Commission my name mentioned in connection with the subscriptions to what is known as the Sir John Macdonald testimonial, and I wish to impart some information to the House on the subject. The presentation of a substantial testimonial to Sir John Macdonald was a matter agitated by his friends from time to time before it was earnestly proceeded with. They considered that the long, useful and distinguished services he had rendered to the country entitled him to some substantial testimonial at the hands of his friends. They were well

aware that he had devoted the best part of his life—nearly a quarter of a century—to the service of the country, receiving only a very small salary, which was altogether inadequate to make provision for his family should he be taken from them, but it was not until after his severe illness in 1870—an illness which we all know proved all but fatal to him—that any earnest movement was made towards obtaining a substantial testimonial for him. At that time a number of his friends took counsel together and decided upon proceeding with the project. They felt very deeply how painful it would be had he been carried away at that time, as there was every prospect of being the case. For weeks together the announcement of his death would have caused less surprise than the announcement that he continued to live. It was felt, I say, that it would be a painful and distressing thing if those dependent upon him should be left on the world without adequate provision. It was then that a committee was appointed, and I was asked to act as treasurer. I consented and became, perhaps, the most active member of the Committee. I state here that I never communicated with Sir John Macdonald on the subject, and never told him that such a project was on foot. I never communicated with him, directly or indirectly, until the subscription was closed, when, of course, he had to be communicated with to ask him to name the trustees he would like to have appointed to administer the fund. I am the only person who knew the names of all the contributors, and I never stated to Sir John Macdonald the name of any one of the donors to that fund. Sir John Macdonald was perfectly ignorant of the subscriptions to the fund, except what he may have seen in the newspapers. If there was anything blameworthy in receiving the subscription referred to, Sir John Macdonald is entirely innocent of it. I don't think there was anything blameworthy. I am quite prepared to assume all the blame. If there is any blame, it attaches to the committee, and especially to me, because I was the acting member of the committee, but none can attach to Sir John Macdonald, for he was entirely ignorant of the names of the contributors to the fund. He was so at the time and is so to-day, except the one that has been made public through the agency of the Commission. As I have already said, I don't think it was at all blameworthy to receive that subscription, and if there are any think otherwise, they must, at all events, acquit Sir John Macdonald, for, I repeat as unqualifiedly and emphatically as I am capable of doing, that he was entirely ignorant of it as

he is still of every other subscription to the fund."

The House then adjourned at 5.30 p.m.

TUESDAY, Feb. 20th.

The SPEAKER took the Chair at three o'clock.

NEW BILL.

Hon. Mr. AIKINS introduced a bill to amend the Act of the National Investment Company of Canada.

COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. HAYTHORNE moved:—"That a humble address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House a return shewing: 1st, the number of passages made by the steamship *Northern Light* between Georgetown, in Prince Edward Island, and Pictou, or Pictou Island, in Nova Scotia, and back; 2nd, the number of mails carried by the said steamship; 3rd, the number of passengers carried by her on each passage." He said his object in moving for this return was to elicit discussion with respect to the best means of carrying mails, passengers and freight between Prince Edward Island and the mainland in the winter time. He was induced to take this step by the consciousness that unfortunately at present the *Northern Light* was not employed on the best station. She had to traverse a greater distance than was necessary and, in addition to that, to encounter a greater quantity of heavy ice than would be met with at other places he could name. The present route was also circuitous for mails and passengers between the Island and the west, or St. John. It was a tedious and expensive route *via* Pictou and Georgetown, from the fact those harbors become encumbered with ice and the vessel cannot approach close the shore. He had taken a trip on the vessel, and was gratified with her performances amidst the ice. At the same time she would be far more useful and give greater satisfaction if she were placed at a more central station. He had given a great deal of attention to this great undertaking, and, with many of his colleagues from Prince Edward Island, had arrived at the conclusion that the route between Cape Traverse and Cape Tormentine was the one best suited for the service, but some improvements were necessary. There must be a convenient wharf and breakwater, if the Government should adopt this route, and some railway extensions on both sides. The expenditure would be small compared with

the advantage it would be to the Dominion as well as the Island Province. It had been the custom to regard this as a local matter, but that was a mistake. The trade and correspondence of the Island must have an exit somewhere, and those residing on the mainland had as deep an interest in having unbroken communication with the Province at all seasons of the year as the islanders themselves. The number of passengers across the straits in winter was rapidly increasing. A few attempts had been made to transport merchandize, and commercial travellers found considerable difficulty in transporting their heavy sample cases, which indeed required almost a boat to themselves. It rested with the Government to establish regular and safe communication with the island and he really believed they were disposed to everything that was just and proper in this direction. Until lately, no doubt, some honorable gentlemen were incredulous as to the success of this undertaking, but now that its possibility had been proved beyond a doubt, the Government should perfect the communication as far as possible. The route from Georgetown to Pictou was 35 miles, and a great deal of ice had to be encountered in the straits. The distance from Cape Traverse to Cape Tormentine was only nine miles, and although the ice packed there sometimes it was often easy to cross at the turn of tide. It was also a very central route, and one which, with the improvements he had suggested, would be extensively used at all seasons. He was in hopes the Secretary of State possessed some information gained from the recent experience of the *Northern Light*, which would tend to assure the House that her success, although intermitted during a short time, was still very fair and equal to what had been expected. Although the vessel had been found good and safe, the actual service she had performed was small compared with what she could do if placed at a better post.

Hon. Mr. HAVILAND had much pleasure in seconding the motion. The matter might seem trifling to some Senators who represented the great inland provinces, but it was a matter of almost life and death to the people of Prince Edward Island. Without a proper mail service between that province and the mainland at all seasons of the year, the union would be almost a dead letter. By the articles of Confederation the Canadian Government were pledged to the effect that money should be no object in securing and maintaining an efficient mail service between the Island and the mainland. Members of the Senate and House of Commons from the Island could speak from

personal experience of the dangers encountered in crossing the straits in the winter season. In coming to Ottawa to attend to their Legislative duties, they almost carried their lives in their hands every time they crossed, under the old system, in ice boats to the mainland. Like the widow who secured her object by never ceasing to appeal to the unjust judge (if he might put the Government in that position) the people of the Island had, by constantly knocking at the door of justice, succeeded in obtaining a trial of the scheme pledged to them when they entered the Union. Whether the *Northern Light* was properly constructed, from a scientific point of view, he left to experienced ship builders to declare. As a professional man he would say nothing on that subject, but the problem had been solved, and it was evident that wood, iron, and steam, properly put together, could in all ordinary seasons navigate the straits between the island and the mainland during the winter months. From time immemorial, from Cape Traverse to Cape Tormentine had been the crossing place, and he believed it was the proper route. It was only nine miles, while the present route was thirty-five, and the same species of ice was to be encountered in both places. This should be looked at from a general, more than a local standpoint. It was the duty of the Canadian Government to extend the Intercolonial Railway from Aulic or Amherst to Cape Tormentine, a distance of some thirty-five miles and to extend the Island Railway to Cape Traverse, a distance of twelve or thirteen miles from the nearest point. These extensions were not provincial works, but were necessary to establish a great Dominion highway between no less than three provinces, or, he might say, all the provinces, for there would be a great deal of traffic and travel by that route, from all parts of Canada, not only in the winter season, but also during the summer months. If those railway extensions were built, he believed there would be almost hourly communication across the straits, and the people of Prince Edward Island would feel they were part and parcel of the great Dominion. The expenditure for those works, he would say, with all deference, would be a mere trifle in comparison with the money that had been expended injudiciously in compromising and cancelling contracts and otherwise in connection with the Pacific Railway. Prince Edward Island, though small in extent, had a population of 100,000, and, with satisfactory, certain and regular communication with the mainland, would be recognized as the garden of Canada. All they wanted

was increased capital and facility of communication with the mainland to make it a province of which even Ontario in its greatness would feel proud. Its 100,000 people would compare in intelligence and independence with the population of any other part of the great Dominion. It was but a matter of fair play that these two branches of railway he had alluded to, should be built and that this steamer should be placed upon the route which the mover of the resolution had advocated. Upon this question, whatever their local differences might be, the people of Prince Edward Island were united and ready to sacrifice party for the interests of their common country.

Hon. Mr. MONTGOMERY said this was a question in which all the people of the lower Provinces were interested. There could be no doubt now that the Straits could be navigated during the winter season, but the proper place to establish communication was between Cape Traverse and Cape Tormentine. Nine miles had been stated as the distance, but in the winter time the "bound ice" extended about a mile from each shore, which would leave only about seven miles "free ice" to be navigated. If this route were once adopted, he had no doubt in a short time a vessel would cross every two hours in the summer season. At Cape Traverse the wharf extended out to about twelve feet of water, and it would not require a large expenditure to extend it sufficiently far to accommodate the steamer. Ultimately it would be much cheaper for the Government to use this route. Two railway branches to connect with the Government railways would be necessary, but they would soon repay the cost of construction by the increased travel and traffic. He hoped the House would see the propriety of establishing the route in the proper place.

Hon. Mr. BOISFORD said he could speak confidently on the subject, living as he did in that locality. He congratulated the representatives of the Island on having arrived at the only feasible plan of establishing winter communication with the mainland. He was surprised it was not advocated in the first place rather than incur the large expense of making the experiment between Pictou and Georgetown. He had always been surprised that the representatives of Prince Edward Island in this House and the other Chamber favored that project instead of the one now suggested, which the experience of fifty years had proved to be the most feasible. The distance between Cape Tormentine and Sackville or Au Lac by actual measurement was 32 miles, which would be the length of the branch railroad



required on the mainland. He could, from actual knowledge of the locality, confirm the statements of the representatives of the Island as to the feasibility of this route, and in his opinion it was the only way by which it was possible to keep up constant communication between the Island and the mainland at all seasons of the year.

Hon. Mr. HOWLAN would like to hear something from the Government on this subject. He had paid some attention to this matter, and had prepared plans to exhibit to the House. The representatives of the Island had been given to understand that the Government would accede to their request, if they would agree among themselves upon some project. He was not opposed to the route now adopted, but he always believed, and still thought, that the *Northern Light* was not a proper boat for the service. If anything should happen to her screw, she is incapable of taking charge of herself. The Newfoundland sealers were so constructed that the fan or propellor could be taken out of water and could be replaced if broken. That was not the case with the *Northern Light*, and if her propellor should be injured, she had no sails to take charge of herself in a gale of wind. That was why he was opposed to the boat. When this subject was up before, he mentioned these facts to the Government to put them on their guard, because he thought, from the nature of the service to be performed, the boat would prove a failure. Any vessel used for that service should be sea-going, barque or brigantine rigged, and capable of taking care of herself. With regard to the route, there could be no doubt if a boat had only nine miles of ice to contend with it could be managed better than 35 miles, but the question was whether the *Northern Light* did not draw too much water for the proposed route. New vessels get "water borne," and draw more water, and it would be necessary to build piers out to 24 feet of water to clear the fan of the *Northern Light*. This would be an expensive operation. A boat for that route should not draw more than twelve feet of water. With regard to the railroad branches, he understood the New Brunswick Government had granted a charter for the building of a line from Cape Tormentine to either Sackville, Aviac, or Amherst, and a subsidy of \$5,000 per mile had been given in aid of the work. He had also been informed that the Government of Canada had generously offered to lend steel rails. They seemed to have abundance in that quarter, and it would be better, perhaps, to have them in use than rusting. On the Prince Edward side, the line could be very easily built

There were no streams to bridge, the country was level, and by actual measurement it was only ten miles from Cape Traverse to the nearest station on the Island Railroad. The only expense would be the building of the road bed, because the rolling stock was there already. There was a wharf there belonging to the Local Government, on the island side, which could be extended to three fathoms of water. There would be no difficulty on that side, and on the other there was plenty of stone for ballast. It would be better for all the Maritime Provinces that the shortest route should be adopted, and he hoped the Government would take the matter up seriously.

Hon. Mr. SCOTT had no objection to the motion, and he was very glad to hear two representatives of the Island admit the experiment of keeping up winter communication with their Province, had been a success. The winter thus far had, perhaps, been more favourable than in former years.

Hon. Mr. HOWLAN—I don't think it.  
 Hon. Mr. SCOTT said there was no doubt in the early part of the season the vessel had to encounter serious difficulties in the way of ice-floes. He was sorry to hear the last Speaker condemn the *Northern Light*. He (Mr. Scott) was under the impression when this matter was discussed in the House, and talked over privately with the representatives of the Island, that it was admitted the design of the vessel was fit for the service. Several designs were examined, but this, on the whole, seemed to meet with general approbation. He would regret any gentleman from Prince Edward should now take the position that the opinion had been expressed in advance that this vessel was not suited for the work. Up to this time it was admitted she had done all that was expected of her. With respect to the proposed route, he was unable to express any opinion, the subject not having been discussed by the Government. Of course any representations made by the members from Prince Edward, who were so deeply interested in this project, would receive due consideration. He was sure the rest of the Dominion felt, if it was at all possible to keep this communication open, all reasonable facilities ought to be afforded, both in the interests of the Island and the mainland, to develop the trade between them. We all appreciate Prince Edward as a very fertile land with a large trade, and believe that by keeping open this communication at all seasons it will be developed.

In the absence of the Hon. Mr. Campbell,

Hon. Mr. ALLEN moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a statement showing cost of construction of Pacific Telegraph—cost of repairs or restoration since construction, and approximate mileage over which the line upon which it has been constructed varies, if at all, from the located line of the Pacific Railway. He thought the information sought for would be of interest both to the House and to the country at large. It was true that in the Public Works accounts there were approximate estimates given of the cost of the various sections of the line, but it was known as a matter of fact that those approximate estimates were usually found to be fallacious. In view of the very large expenditure of the country, and the rapidly increasing expenses connected with the public works of the Dominion, it would be satisfactory to the House and the country to know, as far as possible, what the exact cost of this telegraph line was up to the present time. It was also important to know how far the location of the line varied from the proposed line of the Pacific Railway. In his speech on the Pacific Railway, in the other branch of the Legislature in 1875, the Premier had stated that the telegraph line would only be constructed on the line of the Pacific Railway, so that the clearing of the timber for that line would, as a matter of course, form part of the expenditure on the Pacific Railway itself, as that work—the work of clearing the timber for the line—when done, would simply be a part of the work to be done by the contractors, when the contracts for the road were ultimately given out. It had been rumored that in many instances there had been a very considerable divergence from the line of the railway in the line of the telegraph, and in view of the additional expenditures which such a divergence would occasion, it was desirable to know how far this was actually the case.

Hon. Mr. SCOTT said there was no objection to the address going. His honorable friend was, perhaps, aware that the contract had a proviso that the repairs and maintenance of the telegraph line for five years were to be at the cost of the contractors and not of the Government. The information would be furnished as soon as possible. No doubt there were deflections at various points from the main line, but he understood that at many places the telegraph line crossed the railway line, so that it would not involve any further expenditure to locate it in the proper place than the resetting of the poles and wires.

The motion carried and the House adjourned at 5 p.m.

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WEDNESDAY, Feb. 21st.

The SPEAKER took the chair at three o'clock p.m.

After routine.

Hon. Mr. TRUDEL called the attention of the House to the fact that there were several honorable gentlemen present who would not take any part in proceedings connected with divorce bills, and he suggested that in order that members who held such views would not appear as having assented to them, all motions respecting such measures should be entered on the minutes as having been carried on division.

Mr. SPEAKER informed the honorable gentleman that such a provision had already been made in the rules.

THE MINISTER OF AGRICULTURE'S ABSENCE.

Hon. Mr. CAMPBELL said he had called the attention of the House, the previous week, to the absence of the Minister of Agriculture from his place in this Chamber, and the honorable Secretary of State had informed them that his colleague would probably return on Saturday, and would be in his place on Monday last. That day had lapsed and several days since, but the honorable gentleman was still absent. This gave some color to the report that the honorable gentleman had resigned his portfolio. It was due to this House that they should know if such were the case, and, if not, when the honorable Minister of Agriculture was to return.

Hon. Mr. SCOTT—When the honorable gentleman drew the attention of the House to the absence of Hon. M. Pelletier, I said he would be in his place on Friday or Monday. I was under the impression at that time that he would. When the House rose I called his attention to the fact that his absence had been commented upon. The reply I received indicated that he would be here on Monday. I heard from him on Monday and he was only leaving Quebec on Tuesday, so that I assume that he is on the train now on his way to Ottawa. With regard to the question of whether he has resigned his portfolio, I am in a position to say that he has not so far as I know, and I hope he will be in his place before the House rises.

FORT FRANCIS LOCK.

Hon. Mr. MACPHERSON moved that an humble address be presented to His Excellency the Governor General, praying that

His Excellency will be pleased to lay before this House, copies of all estimates in possession of the Government or any of the Public Departments; of the cost of the lock and other works at Fort Francis, situated between Rainy Lake and the Lake of the Woods; and also, the report of Mr. Thompson as to the estimated cost of the improvements most urgently required on Rainy River. He was induced to give this notice in consequence of seeing a very considerable expenditure was being made in the construction of a lock at Fort Francis, and that it was being done without contract, but by day work. He could not find in the reports that had been distributed, any estimate of the expense of that work and the other improvements necessary to make it of service to the country. He therefore made this motion in the hope that the Government might have some information to present to the House touching the cost of that work. It appeared to him that a very large and indefinite expenditure had been entered upon without surveys and without estimates. So long as it was supposed that the Dawson Route was really to be the means of communication through our own territory with our Northwest—substituting only railways in connection with the water stretches for the waggon road, the expenditure at Fort Francis Lock was a matter that might naturally be expected. But the country now had reason to believe from information communicated to Parliament at the close of last session, that that mode of communication with the Northwest had been abandoned, and that an all-rail route was to be substituted. If this was the case, the question arose why was the expenditure on the other route continued? What was its object and what would be its cost? According to the report of the Commissioner of Public Works the original design was to make two combined locks, each 200 feet in length and forty feet in width, with seven feet of water on the sills. Of course, unless there was more than seven feet of water in the approaches to the lock there was no use in having seven feet of water on the sills, but so prematurely was this work undertaken, in the absence of the information necessary, that "in October, 1875, Mr. Hazlewood found the low water levels to be 14 inches less at the upper entrance, and 21 inches less at the lower entrance of the proposed canal than represented on the plan." The engineer proceeds to say that he had given instructions to obtain full information, but he (Mr. Macpherson) maintained that this information should have been obtained before the work was commenced, as the change may involve serious loss, no public

work requiring so much care in the surveys as water communication. Unless the levels are obtained with perfect accuracy, the greatest inconvenience and loss would be likely to ensue. The work was commenced with forty-six men and four horses: "The force was also increased to 65 men towards the latter end of June, an average of 100 men in July and August, and of about 90 during the autumn months, until the 8th of December when nearly all except the paymaster, book-keeper and one man were either discharged or transferred to Mr. Mortimer for the Canadian Pacific Railway Survey." Then the Commissioner goes on to describe the work done. He would read only one important clause as showing that the work must necessarily be a costly one:—"The oak and pine timber for the lock, being of greater dimensions than what could be found, will have to be procured at a greater distance from the Fort than the other; the oak or elm which may be used as its substitute will probably have to be purchased at and brought from Thunder Bay or Red River, a distance of more than 200 miles." And further, to show the costliness of this work that had been entered on and was being proceeded with without any estimate the Engineer reported:—"The object for which the Fort Francis Canal is being constructed cannot be wholly attained unless Rainy River is improved so as to ensure the requisite draft and the ascent of vessels against the current in the rapids." The Engineer also reported a deficiency of water in various parts of the channel, and yet it was only after this large expenditure had commenced that the Engineer instructed Mr. Thompson, his assistant, "to furnish the Department with a report thereon, together with an estimate of the probable cost of the improvements most urgently required." After all this expenditure was made, according to the report of the Engineer, this communication by the chain of lakes along this route would be only open four months and twenty-six days of each year. If that was to be the route to the North West he would not object to the expenditure. He had favored the Dawson Route in 1869 when the acquisition of the Hudson Bay Co's territory was under consideration. It would have been an economical route for emigrants. Mr. Dawson's report was that the waggon road could be built for something less than \$250,000. He had considered that a small sum, and had thought if the Government could get the route opened for that amount they would be very fortunate. Of the country itself he would read what Mr. Dawson had said of it, because he feared the improvement of this water com-

munication was the smallest work the Government were carrying on in the wild region between the head of Lake Superior and Red River. It was as follows:—

“In the heart of this wild region is a tract of navigable water, which will greatly facilitate operations, but it is cut off from Lake Superior on one side by a formidable barrier of mountain and rock, and from the Red River settlement on the other by a region of quagmire and swamp.”

This was where he feared the Government were now engaged in building an all-rail line. He found, also, that the expenditure, so far, made upon this lock at Fort Francis, was charged against the Pacific Railway.

Hon. Mr. CAMPBELL—Hear, hear!

Hon. Mr. MACPHERSON said, so far as he could make out from the plan affixed to this report, the Pacific Railway was nearly 100 miles distant from this lock, and with what propriety it could be charged to the Pacific Railway he could not comprehend. He thought he was justified in saying that the understanding of the people of the country at large, with respect to opening up communication between Lake Superior and Red River, was, that the Government intended to utilize the lakes in that part of the country, connecting them with railways, the impression being that such railways would be short and the expenditure would not be heavy. The whole distance between the head of Lake Superior and Fort Garry was as follows: Terminal roads, 140 miles; navigable water, 302 miles; portages as they were at present, eleven or twelve in number, eight and a half miles; and Dawson had reported that they could be reduced to two at a comparatively small expense. When it was considered that an all rail line was proposed to be built through that country, which had been described by Dawson as he had just read it, he thought it was enough to alarm the country, and it could not be too prominently placed before the people, as the cost of such a road could not be less than twenty millions of dollars. He need not inform the House that there was no country there to settle. The proper course to pursue would be to open communication by the least expensive and easiest means to the prairie country, so as to induce settlers to go in and occupy and improve the land, and in this way form a financial basis for the construction of a through line of railway on our own territory. These two routes—for it really appeared the Government were opening up two—would be only summer routes; the one might perhaps be used a month longer in the year than the other. Was the expendi-

ture justified under the circumstances of the country? He held it was not. He had taken some pains to discover what the policy of the Government really was, but without complete success, because it was involved in uncertainty, and had been changed so often it was impossible to say what it really is. He had sought for the announcements made by the Premier after he formed his Government. The first, delivered on November 20th, 1873, to his constituents at his nomination, he found in the *Globe*, as follows:—

“It will be the duty of the Administration in the first place, to secure a means of communication to our navigable waters, from Lake Superior to Fort Garry and the Rocky Mountains, at the same time commencing at the Pacific Ocean and constructing communication by the western slope. In the meantime communication would be afforded in conjunction with the American lines, until we have means sufficient to accomplish the work. If we once have these regions accessible, that is, British Columbia and the North West Territory, we can afford then to spend money upon the construction of the other portions of the road, which will be necessary to complete our great national highway across the Continent.”

“It may be necessary for us to let the work out in contracts, under our own superintendence, but, at any rate, we shall take care that due attention is given to the interests and money of the country.”

While the Prime Minister declared this to be the policy of his Government, the first work put under contract was the Georgian Bay Branch, without survey, and through a country where, it was afterwards discovered, it was impossible to build a railway.

Hon. Mr. CARRALL—They fostered the work!

Hon. Mr. MACPHERSON continued—The next extract he would read would be from the Premier's address to the electors of Lambton, which he found in the *Globe* of January 9th, 1874. It was as follows:—

“In the meantime, with a view to obtain a speedy means of communication across the continent and to facilitate the construction of the railway itself, it will be our policy to utilize the enormous stretches of magnificent water communication which lie between a point not far from the Rocky Mountains and Fort Garry, and between Lake Superior and French River, on the Georgian Bay, thus avoiding for the present, the construction of about 1,300 miles of railway, estimated to cost from 60 to 80 millions of dollars, and rendering the resources of the country available for the prosecution of

other links of the Pacific Railway, which are necessary in order to form a complete line of rail and steamboat communication from east to west. This will involve the construction of a short line of railway from the mouth of French River, on Georgian Bay, to the southeast shore of Lake Nipissing, and a grant in aid of extension to that point of the existing and projected lines in Quebec and Ontario.

"We propose also to facilitate the construction of the branch line from Fort Garry to Pembina, already provided for by Parliament, although we cannot hope that this will be accomplished by December next, the time limited by the late Government for its completion.

"We shall endeavor to make these great works auxiliary to the promotion of immigration on an extensive scale, and to the settlement and development of those rich and fertile territories on which our hopes for the future of Canada are so largely fixed."

He need scarcely say the scheme of emigration put into operation by the Government had not been a success. It could not very well succeed inasmuch as their Agent-General had announced to the world, by a circular, that Canada was no field for emigration, and emigrants should not go there. The next extract he would read was from the Premier's speech at Hamilton on January 14th, 1874. It would be found in the *Globe* report, as follows:—

"The policy of my Government is this—to build, in the first place, the sections between French River and the slope of the Ottawa Valley between Lake Superior and Fort Garry, and between the western waters of the Saskatchewan and the Pacific Ocean, so as to have communication, by rail and water combined, with British Columbia and Manitoba as soon as possible; but this will not for one moment interrupt the progress of the works in other places on the proposed route, which will be proceeded with just as fast as the country can bear the expenditure."

He did not know where the Prime Minister could have seen the means for carrying on these works. At that time he probably did not feel the full responsibility of his position or consider where the means were to come from. He may have been jubilant at having attained such a high position, and thought success would attend all he proposed. It was evidently his idea, when delivering this speech, to use the navigation of the Saskatchewan, about a thousand miles in length, but that river is navigable but a very short time in summer, and is, of course, closed by frost in winter. While

pointing to those fine Western pastures on the Saskatchewan, he still looked more anxiously to the granite slopes of the Ottawa Valley, and promised to build a railroad from the mouth of French River through that granite country where no considerable settlement would be possible, to the Ottawa River. He (Mr. Macpherson) never had any doubt that that railway was determined upon as a political arrangement, and that the Premier repeatedly referred to it in his speeches in order that his friends in this part of the country should understand he had not forgotten his engagement with them and that his comparatively new-born interest in the Ottawa Valley was sincere. The next extract he would read was from the Hon. Mr. Blake's speech at Peterboro', January 15th, 1874, *Globe* report. This is what the honorable gentleman said on that occasion:—

"It was the intention of the present Government to proceed with the construction of the Pacific Railway, but in such a way as to prevent an increased burden of taxes to the people. To this end the road would be constructed so as to reach the great water stretches or lakes of about 1,000 miles, and then by using the Lake of the Woods and Rainy Lake, and building portions of the road in connection with these waters, easy communication would be secured with Fort Garry afterwards, and as soon as possible, consistent with the public interests, the remainder could be constructed, and that, wholly in our own territory. While these portions of the work were in construction, the people could do as they now do, use the American roads."

Now, he was glad to say his (Mr. Macpherson's) views with respect to how this work should be proceeded with was identical with those expressed by Mr. Blake, as would be seen from the following statement he (Mr. Macpherson) had made in the Senate on the 3rd of April, 1873:—

"I would begin to build the railway at our Northwestern frontier—at Pembina, extend it into our prairie country to Fort Garry and beyond. There must be a basis afforded for the building of a railway as for the supply of an army. In the country I refer to, the railway could be cheaply constructed, and would open the country for settlers. I would commence also on the Pacific coast, to keep faith with British Columbia, and while doing this I would explore the rest of the country thoroughly, from Lake Nipissing to the Pacific Ocean, so as to ascertain what the cost of the railway would be, what its grades and what the nature of the country. While all this was being done, probably two hundred

miles of railway might be constructed—a portion in the prairie country, a portion on the Pacific coast—occupying, perhaps, three years, and involving an expenditure of eight or nine millions of dollars.”

He was exceedingly gratified to find he had the unqualified concurrence of so influential a gentleman as Mr. Blake, who was capable of exercising so very great an authority in the Government. An honorable gentleman, addressing this House a few days ago, had remarked it seemed as if all the policy of the Government were dictated by one mind. No doubt there was a great deal of truth in the remark, and it was necessary the Premier should impress his policy on his Government, but it was not necessary that his colleagues should be entirely passive under his impress, and the Minister of Justice surely would not be so in a matter of great public importance; for had not that honorable gentleman impressed his policy upon the whole Government with respect to British Columbia, and the Pacific Railway in that Province?

Hon. Mr. CARRALL—Hear, hear!

Hon. Mr. MACPHERSON hoped the Hon. Minister of Justice would come to the rescue of the country now and save an enormous and unprofitable expenditure. No practical man, no man of intelligence, who would consider the matter, could come to any conclusion but that we should get through the country between Lake Superior and the Red River as cheaply as possible—it was simply a bridge to pass over to the country beyond it.

Hon. Mr. SCOTT—Hear, hear!

Hon. Mr. MACPHERSON said he would now read an extract from a speech delivered by the Premier in the House of Commons, on the 31st of March last. It would be found in *Hansard*, folio 980. He might state he (Mr. Macpherson) had been groping for information, trying to discover the policy of the Government. Considering the difficulties he had met, and the apparent vacillation there had been in the counsels of the Government, he made greater allowances for the uncertainty with which the Secretary of State had spoken last session. Ministers in the Senate in speaking for the Government could only represent the opinions of the Government at the time. If the head of the Ministry was vacillating in his policy, of course, the sounds uttered by his colleague in the Senate would be uncertain. The extract from the Premier's speech in *Hansard* was as follows:—

“We desired, as far as possible, in the first place, to utilize the lakes on the east as a permanent highway, for, perhaps, many

years to come, as a means of reaching the western end of Lake Superior and afterwards utilize the smaller lakes and rivers in the interior of the continent, where they might lie in the line of the ultimate road and be used temporarily for the purpose of furnishing a complete line of travel between the two extremities of the continent, pending the completion of the railway across the entire country. I am aware there has been a great deal of misrepresentation concerning our intentions with regard to the use of these water stretches. It had been stated over and over again that we proposed to build a link of railway here and there, with out any intention, ultimately, to make a complete all-rail route, or without considering the distances to be traversed between one point and another, which would ultimately become leading places on the railway when it was finished, if it ever were completed in our day. The shortest route had always been kept in view.”

There was not much there, except that it pointed to an all-rail route. The next and last extract he would read would be from *Hansard*, April 11th, 1876, the last night of last session of Parliament. It was as follows:—

“Hon. Mr. Mackenzie moved that the Government be authorized to enter into contracts during the recess with parties sending in the lowest available tenders for the construction of the following portions of the Canada Pacific Railway, viz.: From Fort William westward towards Lac de Mille Lac and the crossing of Steel River from Rat Portage to Cross Lake.

“Mr. Currier thought it was a great pity the Government should propose to expend money on this route between Thunder Bay and Fort Garry. A land and water line could never compete with the all-rail route between Duluth and Fort Garry. This was a matter every practical man must understand. Therefore he thought it would be much better to delay the expenditure on that road until the time arrived when an all-rail route could be constructed to Fort Garry.

“Hon. Mr. Mackenzie replied that it was to be an all-rail line from end to end.”

That intimation of the entire abandonment of the water communication was a surprise to the country. It was done without consulting Parliament, for there was not much more than a quorum present in the House of Commons. It was a surprise to everyone. For a Minister, without really consulting parliament, just, as it were, by a wave of his hand, committing the country to an expenditure of \$20,000,000, was not ex-

actly what the country expected from a liberal and professedly Reform Administration. Mr. Mackenzie's words on that occasion were exceedingly important, and if they should be acted upon soon it would be found that they were pregnant with great burden and loss to this Dominion.

As a subject german to the one he had submitted, he would say something about the increased expenditure of the country, especially of that portion of it which is largely within the control of the Administration.

Hon. Mr. SCOTT thought it would be scarcely fair to enter upon such a discussion without due notice.

Hon. Mr. MACPHERSON said he had merely prepared a continuation, as it were, of his comparison of the departmental expenditure of the Government, and he thought it was german to the subject he had been discussing. It was rather complained of that he did this so near the end of last session that there was no opportunity to answer him. He did not think he had laid himself open to complaint last session. He had submitted nothing but what was in the public accounts. He had merely put together the facts prepared by the Government themselves. The press of the country had indulged in strictures upon him for representing the figures as he had done, and even the Prime Minister thought it a matter worthy of his notice on an occasion when he was addressing a public meeting. The honorable gentleman stated in terms, which he would not characterize here as he might, that his (Mr. Macpherson's) statement was not correct. Any gentleman undertaking to correct another should be very careful that he was correct himself. The Premier was entirely in error on that occasion. He (Mr. Macpherson) had not used the figures attributed to him by the Premier and what was represented as a correction was really altogether a misrepresentation, unintentional he hoped, but a most unqualified misrepresentation. He (Mr. Macpherson) felt it necessary at the time to write a letter reiterating the facts. It was widely published, but did not appear in either of the leading ministerial organs at Toronto and Montreal. He did not complain of this. It seemed to be their idea of what was fair, but he repeated that there was not one inaccuracy in his figures. When the country was committed to heavy expenditures the ways and means should be considered down even to the expenses of the public departments. He did not wish to ring the changes upon the promises of the Government of retrench-

ment and economy. If ever a Government was able to fulfil such promises it was Mr. Mackenzie's, for it was supported as no other Ministry in this country ever had been or ever would be again. If the Premier could not stem this stream of extravagance who was to do it? He could, and unquestionably should, have done it, but did not, as would be seen by the figures he would submit to the House. He would adhere to the same line of comparison as last session, comparing the last financial year of the late Government, 1873, with the first complete financial year of the present Ministry, 18.5. That was the only fair way, because both Governments were in office the intermediate year—Sir John Macdonald's for four months and a week, and Mr. Mackenzie's for seven months and three weeks. The former introduced the estimates—the latter expended the money. The figures were as follow:—

	Expenditure for Years ending 30th June.			Increase	
	1873.	1875.	1876.	Of 1876 Over 1875	Of 1876 Over 1873
Civil Government .....	\$ 753,571	\$ 919,265	\$ 81,995	\$ .....	\$ 91,121
Administration of Justice (P. F. Island excluded) .....	508,966	488,518	680,091	46,573	131,125
Public Works Charge, able to income (excluding railways but including rents and repairs to public buildings) .....	1,415,408	1,757,075	1,948,941	191,866	533,533
Customs (P. F. Island excluded) .....	667,715	659,916	685,460	35,514	127,697
Excise (P. F. Island excluded) .....	171,701	196,197	214,581	18,383	42,825
Post-office (P. F. Island excluded) .....	1,067,866	1,446,717	1,581,765	95,018	513,899
Public Works charges on Revenue (excluding railways and telegraphs) .....	482,813	517,918	603,038	.....	75,790
Emigration .....	27,366	302,770	325,845	83,075	48,437
Immigration .....	53,116	77,996	10,627	21,829	9,811
Number of officials supernannuated .....	167	183	220	.....	.....
Fisheries .....	67,878	66,544	108,188	41,199	10,305
Totals .....	5,271,133	6,473,314	6,916,580	459,212	1,673,377

In the Postoffice Department the differ-

ence between revenue and expenditure was as follows:—

	1873.	1875.	1876.
Revenue.....	\$333,657	\$1,155,33	\$2,102,540
Expenditure.....	1,067,866	1,488,717	1,531,076
Excess over Receipts	234,209	331,414	499,465

The percentage of loss by the Postoffice was 1.8 per cent in 1873, 29 per cent in 1875, and 43 per cent in 1876. In other words it cost \$1.43 last year to collect \$1 in that department. In the Customs Department the percentage of expenditure to receipts was, in 1873 4.38 per cent, in 1875, 4.45 per cent, and in 1876, 5.62. What he complained of was, that although the revenue had fallen off, the cost of collecting it had been increased by \$35,574. He knew it would have been difficult to reduce the expenditure, but it should not, at all events, have been increased. Prince Edward Island was not included in this statement, because it was not a portion of the Dominion until after the close of the financial year 1873. If any one wished, however, to see the figures connected with Prince Edward Island for 1875 and 1876, they were as follows:—

	1875.	1876.
Prince Edward Island—Administration of Justice.....	\$ 3,887	\$14,000
“ “ Customs.....	24,727	25,518
“ “ Excise.....	3,056	3,229
“ “ Postoffice.....	34,114	40,822

This annual expenditure was equivalent to interest on so much debt, and the increase in our expenditure between 1873 and 1875, represented interest at 4 per cent on a capital of \$30,354,125. The increased expenditure of 1876 over 1875 was \$459,212, which, capitalized at four per cent, would be equal to \$11,480,300. The increased expenditure of 1876 over 1873 was \$1,673,377, and the circumstances of the country would, therefore, have been no worse if the Finance Minister had borrowed \$41,834,425, supposing our expenditure had remained the same as in 1873. He did not hold the opinion, by any means, that the Government of the country could, even in these times of stringency, be carried on without some additional expenditure in the public departments, but he maintained there was an enormously unnecessary expenditure here. What he held the Government responsible for, was the fact that with their great power, instead of stemming the increase of expenditure, they had lent their force, apparently, to swell it. What he wished to impress upon the Government was this: if they committed the country to an annuity of forty dollars, it was equivalent to increasing the public burden by \$1,000. If they would keep this in view they would probably be more careful. He

would call special attention to the increase in the Fisheries Department, as would be seen by the following figures:—

FISHERIES.			
	1873.	1875.	1876.
Salaries--Ontario.....	\$1,344	\$3,384	\$12,815
“ Quebec.....	7,823	9,808	14,282
“ New Brunswick....	6,859	7,374	19,680
“ Nova Scotia.....	8,639	12,265	14,655
“ Manitoba.....	.....	288	.....
“ P. E. Island.....	.....	460	461
	27,721	33,583	52,213
Payments—Account Fish Breeding.....	7,360	17,999	32,055
Payments—Account Protection of Fisheries.....	62,794	10,000	23,822
Totals.....	\$97,875	\$86,582	\$108,180

Notwithstanding the fact that our fisheries are open to the people of the United States, and it is not necessary to protect them now, there has been this increased expenditure. Again, in piers and harbors, while he looked upon them as works of very great importance, he was afraid the thing had been overdone. Last year no less than 34 new ports had been surveyed and the estimates sent to the Government. Then, there was a total expenditure on the Georgian Bay Branch of \$111,394. It was understood the contractor was prepared to take a small sum on the cancellation of the contract. In conclusion, he could say, considering the way in which the works of the Dominion are spread, and seeing that our resources are not all we could desire, would it not be politic to pause and take a review of the situation, see what is most required and stop off for the time what is not necessary? Until we have a population in the North West to give traffic to a railway, it is madness to expend a large sum in constructing a costly road from Lake Superior to Winnipeg. The Dawson route can be made good for the transport of ordinary traffic and the comfortable transport of emigrants. We have a railway through the United States which, when it reaches Pembina, will afford communication during the winter with the North West. If our Government had encouraged the company building that road we would have had communication by that way now. The Dutch capitalists who were constructing a road to Pembina, only wanted a reasonable assurance that this Government would connect Pembina and Winnipeg by rail, to complete their road.

Hon. Mr. SCOTT—They had that assurance.

Hon. Mr. MACPHERSON—There was a great deal said about an all rail route, but those expensive lines east of Lake of the Woods should at once be cut off. They are not only unnecessary, but entirely beyond the means of the country.



Hon. Mr. SKEAD said it was a pity that this Georgian Bay Branch should be such a bugbear to certain sections of the country. Every session it seemed as if there was a parliamentary rule that the House should be enlightened on the subject. The honorable gentleman from Toronto came down with a great array of figures and extracts from speeches, no doubt all correct, that had been quoted against it, and he regretted that such changes of sentiment on this Pacific Railway question, as had been brought about by change of Government, were thought necessary—though, if the same policy had been followed by the previous Government, it would have been considered all right by the honorable gentleman. The honorable Senator brought down a motion respecting the Fort Francis lock, and took occasion to drag in the Georgian Bay Branch and speak of the Ottawa country, where this railway was to run, as a route through granite ridges and rocks, with land nowhere. But what was the object of constructing a Pacific Railway if it was not to establish the shortest and most direct route from the Pacific to the Atlantic seaboard? He would ask his friends from Quebec and the Maritime Provinces to bear in mind that if the Government were to make a detour of the Pacific Railway and centre the railway system of the country at Toronto, it would be all right with the honorable gentleman who now opposed the Georgian Bay Branch. They had a compact of nine or ten Senators from the Toronto district, the most respectable men in this House, no doubt, among their supporters of the Government of the day and some in opposition, but they were all suspicious of every Government that did not think everything should go to Toronto. He had great respect for those gentlemen, but he had more for his own constituents, and he would ask the members from the east to remember that if the country was to expend a large sum of money for a railway from ocean to ocean it was to their interest to adopt the most direct route.

Hon. Mr. DICKEY asked if the route south of Lake Nipissing was the most direct route for the Pacific Railway?

Hon. Mr. SKEAD said no, he called the most direct route the one north of that lake, but knowing they could not adopt that one he was in favor of the next most direct route, of which the Georgian Bay Branch formed a link, until the all-rail route was available. There was now a road running from Ottawa to Pembroke, and there was a favorable country for a railway from there to the Georgian Bay. It was the southern line from Douglas west with which the

fault was found, as it ran through a rough, broken country where a road could not be constructed except at very great expense. The route by Pembroke would also effect a saving of 14½ miles, with the addition of a better and more level country, the distance being only 217 miles, as compared with 231 by the other route. He would like the Government to determine on some policy as to this piece of railway, whether they were going to build it or not. His honorable friend from Toronto considered it waste of money to build the road from the Lake of the Woods eastward, but he remembered the time when that honorable gentleman thought differently.

Hon. Mr. MACPHERSON said he had always advocated the use of the American railways to Pembina until we could settle the North West, and then when there was a population in there to build the road eastward as rapidly as the country could afford.

Hon. Mr. SKEAD said when the Pacific Railway scheme was before the country a few years ago, the American route was not the one that was advocated. He understood the scheme to be to start from Lake Nipissing, and go right through with an all-rail route to British Columbia. If the contract had been given out at that time, there would have been less trouble about it than there is now, and the country would have heard nothing about the American route. His opinion had always been to build the Pembina Branch at as early a date as possible, but there was no connection with American railways at that point yet. There were but three members in this House belonging to Ontario, interested in the Ottawa Valley route, all the rest were interested in the southern slope of Ontario. He considered, however, that many of those gentlemen would be independent enough to throw self-interest aside and do what was best for the interests of their common country. He had supported the Georgian Bay route, not entirely from sectional interest, but because he believed it was the most direct and shortest route for a road from ocean to ocean. Many reasons had occurred to delay the construction of the Georgian Bay Branch; times were hard and the country was depressed at present, but the route should not be condemned at the request of a few gentlemen who were interested in another part of the country. Honorable gentlemen who desired to have cheap transportation of grain from the great granaries of the West to the seaboard, would favor the cheapest and best route by

the Georgian Bay Branch to the ports of Montreal, Quebec and Halifax.

Hon. Mr. READ said this House and country were to be congratulated that for the time being, at least, this monstrous scheme of the Georgian Bay Branch Railway was stopped. The contract for the work had been given out on the report of a Mr. Hazlewood, who appeared to be always employed by the Government when anything was to be done that would not bear the light of day. This same Mr. Hazlewood had been employed by the Government to report upon the St. Francis Lock, and it was possible that he had reported on that work in the same way he had done on the Georgian Bay Branch, though it was proved that he had never gone over the route. He hoped the House would hear no more of this Georgian Bay route, but that that country should be left as a hiding place for wolves and bears, as it had been for generations. This House had last year expressed themselves against the Georgian Bay Branch scheme, yet the Government, in their wisdom, had given out a contract for its construction. That contract would not bear the light of public examination, and the country would have to pay Mr. Foster \$109,000 after it was abandoned. The Government appeared to have no railway policy, and they could not point to any of their utterances when out of power that they could now declare to be their policy to-day. He condemned their entire Pacific Railway impolicy as unworthy of statesmen or leaders of their country. He had brought up this Georgian Bay Branch question last session, and he felt he had rendered some service to the Dominion if he had stopped the construction of that railway.

Hon. Mr. TRUDEL said he regretted that on the motion before the House they were called upon to discuss so important a subject as the building of the eastern part of the Pacific Railway and the general railway policy of the Government. On a question of this importance, silence on the part of the members from Quebec might be misunderstood, though they were not prepared, on such short notice, to discuss the subject. He would say, on behalf of Quebec, that any policy which would have the effect of diverting the Pacific Railway from connecting with the railway system of that Province, in the Ottawa Valley, would not receive the support of the members from Quebec. If the argument of the honorable gentleman who had just spoken held good, the country could never have a Pacific Railway, as there were few places on the proposed route that had not been for generations the resort of wolves and bears. He believed the only

Pacific Railway we ought to build was the through route that would accommodate the whole Dominion with the most direct line from ocean to ocean. It was clear that the whole road could not be built at one time, but to propose that the eastern branch must be abandoned was preposterous. Two years ago, in the Local Legislature of Quebec, a resolution was passed unanimously, asking the present Government not to definitely locate the Georgian Bay branch before an examination of the North Shore route could be made, so as to decide upon the shortest and cheapest line, without sacrificing general interest to local. Unfortunately this fair and moderate proposition had been rejected by the Government. The Premier declared that he had not even read the petition; and another of the most influential members amongst the supporters of the Cabinet declared that this unanimous resolution of the Local Legislature should not be taken into consideration because it came from a moribund Parliament. The majority in this House of the representatives of Quebec had, last year, supported a motion condemning the policy of the Government on the location of the Georgian Bay Branch, not because they agreed with their friends of Toronto that this part of the Pacific ought to be abandoned, but because the location was bad. In fact, it is now the unanimous opinion of all public men that the line chosen was impracticable. And, in fact, the Government came a few weeks after to confess before this House that their policy on that point was bad, by abandoning that line. He would repeat that no Government who would express their intention to abandon this section of the Pacific Railway, that is the eastern section to connect with the railway system of Quebec, would have the support of a single member from Quebec, either of this House or of the House of Commons.

Hon. Mr. POWER protested against the course pursued by the honorable gentleman from Toronto. Not having had the good fortune to be present when that honorable gentleman commenced his address, he was puzzled in looking at the paper and listening to the speech to tell what matter was before the house, and was much relieved when, at the close of the address, the resolution was moved, asking for information respecting the lock at Fort Francis. While he was present no reference was made to that subject by the honorable gentleman. While a great deal of latitude might be allowed in those debates, he submitted that there should be some limit to it and some connection between the notice on the paper

and the speeches in the discussion upon it. A clergyman criticising the sermon of another clergyman, remarked that if the text had the small-pox the sermon would not have been in any danger of catching it. The same remark applied to the notice and address of the honorable gentleman from Toronto. The object of giving notice on the paper was to enable the House to prepare themselves to discuss the question. In the present instance the notice had not that effect, and it was complained of on both sides of the House as unfair. He had not made any preparation to deal with the matters actually brought up in the honorable gentleman's speech. One line of his attack was, that the Government had done too much in the way of public works on the Pacific Railway. In another place the leaders of the party to which the honorable gentleman belonged, found fault with the Government for not having spent more in that great work. The honorable gentleman spoke of the increase in departmental expenditures, and in several instances instituted a comparison between the outlays in 1876 and 1873. That same comparison had been instituted in another place, and the answer was that the increase was caused by salaries paid to Civil Servants appointed by the late Government in going out of office. He mentioned this to show that if proper notice had been given, the statements of the honorable gentleman could be disposed of without much difficulty.

Hon. Mr. HOPE regretted that more notice had not been given of the subjects travelled over. The motion was for information respecting the lock at Fort Francis; the speech was a general attack on the policy of the Government, financially, from a railway point of view and otherwise. Had honorable gentlemen known this they might have been prepared with their figures, to see how the thing actually stood. As had been remarked, the increased expenditure, in one of the departments at all events, was caused by the number of employees appointed by the late Government, when they were on the point of retiring from office. With regard to the railway policy of the Government he understood it was intended to construct a road from Lake Superior to Winnipeg at the earliest possible moment, and they were actively engaged in prosecuting that work. Some forty miles of rails were laid from Fort William westward, and they were busy grading and constructing a road from Winnipeg to meet it. It would be impossible for the Government to manage the vast Northwest without having direct communication with it through

our territory. He considered it anything but patriotic for the honorable member from Toronto to say we should be content with a road through the United States. We may use the Pembina route in winter, but, most assuredly, a summer road we shall have from the waters of Lake Superior direct to Winnipeg.

Hon. Mr. READ—Do I understand the honorable gentleman to say there is to be an all-rail route?

Hon. Mr. HOPE understood there was to be an all-rail route from Fort William to Winnipeg, and that the Government were constructing it at the earliest possible moment. For his part he hoped it would be completed as early as possible. The country was pledged by the late Government to the construction of a road from the East to the West, within so short a time that it was impossible to fulfil the engagement, and yet the present administration were blamed for unavoidable delays in locating the railway. It took five years for the British Government, with all their wealth and resources, to locate the railway from Madras to Bombay, in India; yet, in this part of the world, they seemed to think a line should be located across the continent and the track completed in two or three years. The Government were doing all they could, and if honorable gentlemen would be patient they would find the policy of the Government was such as would commend itself to the approbation of the country at large.

Hon. Mr. PENNY was very glad to see that the honorable gentleman (Mr. Trudel), on the opposite side of the House, could appreciate the motives of those who had been opposing the Georgian Bay Branch so long. He had now discovered that the desire was to leave the Quebec railroads, as military engineers would call it, "in the air," without connection with the Pacific Railway. He was glad to see this understanding arrived at last.

Hon. Mr. MACPHERSON said that his objection to the road was this—it should be made by the locality, as other roads were built in Ontario, and not by the Dominion.

Hon. Mr. PENNY thought the understanding was perfect. The object was to prevent the Quebec lines from connecting with the Pacific Railway except by roads built with local subscriptions and by Government; but he was perfectly certain there was not a man in Lower Canada who would support any Government with such a policy. The Government, wisely or unwisely, thought it was best to have the connection made with the Pacific Railway on the south side of the Ottawa. His honorable friend Mr.

Trudel thought it should be on the north; but all Lower Canada knew that in some shape it had been part of the general Pacific Railway schemes from the first. If at any time the Government should abandon that policy, except merely as a matter of postponement for financial reasons, all he could say was, they would commit a breach of faith and violate a pledge given by the preceding administration. Everyone knows the Northern Colonization Railroad was undertaken on a very plain understanding with the late Government that this connection with the Pacific Railway was to be aided by the Government, and the only question which arose in the discussion in the House of Commons three years ago, on this question, was whether Sir Geo. Cartier had pledged himself in such a way as to fix the route on a particular side.

Hon. Mr. McMASTER thought the course followed by the honorable gentleman from Toronto was unusual and unfair. He had taken many members by surprise, and they could have met several points successfully had proper time been given them to prepare for the debate. The comparison instituted between 1873, and 1875 and 1876, was entirely unfair and unreasonable. In the first place the late Government went out of office in November, 1873, and their successors were acting upon their estimates. He did not want it to be understood he was either defending or finding fault with any Government, but he liked to see what was fair. He hoped the honorable gentleman from Ottawa would not suppose every one from Toronto was so strongly opposed to the Ottawa region. They ought to rise above those local considerations.

Hon. Mr. SKEAD—I am glad to hear you say so.

Hon. Mr. McMASTER said he would vote on all questions coming before the Senate in the way he believed to be in the interest of the country. With regard to the increased expenditure in the departments, he knew that it was partly due to appointments made by the late Government. He knew large establishments in which parties were appointed who had nothing whatever to do, and if they had to work, were utterly incompetent to do it. In the Postoffice Department, it was necessary to open new offices continually, and increased expense was unavoidable. The same might be said with reference to the Customs Department, and in the Public Works there was a vast expenditure in connection with the surveys.

Hon. Mr. MACPHERSON—I did not allude to that at all.

Hon. Mr. McMASTER—At all events,

with regard to the matters alluded to, if time had been given to go into figures and make a fair comparison, it would not appear so unfavorable to this Government as the honorable gentleman had sought to make the House believe. He concurred in the opinion that it was absolutely necessary, in the present state of the country, for the Government and everyone to be as economical as possible, but it must be borne in mind the Dominion is pledged to build the Pacific Railway.

Hon. Mr. CARRALL—Which you repudiate.

Hon. Mr. McMASTER—Excuse me, I do not repudiate it. If we were not pledged to it I should hold a very different view of the project. I opposed the Esquimalt Nanaimo branch, and in connection with this I wish to make an explanation. Insinuations have been made that my vote on that occasion was influenced. I can tell honorable gentlemen no man spoke to me with reference to that vote. I gave it independently. When I say no one spoke to me, I mean no one sought to influence me to vote against the measure, though there were parties who wished me to vote the other way. After hearing the debate on the Bill I could not conscientiously vote for it.

Hon. Mr. CARRALL—Did you not change your vote next morning on the minutes?

Hon. Mr. McMASTER—No, I did not; but there was some inaccuracy on the part of the clerk in recording the vote, which was subsequently corrected.

Hon. Mr. READ—I saw the honorable gentleman stand up and vote against the measure.

Hon. Mr. McMASTER—If the same question was before the House again I would pursue the same course, but I do not wish it to be understood I would vote against the construction of the Pacific Railway in reasonable time.

Hon. Mr. SKEAD—And the Georgian Bay Branch.

Hon. Mr. McMASTER—When the whole of the facts are before us I will give my views on that project.

Hon. Mr. MACPHERSON said nothing could be further from his intention than to take the House by surprise. It was difficult to bring financial questions before this House on clear motions. His address was for estimates of the proposed expenditure at Fort Francis lock, which fairly brought up the whole subject, that expenditure being charged as part of the outlay on the Pacific Railway. He had shown that the work on this lock was undertaken without information. That

brought him to the Pacific Railway proper, and honorable gentlemen would remember in the debate on the address he had given notice he would bring the matter up again. The practice of the House was to move for some address which allowed very great latitude in discussions. It was convenient to be able to discuss important questions in this way which, if the House were governed by strict rules, could not be discussed by them at all. The honorable gentleman from Montreal spoke of some understanding which he thought existed on the subject. If so, it was altogether on his (Mr. Penny's) side; he (Mr. Macpherson) spoke for no one but himself. One or two honorable gentlemen had informed the House of what his political friends had said in another place. Honorable gentlemen would remember that two or three sessions ago the gentlemen who were now represented as his political friends thought him anything but friendly. He had never been a strict party man in this House, but was so constituted that perhaps he naturally belonged to the Opposition for the time being, irrespective of its party name. It would have given him very much greater pleasure if he could have commended the Government for redeeming their promises and pursuing a policy of retrenchment. He believed it was necessary, in the interest of the country, to bring the figures he had submitted before the House and country. If the expenditures were necessary, let the necessity be shown; if not, the Government should feel the eyes of the country were on them and they must retrench. He had brought up these questions properly, and he had pointed out where expenditure had been extravagant and unwise. He felt it his duty to call attention to this.

Hon. Mr. WARK suggested that the debate should be adjourned, in order to give honorable gentlemen an opportunity to answer the statements of the honorable Senator from Toronto.

Hon. Mr. AIKENS said he desired to make a few remarks on the motion before the House. He could not conceive why it was that the Government should proceed with this large expenditure at Fort Francis lock, a work which would occupy at least two, but more likely three years, to complete, if they had determined on building an all rail route from Thunder Bay to Winnipeg. He would call attention to the statement of the engineer in charge of this work. "It is probable that most of the work will be completed in the course of the next two years, providing that it can be carried on successfully during the winter." During the last two years there had been expend-

ed on that lock between \$108,000 and \$109,000, and if it depended on the work being carried on successfully in the winter whether it should be completed in two years, he would ask honorable gentlemen if it was evidence of common sense when the Government had determined on an all-rail route, that this large expenditure should be continued. A part of the road from Selkirk to Cross Lake, 77 miles, already was graded, and the section between Cross Lake and Rat Portage had been put under contract recently. If they could not get the benefit of this lock for three years, it was likely the railway, if vigorously pushed would nearly be built in that time, so that it seemed to him to be an uncommonly strange and unsound policy, for the Government to pursue in the face of this report—the lock would cost a quarter of a million of dollars. In addition to that there were other works required to make the lock and the water stretches available, so that he had not the slightest hesitation in saying that there would be at least from \$300,000 to \$400,000 expended on these water stretches, which, so soon as the railway was built, would be useless as a through route to the North West. Rainy River was the boundary between the United States and Canada, and, if the object was to improve the navigation for the benefit of the United States, let the Government say so, that the country may know it. For the land in that section of Canada, available for settlement, improvements already made would be sufficient. Under the circumstances he thought the objection by the honorable gentleman from Toronto to this expenditure was well taken, because the railway would, or ought to be, completed as soon as the lock, and then this outlay would be entirely useless. The honorable gentleman from Hamilton had come to the support of the Government on this question, and had made a statement to the effect that 42 miles of the road from Thunder Bay west had been laid with rails, which he was glad to hear, but the report of the Minister of Public Works does not go so far. It says: "From Fort William to Sunshine Creek, contract (No. 13) 32½ miles, about one half the work is completed. 2. Continuation to English River, contract (No. 25) 80 miles. This contract was entered into on June 7th, and very little work has been done." He could not understand how there could be 42 miles laid with rails when there were only 32½ miles under contract, with one half of the work done in July last, and no rails could be laid on the second contract until the first was completed, which did not extend over that

distance. He would be extremely gratified to know that 42 miles—or 142 miles of the new rails had been laid for that matter, but he thought the honorable gentleman was out in his figures. While he was in favor of the all-rail route, he was not in favor of the prosecution of this work at Fort Francis until they were assured that the country would derive some tangible benefit from the money to be expended.

Hon. Mr. SCOTT said he did not at all object to his honorable friend from Toronto introducing the very varied debate he had brought before the Senate to-day, inasmuch as it led up to a discussion on a very important question, which he had no doubt would now be followed up. In reference to the comparative statement which he had given to this House, he would take a very early day to look up the figures, and be in a position to confute the argument of the honorable gentleman. He thought he would be able not only to satisfy the honorable Senator, but a very considerable number of the members of this Chamber, that the honorable gentleman was wrong in his premises, and that he was still further wrong in his conclusions. The honorable gentleman was unjust in the manner in which he had alluded to a portion of the expenditure of 1873-4, and he thought he would be able to show him that the expenditure of that year was fairly chargeable to the late Administration, and therefore the standard he took—the year 1872—for the comparison of the expenditures in the year 1875 and subsequent years, was not a correct one. The Government, when they came into power, had been committed to certain increases in salaries and certain new appointments made by their predecessors—expenses that the incoming Administration, were they ever so anxious to reduce, could not evade. The honorable gentleman would remember, from the papers that had been brought down from time to time, that long after the estimates for 1873-4 had been framed, considerable increases were made which were not authorized by vote of Parliament; that new appointments were made, and the present Government had to face a very considerable increase in the civil government of this country that could not be considered in accordance with its constitution. It was a delicate thing for the new Government to undertake to override those appointments, as it is never a pleasant task to turn gentlemen out of office. Although they did cancel a considerable number of appointments, still the number made by the late Administration made them responsible for the large increase in civil government. The

present Government were, of course, responsible for the increases in succeeding years, but he thought he would be able to show that such increases were entirely justifiable, and if they were not, then the honorable gentleman would have the satisfaction of condemning the Government on a matter of considerable importance. He thought it was the duty of the honorable gentleman, as well as the duty of every honorable member of this House, to call the attention of the Government of the day to any expenditure which they considered improper or excessive. He would make a few observations in reference to the particular object of his honorable friend's address. It was known that the expenditure on what was known as the Dawson route had always been conducted by the Government and not under any special contract, and that expenditure was very considerable. After the establishment of a Government in Manitoba, it was considered advisable to have communication with the North West through our own territory, and a large expenditure was undertaken to open up the Dawson route. After the change of Government, the Premier announced at Sarnia the policy of the administration on that subject, and the expenditure now being made was in accordance with the policy laid down in that speech. The distance between Lake Superior and Winnipeg was about 408 miles all-rail route. Of this distance 228 miles were now under contract. The first portion of the line from Fort William west to Lac de Mille Lacs, it was believed, from the information before the Government, would be completed before the end of the present year. The distance from Lac de Mille Lacs to Rainy Lake was not very great, and there were only two or three very short portages on that route. From Rainy Lake water communication was used through Rainy River to Lake of the Woods up to North West Angle, and this lock at Fort Francis was intended to make that communication perfect from the east end of Rainy Lake to Lake of the Woods—a couple of hundred miles. The railway was under contract from Rat Portage to Winnipeg, in two sections, the last of which was put under contract a few days ago.

Hon. Mr. MACPHERSON—That is section fifteen.

Hon. Mr. SCOTT said he thought so; at all events, these two sections would bring them east to Lake of the Woods. Then they had water and rail communication, already described, east to Thunder Bay. There was a gap from Rat Portage to

the westerly end of the contract leading from Fort William of 180 miles, which was not under contract. That section would cost a very considerable amount of money, and the impression seemed to be that it would be desirable to provide this water way in order to save, at all events, for some few years, the expense of constructing this 180 miles of railway, the cost of which was estimated at \$30,000 to \$40,000 per mile. The railways now being constructed would, of course, be available when the 180 miles link was constructed. He would put it to the sense of the House whether it would not be better to utilize those water stretches for some years, even at an expense of \$200,000 or \$300,000, than to incur the expenditure of six millions of dollars and the postponement of communication until this 180 miles of road were built. Although the Government had decided upon adopting an all-rail route they did not intend to put the whole line under contract at once. He would take an opportunity during the session to discuss the reference of his honorable friend from Toronto to the cost of Civil Government.

Hon. Mr. SKEAD asked the Honorable Secretary of State to give the House some early information respecting the construction of the Georgian Bay Branch.

The Address was carried and the House adjourned at 6.10 p.m.

THURSDAY, Feb. 22nd.

The SPEAKER took the chair at 3 p.m. After routine,

#### NEW BILLS.

Hon. Mr. DICKEY introduced a bill entitled "An Act for the relief of Mary Jane Bates;" also a bill entitled "An Act for the relief of Martha Jemima Hawkshaw Holliwell."

Hon. Mr. READ introduced a bill entitled "An Act to extend the law as to carrying dangerous weapons."

On motion of Hon. Mr. MILLER, the time for receiving private bills was extended until the 5th of March.

#### THE RINDERPEST.

Hon. Mr. READ called the attention of the honorable Minister of Agriculture to the fact that the rinderpest had been making its appearance in Europe in places where it had not been before for years. English newspapers stated that it had appeared in Germany and Russia, and active measures were being taken, especially in England, to

stamp it out. France had also taken precautions to prevent the importation of cattle from England and Germany, Russia and Belgium. He was not aware of what was being done in the United States, but as they all knew that this pest had created great devastation in 1869, it was a matter that required attention.

Hon. Mr. PELLETIER said he was very glad his honorable friend had brought this matter before the House. He had seen something of it in the papers, and he was sure the Government would give it due consideration. He believed that there was an order in Council establishing quarantine for that purpose at Quebec.

#### ST. PETER'S CANAL.

Hon. Mr. MILLER moved that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all correspondence, Orders in Council, and contracts entered into during the past year in relation to the enlargement of *St. Peter's Canal*, in the Island of *Cape Breton*. He regretted once more being compelled to bring the subject of *St. Peter's Canal* before this House. Since he first had the honor of a seat in this body he had on several occasions advocated the enlargement of that important work, and he had been in hopes that the action taken a few years ago would have placed the question on a satisfactory footing, and that the just expectations of the people of *Cape Breton* respecting it would be realized. It was a question on which a very large portion of *Nova Scotia* felt deeply interested, and one in regard to which the conduct of the Government for the past year had caused much dissatisfaction, and even a very strong feeling of irritation. The *St. Peter's Canal*, as the House had been often told, was a small canal of about a half a mile in length, connecting the inland waters of *Cape Breton* with the Atlantic on its eastern and southern coast. Reference to the map of *Nova Scotia* would afford ample proof of the desirability of the communication which the canal was intended to supply in the interest of the general trade of the country—even if *Cape Breton* itself had not strong claims on the Government for the adequate improvement of this work on other grounds. The country was one of the oldest settled portions of the Dominion with a population of something like 100,000 souls engaged in the mining, fishing and shipping interests, which contributed so largely to the revenue of the Dominion. Notwithstanding the very considerable amount of taxation which the island was

called upon to contribute to the public treasury, it had no public works of any importance undertaken within its limits, except St. Peter's Canal. Though they had been called upon for years before Confederation to contribute their share towards the construction of all public works, and more especially railways in Nova Scotia, and since Confederation, to the railroads of the Dominion generally, they had no railway on the island of Cape Breton; therefore they had strong and peculiar claims on the Government of the Dominion for such works as were immediately required for the development of their resources, the promotion of their trade, and the fostering of the important industries which exist within their borders. At least one-half the coal interest of Nova Scotia was to be found in the Island of Cape Breton, and this industry, he was sorry to say, was now in a seriously depressed condition, though looking forward hopefully to a brighter future. They had large and important fisheries, but the industry that was ultimately expected to contribute most to the permanent prosperity of the island was the coal trade, and anything that would tend to assist or facilitate that industry was a benefit to the entire Province. About fifty years ago the St. Peter's canal scheme was first agitated in Cape Breton, in order to avoid the dangerous navigation of the eastern and southern coast in rough and foggy weather, but chiefly then to facilitate internal communication with the island, and to develop local trade by the use of the inland waters of the island. The Government of Nova Scotia, about thirteen years ago, a Government of which an honorable gentleman who now occupies a prominent position in the other House, was leading member (Hon. Dr. Tupper) took hold of that public work in an earnest manner, for the first time, and opened the canal. Owing to the peculiar circumstances of the Province before 1859, the coal trade was greatly crippled, but under the auspices of the Cabinet of which the same honorable gentleman was a prominent member, if not the leader, the coal monopoly of the Duke of York was broken up, and the mines became the property of Nova Scotia. After that any person who found a coal mine on the island was entitled, on payment of a sum, to all the coal he could discover. The destruction of the coal monopoly greatly fostered the development of that industry, and added to the necessity for a ship canal at St. Peter's. The Government of Nova Scotia, in 1864, carried a bill through, providing for the construction of St. Peter's Canal. It might be asked why was the

canal not constructed with sufficient capacity to meet the requirements of the trade. The reason was the friends of the enterprise did not anticipate, years ago, when the plans were decided on, such an increase in trade and population as had taken place, nor were all the resources of the Island then known as they now are. But the Legislature of Nova Scotia considered the undertaking of such importance that they expended nearly \$300,000 in constructing the canal with 13 feet of water, and a lock of 120 feet in length and 26 feet in width. The canal was opened for traffic in 1866 or '67, and it was not long open before the anticipations of its friends were fully realized in respect to its value and results, and the anticipations of its enemies were as fully disappointed. It was a great advantage to all the chief interests of the Island. A voyage could be made much more quickly and safely through the canal and by the inland waters while an adverse wind prevailed outside. It was some time before the Government of Sir John A. Macdonald could be got to listen to any demand for the enlargement of the canal, but the people of Cape Breton did not blame them, as it was only opened in 1867, and it was simply right and proper that a few years of experience of the trade which the canal called into existence should lapse before the Government should be asked to enlarge the work. The subject was agitated, however, and a pressure was brought to bear on the Cabinet, until in 1873 Mr. Perley, a gentleman than whom perhaps there was none in the Dominion more competent for the work, was sent down to make a survey of the canal, report on the advisability of improving it, and the nature and extent of the improvements required. Sometimes the course adopted by a Government when they wanted to kill a public work, was to send a hostile engineer to report, and under cover of his report kill it off; but he would do the late Government the justice to say that they had done nothing of the kind. There was a general feeling of satisfaction at the selection of Mr. Perley, who was conversant with the country, its trade and its requirements. He completed the survey in the summer of 1873, but being actively engaged on outside service he delayed making his report until the winter season, when office work was generally done, and it could only have been completed after the present Government came into power, as it was dated in 1874. The report was made in time to enable the Government to make provision in the estimates for the commencement of the



work. During the session the plans of survey and other papers were submitted to the House of Commons, and the sum of \$75,000 was placed in the estimates in order to initiate the enlargement. So far the action of this Government respecting St. Peter's Canal was satisfactory. During that session he had put questions to ministers on the floor of this House respecting the canal, and those questions were always based on Mr. Perley's report and estimates made in relation to them, and he was assured by the leader of the Government in this House that it was their intention to enlarge the canal according to those plans and estimates. The representatives of Nova Scotia in the Commons were also given similar assurances, to the great satisfaction of the people of the whole island. The following season, however, passed and nothing further was done. The next session various excuses were given for the delay in commencing the work, and they were assured that so soon as the season of 1-75 opened the work would be prosecuted vigorously. But after Parliament rose, although the members from Nova Scotia had been given to understand that it was the intention of the Government to proceed with the work on Mr. Perley's estimates, no sooner had they gone to their homes than they found the Government had initiated a new policy. Without consulting with the members from that Province, or with anybody competent to offer advice, the Minister of Public Works, in the plenitude of his power and self sufficiency, drew his pen through Mr. Perley's report, and wiped the scheme of that gentleman out of existence, substituting one of his own. Mr. Perley's recommendation was that the canal should be enlarged to 55 feet in width, 15½ feet in depth, with a lock of 230 feet; but the Government undertook, without the authority of Parliament, to reduce the proposed size of the canal by 19 feet in width and one foot in depth, leaving the depth 14½ feet, and called for contracts under this amended scheme. There was a general feeling of indignation all over Cape Breton at this high-handed, unjust and impolitic act. Remonstrance was made in both Houses last session, but the Government gave very little satisfaction on the matter. The Government were shown that they would be wasting a large sum, perhaps \$200,000 of the public money, unless they proceeded according to Mr. Perley's report, because the amended scheme would not meet the requirements of the country and the people would agitate for a larger scheme until they would some day find the Government of the day in a tight corner, and gain

their end. Pressure would then be brought to bear—they all knew how those things were done—and they would be compelled to spend another \$200,000 or \$300,000 in again enlarging the canal, when, perhaps, \$50,000 or \$100,000, in addition to what they now intended to expend, would suffice, if Mr. Perley's plan were adopted; and less than the depth that gentleman recommended would be useless. There were some slight hopes held out last session in consequence of the storm of indignation that the high-handed conduct of the Premier had aroused in Parliament that the action of the Government would be reconsidered, but he believed another cause led to its reconsideration. During recess, however, an Order-in-Council was passed enlarging the canal, it was believed, at the time, in Cape Breton, to the dimensions specified in Mr. Perley's report. He did not know whether this Government was a one-man power or a two-man power, but evidently the Ministers in this House had little power, and their utterances in regard to the canal had all proved worthless. The position of the Ministers in this House was, perhaps, less their fault than their misfortune; and perhaps one should not be too hard on them. This Order in Council was passed at a time when an election for the House of Commons was anticipated in a constituency in the Island of Cape Breton that was deeply interested in this canal.

Hon. Mr. SCOTT—What is the date of that election?

Hon. Mr. MILLER said the returns were made in the honorable gentleman's own office and he should know when the election had taken place. Shortly after the telegrams announcing the Order in Council for the enlargement of the canal, had appeared in the Nova Scotia papers—though of the extent of the enlargement the people were kept in ignorance until after the election—the election took place. It was a significant circumstance, but he would not state that the Order in Council had anything to do with the election. Who would charge the Ministry with taking any interest in elections? Only those who would charge an honorable gentleman with having, before his seat was warm in this House, deserted his duties to Parliament to canvass his late constituency—he did not regret to say, with very little success! Who would charge the present Government with abusing their power or their position to unfairly influence the elections? None but a corruptionist would insinuate anything so wicked against these immaculate gentlemen. He merely referred to the coincidence of the events.

No one in this country would suppose those honorable gentlemen would descend from their lofty position to interfere in matters so much beneath them. The power of the Government was tested, however, in that constituency under the most favorable conditions, and the result was as unsatisfactory as it was unexpected to them. When this telegram was published in the Halifax papers a general hope was expressed in Cape Breton that the original scheme of enlargement at least was to be followed, but they found the enlargement was merely in width, and not in depth which was most needed, that the alteration was to be made.

Hon. Mr. MACPHERSON—Wait until next election.

Hon. Mr. MILLER thought if it were left until then neither St. Peter's Canal or salt-petre would save the Government in that section. This canal was different from those in Ontario and Quebec, which were built to accommodate river boats. To be of any use it must be sufficiently deep to admit of the passage of vessels engaged in the coal trade. It should be not less than eighteen feet in depth to meet the requirements of trade in Cape Breton, but 16 feet might satisfy the people. It was folly to build the canal on the altered plan. The result would be that it would soon be found necessary to further enlarge it. If the Minister of Public Works had not been above seeking or accepting advice from the representatives of Cape Breton, he would not have committed this mistake. The alteration in width would cost more than an additional foot in depth, while the latter change was what was most needed. He hoped it was not too late for the Government to reconsider the matter. The Minister of Public Works had evidently been guided by incorrect information. He had given as his reason for changing the original plan of enlargement, that the approach to the canal on Bay St. Peter side, only allowed fourteen feet of water at low water, and consequently it would be useless to deepen the canal to more than fourteen and a half feet. That was incorrect, and the Government were culpable of great negligence in not acquainting themselves sufficiently with the matter before undertaking the work. Instead of only fourteen feet, there is twenty-four feet of water on the shoals at low water, and the average tide being four feet, there is a depth of twenty-eight feet at high water, at anchorage. This had been proved by Commodore Worgan, of Her Majesty's navy, who had made a survey last season, and reported as follows:—

To Messrs. M. McRae, M. P. P., and others :

GENTLEMEN,—I beg to enclose the following report of survey made by me, with your instructions, of the ship channel, bar and sound shoal in St. Peter's Bay.

The accompanying plan shows the channel with the depth in feet at low water, and the shoals in the immediate vicinity of the same. The channel, it will be observed, is circuitous, but not remarkably so, and there are no existing objects suitably placed for the guidance of ships approaching the anchorage or canal.

I find, however, a channel twenty-four feet in depth to run from the entrance of the bay to the anchorage, and should recommend that at a future date another survey be made and buoys laid down, or, better still, that landmarks be placed on shore to avoid the necessity of removing the buoys in winter, for the guidance of vessels through the channel. In making the survey it was necessary to lay down temporary buoys, and I found that five were amply sufficient to mark the channel, which would enable ships drawing less than twenty-four feet of water to approach the canal without danger. I may add that I am of opinion that by means of dredging, the channel might be made more direct, as the bottom appears to be composed of mud and sand, with rock in some places. The average rise and fall of the water appears to be about four feet, which gives a depth of twenty-eight feet in the channel at high water. I am,

Your obedient servant,

PHILIP H. WORGAN,

Com. R. N., D. L. Surveyor.

Here was a report by a gentleman competent to make the survey, and who was a disinterested authority. It was a complete contradiction, as everyone familiar with the locality knew, to the contention of the Minister of Public Works, and he sincerely hoped the Premier would rectify the great mistake he had made. It should be remembered that Cape Breton possesses no railway or other large public work, that the Island contributed very largely to the public revenue and received very little in return, and that it was therefore entitled to special consideration. The people of Cape Breton were easily satisfied, yet, like the British Columbians, they had good reason to complain of the treatment they were getting from the present Government. The subsidy which Nova Scotia had been receiving for the last ten years was about expiring, and they were assured by the Government it would not be renewed, though he

believed it should be. When this was borne in mind, and when it was considered that the whole tendency of taxation by the present Finance Minister towards an unfair pressure on the Maritime Provinces, their shipping being taxed, their coal industry not encouraged, while they were called upon to support the petroleum interest of Ontario, also tea, which they used more generally than farmers, because they had nothing else to drink, all taxed—where they found all this, they were entitled to some consideration, and it was unfair that the Government should reduce the size of this important work when millions could be borrowed so easily for undertakings in other portions of the Dominion. He appealed to the Government to take the peculiar circumstances of Cape Breton into their serious consideration, and concluded by expressing a strong hope that they would yet—and before it was too late, decide to deepen St. Peter's Canal and meet the wishes of the people and the requirements of the trade of the country.

Hon. Mr. SCOTT was quite prepared to concede this was a very important work in the eyes of the people of Cape Breton, and it might be that its construction was due to them, but the hon. gentleman had not treated the subject in a liberal spirit. He had charged the Government with a breach of faith; that they had neglected a work to which they were committed or had been committed by their predecessors. Now, neither of these propositions was substantially true. As he had stated on a former occasion, he had been unable to find any evidence whatever that Sir John Macdonald's Government was committed in any degree to the construction of this canal. Members of the Government might have individually expressed an opinion favorable to it, but he did not think there was any Order in Council, and certainly there was no vote of Parliament committing the Government to it.

Hon. Mr. MILLER—I did not say there was.

Hon. Mr. SCOTT—That was the spirit in which the hon. gentleman discussed it.

Hon. Mr. MILLER—I said before the late Government went out of office they sent Mr. Perley down. That is all I said.

Hon. Mr. SCOTT said everyone knew the Government was constantly asking for such information from engineers and others capable of giving it, but that did not commit them to anything. He denied that the late Government ever undertook to enlarge this canal. Mr. Perley sent in a report suggesting that this canal could be improved in a certain way. The view most engineers take of such works is to enlarge them to the ut-

most capacity. Every foot of extra depth means so many additional thousands of dollars. The Government believed in enlarging the canal to a certain extent. The honorable gentleman sought to make a point that it was stated last year the contract would not be departed from. At that time it was the opinion of the Government it would not, the expenditure having been fixed at \$200,000, and it was not their intention to go further. Owing to representations made by the honorable gentleman himself, and other representatives of Cape Breton, the Government decided to make the canal wider. On the 13th of June an Order in Council was passed to increase the width, at a cost of some forty or fifty thousand dollars extra. Before that was done there must have been correspondence with the contractor, and no doubt it was commenced immediately after Parliament rose. Immediately after the session, he believed, there was an informal discussion with the representatives of Cape Breton, and it was thought desirable to meet their wishes as far as possible. It was entirely unjust to couple the enlargement of this canal with the election in Victoria. It never occurred to his mind and the statement came as a shock to him. He had never dreamed of such a thing. The election arose by the appointment of Mr. Tremaine to a judgeship, and it was not known in June, when this Order in Council was passed, that the county would be opened.

Hon. Mr. MILLER—Was there no probability of opening any county in Cape Breton at that time?

Hon. Mr. SCOTT—I really cannot say. The election took place in September, and the order was passed in the beginning of June, when there was no thought of making Mr. Tremaine a judge. The papers will be brought down, of course. Certainly the Government are not in any way to blame for delays that may have occurred.

Hon. Mr. MILLER—I beg to say, with regard to the contractor, I have not for a moment reflected on him. On the contrary, I believe he has given every satisfaction.

Hon. Mr. BOURINOT said he would not offer a remark on this subject were it not for the deep interest he felt in the work. He had taken an active part, not only in this Chamber, but in the Legislature of Nova Scotia, to further the success of the undertaking. If the Government knew the feeling in Cape Breton on this subject, they would not be surprised at the warmth of the representatives of the Island in discussing it. He hoped the Government would reconsider their contract with Mr. Tuck, and enlarge the canal to the extent originally intended, and which was rendered

necessary by the requirements of the country.

The motion was carried.

THE SHIPPING OFFICER OF LUNENBURG.

Hon. Mr. KAULBACH moved "that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence that has taken place with the Government or any member or department thereof relative to the appointing last year of Joseph Creighton, Shipping Officer for the port of Lunenburg, Nova Scotia." He said he thought he would be able to show this was a vile piece of political oppression, and the most scandalous abuse of political influence ever perpetrated in this country. His object in bringing up this matter was to show that a most worthy official in the County of Lunenburg had been dismissed by this Government to make way for a vile, disreputable man of whose character they had full notice, and who was wholly disqualified from his bad morals to hold such or any position, a creature both feared and shunned in the community he lived in. The Government did not take a manly, honest or honorable course to deprive Mr. Young of his position, but by a subterfuge incorporated the office with the Customs' Department and subsequently handed it over to the man whose character has been given and whose name was mentioned in the motion now before the House. The Government had here in this Senate been warned in advance that that man was utterly unfit for the office—and his appointment would disgrace the public service. He (Mr. Kaulbach) had informed the Government that whilst absent on duty in the Local Legislature this man had his (Mr. Kaulbach's) name forged to a telegram and sent to a magistrate to escape from fines imposed by said magistrate for which a warrant had been issued, and was otherwise unfit to be recognized in the social community. In the session of 1875, he (Mr. Kaulbach) had moved a vote of censure upon the Government for dismissing "John Morish, seizing an i n p r e s e n t a t i v e officer, and William Young, shipping master of the Port of Lunenburg, and Caspar Schwartz, lighthouse keeper, of Green Island, without the Government possessing a full knowledge of all the facts of the case, and not for misconduct or incapacity." The Government at that time stated they had no fault to find with William Young, but it was in the interest of the public service the office had been incorporated with the customs, and no other appointment would be made. On receiving this

assurance, at the desire of his honorable friend the Secretary of State, he withdrew the motion, which doubtless otherwise would have been carried. Not many months elapsed before the Government flagrantly violated their policy and those pledges given in this Senate, and privately to him by the Minister of Marine and Fisheries, to whom he stated the case, the action taken in the Senate and the pledges there given by the Government. Yet they appointed the very man against whom they had been warned, thus sacrificing their avowed public policy and their clear and emphatic pledges and promises made in this House. He called attention to the following extracts from the debate which took place on his motion in 1875, which would be sufficient to condemn the Government. He said, at that time, "his object was not to embarrass the Government, but to speak with a view to the interest of the country, and to the vindication of officers, trustworthy public servants, now dismissed, who had discharged their duty faithfully and to the public advantage." Mr. Young's appointment and dismissal were referred to as follows—he read from page 582:—"Mr. Young stood high in the community (a sober and respectable man) who did much to build up the town. He had sacrificed his vessel and cargo to rescue the passengers of the Allan's steamer *Indian* some years ago, and had received no proper compensation. He was appointed shipping master in October, 1873, but in May, 1874, we find his dismissal urged. But for the gallant conduct and daring but successful action of Captain Young (the man whom the Government would disgrace) a large number of lives on board that steamer would have been lost. One of his honorable friends, who was now present, was a passenger, and no doubt could confirm the statement. He next referred to letters from the Department touching the dismissal, "in which it was stated the Government thought the interest of the port would be better served by having the business conducted by the Custom House," and added: "No misconduct or incapacity could be charged to Young." He would now solicit and ask careful attention to the following statement then made in the remarks he addressed to this House:—"Parties who instigated the dismissal of Captain Young were only waiting till the matter was forgotten to secure the appointment of a creature who is feared, because capable of any act, and only restrained by fear of the law—a notorious smuggler, who could boast neither of the morality nor the dignity that should characterize the occupant of such or

any office. He hoped the Government would take a note of this and make enquiry." He would ask honorable gentlemen to bear in mind this statement, for he would have again to refer to it, and show the insolent abuse and assault made on him by the present shipping officer for having fearlessly made this charge against him. The reply of the Secretary of State was, and it should be carefully observed, that the best explanation of the dismissal "was found in the letter of the Department, to the effect that the Government considered the shipping interests of the port could be better served by having the business of the shipping master conducted by the Custom House." Consequently this change was made, no successor being appointed. This House and country, instead of blaming, should applaud the Government in relieving itself of the services of officers no longer required." But honorable gentlemen would please take notice of this deception. No saving was accomplished. The Customs officer took the same fees that Capt. Young previously did. The Hon. Secretary of State further stated, "he granted that if an old deserving officer was summarily dismissed, and another person arbitrarily and tyrannically placed in his stead, it would be proper for Parliament to make its comments, but in this country all parties fairly recognized the vested rights of office, and so long as an officer fairly and faithfully discharged his duty under this or any other Government, he was not likely to be disturbed. A case of martyrdom would tell against the Government. None of us wished to see public officers removed for political causes." Mr. Macfarlane testified to the "good character and gallant conduct of Capt. Young on the occasion of the wreck of the steamship *Indian*." Mr. Wilmot thought "it would have been better to refer the matter to a committee." Mr. Boisford paid a high tribute to Capt. Young's courage and humanity. Mr. Trudel thought a strong case had been made out, which should be investigated by a committee. On the same occasion he (Mr. Kaulbach) had contended that "there was a principle involved outside and independent of the amount of money attached to the office," and, in reply to remarks from the Government, added, "it ill becomes any honorable gentleman to belittle any officer simply because the salary is contemptibly small." The House would now see the sad and painful consequences to him for expressing his views. The Government, as he had stated, appointed this very man against whom they had been warned, and whose only recommendation was his pugilistic

power at election times. No sooner had he returned home after the session of 1875 than he was warned this man had threatened and intended to commit personal violence upon him for his remarks made here. The day following, while walking from his office to his home he was waylaid and rudely attacked by this man, with violent curses and imprecations unfit here to mention, and greatly injured in feelings and person by the assault, the ruffian stating that he did it owing to his remarks here in the Senate. He caused the arrest of his assailant, had him put under bonds, and a jury of the Supreme Court obliged him to pay a large sum of money for this gross outrage and misconduct. But this was not the end of it. His (Mr. Kaulbach's) house, outbuildings, everything were burned, and two of his domestics and all his property lost in the conflagration. That man and another employe of the Government (of whom some notice may yet be taken), both intoxicated, were present, and gloated over the destruction. Two days afterwards, while in the deplorable condition to which he and his family were reduced by the fire, while he was talking to his son in the street, this man deliberately crossed over to him, and with fiendish gesticulations said—"Well, you are now obliged to carry your office in your hat." It was not the words so much as the manner in which it was said that was most offensive. He there, as he then and yet believed, rightly charged that man—and others joined him in the statement—with having destroyed that house, with being guilty of the double crime of arson and murder. Frequently, and not long before coming to Parliament this session, that man dared to attack him in the street, and in infamous language hustled and threatened he would finish him off if he spoke about him or used his name. That was the man this Government had appointed (and yet retains) after being warned of his character and after having promised the appointment would not be made. He feared further sad consequences would ensue to him from this debate, but still he would fearlessly do his duty. When the papers were brought down he believed they would warrant him in moving a vote of censure on the Government. He would now leave this unprecedented case to the House to say whether the Government had acted fairly or honestly in this matter after having been assured in the House and privately by the Minister of Marine and Fisheries this man would not be appointed. If the Government say that their policy had again changed, why not have restored Capt. Young to office? Might not the reason be that he (Capt. Young)

was a candidate, and vigorously contested the county at the last local election against a supporter of the Government.

Hon. Mr. SCOTT was sure if these facts had been brought before the Minister of Marine the matter would have been enquired into. He reprobated as strongly as his honorable friend the conduct of this man if the allegations were true. Any one guilty of such conduct should be summarily dismissed, and he would take occasion to speak to the Minister himself on the subject. The facts of the case were these: Mr. Young was shipping master of Lunenburg. The appointment was made in October, 1873, and some time afterwards the department was informed the duties of the office could be more efficiently discharged by the collector, and Young was removed. In 1876, nearly two years afterwards, the collector said he found it inconvenient to discharge these duties, and a shipping officer was appointed. That was in March last, and Creighton was appointed on the recommendation of the local member in the other House. He was quite sure if the Minister of Marine had known this man was capable of doing as represented, he would never had made such an appointment.

Hon. Mr. DICKEY was very much gratified to learn the sentiment expressed by the Secretary of State, because he took it for granted no one having the responsibility of a Minister, after hearing the statements made by the honorable gentleman who brought the matter up, in his place in this House, could hesitate for a moment as to the course he should pursue. Capt. Young appears to have been shipping master of the port of Lunenburg. He was a man whose character was vouched for not only by the honorable gentleman from Lunenburg, but by the honorable gentleman from Westmoreland, who thrilled the House two years ago with a description of the gallant manner in which this noble fellow risked his life and lost his vessel and cargo in saving the passengers of the steamer *Indian*. Young was dismissed, and the honorable gentleman, in the discharge of his public duty, having heard a rumor that another man was to be appointed, took the responsibility of showing his unfitness for the position, and thus forewarned the Government. The object of the honorable gentleman then was to get the opinion of this House condemnatory of the course pursued by the Government on that question. He was met by the assurance this was not a dismissal for political considerations, but merely for the sake of economy by attaching the office to the collector of customs. The honorable gentleman expressed a doubt of this at the time, but

withdrew his resolution, and, just as he had anticipated, this very man, who was characterized as unfit to hold any office, was soon after appointed. The pretence of saving was thus done away with, and the honorable member was perhaps justified in speaking of it as a subterfuge.

Hon. Mr. SCOTT—There was an interval of nearly two years.

Hon. Mr. KAULBACH—Not more than a year.

Hon. Mr. DICKEY said, perhaps there was some interval for the sake of decent appearance. The hon. gentleman from Lunenburg took every step he could to let the Government know the character of the man they subsequently appointed. He mentioned it in the House, and afterwards, as he states, to the Minister of Marine, who said there was no intention of appointing any one, and that it was simply a change of policy to effect a saving.

Hon. Mr. MILLER—I must correct my hon. friend. No saving was effected, because the Collector got the fees.

Hon. Mr. SCOTT—It was on the ground of convenience.

Hon. Mr. DICKEY said that made the matter stronger, the convenience was probably political. His wish was not to press the charge unduly on the Government. It was evident Creighton was wholly unfit to hold office under the Government. The Government owed it to themselves to see that the public service was purged of such a man, and justice done to his predecessor. The facts as stated presented a strong case upon which the Government ought to act promptly, and without hesitancy, irrespective of local pressure.

Hon. Mr. BOTSFORD said he recollected well when this question was brought up two years ago, but he had to confess he was not a little surprised when he heard the statement of the honorable gentleman who had moved in this case to-day. It had happened to be his misfortune to be a passenger on the unfortunate ship *Indian* of the Allan line that was wrecked through the incompetency of the master and his crew. They ran the vessel on the rocks about three miles off the coast of Nova Scotia early on a November morning. She lay in a most dangerous position, and before daylight she broke in two, keeled over, and some nineteen passengers and sailors were lost. The survivors remained there with the hind part of the vessel, hanging on the rock with some ten fathoms of water under her stern. Two of the officers launched their boats with the assistance of some of the passengers, but instead of laying by to save the lives of the passengers, basely, in violation of their

duty, deserted the ship. The captain, from a want of presence of mind or knowledge of his duty, attempted to get out one of the largest boats which was under his own command, but failed to launch it, and the consequence was they were left depending on one small boat that could not take half the passengers off the wreck. In the distance a schooner was passing, and signals of distress were made, but the schooner took no notice of them and they passed within a quarter of a mile of the wreck. After remaining three or four hours on the rock in this dangerous position, another schooner came in sight, and the captain bravely and nobly came down to their rescue, but so dangerous was the coast that the schooner struck near the rocks, the vessel was cast away and the captain not only lost it, but the cargo; notwithstanding he materially aided in rescuing from destruction the remaining persons on the wreck. And this was the man who had been dismissed from office by the Government.

Honorable Gentlemen—Hear, hear.

Hon. Mr. BOTSFOKD said the captain of the schooner was as brave and gallant a fellow as ever lived, and he confessed that his feeling of indignation was aroused when he heard of the character of the man who had been appointed in his place. The Government had made out a lame excuse for the course they had adopted. In the performance of his duty in this House he never desired to express strong opinions against the Government unless the circumstances of the case demanded it, but in this instance he considered the explanations of the Honorable Secretary of State were not satisfactory. Unless decided steps were taken to replace the officer who had been dismissed, who deserved the approbation of every one who knew him, and dismiss the ruffian who had dared to attack a Senator, who, in the performance of his duty felt it necessary to place these circumstances before the House, the Government would deserve the censure of every right thinking man.

Hon. Mr. MILLER said this case presented itself to the House in two aspects; first, in relation to the general principle of dismissing public officers; and secondly, in relation to the particular individual whose case had been brought before their notice. He had always advocated what he considered to be the sound principle which should apply in this case, that if the country was to have a faithful and efficient public service, employees must be made to feel that their tenure of office must depend only on efficiency and good behaviour. This principle

lay at the very foundation of faithful service. It was a principle recognized in England, and its soundness required no advocacy. The opposite system prevailed in the United States, and all knew the result. Even the President declared it to be one of the greatest misfortunes in their political system that public officials should be changed with every change of government. The result of such a rule was, men in office were unfaithful; for, being there only a short time, their proclivities were to make hay while the sun shines, and rob the country. It was one of the most important matters that could come before this House—the protection of the public service from anything like political tyranny. The insignificance of the act should not allow it to be passed unobserved, as deviation from principle is generally attempted in a slight way at first, and if it succeeds it gradually grows bolder, until bad precedents are established, and it becomes the rule and not the exception. Accustomed as he was to looking at constitutional matters from a professional standpoint, he considered this question of greater importance, perhaps, than many honorable gentlemen whose line of thought did not run in the same direction as his own. Shortly before the late Government went out of power they had appointed a number of their friends to office, which appointments he considered then were to some extent unjustifiable. He had not changed the opinions he had then expressed on the matter, but he had advised the present Government, while giving them a friendly support as an independent member not to allow themselves to be driven by their supporters who had been out of power for twenty years and were hungry for the spoils to over-ride their duty, but to stand to the sound principle which he had advocated. He was sorry to see in this case, however, that principle had been deviated from, and though it was a trifling office as regards its emoluments, it was a case of so flagrant a character that it was impossible to stamp it too strongly with the disapprobation of this House, leaving out of the question the disreputable character of the person who now occupied the position, his appointment was not only unjustifiable, but the manner in doing it was as cowardly as indefensible. Mr. Young had been appointed Shipping Master of Lunenburg in 1874. The office was not then united to that of the Collector of Customs. The two offices were only combined in ports where the duties were so small that nobody could be induced to take the office of Shipping Master alone. Lunenburg was an important

port and it was one of the last places in Nova Scotia in which the duties of Shipping Master should have been handed over to the Custom House officer. But the Government had not the courage to boldly remove Young because he was a political opponent and give the office directly to a supporter, in order to gratify the local malice and petty revenge of politicians in that section, they pretended to abolish the office, by amalgamating it with the customs, and in a few months after re-established it, and appointed their supporter to the position. The honorable Secretary of State had made the excuse to this House in 1874, that Mr. Young had been dismissed, and his duties were handed over to the custom house officer, in order to save expense.

Hon. Mr. SCOTT—No, but for convenience.

Hon. Mr. MILLER said he would quote the language of the honorable gentleman as reported in *Hansard*.

"As to William Young, the best explanation of his dismissal was found in the letter of the department, to the effect that the Government considered the shipping interests of the port could be better served by having the business of the shipping master conducted by the Custom House, consequently this change was made, no successor being appointed. This House and country, instead of blaming, should applaud the Government in relieving itself of the services of officers no longer required."

Was it not plain from this that the honorable gentleman wished the inference to be drawn that a saving was to be effected. If he did not mean that, the honorable gentleman must have been ignorant of the fact that shipping masters were paid by fees, and no saving of money to the country could be effected by transferring his duties to the custom house officer. The sole object was to remove a political opponent from office, and so clearly was it understood in the community from which his honorable friend (Kaulbach) came, that without any pretensions to being a prophet, his honorable friend had foretold in this House what would be the result. Because he had done so, he had been assaulted on the public streets of Lunenburg by this man Creighton. He had him arrested for that act, tried before the highest tribunal in the Province, and found guilty, yet, in the face of those facts, that was the man who was recommended for office.

Hon. Mr. SCOTT—Mr. Church is the man who recommended him.

Hon. Mr. MILLER said no matter, he had been appointed, and it was a degradation of the public service. If the Government

found it necessary to re-establish the office, after abolishing it, they had a right to re-appoint the man they had dismissed from it when there was no charge against him. He hoped the Government would remedy the wrong they had done, for the country was deeply interested in such matters. No man in the House, or out of it, could hear the story of William Young without being interested in it. The people of the Maritime Provinces who go down to the sea in ships have an especial honor for such a man. Very often similar cases of wreck and hardships occurred to that referred to by his honorable friend (Mr. Botsford), but it was poor encouragement for them to find the Government, instead of rewarding acts of heroism and humanity, patting down local party feeling and political intrigue, and degrading such men as Mr. Young in the eyes of their fellow-citizens. He asked the Government to retrace their steps and remove Creighton from office, and by re-appointing Mr. Young to make some atonement to him for the injustice he had suffered.

Hon. Mr. REESOR said it was scarcely fair that a Minister of the Crown should be required to listen to abuse.

Hon. Mr. MILLER—What do you call abuse?

Hon. Mr. REESOR—To charge a Minister with having discharged a worthy officer for the purpose of appointing a man who was unfit for the position to take his place.

Hon. Mr. MILLER—If it is true, it is not abuse.

Hon. Mr. REESOR said the facts were not before the House. The mover of the resolution had a good right to speak with feeling on the matter, but the Secretary of State should not be called specifically to account as being personally guilty of a great wrong, which he knew to be wrong, when this appointment was made. It might turn out that some particular party holding a responsible position was particularly to blame in this matter, and when that should be discovered, let him suffer the condemnation of the public for his misconduct. It was most desirable that an investigation should be made, and if the facts were proved the party should be dismissed, but it was not right to go further until the matter was investigated.

Hon. Mr. WILMOT said he recollected distinctly when this question was debated in the session of 1875 and the principle was laid down that a public official should not be dismissed for political reasons, the Secretary of State concurred in that view at the time. The honorable member for Lunenburg stated distinctly the heroism with which



Mr. Young had acted, and any Government, with such facts before them, should have reinstated Young instead of appointing another man. Now that the question was before them, he hoped justice would be done as quickly as possible.

Hon. Mr. HOWLAN said this man Creighton was a servant of the Government, yet he had told the member for Lunenburg, when he was about to leave home to attend to his Parliamentary duties, he would have his life if he mentioned this matter in the House. This should be taken notice of, and the man should be dismissed at once.

Hon. Mr. MACPHERSON said this man not only threatened the honorable gentleman, but put his threat into execution. What more was required? If this were true the Government should dismiss the man at once. No Government would be justified in retaining such an official.

Hon. Mr. PENNY said there could be no option to any Government but to act immediately in such a case as this. With regard to the general question of dismissals, no Government ever came into power with so great temptation to remove officials; yet, although some changes of that kind might have been made, there was no ground for a general complaint of that kind against them.

Hon. Mr. KAULBACH said the threat was made some weeks before he left home, and was uttered in the vilest and most blasphemous language. The man was not indicted, but an action was brought against him in the Supreme Court for the assault, and the language attached to it, for which he had to pay nearly \$100.

Hon. Mr. SCOTT said the facts mentioned by the honorable member for Lunenburg were entirely new to him. The conduct of the official was not only highly improper, but would warrant any Government in dismissing him. The policy of the Administration, certainly, had not been to remove officials for political reasons. They came into office finding some two or three hundred appointments had been made just before the change of Government, this one among the number, and some of them actually, after the resignation of the Ministry was announced, yet they respected those appointments. Constitutionally they were not bound to do so, but they were desirous to maintain the principle recognized in England with a few exceptions. He would bring this particular case before the Minister of Marine.

Hon. Mr. READ denied that the appointments made by the late Ministry were unwarrantable. If he had time he could show that Gladstone had done the very same

thing in England, and it was justified by the highest authorities.

Hon. Mr. HOPE said the late Government and their friends had been in power twenty or twenty five years before the accession of the present Ministry to power. The latter were in office some three years, and he challenged anyone to point out a single dismissal from office for the political principles of the individual dismissed.

Hon. Mr. HOWLAN—Here is one now.

Hon. Mr. HOPE—What proof is there of that? It is very easy for gentlemen to assume this dismissal was occasioned by political intrigue, but I can see nothing whatever in the course the Government have pursued in Ontario to justify the aspersions thrown upon them in this House on this occasion.

The motion was carried.

#### THE STRIKE ON THE GRAND TRUNK RAILWAY.

Hon. Mr. READ moved "that a Committee of this House be appointed to inquire into the cause of the detention of the mails on the Grand Trunk Railway, during the last week of December, 1876, and the first week in January, 1877, with power to send for papers, persons and records, and to report from time to time to this House, said committee to be composed of the Honorable Messieurs Hope, Haythorne, Trudel, McClelan (Hopewell), Wark, Alexander and the mover." He said it would be in the recollection of everyone that during last year the Grand Trunk Railway came to a stand-still, and for about five days the mails were carried alongside that road in sleighs and other vehicles. He thought it was the duty of Parliament to know the cause of this, and provide a remedy, if possible. We find in other parts of this continent to-day railways are not running, and the public prints say a certain gentleman living in the city of Cleveland runs this country and a portion of the neighboring country. He need scarcely offer an excuse for asking this committee. We pay the Grand Trunk Railway Company to carry our mails, and when we see them carried in sleighs the cause should be ascertained. The public prints say the trains were stopped as the clock struck ten on that terrible Friday night, and a good many passengers were exposed to great danger and exceedingly great inconvenience. Arrests were made but there was no prosecution—the troops were turned out. These were not ordinary occurrences and he thought it was the duty of Parliament to enquire into the cause of them.

Hon. Mr. DICKEY said it was scarcely necessary to mention the facts brought to

the notice of the House by this motion, because they were in the memory of everyone in the country. He had hoped the Government would have taken action in this matter, and he wished to know whether it was their intention to do so by legislation or otherwise. If they would look on the other side of the line they would find a precedent. When a similar strike was organized and acted upon in Maine, New Hampshire and Massachusetts, the Government took the lead and arrested one of the drivers, on the ground it was an obstruction of the United States mails, and prosecuted him. He did not say the Government should do this or what they ought to do. Perhaps they had done all the law would allow them to do, but if so, surely it was a case for amending the law of the land. He therefore hoped the Secretary of State would be able to give some assurance that would satisfy the House the Government had this matter under consideration and that some action would be taken to remedy in future, evils they so much deplored in the past.

Hon. Mr. SCOTT said when this notice was put on the paper he asked the honorable gentlemen to postpone it from time to time in order that the Government would complete the information they were preparing to submit to Parliament. The Government, of course, felt the gravity of the position quite as much as any one could, but they could not over-ride the law of the country. Breaches of the peace are within the jurisdiction of the local authorities. In this case the local authorities had been appealed to and voluminous correspondence had taken place. If there was a defect in the law, of course it would be the duty of the Government to see that it was so amended that similar inconvenience would not occur in the future. The matter was under the consideration of the Government, and it was possible some legislation would be introduced in the direction indicated by the hon. gentleman opposite. The ground taken by the Government of the United States would not, he feared, be tenable, as the men did not object to the mails being carried, and they made that announcement.

Hon. Mr. MACPHERSON—They were not carried.

Hon. Mr. SCOTT said that was because the Company declined to let the mails go unless the passengers went also. There were various contracts where the public had very important interests. For instance, all matters connected with gas and water works. If an employer of labor has a difficulty with his men which affects no one else, of course it would be a delicate matter for

outsiders to interfere in, but where a strike affects the public, and causes them inconvenience and loss, if the laws are defective to meet it, legislation may be necessary. The names of this committee had been agreed upon by his honorable friend and himself, and all the information the Government could furnish would be supplied for their guidance.

Hon. Mr. MILLER thought this Committee was desirable, but he was surprised the matter had not been taken in hand by the Government. However, as a Committee was to be appointed, it should be larger. He did not admit the right of a member of the Government and another honorable gentleman to settle upon the names of the Committee. That was the duty of the House. He therefore moved that the names of Messrs. Dickey and Kaulbach be added to the number. He thought it was desirable that two gentlemen qualified for taking evidence, and coming from a Province not likely to be disturbed by the local influences which existed elsewhere, should be on the Committee.

Hon. Mr. SCOTT said this notice had been put on the paper at an early day, and it appeared to him this would be a proper tribunal to deal with the case, and that the Government had a right to a majority on that Committee. That was Parliamentary etiquette. He was aware the House could overrule it, but he hoped the Committee would be allowed to stand as it was agreed upon at first. The Government were desirous that all the facts should be elicited, and the law, if defective, should be amended so as in future to prevent such a grave difficulty arising. It was but fair that the Government should have a majority on the Committee.

Hon. Mr. MILLER was surprised at the position taken by the Honorable Secretary of State. This was a question the Government should have grappled with, but having failed to do so an independent member took it up. Had the Government taken the initiative and asked for a Committee it would have been only courteous, perhaps, to let them have a majority on that Committee, but as they had not done so they were asking more than the House would be willing to concede. He felt that this was a question, when referred to Committee, on which party feeling would be forgotten, and he did not see why the Government should wish to have a majority on the Committee if there was nothing wrong that that did not require whitewashing.

Hon. Mr. SCOTT having raised an objection to the addition of the proposed names to the Committee,

Hon. Mr. AIKINS moved the adjournment of the debate, which was carried, and the House adjourned at 6.10 p.m.

FRIDAY, Feb. 23rd.

The SPEAKER took the chair at three o'clock p.m.  
After routine,

ATLANTIC CABLE TELEGRAPH COMPANIES.

Hon. Mr. READ moved that an humble Address be presented to his Excellency the Governor General, praying that His Excellency will be pleased to lay before this House copies of all correspondence and telegrams that have taken place between The Direct United States Cable Company, The Anglo-American Telegraph Company, and any other Marine or Telegraph Company and the Government, as well as copies of all Orders in Council affecting the same, since the first day of January, 1874. His reason for giving this notice was in consequence of the legislation in connection with Marine Telegraph Companies in this country. That legislation had caused a great deal of debate in this House as well as in the other branch of Parliament. At the time the bill was introduced he had taken strong ground against it, believing that it was not in the interest of the country. He considered then, as he did now, that it was an interference with vested rights, for which he was a stickler. He had stated on that occasion that the bill was intitled wrong, that it should have been intitled "a bill for stock jobbing purposes."

Hon. Mr. MILLER called the honorable gentleman to order.

Hon. Mr. READ continuing—said the measure was intended to prevent cable telegraph monopolies, but he failed to see that it had that effect. A motion had been made to amend the bill so as to fix the maximum rate for messages at 50 cents per word, which would have prevented a monopoly, but the Government voted it down. He moved for the correspondence in order to see if the Government had taken any steps to prevent the joint purse or amalgamation arrangement between the two companies that had been discussed in the public press.

Hon. Mr. SCOTT said he had no objection to the motion going, but last year a similar return was asked for, and a return was brought down to within a year. He supposed his honorable friend would not require to go beyond that. He was not aware of any other correspondence but the Premier's letter, which had been published

in the press of this country in reply to an enquiry of the Dominion Line Company. He did not believe the Act that had been passed here was valueless. Its object was to enable the companies to obtain charters under it. One company did obtain a charter, which contained a provision that the Company formed under that Act could not amalgamate with any other company without annulling their charter. Although a large interest in the Anglo-American Company had endeavored to bring about an amalgamation with the Direct Cable Company, their object was defeated by that very condition in the charter of the latter, so that the Act could not be said to be a failure. With reference to the fixing of the tariff, he considered it would have been unfortunate under the circumstance to have compelled any company to adopt a 50 cents tariff which would not have been sufficient to sustain the Company.

Hon. Mr. KAULBACH said the Anglo-American Company were satisfied to have been bound to a 50 cents tariff, and although the Government agreed at first that a 50 cents tariff should be incorporated in the Act, after consulting with the promoters of that bill, they declined to have it inserted.

Hon. Mr. MILLER said he did not think the remarks of his honorable friend on his left (Mr. Read) on the question of the Electric Telegraph Act could be at all borne out by facts. A large majority in both Houses of Parliament thought that Act was a wise one, and one of the most progressive and useful measures which had been submitted to Parliament for some years past. The object of its promoters was to secure the very desirable end, cheap telegraphic communication between the two continents. The argument which had been used by honorable gentlemen based on the refusal of Parliament to fix the maximum rate at 50 cents per word had been satisfactorily answered in this House before, and that answer would be found in the Senate *Hansard*. This was the first time he had heard anything of the Anglo-American Company, through any of their representatives, having agreed to allow the maximum rate fixed by legislation at 50 cents per word. He had paid great attention to this whole question, and he had heard nothing of any such proposition before. The argument, among others that had been addressed to Parliament against fixing a maximum rate, was that they were called upon to insert a clause in the bill giving the Anglo-American Company the power to go before the courts on petition of right and claim for any damages which they might suffer through this legislation. If they had fixed

the maximum rate at 50 cents per word, which might not prove a paying rate, and the Anglo-American Company were compelled, through competition, to reduce their rate to that amount. they might make a large annual claim against the Dominion for loss of income through our legislation, which, even if it had no foundation, might cause a great deal of trouble and expense to the country. This was one of the arguments advanced at that time, and how could it be urged now that the Anglo-American Company, who were silent in the hearing of that contention, had agreed to reduce their rate to 50 cents. Rumors of amalgamation were rife last year when Parliament met. He had on that occasion expressed his opinion that any amalgamation or joint purse arrangement between the two companies could only be made by a breach of faith on the part of the Direct Cable Company, which it was suspected they then contemplated. It was in order to do that company justice he now rose. He had followed with much interest the proceedings of the company in England during the past year, and he was pleased to find that Mr. Van Chovin delivered an earnest address before the shareholders in London, advocating the necessity of keeping faith, not only with the Parliament of Canada, but with the public. He believed it was through the able arguments addressed by that gentleman to the shareholders, and his energetic action on the subject, that an amalgamation and a return to the old monopoly was prevented. But for this competition of the Direct Cable Company, cable telegraph rates would be one hundred per cent. above what they are to-day. There were few measures which had passed through this House, and to which he had given assistance, that he could look upon with greater satisfaction.

Hon. Mr. READ said when this subject was under discussion before, at the time of the passage of the bill, he had stated that he had authority from a gentleman connected with the Anglo-American Company to say that they were willing to accept a 50 cents tariff.

Hon. Mr. KAULBACH said the same statement had been made to him by the Manager of the Company. He was opposed to monopolies, but at the same time they should guard vested rights and vested interests.

Hon. Mr. MILLER—There are no vested rights in this case.

Hon. Mr. KAULBACH contended that assertion was fallacious with the position taken by the honorable gentleman a few moments ago, when he said if Parliament fixed the

rate at 50 cents per word, and the Anglo-American Company had to reduce their tariff to a losing rate in consequence of this legislation, the Government would be liable to damages on petition of right. If the Anglo-American Company had no vested rights, as his friend Hon. Mr. Miller contended, but were mere intruders or squatters amongst us, had not Parliament every right to legislate in the interest of the country. His (Mr. Kaulbach's) contention had always been that we have a right to make our shores free to all cable companies, and to discriminate against monopolies, if it was in the public interest. At the same time, capitalists from abroad should be assured that vested rights would be protected.

Hon. Mr. MILLER said it was strange that neither Lord William Hay nor Mr. Field had made this proposition of fixing by legislation a 50c tariff, when before the Committee of both Houses, against the Anglo-American Company. Claims for damages might frequently arise where there were no exclusive rights, but five of the best lawyers of the Lower House reported to that body that this Company had vested or exclusive rights.

The motion carried.

#### THE MAIL STEAMER TO HALIFAX.

Hon. Mr. DICKEY asked whether it is the intention of the Government to provide, in the Supplementary Estimates, for a grant to continue the subsidy for a fortnightly mail by steamer from Halifax to Queens-town? He said the importance of this question to the people of the Maritime Provinces would be a sufficient apology for calling the attention of the Government to it. For the past 37 years Halifax had been a port for the arrival and despatch of mails on this side of the Atlantic for Queenstown and Liverpool. The service was initiated by the enterprise of a distinguished Nova Scotian, the late Sir Samuel Cunard, who, as the pioneer of ocean steam navigation, had done much to promote the intercourse between the old and new world. During that long period there had been but one accident to a steamer going to or departing from the port of Halifax. That port was selected because it was the nearest open harbor on this continent to Europe, and 600 miles east of New York. It still had the same peerless harbor and the same position on the map, and it was but natural to suppose the increased facilities of railway communication afforded by no less than four lines converging towards its waters, would have rendered mail communication with Europe all the more necessary. He saw by the

estimates, however, that the Government had thought proper to withdraw this subsidy, and for six months of the year there would be no mail or passenger service between Halifax and Europe. This service had been of eminent advantage, from a local point of view, to the people of Nova Scotia, Prince Edward Island and a very considerable part of New Brunswick. If this change should take place, all this travelling population would be obliged to go 400 miles further north to embark at Rimouski instead of Halifax. It was not merely a local question, but one which concerned the Dominion. The experience of the past three months had shown that the harbor of Halifax was eminently suited, not only for the despatch of mails with a saving of twelve or fifteen hours, but also for the shipment of freight to and from Europe. If this service were continued, the Dominion, from Sarina to Halifax would be benefited because they would have the advantage of a fortnightly mail in addition to the weekly service. Again, Halifax is the distributing point for mail and passenger communication with Newfoundland and the West Indies. The Newfoundland Government give a subsidy (he believed) £20,000 a year for a steamer calling at Saint Johns, to and from Halifax. It is not to be supposed the British Government will continue to subsidize a steamer to the Bermudas if communication with Halifax is thus cut off, and for all practical purposes, so far as mail and passenger traffic is concerned, the effect of this change will be to deprive us of communication with Bermuda and West Indies, since there is no provision in the estimates for a service with those Islands from any part of Canada. This change could not be made for want of money, because the estimates with this item and others struck out showed an increase of \$135,000 over the appropriations of last year. The subsidies of \$179,000 to Nova Scotia and New Brunswick were about to lapse, and it seems were not to be renewed, and the loss to Nova Scotia by the withdrawal of these subsidies would be over \$120,000 a year. He trusted, therefore, the Government would restore this mail subsidy. The House had heard a great deal about economy. It was mentioned in the Speech from the Throne, and there was a responsive echo in the Address. Yet, while this item was struck out and the extra subsidies to Nova Scotia and New Brunswick were discontinued, there was a large increase in the appropriations for the current year. He hoped the Government would relieve the public anxiety in the Maritime

Provinces by giving some assurance that this mail subsidy would still be continued, in the interests alike of this Province and the Dominion.

Hon. Mr. POWER said it was understood the Imperial Government were withdrawing their subsidy from this service. Presuming this was to be done he would say a few words as to the results that were likely to follow. The practical result, so far as the mails were concerned, would not, he thought, be very serious. The mails brought to Halifax, via Rimouski, as a rule, reach Halifax in a shorter space—two or three days less—each trip than when brought direct to Halifax, because the steamers employed in the fortnightly service have been inferior vessels. Therefore, as far as the mails were concerned, he did not think Halifax or any part of Nova Scotia would suffer very seriously by the change. As for the passengers, he quite agreed that there would be a very serious loss indeed. Most passengers arriving at Halifax had business to transact there before going to New Brunswick, Prince Edward Island or the interior of Nova Scotia, and consequently it would suit them very much better to land at Halifax than at Rimouski, even though they might not object—as most passengers would—to the longer journey by rail. The most important aspect of the question was as regards freight. The withdrawal of the subsidy, and the consequent withdrawal of the line of steamers from Halifax, would be a serious loss indeed, not only to Nova Scotia, but also the other Maritime Provinces. The quantity of freight carried by those steamers was large; in some instances one steamer brought 1,000 tons to Halifax. He had been informed that the only trans-atlantic line of steamers which paid its proprietors during the past season was the line calling at Halifax. It would cause heavy expense and great inconvenience, and loss of time to bring freight for Nova Scotia and Prince Edward Island via Rimouski or Portland, as it would have to be brought if this subsidy should be discontinued. Of course, it would be a very serious additional loss to the City of Halifax, because the calling of steamers there involves a considerable expenditure of money and gives employment to a great many work people. It would be a very unfortunate thing for Halifax if the line were discontinued. There was another way of looking at it, which he hoped the Government would consider. It was not a sentimental view, but it was not directly practical. Previous to 1867 there was a direct line between Halifax and the United Kingdom. At the time of the Union, one of the great inducements held out to the

people of Nova Scotia; was that Halifax was to be the direct shipping port—the wharf of the Dominion—and that nearly all the business of the Dominion would be done through Halifax. Immediately after the Union the direct line was discontinued and another calling at Newfoundland was substituted, which did not answer Nova Scotia nearly so well. The withdrawal of this subsidy, taken in connection with the discontinuance of the \$82,000 subsidy, would develop the feeling in the Maritime Provinces, and in Nova Scotia in particular, that they were not being fairly dealt with, and the people of that part of Canada, who were not very anxious to enter the union in the first place, would come to the conclusion that their opposition to confederation was well founded. It was the duty of the Government to do all they could to prevent discontent of that kind. It might be said on behalf of the Government that the winter mail service would more than compensate for the loss of the fortnightly steamers, but he did not think so, because those vessels did not carry much freight. He thought if the Imperial Government should withdraw one-half the subsidy—

Hon. Mr. MILLER—Doesn't the Canadian Government pay the whole of it?

Hon. Mr. POWER—No, the Imperial Government have been paying one-half.

Hon. Mr. CAMPBELL—During the time I was Postmaster-General the Imperial Government notified us they would discontinue the subsidy.

Hon. Mr. POWER—I was under a different impression. Probably one-half of the subsidy would induce the Allans or some other company to perform the service during the summer months. I hope the Government will give the matter their favorable consideration.

Hon. Mr. NORTHUP could only endorse what had been said as to the importance of this subject. It would be a retrogressive step to withdraw this subsidy. The difficulty was, there were not return cargoes for these steamers, but they hoped to overcome this difficulty through the Intercolonial. He sincerely hoped the Government would take prompt action in this matter. This service was initiated by two distinguished Nova Scotians—the late Mr. Howe and Judge Haliburton, known as "Sam Slick," who, while crossing the Atlantic in a sailing packet, discussed the matter. They were forty days on the trip. Mr. Howe drew up a memorial to the Colonial Secretary, an interview was had, and the whole matter was discussed. This was vigorously and successfully carried out by another distinguished Nova Scotian, Sir Samuel Cunard.

When it was possible to establish the service so long ago as that, surely it was in the power of the Government to have it continued.

Hon. Mr. McLELAN said the honorable member for Halifax (Mr. Power) seemed to be under the impression the people of Nova Scotia do not value this line as a means of carrying the mails. As that was the only ground on which the Government could give a subsidy, if no importance was attached to the mail service, they would have a reason for discontinuing the appropriation. His (Mr. McLelan's) opinion was entirely different. He believed the people of Nova Scotia did value very highly this mail service. He believed the representatives of Nova Scotia, with the exception of the honorable member for Halifax, would concur in that opinion.

Hon. Mr. DICKEY—(Hear, hear)

Hon. Mr. SCOTT said the Canadian Government do not pay all the subsidy, but the Imperial Government only continued to pay half until the opening of the Intercolonial Railway, so that it practically ceased now. Although it would, no doubt, be a very great advantage to Halifax if this subsidy could be continued, still he did not think the Government would be justified in subsidizing a fortnightly line, simply to serve the freight and passenger traffic of Halifax. During some six months of the year Halifax would be the winter port of Canada, and there would be a weekly steamer—not a slow vessel as the fortnightly line had been. During the summer seasons the mails would be carried by the fast steamer, and delivered at Rimouski. Consequently the mail service would be better than under the old system. The proposition to subsidize a steamer simply because it was a convenience for the freight and passengers at Halifax, could not be justified. St. John would be entitled to the same consideration, inasmuch as the Anchor Line calls at that port. It was not intended, therefore, to continue the subsidy. Some comment had been made on the discontinuance of the subsidy of \$82,000 to Nova Scotia. That was a specific thing, and was to cease at the end of ten years. Its continuance would involve the whole subject of the Provincial subsidies. It could not be taken as evidence of the Government declining to be as generous to Nova Scotia as to other parts of the Dominion.

Hon. Mr. MACFARLANE said this being the only regular mail communication with Newfoundland, how was it to be supplemented?

Hon. Mr. SCOTT said it was not to be as-

sumed the fortnightly line would be withdrawn. Some hon. gentleman had stated it was a paying line and therefore the mere withdrawal of the subsidy would not affect it.

Hon. Mr. MILLER said he would be disposed to feel a great deal of regret at the answer of the Secretary of State were it not for the remarks of the honorable gentleman from Halifax, who was in a position to know whether the mail service to his own city by the fortnightly steamers was a convenience or not. If it was no convenience to the people of Nova Scotia for the carriage of the mails, the only ground for granting a subsidy was removed. If the line was a paying one in regard to freight as an honorable member had said, he did not see on what ground they could come to Parliament and ask for assistance. He would do the Government the justice of saying they had considerable justification for pursuing the course contemplated by the remarks of the honorable member from Halifax. If it had not been for this, the fact of losing this year the very large subsidy of \$82,000 would be a very fair ground for continuing the mail service and granting other subsidies. Besides, it was once estimated and intended that some ten or fifteen millions of dollars would be expended on the Baie Verte Canal. That work had been abandoned and a very prominent gentleman in another place, had admitted it would be only just that this amount should be spent on other works in the Maritime Provinces. Notwithstanding all this, the policy of the Government seemed to be more niggardly than ever before towards Nova Scotia. There might be some justification in the condition of the revenue for ignoring our claims, but still he did not think that the public works and services of the Maritime Provinces should be selected as the chief subjects for the exercise of economy, while the public money was lavishly expended in other directions. It was clear the Maritime Provinces had little influence in the present Government.

Hon. Mr. BOURINOT said there was a fortnightly steamer between Halifax and the French Islands of St. Pierre Miquelon, which created a large trade. This communication would be discontinued if the subsidy should be withdrawn. He could not conceive how anyone from Nova Scotia could fail to see the advantage of this service to Halifax. It was advantageous to Cape Breton and to Prince Edward Island as well. It was taking away from them a boon which they had enjoyed long before Confederation, and he was sure it would arouse a feeling such as he could not at all express in this House.

Hon. Mr. DICKEY shared with other honorable gentlemen from Nova Scotia, the surprise expressed at the statement of the hon. member for Halifax with regard to the withdrawal of this mail service. Living on the Intercolonial, some hundred miles from Halifax, and nearer Rimouski, he could only say nearly the whole of the mail matter from that section in summer goes by Halifax. Even in the winter, with the advantage of the weekly steamers besides the fortnightly service, so much had the habit of business produced it, that a large part of the local mail matter from Nova Scotia was sent by the latter steamer. He mentioned this to show that the honorable member for Halifax labored under an entire mistake as to this mail service and he had drawn a most unfair comparison—by what authority he knew not—as to the time of transit from Rimouski compared with Halifax. With regard to the answer of the Secretary of State, it would cause a deep feeling of disappointment in the Maritime Provinces. If any one had, in the most rabid anti-confederate meetings in Nova Scotia, in 1866 and 1867, ventured to predict that in ten years the old fortnightly mail service would have been discontinued, he would have been hooted as a false prophet.

Hon. Mr. POWER asked leave to explain an expression he had used, which was misunderstood. He had not stated it would not be an inconvenience to have the mails withdrawn, but that it would not be a very serious one. Then, with regard to the line paying, his remark was that it was the only one crossing the Atlantic which paid its proprietors last year, but it happened last season was an exceptional one, and he supposed in other years it would not pay the Allans or anyone else to run a steamer to Halifax without a subsidy.

Hon. Mr. CAMPBELL complained that the practice of debating on questions was being pushed inconveniently far. If, when a question was put relative to one Province all the members from that Province, or the majority of them, thought fit to speak on it, it would be a departure which the House would regret, from the ordinary rules of the House.

#### SENATORIAL APPOINTMENTS.

Hon. Mr. AIKINS moved that an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, a copy of all correspondence that has taken place between the Canadian and Imperial Governments since 1873, in reference to the appointment of additional Senators to the Senate, as pro-

vided by clause 26 of the *British North America Act*. His object in moving this address was a statement had been made that the Government had made application to the Imperial Government immediately after their acceptance of office to have a certain number of additional Senators appointed. He could understand, if this was an obstructive body towards the legislation of the other House, or if a dead lock had occurred between the two branches of Parliament why such an application had been made, but such not being the case he was certainly surprised at this action of the Government. If this House was to be an independent body and to make their own views known on public questions, he could readily understand that on many occasions they might differ from the House of Commons and assume other functions than being a mere registering body. On some questions they had certainly differed from the Commons, and no honorable member would presume to say, after the lapse of time, that the course pursued by this House had not been in the interest of the public. He would refer to the action of the Senate on the Bill for the re-arrangement of the constituency of South Huron. The circumstances under which that bill was initiated were well known, and he thought the sentiment of the country would fully sustain this House in the action this Chamber had taken on it. Then there was the bill respecting the franchise of Prince Edward Island, to which this House took exception. Had that Bill passed, one third of the electors of Prince Edward Island would have been disfranchised. The bill was thrown out by this House, and he had no doubt their action was fully sustained by the country on that matter. Then there was the expression given by this chamber on the Georgian Bay Branch Railway. He was perfectly satisfied, had the Government acted fairly towards the Senate, and accepted their advice on that matter, they would not find themselves in the dilemma in which they were, in being compelled to pay Mr. Foster \$109,000. That amount would have been saved to the country if this House had not been deprived of the right that properly—

Hon. Mr. MILLER—It was our own fault. We were to blame ourselves.

Hon. Mr. AIKINS said, admitting that it was the fault of this House, he asked if the Government were not to blame that the attention of this chamber had not been called to it, but the representatives of the Government never called attention to the matter, which it was their duty to do, and which, if they had, that bill would not now

be on the statute book, authorizing the construction of the Georgian Bay Branch. Then there was another subject of considerable importance on which this House did not feel inclined to act as the other chamber had done; he referred to the Esquimaux and Nanaimo Bill. The country had been spared a great expense by the action of the Senate, and he had not the least doubt that the Government were very well pleased that this House had not thought proper to pass that bill. He referred to those few measures in order to show that on all large and important questions on which the Senate had differed from the Commons, public sentiment outside of Parliament had fully sustained them in the course which they had pursued. The Government felt they had a large majority in the other House—a partizan majority.

Hon. Mr. SCOTT—What is any Government majority but a partizan majority?

Hon. Mr. AIKINS—If they could have got a partizan majority in this House, as when the application was made they desired, then all measures passed in the Commons could be passed here. But he was sure public sentiment would heartily concur in what had been done by this Chamber, and feel satisfied that the Government could not accomplish what they desired—the subserviency of the Senate—except by appointing a number of partizan members to this House.

Hon. Mr. HOPE said he was glad to see the interest manifested by the honorable Senator from Toronto, in a question involving the constitutional privileges of this House. At the time of the confederation debates, the policy of the Government of the day was clearly indicated to the country, and through Parliament approved of. With the permission of the House he would read the views expressed by the right honorable gentleman who was leader of the late Government, on this question. That honorable gentleman made this statement in the course of the debates, in 1865, previous to confederation:—"No Ministry can in future do what they have done in Canada before. They cannot, with the view of carrying any measure, or by strength of party, attempt to overrule the independent opinion of the Upper House by filing it with a number of their partizans and political supporters." At confederation the views expressed by the right honorable gentleman were fairly carried out, as the political supporters of the Government in the Senate were not in number greater than their opponents. There was a pretty fair and equal division of political parties in this Chamber. But between confedera-



tion and 1873. when the late Government retired from office, there had been appointments made to this House to the extent of thirty-one honorable Senators, and of those there were twenty-eight political supporters of the right honorable gentleman.

Hon. Mr. MILLER—How many political opponents of the present Government have been appointed since they came into office?

Hon. Mr. HOPE—The honorable gentleman at the head of the present Administration seeing the difficulty in which he was placed from the state of affairs brought about by the late Government, no doubt felt it was an embarrassing position for him to be in, and although he (Mr. Hope) could not say if there had been any correspondence with the Imperial Government on the question, if there was he would not be at all surprised at it. Look at the action of the late Government in their appointments to this Chamber. He would read an extract from the opinions expressed in Parliament in 1865 by the leader of the late Government. He had said:—

“So it is quite clear that should there be on any question a difference of opinion between the Upper and Lower Houses, the Government of the day being obliged to have the confidence of the majority in the popular branch would, for the purpose of bringing the former into accord and sympathy with the latter, fill up any vacancies that might occur with men of the same political feelings and sympathies with the Government, and consequently with those of the majority in the popular branch; and all the appointments of the Administration would be made with the object of maintaining the sympathy and harmony between the two Houses.”

If the Premier of the present Government had made any such application as the honorable Senator from Toronto had referred to, it must have been with the express object of carrying out the constitutional principle which was laid down at the framing of the basis of Confederation. He did not object to the motion of the honorable gentleman, but he would like to see it amended by asking for a return of all correspondence on this subject since 1867. It might be, looking at the statement that he held in his hand showing the names of twenty-eight political supporters appointed by the late Government, and in spite of the immense preponderance of their friends in this Chamber, it would not at all surprise him if they had tried to obtain the appointment of those who could still be called to the Senate under the British North America Act.

Hon. Mr. HOWLAN said he was glad the honorable gentleman from Hamilton had

such great respect for the opinions of Sir John Macdonald, but he feared the honorable Senator's multiplication table was sadly astray. If he understood it rightly, it was thirty-one instead of twenty-eight senatorial appointments that were made by the late Government, and it necessarily followed, while this state of affairs prevailed in this House, it could not be remedied by using the power allowed under the Constitution, as it could be readily apparent that six members could not outvote twenty-eight. Since he had the honor of a seat in this Chamber, he had heard a great number of government measures discussed in it, and he had never seen a disposition on the part of the members of the Senate to vote them down except in one instance, and on that occasion the opposition was suggested by two honorable gentlemen who generally supported the Government, and on that occasion he (Mr. Howlan) had voted with the Government. He knew he was treading on dangerous ground by alluding to anything that took place in the other house, but he would say, without breaking any parliamentary rules, that the discussion which occurred in another place that would be nameless, with respect to the Senate, was a disgrace to the Legislature of Canada. The Senate had been bandied around the Dominion and through the press under the sanction of gentlemen whose names he was not permitted by parliamentary rules to use. If the power were in the hands of certain members of the Government they would destroy this body altogether, and it was natural to suppose if they appointed six more members they would destroy them too. It was well to know why this great prerogative was asked for. It was evident the reason assigned to the Imperial Government was not a sound one or that Government would have sanctioned it. While the Administration were willing to make the appointment of six more senators, at the same time they permitted the Senate to be impugned and maligned without an effort to prevent it. So far as his experience was concerned, the only place where the smaller provinces of the Dominion could bring their grievances was to the Senate. The Government would have destroyed the franchise under which Prince Edward Island carried on their Government for years, if they had not been defeated by the Senate, and the people of that Province had not forgotten the circumstance. In the same way this House had thrown out the bill for the distribution of the constituency of South Huron. Had that action of the Senate destroyed any of the privileges

of the country, or did it do any personal wrong? On the contrary, no. Several of the supporters of the Government had spoken to himself about it, and told him they were very glad the Senate had defeated the bill, although they had to vote with their party in the Commons in its favor. He hoped the Senate would continue to do in the future as it had done in the past, give every measure that came before them due consideration on its merits, and not from party motives.

Hon. Mr. DICKEY said until the answer to the present address came down he could not believe that the Government of the day had attempted to swamp this House by the appointment of political supporters to it without consultation with the Parliament of the country. The honorable member for Hamilton had made some comments on the appointments made by the late Government to the Senate. He would not go into the question as to whether they were right or wrong; he took it for granted that the Government of the day had acted under constitutional rule. But after the exhibition which the honorable gentleman from Hamilton had made there could be no doubt that their successors had strictly followed their example, and he thought it was high time the attention of the ministers should be called to the position which the Government held at the present moment in this House in relation to the honorable member. The honorable gentleman from Hamilton had taken them under his sheltering protection, and it became really difficult to know who were the responsible Ministers of the Crown. He seemed to think it was his peculiar province to assent or object to motions submitted to this House, and in this particular instance he had been graciously pleased to say that if an amendment were made he would not object to it. While all honorable members had their responsibilities and duties, yet those of a Minister of the Crown were most serious. He would say before sitting down if the catastrophe was to happen which had been heralded abroad through the press, if this House had to be deprived of their new Minister of Agriculture he thought the Government of the day would have no difficulty in finding a successor in the honorable member from Hamilton.

Hon. Mr. PELLETIER said he was very much surprised at the remarks of his honorable friend. He had no doubt his honorable friend would like to see him retire from the House.

Honorable Gentlemen—No! No! No!

Hon. Mr. PELLETIER—I am quite astonished to hear the assertion made before the

House, and I am surprised to know on what grounds the press could have stated such a thing.

Hon. Mr. DICKEY said he was very sorry his honorable friend should have misunderstood what he said. He had entirely misapprehended his remarks. He had referred to a rumor that was current in the press. It had even reached this Chamber, and the honorable leader of the Opposition in this House, thought proper to call the attention of the Government to it before the honorable gentleman (Mr. Pelletier) returned to his seat. The rumor was not denied, and he submitted it was a fair subject of badinage to refer to it. Personally he would be very sorry if this House should be deprived of the services of the honorable gentleman.

Hon. Mr. PELLETIER said he did not doubt the honorable gentleman's statement, but he really had not seen the rumor referred to, in the newspapers. As to his position in the Government, it was not as embarrassing as it might have been, and his standing with his colleagues was just as good now as it had been before. He had done nothing to receive any blame from them. No honorable gentleman would expect to see him sitting there if anything unpleasant had occurred that would make it necessary for him to retire. He had not the slightest desire to retire from the Cabinet, and would not resign till he was bound, in honor, to do so.

Hon. Mr. AIKINS said he would like to have a list of the 31 senators appointed by the late Government since Confederation. It was well known that Prince Edward Island, Manitoba and British Columbia had been added to the Union under the *regime* of the late Administration; and from those provinces ten gentlemen had been nominated who best reflected the public opinion of the people they represented. There was another principle recognized—that the legislative councillors in old Canada should be appointed to the Senate as vacancies occurred. In reference to Ontario, with one exception, that principle was adhered to, and that one exception was Mr. Smith, who was taken as representing a particular class rather than a special interest. He did not think, therefore, the late Administration was open to the charge brought against them by the honorable gentleman from Hamilton. The elective principle was applied in the old Legislative Council of Canada, and the Legislative Councillors were appointed as vacancies occurred. With reference to the amendment proposed, he was desirous that his motion should embrace

everything, but he did not think there was any such correspondence.

Hon. Mr. CAMPBELL—That is perfectly well known.

Hon. Mr. HAYTHORNE said he rose to express his regret at the turn the debate had taken; the action taken by the honorable mover was quite natural if he had reason to suppose that Government had entered into correspondence with the Imperial authorities, with a view to change the constitution of the Senate. But reference had been made to the political opinions of honorable members of this body, which were inconsistent with the independent position he considered it should maintain.

Hon. Mr. AIKINS—Not by me.

Hon. Mr. HAYTHORNE—No, but such remarks had been made. He (Mr. Haythorne) had been appointed by the late Government, yet he was a general supporter of the present Administration; in fact he gave them a general, not a servile support. For example, he had voted against that clause of the Election law which would have deprived a large number of the people of Prince Edward Island of the franchise, and he had reason to believe his fellow-countrymen were grateful to the Senate for its action on that occasion. He had also voted against the 11th clause of the North West Territories Bill, because, in his judgment, it was beyond the powers of Parliament to interfere with the education question in any of the provinces, and he believed his action in that case satisfied the people of his Province, generally. This House assumed to be independent, and to treat all questions on their merits. He professed to be a supporter of the Government, and would vote for their measures if they met his approval, and he would act on the same principle with regard to measures emanating from the present Opposition.

Hon. Mr. HAVILAND could not conceive why this amendment was proposed, because it was well known that the late Government had never proposed to increase the number of senators. The hon. gentleman from Hamilton had given an altogether partial color to the case, because, as each province came into the Dominion, the local parties were fairly balanced. When Prince Edward Island joined the Confederation, although there was a local Conservative Government in power in that Province—the legislature standing 18 to 12—Sir John Macdonald's Government divided the four senatorships evenly between the two parties. True, a change had come over the spirit of one hon. gentleman since, but it was because of the manner in which the Government had conducted public affairs that

there were now three Conservative senators and only one Liberal from Prince Edward Island. It was the same with all the other provinces. Public opinion was fairly represented in the first nominations, and it was only where casual vacancies occurred subsequently that any change took place in the strength of parties in the Upper House. If ever there was a case of Satan rebuking sin, it was when the honorable member for Hamilton had the effrontery to come out before this Chamber and state the late Government had nominated none but Conservatives to the Senate. Look at the honorable gentleman's own nomination and others during the last three years. With all deference to the honorable gentlemen, were they not all partizans? A stranger coming into this House and listening to the honorable gentleman from Hamilton at any time since the opening of the session, would be under the delusion that he was the Minister of Agriculture, and not the honorable member who held that portfolio.

Hon. Mr. MONTGOMERY did not think it was the disposition of any honorable gentleman to be a partizan. The duty of this House was to prevent encroachments of the Crown on the rights of the people, or of the people on the rights of the Crown. He did not think it was right for any one to be in this House as a partizan. For himself he would vote for or against measures on their merits. This discussion was out of order in many respects, and he was under the impression order could only be maintained by vesting in the Speaker the power to call gentlemen to order whenever it seemed to him to be necessary.

Hon. Mr. MILLER said, as an independent member of this House, he did not intend to let the discussion end without making a few remarks. He heartily concurred in the views expressed by every honorable gentleman who had spoken, save the honorable member for Hamilton, all of whom had referred to that gentleman's remarks in terms of censure. It was the first attempt, in his recollection, to divide this body by party lines, or to excite partizan feelings. He had always understood it was the duty of this house to look with impartial eyes on every measure that came before them. All governments should be treated fairly by the Senate. It might happen that the friends of a Government would often be in a minority in this body on account of the fluctuations of public opinion, and it would be unfortunate if party lines should be so drawn in the Senate that party bias should prevail to the injury of the country. That had not been the case, and there was

nothing to justify the reflections cast upon this House or any portion of it by the honorable member's injudicious remarks. How had this discussion arisen? The honorable member for Toronto had moved a resolution which was quite pertinent and proper. He had been surprised, no doubt, at the intelligence that the Government had attempted to swamp the House with party tools—had desired to send a picked body of partizans into this Chamber who would on all occasions be disposed to cultivate the peculiar sentiments which had been initiated by the honorable gentleman from Hamilton. The motion was for this correspondence in order that the House might know why such a proposition was ever made, because there was nothing to justify it. He apprehended no such proposition would be suggested to the Imperial Government, unless on a charge of factiousness or improper proceedings of some kind on the part of the Senate of which the country did not approve. As there was no truthful ground for such a charge he felt anxious to see the correspondence. The motion was, therefore, a very reasonable one, and he had supposed it would have passed with the very pertinent remarks made by the mover. The honorable member for Hamilton, however, who seemed, before he was rightly warmed in his seat to have taken the Ministry under his powerful protection and undertaken to say for them what they would and what he would not object to, took up the question. However, it should not be forgotten that the hon. gentleman had never sat in Parliament before and some allowance should be made for his want of parliamentary knowledge. He might not be aware that it is unusual for any member to take charge of the Government and attempt to speak for them, unless the Government were too imbecile to take care of themselves. Even the honorable member's great ideal leader (Hon. Mr. Brown) whenever present in the House, did not assume to patronize and dictate to the Government—at any rate, not so openly as the member from Hamilton assumed the right to do. Perhaps it was because the hon. gentleman had some parliamentary experience, and the other had none. Not satisfied with the position of instructor, friend and champion of the Ministry, the honorable gentleman, in order to assail the late Administration, dragged up the speeches of pre-confederation times, and presented them in an unfair way, and without regard to their real bearing on the question before the House. He had stated it was an understanding before Confederation that in the appointments to the Upper House there should be a fair representation

of all parties, and was it not a matter of notoriety that notwithstanding the fact, some Liberals who became parties to the compact for carrying Confederation deserted the cause before it was accomplished, yet that understanding was religiously adhered to in the formation of this body. But the honorable gentleman complained that after Confederation there was a new departure, although it was understood the members of the old Legislative Council should have the preference in appointments. Except in a couple of instances, where a deviation from it was necessary and politic, the late Government adhered to that understanding also, though they had a right to fill vacancies as they saw proper. No compact entered into at Confederation could bind the Government, after the Senate was constituted, to ignore their friends to please their opponents among the old councillors. But, if the honorable gentleman condemned the late Government for filling vacancies as they pleased after all personal obligations were at an end, then he must blame the present Administration for the appointments they had made since their advent to power, because they had without exception selected unwavering supporters of their own. Why blame the late Government for a course which has been pursued—he did not say improperly pursued—by the present Ministry? It was because the honorable gentleman's chief desire seemed to be to attack the late Government and not to discuss the matters before the House. A partizan himself, the honorable gentleman would like to have all the same. The honorable gentleman seemed to have two missions—to protect the present Ministry, whom he evidently considered too weak to take care of themselves, and to attack their predecessors. Was the Hon. gentleman equal to the task? If he discharged both duties with satisfaction to the Government, the members in this House should yield up their places to him without delay. The amendment proposed by the member from Hamilton was simply absurd. The late Government had no occasion to make the additional appointments to the Senate. The honorable gentleman in his zeal to attack the late Government desired to get at something that he supposed might exist, but it was very ridiculous to be throwing his net where there were no fish. Did he not see that the absurdity of the amendment would only expose him to derision?

Hon. Mr. SCOTT—Referring to the remarks of my honorable friend opposite, on the speech of the honorable member for Hamilton, I did not hear

that he attempted to combat the right of the late Government after Confederation to make such appointments as they thought proper to the Senate.

Hon. Mr. MILLER—Yes, that is what he did, and he gave the figures.

Hon. Mr. SCOTT—No doubt, after the Government came into power, they had a perfect right to select whoever they pleased to fill vacancies as they occurred, and it is a right the present Government enjoy and exercise, very naturally and very properly. In rising to acquiesce in the granting of this motion, I do not propose to discuss it at any length. Of course it is a delicate ground for me to discuss. At the time of the change of Government in this country in 1873, it was universally conceded that the incoming Government had not a majority in this chamber. The Government have, in a majority of cases, been fairly treated in this House. Nevertheless, feeling they could not have absolute control of the Upper Chamber, and that they were by no means certain of having their measures carried here, it was natural they should anticipate the necessity of making additional appointments. Soon after the change of Ministry, the request was made to the Imperial Government to exercise the right provided for by the 26th clause of the Confederation Act. In the interim, since January or February 1874, since the subject was under consideration, more than that number have been appointed, and as events have turned out the omission to appoint has been a matter of comparative indifference. Before I was associated with honorable gentlemen in this chamber it was extremely difficult to ascertain what the reception of the present Government would be. Speaking for myself and for the Government I am not prepared to take the extreme ground that the action of this House has been politically unjust to the Administration. Nevertheless, there has been that feeling of uncertainty that the Government could control this House in those matters that they desired to bring before it, a feeling that the House had necessarily to be deferred to, and the opinions of honorable gentlemen opposed to the Government had to be conceded in all matters coming before this Chamber. I am not going to discuss the question whether that was an advantage or a disadvantage to the country. Of course, as events sometimes turn out, it might be one or the other, but I take the ground it is but natural that an incoming Administration, feeling they are in a minority in so important a branch of the Legislature as the Senate, should desire that an equilibrium should be estab-

lished between parties. This request for power to make these appointments, was merely by anticipation. It did not add eventually to the members of this chamber. If the Government availed themselves of the appointment of three or six senators, the law required they should take them from the different sections of the Dominion. Since 1874, six, and twice six, appointments have been made in this Senate, and therefore, practically, it has affected the position of this Government very little indeed. The papers, of course, will be brought down.

Hon. Mr. KEAD said one circumstance seemed to have been forgotten in this debate—this House was not to be depended upon by any Government. A circumstance occurred before the change of Ministry, when a Government measure was thrown out by this House with very little consideration.

The motion was carried.

EVIDENCE IN DIVORCE CASES

Hon. Mr. MACDONALD moved, to resolve, that hereafter, all evidence in Divorce cases taken before a Committee of this House, not necessary to be laid before this House, shall be entered in a separate book by the Clerk of the Committee, and filed for reference, but shall not form a part of the Report of such Committee, and shall not be entered on the journals of the Senate.—Carried.

SENATORS AND THE COMMONS DEBATES.

Hon. Mr. TRUDEL moved that a select committee be appointed to consider and report what means had best be adopted in order to procure for the members of the Senate the use of a gallery adapted for the hearing of the debates in the House of Commons. He said his reason for moving this resolution was the difficulty which the senators had in hearing the debates and ministerial statements in the Commons from the Senators' Gallery. It was especially difficult for honorable gentlemen who were not well acquainted with the English language. He had no desire to encroach on the privileges of the other House, but he thought a committee might be appointed to ascertain what would be the best means to adopt to secure the object of his motion. He suggested a gallery might be built along the passage on top of the wardrobes if it did not interfere with the architectural beauty of the chamber, and there was no objection made to it by the Government and members of the Commons.

Hon. Mr. DICKEY thought the Senate had already taxed the liberality of the Com-

mons in this matter to the utmost, and the appointment of a committee would have no practical effect, as they would be without power to act. All would agree on the inconvenience of the present gallery for those who wished to hear the debates, but he thought the proper means of communication between this House and the other was through the Speaker.

Hon. Mr. SCOTT said the Government, as a Government, had no right to interfere in this matter, as it was one of the privileges of the Commons to see that their chamber was not interfered with in any way without their consent. No doubt the present arrangements were not satisfactory, and he would be glad if Mr. Speaker would move in the matter.

Hon. Mr. BOTSFORD said it was his opinion that they could accomplish all that could be accomplished by Mr. Speaker communicating with the Speaker of the Commons.

Hon. Mr. HAYTHORNE said it was not desirable that this House should ask for anything that would mar the architectural beauty of the Chamber. The galleries were comfortable and commodious enough as they were, but the radical defect was in the acoustics of the building. The proper way would be to have a commission to enquire into this defect, and if any architect could undertake to remedy the defect he would confer a benefit on both Houses.

Hon. Mr. TRUDAL withdrew his motion, and the House adjourned at 5.50 p. m.

MONDAY, Feb. 26th.

The SPEAKER took the chair at three p. m.

After routine.

#### CIVIL SERVICE APPOINTMENTS.

Hon. Mr. CAMPBELL in the absence of Hon. Mr. Macpherson, moved "that an humble address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House a return of all appointments in each Department of the Civil Service, made between the 8th November, 1873, and the 28th June, 1876, the said return to state the name of each person appointed, the salary attached to his office at the time of his appointment, and the salary attached to it now."—Carried.

#### THE RINDERPEST.

Hon. Mr. READ asked—"Whether any measure has been taken by the Government to prevent the spread of the rinderpest to this country, or if they intend doing so?"

Hon. Mr. PELLETIER—We are aware that such a terrible disease has spread over some parts of Europe. Even now we are in correspondence to obtain information and to try by all possible means to stop the spread of the disease. There is a quarantine established at Quebec.

Hon. Mr. READ suggested there should also be a quarantine established at Halifax.

Hon. Mr. PELLETIER said the Order in Council provided for a quarantine at all ports where it is considered necessary.

#### THE LIQUOR LICENSE QUESTION.

Hon. Mr. VIDAL moved: "That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all correspondence that has taken place between the Government of the Province of New Brunswick and the Dominion Government, on the subject of obtaining the opinion of the Supreme Court on the question of the powers of the Provincial Legislature, relative to the granting or withholding of licenses to sell intoxicating liquors." He said—I think this is a matter of the very greatest importance, and the public should know the position this House assumes towards it. A great many persons are possessed with the idea that this House stands in the way of their obtaining that legislation for which a vast number of people have petitioned Parliament. Petitions signed by individuals, municipal corporations, and other representative bodies, expressing the desires of, in the aggregate, nearly 500,000 persons, have been presented, asking for a law to prohibit the manufacture, sale, and importation of intoxicating liquors, alleging that in consequence of this traffic, crime, pauperism, insanity and disease are largely on the increase. It will be remembered that near the close of last session I had the honor to bring in a motion for an address, in the following terms:—

"That many petitions have been presented to this House, praying for the enactment of a law to prohibit the traffic in intoxicating liquors as beverages; but doubts have arisen as to the extent of the jurisdiction of the Dominion and provincial legislatures respectively, with reference to the enactment of such a law, and it is deemed desirable that the opinion of the judges of the Supreme Court should be obtained, and communicated to Parliament at its next session, in answer to the following questions:—  
1st. Has the Dominion Parliament power to prohibit the manufacture, importation, and sale of intoxicating liquors, for use as beverages throughout the Dominion?"

2nd. If not, has the Dominion Parliament power to prohibit the manufacture and importation, not interfering with the sale?

3rd. Has a provincial legislature power to prohibit the manufacture or sale, within its territorial limits?

4th. Could concurrent action accomplish prohibition, by the Dominion Parliament enacting such a law, with a proviso that its coming into force in any province should be contingent upon the Legislature of such province passing a law to that effect?

The Senate therefore requests that your Excellency will be pleased to obtain this opinion, as provided for by the Supreme Court Act of 1875, and submit the same to Parliament at its next session."

It was felt to be a very urgent necessity that this question of jurisdiction should be settled. I was asked to withdraw this motion for an address, but I positively refused to do so until the assurance was given me by the leader of the Government in this House, that this matter would receive the consideration of this Government and the required information be obtained for the guidance of the Senate. The address was on this condition withdrawn, and what has been done? That promise has not been kept. There has been no effort on the part of the Government to obtain any such opinion on, or decision of, this important question. I have been led to place the notice of the present motion on the paper from what I see recorded in the journals of the New Brunswick House of Assembly. At the session of the legislature of that province last year it was resolved: "That it is desirable that the Government should take the necessary steps to ascertain the powers of the Legislature of this Province as to granting or withholding of licenses to sell spirituous liquors." I see by the New Brunswick papers that the matter has been duly attended to by the executive of that province, for during the present session of the legislature a journal says:—"A message from His Honor the Lieut. Governor was submitted by the Secretary and read from the chair. It contained correspondence on the subject of withholding liquor licenses under Acts of the Legislature, the matter having been gone into pursuant to a resolution of last session directing this Government to enquire if the question of withholding licenses could not be got before the Dominion Supreme Court. The correspondence shows that the Minister of Justice is of opinion that it is not desirable to bring the question before such a Court as proposed, in view of the fact it may be tested by a regular process of law and reach the Court in that way."

Now, I think, the least I can do is to endeavor to obtain by this motion the information which was given to the Legislature of New Brunswick, and I may add that in my opinion it would have been only courteous in the Government to have furnished it also to this House, in accordance with the promise made to me last session. The Legislature of Nova Scotia passed the following resolution towards the close of its session last year:—

"Whereas—It is a recognized principle that private interest or personal advantage should be subservient to the public good, and the voluntary conduct of individuals injuriously and prejudicially affecting the welfare or the interests of society generally, is a violation of the unalterable laws of justice, and consequently should be regulated by the laws of the State.

And whereas—The manufacture, sale and use of intoxicating liquors as a beverage, is inseparably connected with the direct evils to the human race, and is the most fruitful source of misery, degradation and crime known to the civilized world.

Therefore resolved—That it is the opinion of this House that the manufacture, importation and sale of all intoxicating liquors, except for medicinal and mechanical purposes, should be prohibited by law in the Dominion of Canada."

Such is the opinion of the Legislature of Nova Scotia, which Province rejoices in the best license law in the Dominion, an act so effective in its provisions as to secure the almost entire prohibition of the traffic in the larger portion of that Province. The views of the Legislature of Ontario are well known to this House, as two years ago a petition, concurred in unanimously by that body, was presented here, asking of this Parliament to prohibit the manufacture, sale and importation of intoxicating liquors in the Dominion, evidently supposing, in common with Nova Scotia, that the power of legislating on this subject was vested in the Parliament of Canada. Twelve months ago we had very little light on this subject of jurisdiction. I had heard of only one case that had come before the courts. That was in the Province of New Brunswick, and the decision was that the Provincial Legislature had no right to pass a law by which the issue of licenses should be prohibited, though it could regulate the conditions on which licenses might issue, and the amount of license fees to be paid. Since then several cases have come up. In Ontario, in the case of the Queen vs. Taylor, the Court of Queen's Bench, presided over by Justice Wilson, decided in favor of the defendant, maintaining:

"That the Dominion Legislature alone has power to tax and regulate the trade of a brewer, which is a branch of trade and commerce, and having done so, the Ontario Legislature has not the power to restrain it, unless in a qualified manner, and for the mere purposes of police.

"That the prohibition to keep, have, or sell beer by a brewer by wholesale unless under a license and the payment of a tax therefor, is an excess of power by the provincial authority and is a restraint and regulation of trade and commerce, and not the exercise of a police power—that so far the statute 37 Vic., cap. 32, was *ultra vires*."

This decision was appealed from to the Court of Error and Appeals, Chief Justice Draper presiding. In giving the decision that Court reversed the judgment in the Court of Queen's Bench, maintaining that the Legislature had the right to pass this Act. The judgment is a very elaborate one, and the substance was this:—It was held in error, reversing the judgment of the Queen's Bench, that the Statute 37 Vic. cap. 32, was within the power of the Provincial Legislature. Chief Justice Draper presided, Justices Strong, Burton and Patterson concurring.

Then in the Province of Quebec there have been, I believe, three decisions. One judgment was rendered by Judge Bourgeois on the 14th of September last. He held that the Act of 1864, known as the Dunkin Act, was not repealed by the Municipal Act of 1870. He also held that the provincial authorities had no power to alter the Temperance Act of 1864, which was kept in force by the Confederation Act. The next judgment was rendered by Judge Caron, who decided very much as Judge Bourgeois had done. I will read the latter clause of his judgment:

"The permission and prohibition of the sale of intoxicating liquors affect undoubtedly trade and commerce, and form part thereof, and are intimately connected with the laws which govern imports and fiscal regulations. And the local Legislature in prohibiting or limiting the sale of intoxicating liquors, affects thereby trade and commerce, since it restricts and paralyses the rights of the Parliament of the Dominion in the imposition of duties on imports. If the local legislatures prohibit the sale, the commerce or traffic in intoxicating liquors would be affected. It appears to me to be perfectly evident that inasmuch as the powers accorded to County Councils by the first ten sections of the Temperance Act of 1864 to prohibit the sale of intoxicating liquors, concern trade and commerce, they cannot be modified or abrogated by the Legislature of the Province of Quebec; and

I notice a decision in a similar sense lately rendered in New Brunswick by the Hon. Mr. Justice Ritchie."

Here, then, we have a number of judges of our own Dominion, in different parts of it, deciding to the effect that this is a matter belonging exclusively to the Dominion legislature. I now come to a judgment still more elaborate, which brings out the salient points of the question so clearly, that I ask permission to read one somewhat lengthy paragraph of it. It is the unanimous judgment of the full bench of the Supreme Court of Nova Scotia, and is in direct opposition to the views of the other judges, whose decisions I have quoted. They say:—

"But as the argument addressed to us referred mainly to the question whether the Local Legislature had exceeded its powers in legislating as it has done, it may be proper to express an opinion upon that point. The sole object of the Legislature was unquestionably the promotion of temperance and the protection of the health and morals of the people, and the preservation of the peace and good order of the community, matters of police, which, but for the clause in the British North America Act, conferring on the Dominion Parliament the right to regulate trade and commerce, would have, undoubtedly, been within the scope of local legislation.

"The section of the B. N. America Act, which confers legislative powers on the Parliament of Canada, restricts such powers to all matters not coming within the classes of subjects assigned exclusively to the legislatures of the provinces. The terms, "Property and civil rights," the power of dealing with which is vested in the Provincial Parliament are very comprehensive, and on referring to the 94 and 97 sections it is evident that the framers of the act did not intend that they should receive a very restricted interpretation, and yet in the most restricted sense they embrace the subjects I have referred to, for life, health and personal safety are the rights of the people of every free country, and to preserve them is the duty of the Legislature, and any laws which have for their object the prevention of intemperance, directly affects these subjects for not only does drunkenness destroy the health, and reputation, waste the property and ruin the happiness, and comfort of those addicted to it, but is the cause of most of the crimes committed in the land; it is not therefore to be wondered at that the Local Legislature should desire to pass such laws as would be likely to lessen an evil fraught with such consequences to the community, and if it cannot do this because it indirectly and to a limited extent affects



one of the subjects over which the Dominion Parliament has power of legislation it must equally, and for the same reasons, be restrained from making any regulations to protect the community from the evils arising from the sale of unwholesome provisions or the unrestricted sale of poisons, which it appears to me it can hardly be contended it has not the power of making, and yet whatever evils may arise from these sources they are cast to the shade by those which arise from the excessive use of intoxicating liquors, and even those enactments of our legislature which prohibit the sale of intoxicating liquors to minors and persons adjudged to be habitual drunkards, and sales made on a Sunday as this all affects trade must be illegal unless deemed otherwise as police regulations. I cannot but view these and the enactment in question as such, and the Provincial Parliament is, in my opinion, entitled to legislate with a view to regulate within the Province the sale of whatever may injuriously affect the lives, health, morals or well being of the community—whether it be intoxicating liquors, poisons, or unwholesome provisions, if such legislation is made *bona fide* with that object alone, even though, to a certain limited extent, it should affect trade and commerce."

I am aware that these contradictory judgments may be held as justifying the unwillingness of the Government to interfere in the matter until cases come before the Supreme Court of the Dominion on appeal for decision. Now the case of the Queen vs. Taylor was so appealed, and I had about two months ago the assurance of the Attorney General of Ontario that he had so framed that case that he thought it was impossible for the Supreme Court to evade giving a decision of the question of jurisdiction, and that in the month of January their judgment would be rendered. I felt, therefore, quite satisfied, supposing that at the opening of this Parliament I would know how far we could accede to the request of the hundreds of thousands of our fellow-countrymen asking for prohibition. But when the case came up in January it was summarily dismissed, on the ground that it had been finally decided in Ontario thirty days before the Supreme Court was called into existence, and thus we are no nearer the solution of the difficulty than we were before. We are told the Supreme Court will sit again in June, when another case similar to this one I have mentioned will come up for decision; but when these cases come up for adjudication the court is apt to stop at the very first point on which it can give a decision, and thus the case may be decided on some one particular and

perhaps merely technical point, leaving the main question of jurisdiction untouched. My motion last year was to ask the Government to submit this matter to the Supreme Court for their opinion, but the Minister of Justice, in his speech on the subject last session, said that the only proper way to obtain that opinion is by appeal from the judgment of a lower court in some case. Now, we fear that another session of Parliament may arrive, and we still remaining without a decision on this question of jurisdiction. It is perhaps possible, when a case comes before the Supreme Court in the manner indicated by the Government, that the court may step out of their way to settle it, as was done by the Supreme Court of Nova Scotia when they decided that the matter of regulating and prohibiting the sale of intoxicating liquors within a Province was exclusively the right of that Province. It is probably on account of this very decision that the Attorney-General of Ontario has, at the present session of the Provincial Legislature introduced a bill to amend his former License Act, in which he clearly takes the ground that the Province has a right not merely to regulate and restrict the retail traffic, but the right to deal with the manufacture and wholesale traffic. For instance, he provides that in that Province no man shall be permitted to sell wholesale without a license, and that a brewer holding a Dominion Government license must also take out a provincial one. It is exceedingly desirable that we should get a decision on this question this session. I fully recognize that in ordinary cases the regular mode of procedure to obtain it is by appeal, but it appears to me that by the 5<sup>th</sup> clause of the Supreme Court Act, the Government may submit matters of this kind to the Supreme Court for their opinion. We desire to pass a law, and we must have a decision as to the constitutionality of such legislation before we introduce it in this House. How can they decide upon the constitutionality of a law which is not in existence? They may decide upon some existing law, and either sustain or condemn it as "*ultra vires*," and yet leave the great question of the limit of jurisdiction between the Dominion and the provinces still untouched. Although I agree generally with the statement of the Minister of Justice that the Supreme Court should have the advantage of hearing the arguments of the best counsel that can be procured on either side, in order that they may arrive at a satisfactory judgment, yet I regard this case as exceptional, and I ask if the peculiar circumstances attending it do not furnish everything required in the

way of argument. The question of jurisdiction has been argued frequently and fully by the ablest counsel before the several courts which have given decisions, and the Supreme Court has before it, in the judgments delivered, full statements of all the essential points of the arguments advanced and authorities quoted by counsel on both sides. It appears to me that it has all the information required, in order to come to a decision satisfactory to itself, and which would remove this great difficulty out of the way. It seems a sad blot on our constitution, and defect in laws, that there can be a question of such great importance pressed upon us by hundreds of thousands of people, and yet, that after two years, no one can definitely say what legislature has a right to deal with it. I do think the Government should see if the Supreme Court cannot, with this full information before them arrive at a satisfactory conclusion on the whole question of jurisdiction. It is with a view partly to let the country know that this House is not cold and indifferent in this matter, but is prevented by technical difficulties from remedying the evils which result from the liquor traffic, that I move this address, and I hope the returns brought down in reply will put us right in the eyes of the people.

Hon. Mr. DICKEY asked if the attention of the hon. gentleman had been called to decision of the Supreme Court of New Brunswick on this subject.

Hon. Mr. VIDAL said he had referred to it as being merely similar to that of the Superior Court of Quebec.

Hon. Mr. DICKEY said he referred to it because it was in direct contravention to the judgment of the Supreme Court of Nova Scotia.

Hon. Mr. SCOTT said the arguments of his hon. friend from Sarnia were the very best answer why it would be impolitic for this Government to endeavour to enforce from the Supreme Court a decision on a case prepared without any basis. The decision of the Supreme Court to be valuable ought to be given on some case really before them in the proper course. In the case of the Queen vs. Taylor, from the Ontario Courts, although the counsel on both sides agreed to waive the technical objection respecting the retroactive powers of the Supreme Court, the Judges declined to decide the matter. A judgment on so important a question, that would be satisfactory to the people of the country, could only be given on a case that would come to the Supreme Court from the lower courts in the regular way. That could not be long post-

poned, for should the Attorney-General of Ontario carry through the proposed bill—and he had no doubt that he would—it would rest with the Local Legislature to license the manufacture and sale of liquor by wholesale, which was a point that would soon be taken up by those whose interests are affected, so that the question would quickly come before the Supreme Court in that way.

Hon. Mr. CAMPBELL said this would, no doubt, bring the matter to a point, because it would then rest with the Government here, on the advice of the Minister of Justice, to give or withhold their assent to the measure, and in that case the Minister of Justice would either have to decide it himself or take the opinion of the Supreme Court on the question.

Hon. Mr. MILLER agreed that it would be more desirable that this question should come before the Supreme Court on the application of private parties, after being argued in the courts below, but he would not go the length his honorable friend the Secretary of State had done. He considered this was a case—in the absence of such a question before the lower courts—in which the Government might prepare a case for the Supreme Court, involving all the principles at stake in this matter. Counsel might be employed on both sides to argue it exhaustively before the judges, and the court would be in a position to render judgment. This was a question involving the constitutional rights of the different provinces, as well as of the Dominion—a question with regard to which the legislation of the different provinces was apt to conflict with that of the Dominion, or *vice versa*. He thought it would be far better to have this matter settled by the Supreme Court before hand, than that the veto power should have to be used on a measure from the Ontario Legislature. As a lawyer he felt it was highly desirable in connection with the legislation of the country, as well as the administration of justice in this Dominion, that what are the rights of provincial legislatures and what are the exclusive rights of the Dominion Parliament, in connection with matters of trade, and especially in regard to this vexed question, should be definitely settled. He could not, therefore, see any force in the reasons urged by the Hon. Secretary of State against the course suggested by his honorable friend from Sarnia.

Hon. Mr. VIDAL said his honorable friend from Toronto seemed to think they had sufficient guarantee that the matter would be brought before the Supreme Court by this Government on the question of veto, should

the Attorney General's bill pass through the Ontario Legislature. The very law under which the case of the Queen vs. Taylor arose was passed by the Ontario Legislature in 1874. The simple state of the case was this:—The Dominion Parliament assumed to themselves the right to regulate the manufacture of liquors by requiring every brewer and distiller to have a license from the Dominion Government to engage in it. But the anomaly was the Dominion Government themselves had sanctioned a law of the Ontario Legislature by which the Local Government may interpose themselves and say to the man: "You shall not make or sell any liquor in this place unless you pay a license fee to the Province." And yet the Minister of Justice had approved of this law, so that the country had no guarantee that it would be put right.

Hon. Mr. CAMPBELL said that might have happened because the attention of the Minister of Justice had not been drawn to the matter, but now that the honorable gentleman's attention was drawn to the question, if any other bill of this nature was passed by a local legislature no doubt he would interpose his veto.

Hon. Mr. VIDAL considered the Minister of Justice should be on the watch for these things.

Hon. Mr. SCOTT said the veto power was not always exercised even though a law was *ultra vires*.

Hon. Mr. McCLELAN (Hopewell) said the difficulty which had arisen in New Brunswick had no relation to the importation or manufacture of liquor, but to the sale. Several counties under the law of the Province had exercised their prerogative and refused licenses for the sale of liquor, for a number of years up to the time the decision of the Supreme Court was given, that the law was *ultra vires* as interfering with the trade and commerce of the Dominion. The result was, since that judgment the trade in those counties had been entirely without restriction. There was no power to apprehend or punish those who sold in violation of the law and the unrestricted use of liquor had come to be such an evil that men were looking carefully, anxiously, and attentively for a decision of this question. He considered it a matter of such importance to the different provinces of the Dominion that the government should take a more lively interest in it in order that a definite conclusion could be arrived at.

Hon. Mr. FLINT agreed with the honorable member from Serbia on the importance

and urgency of a settlement of this question. The people of the country were looking to the Dominion Parliament for some action this session towards a prohibitory liquor law. The leader of the Government had promised last year that there should be a decision obtained from the Supreme Court in reference to this question before now, but the friends of prohibition were disappointed. He thought the Government had the power, and if not they should take the power into their own hands, to have this question of jurisdiction settled. He could see no reason why they should have to wait for a case to work up from the lower courts to the Supreme Court. In such cases the decision might turn on some technicality and be settled on that point, so that the question of jurisdiction would be again thrown over. No one, he was sure, was so competent to bring this matter before the Supreme Court as the Minister of Justice, who might frame such a case as would bring from the Supreme Court the decision which is so much needed, to settle once and forever this vexed question of jurisdiction. As the matter stood at present they were told it was beyond their power to introduce a bill in either branch of this Legislature for the purpose of doing away with the liquor traffic; that they had no jurisdiction over the licensing system for the sale of liquor in the various provinces as that was one of their sources of revenue. On the other hand they were told that the Provincial legislatures had no right to interfere with the manufacture or importation of liquor, because that was a source of Dominion revenue. It would be too much to expect private individuals or a temperance organization to commence a prosecution against an act of some local legislature, in order to have the matter decided, for if they failed they would be liable for a large bill of costs. As the question of jurisdiction was between the provinces and the Dominion he considered it was the duty of the Federal Government to take the initiative and have the matter settled through either the Minister of Justice or the Supreme Court. There was an opinion abroad that neither in this House nor in the House of Commons was this question taken up in earnest, and he feared there was good reason for saying so. He hoped the Government would take the matter in hand and find some way of getting those who were in favor of a prohibitory liquor law out of this difficulty of jurisdiction. So far as the honorable mover, himself, and others were concerned they were in earnest and they had no desire to shirk the question.

The motion carried.

## THE GEORGIAN BAY BRANCH CONTRACT.

Hon Mr. MILLER moved that a humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all correspondence, contracts, orders in Council and other papers relating to the Georgian Bay Branch of the Pacific Railway during the last three years; also, a statement of all moneys paid, specifying for what service and to whom paid, in connection with the said work, within the said period. He said his object in moving this address was to elicit such information as the Government alone were able to give in reference to the expenditure of public money upon Mr. Foster's contract. He wished it to be understood at the outset that he was not opposed to the construction of the Georgian Bay Branch ultimately, as a link of the Pacific Railway, nor was he prejudiced in any way against the claims of the Ottawa Valley to being the route for our great national highway, but it must have been evident to the friends and opponents that the conduct of the Government in relation to the Georgian Bay Railway was unsatisfactory to all parties. Their conduct was marked by insincerity and duplicity towards all sections interested in the location of the road. Shortly after the present Government came into power, the Premier announced in his election speech at Sarnia the policy of his Administration with respect to the construction of the Pacific Railway. That policy had two important and distinct features. The first was that the water stretches of the continent were to be utilized in establishing communication between the old provinces of Canada and British Columbia. The second feature was that no contract was to be given out for the construction of any portion of the road until thorough instrumental surveys of the line should be made, so that both Government and contractors could go into the work with their eyes open. Since the announcement of that policy in the Premier's speech at Sarnia, several new policies had been enunciated by the Administration, and during the past three years it has been almost impossible to say what was the policy of the Government at any time with regard to that work. Early in the year 1874 the Government had in the most emphatic manner represented to the country that no contract would be given out for any portion of the Pacific Railway until the fullest information was obtained by survey of the route. In the session of that year an act was placed on the statutes authorizing the Government to proceed with the construction of the Pacific Railway. That act

came before this House late in the session, and it did not receive that attention at the hands of the Senate which its importance deserved, and it was, with some objectionable features, allowed to become law. Under that act authority was taken to connect the Canada Central with the Pacific Railway. The first awakening which the country had to the action of the Government was when it was announced that the Canada Central Railway Company—which meant Mr. A. B. Foster—had received two contracts from the Government, the first for the construction of the Georgian Bay Branch, 85 miles, under a subsidy of \$12,000, and 20,000 acres of land per mile, and the other was for the extension of the Canada Central, about 120 miles, on a subsidy of \$10,000 per mile. Of course, the country was taken by surprise by these contracts, and no wonder, because no survey had been made of the line, and because of the position which the Government occupied towards the honorable gentleman who had received those contracts in relation to the crisis of 1873. When it was ascertained that this honorable gentleman, who held such a very equivocal position in connection with the Government of the day, who was believed to have great claims on the men in power for services then rendered, had been awarded contracts involving millions of dollars from the Administration, the public naturally scanned these transactions with a great deal of curiosity and suspicion. The Georgian Bay Branch was not intended to connect with any other portion of the Pacific Railway, which was to commence at Thunder Bay. The necessity of building this branch and subsidizing the Canada Central was, therefore, not apparent. The railway system of Canada was already connected with Lake Superior, and the policy of the Government was to utilize the lakes as far as Thunder Bay. It was, therefore, not at all extraordinary that the country was astounded when it was understood the Government had given this contract to Mr. Foster before a survey had been made. The country north of French River was represented, correctly, he believed, as a sterile, rocky district, covered with stunted spruce, and there could be no advantage derived from opening it up for settlement. If the Pacific Railway were completed from Fort William to the Pacific Ocean there would be a necessity to consider the question as to the desirability of connecting the eastern terminus with the railway system of the eastern provinces, by the shortest and best route. But until then, even if there were a country between the Ottawa River and Georgian Bay fit for development,

this road would be a mere local work and not entitled to consideration from the Government as a portion of the Pacific Railway. What public interest then could have induced the Government to give these contracts to Mr. Foster? This was one of the mysteries hanging over the handing over of that contract to that individual. When this matter was under discussion last session the Secretary of State said it was still the policy of the Government to go on with that road. What did he mean? Was this promise merely held out to the people of the Ottawa Valley to secure their support, knowing that Western Ontario would be satisfied when the work was dropped? The honorable gentleman had also stated in relation to the Georgian Bay Railway, that during periods of depression public works should be prosecuted with the utmost vigor, and that the Government intended to prosecute the work vigorously. How then could he justify the Government in not going on with the work immediately. The estimates last year contained an item of \$39,000 to be paid to Mr. Foster, and it was stated by the Premier in another place that the contracts had been cancelled, and that \$20,000 had been paid on account, that Mr Foster had found upon exploration the contract could not be carried out, that the Government had to relieve him of the contract, and that, in consequence, the Government would have to pay him \$39,000. It was alleged this sum was to reimburse him for surveys and explorations, but why they should put the country to such expense in violation of their own policy, so frequently announced, was something they had not been able to explain. Mr. Foster was permitted to give up his contract. Why was this done if the road was to be built and the contract was a good one for the country? Why, unless it was found after exploration had been made there was not as much money in it as had been anticipated, and the Government did not desire that Mr. Foster should lose money, as their desire evidently was to give him a chance to make money out of the country. All these circumstances clouded the whole transaction with the deepest suspicion of wrong doing on the part of all concerned. It was stated also, elsewhere that the balance of \$19,000 claimed by Mr. Foster should be investigated, and that no more should be paid to him until after such investigation. Now, however, it appeared this suspicious transaction had cost the country \$109,000, and figured in the public accounts to that amount.

Hon. Mr. SCOTT—That is an error.

Hon. Mr. MILLER was aware it was said that \$68,000 of this sum was for advances on

rails placed on the Canada Central by Mr. Foster, according to the terms of his contract, but the whole of this \$109,000 was lost to the country, growing out of Mr. Foster's peculiar dealings with the Government. The rails were not needed. There is no intention to go on with the Canada Central Extension.

Hon. Mr. SCOTT—O yes!

Hon. Mr. MILLER—Well, the country could see no evidence of such an intention. The whole of this expense must be charged against the Georgian Bay branch, because one would not have been done without the other. There was, at all events, \$11,000 lost by this blunder of the Minister of Public Works, and any explanation that might be given would not be satisfactory to the public. Why should this assistance be given to the Canada Central before it was required as a portion of the Pacific Railway. Why should this road be built at all as a portion of the Pacific Railway, before the Pacific Railway itself was ever rightly commenced. It was worse than absurd—the defence that had been attempted of these contracts—and justified all the suspicions the case had aroused, to see the Government making payments on the contract with Mr. Foster. As to the Canada Central, he had heard it said in justification of the Government for taking this contract off Mr. Foster's hands—didn't the late Government take a contract off Sir Hugh Allan's hands. In the first place, he did not think the late Government should assume the position of justifying their acts by what they condemned in the late Government. It was also said it was intended by the late Government to complete this line as a part of the Pacific Railway. The policy of the late and present Governments were entirely different, but this question had nothing to do with that point. What he wanted was information in respect to the payments in detail on these contracts with Mr. Foster. He (Mr. Miller) was at a loss to conceive how, even if the late Government intended to build the Pacific Railway through the Ottawa Valley it could justify the giving of the Georgian Bay Branch under a different scheme. The policy of the late Government was to build a railway from some point south of Lake Nipissing to the Pacific Ocean, for a specific grant—\$30,000,000 and 50,000,000 acres of land. That was to be the limit of the expense entailed on the people, no matter where the eastern terminus was fixed. The policy of the late Government did not, therefore, justify their successors in putting under contract, without survey, an expensive piece of road, which could be of no pos-

sible use as a portion of the Pacific Railway, as a separate public work. He did not know how the Government could justify the expenditure of \$68,000 in connection with the Canada Central Railway. If one contract was cancelled, the other must be dropped, and he could not understand how this large sum of money should be advanced on rails before even any grading was done, or even the survey, as he was informed, was completed. Looking at the suspicious nature of this whole transaction, the House should have the most conclusive evidence as to whether these rails were delivered or not, and whether the whole business was not a scheme to enable Mr. Foster to take a very large sum of money out of the Treasury in reward for important services rendered at a very critical time. Whether the Government had decided to proceed with the construction of this Georgian Bay Branch at once, or to postpone it until the Pacific Railway was built, the country had heard with a great deal of satisfaction that these contracts with Mr. Foster were cancelled. He hoped tenders would not be asked for the construction of that portion of the road immediately and not until the road was necessary as a connecting link between the Pacific Railway and the railway system of Canada.

Hon. Mr. SCOTT said he would not discuss one element of the debate introduced by the honorable gentleman, as to how much of this road would have been built by the late Government. The events of the last few years had proved most conclusively that under no circumstances could any company have been organized to build that road for the money and land grants offered by the late Government. Any company undertaking it for such considerations would have broken down. He believed he would be able to show that the course of the present Government had been uniformly in accordance with the principles laid down by them when they came into office, and in accordance with the legislation which followed the session immediately after. There was a great deal in connection with the Ottawa Valley Railway, of which the honorable gentleman could know nothing. It was a project commenced some 25 years ago. Somewhere between 1855 and 1856 the Government of Canada donated 4,000,000 acres for the purpose of constructing the Quebec and Lake Huron Railway. The portion of it west of Pembroke was to receive a grant of 4,000,000 acres. That land grant was kept alive until Confederation, but it was found impossible to get a company to undertake the work. After confederation the grant necessarily lapsed, inasmuch as

the Crown lands passed under the control of the provincial governments. The Ontario Government declined to continue the land grant and substituted another sort of subsidy for all railways. The portion of that railway projected twenty-five years ago, between Montreal and Ottawa, will be completed in a few months, and the section between Montreal and Quebec is likely to be opened next year. That line is not aiming at Ottawa City, but at communication with the great lakes. Quebec has taken up the scheme as far as its own portion of the Dominion is concerned, and, he ventured to say, was expending \$10,000,000 upon the work. They believed the Dominion Government was pledged to the extension of this road to Lake Huron.

Hon. Mr. MILLER—It was a local work of the old Province of Canada.

Hon. Mr. SCOTT—It was substantially a national work of the late Province of Canada. The policy of the present Government was announced in Parliament late in the session of 1874, and the provision to construct the Georgian Bay Branch was placed on the statute books at that time. Honorable gentlemen could not have been ignorant of this provision, because it was discussed in the other Chamber and in the press. He could not believe, if the attention of the Senate had been called to it, they would have opposed it. After authority was given to the Government to build the Georgian Bay branch, tenders were advertised for and several were sent in. Mr. Foster's was not the lowest. The Government, anxious to have the road built at the smallest cost, called upon the lowest tender for securities. He declared his inability to furnish them. Mr. Foster was called upon to undertake the work at the same price, but declined to do so, and the Government decided to advertise again. Mr. Foster, however, consented to enter into a contract at the lowest offer made in the open markets of the world, went on with the survey and put up expensive works at the mouth of French River.

Hon. Mr. CAMPBELL—How many tenders were there?

Hon. Mr. SCOTT—I think four or five; perhaps more. I think there were two from Toronto.

Hon. Mr. PENNY—From Toronto!

Hon. Mr. SCOTT, continuing—Mr. Foster, finding, no doubt, that his contract was a very heavy one and that he was losing a considerable sum of money, applied to the Government to relieve him of it. The Government, on the advice of their Chief Engineer, had an examination made of Mr. Foster's surveys,

to ascertain what value they would be in the future letting of that line, and that sum alone was paid to Mr. Foster—not his outlay on the road, by any means, but simply that portion of it the Government would find valuable in the event of their hereafter re-letting that section. The sum paid to Mr. Foster was \$41,000. Last session \$39,000 was announced, but when the accounts were closed it was up to \$41,000. The balance of the \$109,000 was paid to the Canada Central Railway as an advance on materials, in accordance with the usual provision in such contracts. On the certificate of the engineer, seventy-five per cent. of the value of the rails delivered was paid to Mr. Foster. The Government believed they were pursuing a prudent, economical course, saving any undue expenditure that could not be justified to Parliament. They had acted wisely, in view of the early completion of the Quebec lines of railway, in announcing that they proposed to enable that system to connect with the waters of Lake Huron. When these roads would be built there would be railway communication from Lake Huron via the Ottawa Valley to the City of Quebec. From Lake Huron west that magnificent water stretch was utilized to the mouth of the Kaministiquia river where the railway was being constructed, thence to Lac de Mille Lacs. Without the links to which he had referred there would be no other means of reaching the Kaministiquia river than by the frontier route along the St. Lawrence and through the Western Peninsula of Ontario, and he did not think it would require very great argument to show that this would not be very satisfactory to the people of Quebec and the rear of Ontario. A feeling existed throughout the country that a very large sum of money had been expended on the frontier route that was of no value to the North Shore of Quebec and the interior and northern portions of Ontario. The Ottawa Valley and the North Shore of the St. Lawrence lay at a remote distance from the Grand Trunk Railway, so that the Georgian Bay Branch could not be regarded as a purely local work, and the policy of the Government respecting it received the approbation of the country and of Parliament. He was not aware that he had any other information to give respecting this matter. Before the House rose last session it had been announced that the contract with Hon. Mr. Foster had been cancelled, and no other contract had been given for the work since then. The accounts of Mr. Foster had been audited and this payment had been made to him on the certificates of the Chief Engineer that the surveys made by Mr.

Foster would be of service in the future construction of this road. The contract with the Canada Central and the Order in Council on which it was based, authorized the Government to advance 75 per cent. on material supplied, and this \$68,000 was advanced on the certificate of the engineer for that purpose.

Hon. Mr. CAMPBELL said he was surprised that the government had attempted to justify themselves for putting the Georgian Bay Branch under contract at the time and in the manner they had done. Of all the proceedings taken by the Government in reference to the Pacific Railway, the proposal to construct at that particular time this particular portion of the railway, seemed to him the most indefensible. Neither he nor any other person in this House had ever, he thought, urged that that portion of the Pacific Railway should not be constructed at the proper time, although it seemed desired by some to convey the impression that on this side of the House they were anxious at all times to oppose the construction of the Georgian Bay Branch. He thought that branch had always been in their minds a portion of the railway which it might be necessary to construct when the proper time came. What they quarrelled with was the time and manner in which the Government had undertaken it. Public attention was first called to this subject in this House one or two sessions ago, and had it not been for the course taken here the contract with Mr. Foster would have been proceeded with. There was no question in the minds of many persons the object of constructing the branch road at that particular time was quite open to the suspicions pointed out by his honorable friend, and it was only because of the action of this House that the course of the Government had been arrested. The object in undertaking the great national project of the Pacific Railway was to have speedy communication through our own territory with British Columbia, and he was surprised that any Minister, after the discussions which we have had here, would rise in this House and say that the giving out of the contracts for the Georgian Bay Branch at the time, and in the manner they had been, was an expedient first step or a reasonable way of commencing the construction of this great national work. It was commenced there and then, he believed, for other purposes, and not unlikely for purposes which had been alluded to by his honorable friend who had brought this motion before the House. As to the mode of entering into these contracts, was it not laid down by the Premier in addressing his constituents when he went back for election as a mem-

ber of a ministry which was to have been more careful and correct than any government that had gone before it, that he would enter into no contracts for any portion of the Pacific Railway until there had been an instrumental survey of the route to guide the Public Works, and to see that proper information was prepared for those who tendered. Was that done in this case? No, there was no survey, instrumental or otherwise. It was reported, certainly, that an engineer had walked over the route, yet in the face of the fact, and after the lofty assertions of the intentions of this Government in this respect, and its promised superiority over all governments that had ever gone before it, they gave out this contract in the extremely objectionable manner which had been pointed out by his honorable friend. With reference to the object of the motion before the House, it was to ascertain why this payment of \$109,000 had been made to Mr. Foster. The Hon. Secretary of State had explained that a portion of it was for surveys which that gentleman was alleged to have made in order to guide him in the construction of this railway, and the balance was for materials advanced by the Canada Central Railway Company. It was to be borne in mind that Mr. Foster was the Canada Central Railway, the beginning and the end of it. Of this he (Mr. Campbell) had very little doubt, though he did not assert it of his own knowledge. Where was the material represented as having been laid on the ground by the Canada Central Railway Company, and on which this \$70,000 was advanced by the Government? There was not, he believed, a mile of the road cut or graded. There was nothing done by Mr. Foster towards the construction of the railway on which the Government had advanced this \$70,000 for rails. He had been informed that there was a doubt as to the rails being ever delivered on the ground. He would not say they had not been, but perhaps the Hon. Secretary of State could tell this House whether they had been or not. The Government were not to construct the road, but to give aid towards its construction; but if this company or Mr. Foster had done no works of construction, then they were not entitled to this or any aid by way of advance. The Hon. Secretary of State took credit to the Government for their policy on the Pacific Railway, and said everybody admits that the railway would never have been built under the scheme of the late Administration. He had never said anything on this matter hitherto, as he believed it better on his part, having been a member of

that Government, to leave the discussion of that scheme to others who could look at it from an independent and unbiassed standpoint, but he would say now, when it was forced from him, as he considered, that he believed there was fair ground for the opinion that the road would have been constructed under that scheme if the then Opposition in this country had not exerted a most malevolent influence in the money markets of England and Europe; but for their attacks on the resources of the country, and their reiterated assertions of its inferiority, that it would never become the home of a considerable population, that there would never be anything there in business or population, nothing to make a great railway prosper. But for these unpatriotic efforts there was fair ground for believing that the construction of the railway—its vital parts being first undertaken—would have been secured under the scheme of the late Government. The country would not have felt the payment of the interest on \$30,000,000, nor the giving of 50,000,000 acres of land, which constituted the subsidy offered by the late Government for this work. That was a scheme within the power of the country, a scheme that would have undertaken the whole of this work and carried out the national policy of uniting the whole confederation by a railway from ocean to ocean. In lieu of that, what had the present Government done? Commenced the communication with the Pacific by making this contract with Mr. Foster for (in the meantime at any rate) a totally unnecessary piece of road in Ontario, and at the end of all those years they stand with hardly anything to show save exaggerated, if not in part unnecessary, surveys for the enormous expenditure of money. Their first effort at constructing the Georgian Bay Branch Railway, undertaken in the way which had been pointed out, was thrown over because it could not be carried out. Twenty four miles of rails laid from Fort William, and some, perhaps considerable, work on one or two contracts to the west of that point, is all that has been done. When the attention of this House was directed last session to the intended use of the rails which had been purchased by the Government they were informed by the Hon. Secretary of State where the rails were to be laid, and that most of them would be in use or laid before the present session of Parliament. The honorable gentleman had stated that there were so many thousand tons sent to British Columbia, so many thousand tons to Red River and elsewhere, and stated, he (Mr. Campbell) remembered, that he had every



reason to believe they would be in use before the year rolled round. But here they were near the middle of the session and the Government could only inform Parliament that 24 miles of these rails were laid, and the balance of this \$3,000,000 outlay were lying here and there throughout the country, unused and deteriorating. It was often a difficult matter to ascertain what the Government intended or proposed to do in these matters, for the information given in this House was occasionally contradicted by that given elsewhere. An instance had occurred the other day. This House had been told by the Hon. Secretary of State that the lock at Fort Francis would constitute a portion of the Pacific Railway, and the excuse given for its construction was that it would take the place of 180 miles of railway, and save so many millions of dollars for years to come, but in the other House the information given was that the route would be an all-rail route, from Fort William west. If so, it followed that the Fort Francis lock would not save the construction of the 180 miles section which would be completed nearly as soon as the lock.

Hon. Mr. SCOTT—I said it was not under contract.

Hon. Mr. CAMPBELL said the honorable gentleman had stated that it would save the construction of this 180 miles section of railway, and the answer in the other House was substantially that the all rail route would be undertaken and finished, and that almost as soon as the canal could be. He had made these remarks because the Hon. Secretary of State seemed not only to have given a most unsatisfactory reply to what had been asked by his honorable friend, Mr. Miller, but had also disparaged the scheme of the late Government for the carrying on of the Pacific Railway as to demand some answer from him. He hoped when the papers moved for came down, they would show that the payment to Mr. Foster was one which could be legitimately made.

Hon. Mr. PENNY said he was happy to find that the speech a few nights before of his honorable friend from de Salaberry had taken its proper effect on the feelings of his honorable friend from Kingston. He (Mr. Penny) now learned for the first time since the many debates on the (Georgian Bay Branch question had taken place in that House, that the gentlemen who had spoken so strongly against that scheme had no intention of opposing the construction of the road, that in fact it was a very good road, and that the only difficulty was that it might be built a little too soon. He had heard something said about the audacity of

the Hon. Secretary of State, but if the term was parliamentary he should say the statement they had just heard was also an example of audacity, for the honorable gentleman from Toronto had the other night not only expressed himself as opposed to the present, but to the future construction of the Georgian Bay Branch; that it was a local road to be built, therefore, by funds provided from local sources, and that the Government should not interfere with it at all. Now, the special objection to the Government building the road was withdrawn, and the House learned that the objection was only a question of time.

Hon. Mr. CAMPBELL—The Georgian Bay Branch is the branch that goes from Lake Nipissing to the West.

Hon. Mr. MILLER said he had stated nothing to justify the remarks of the honorable gentleman from Montreal.

Hon. Mr. PENNY said he had never heard anything from the honorable gentleman (Mr. Miller) against the construction of the road by the Government; but, unless his ears deceived him, he had heard other gentlemen oppose, oppose it on the grounds he had mentioned. He did not think it was fair for any person to say that the contract was given to Mr. Foster for sinister motives. The Act under which the contract was given was passed by both branches of Parliament, and the gentlemen who say that this House was so ignorant of their duties as to allow the Act to become law, or that the country was taken by surprise by an act announced as the policy of the Government, and passed by the other House as well as themselves, were taking on themselves a great deal too much. Nor could sinister motives be attributed in awarding the contract to Mr. Foster when the lowest tender was taken out of several offerers. As to Mr. Foster being the Canada Central Railway, he remembered when somebody else, Hon. Mr. Abbott, was practically the Canada Central Railway, but at that time it was all right, that everything should go on for the purpose of utilizing that road as was now contemplated. It is true there was another Ministry in power, but the necessity of the plan adopted was the same.

Hon. Mr. CARRALL—There was no \$109,000 though!

Hon. Mr. PENNY said that he would not like to joke on a tender subject, but some friends of his, on the Opposition side of the House, had declared that the late Ministry had never dreamed of this road. He thought, however, from the remarks of his honorable friend from Kings-

ton, that evening, there must have been some dreaming about it, even while he was in office, and that the dreaming was not when the honorable gentleman was asleep. Sir Hugh Allan, however, had possessed the confidence of everybody in the late Ministry, and he possessed it to such a great extent that he had made himself acquainted with the intimate relations of gentlemen in the Cabinet. There was, he alleged, inferior Ministers and superior Ministers. The superior Minister was Sir George Cartier, and if any of his colleagues were not aware that Sir George had promised this road to Lower Canada it was because, perhaps, they were inferior Ministers. When he did so, he (Mr. Penny) was quite sure that none of the interior Ministry would have contradicted him. There was no member in the Senate from the Province of Quebec who was not aware that it would have been madness to build the Northern Colonization Railway if it had not been expected that the Georgian Bay Branch or some similar road would meet it and carry it on to the west.

Hon. Mr. MILLER—That is a matter for Lower Canada.

Hon. Mr. PENNY—I admit it is more important for Lower Canada than for some other parts of the Province; but if any other Ministry has to deal with this question they will find that Lower Canada will be a considerable factor in the solution of the problem.

Hon. Mr. ALLAN said, from some of the remarks which fell from the honorable gentleman from Montreal, honorable gentlemen might infer that those, in this House, who had hitherto been opposed to the immediate construction of the Georgian Bay Branch Railway, and had always spoken against it, particularly the members from Toronto (who had been characterized as such a selfish set) by the member from Ottawa) had now considerably modified their views on this subject. So far as he (Mr. Allan) was concerned, and he thought he might safely speak for most of the other gentlemen from Ontario who had taken the same view of the question, neither he nor they had been actuated, in the slightest degree, by any local feeling or selfish interests in their opposition to the immediate construction of the Georgian Bay Branch. He (Mr. Allan) was both willing and desirous that ultimately the communication between the eastern and western seaboard of the Dominion should be by the shortest and most direct line that could be obtained, that ultimately the railway should be constructed entirely through our own country, and that ultimately all these lines of communication by the Ottawa Valley and through Eastern

Canada should be opened out and completed. But he presumed honorable members would all admit that our first aim should be to provide the means of communication with our fellow subjects in British Columbia at the earliest possible moment, and that unless this was done, and done without further delay, it would increase the dissatisfaction already existing in British Columbia, to such a degree, as might seriously endanger the relations between them and the rest of the Dominion. Now, no honorable gentleman would dispute the proposition to build the Pacific Railway in the cheapest and most economical manner would tax all the energies of the Government, and strain the financial resources of the country to the very utmost. If these premises be admitted, surely it followed, as a matter of course, that it would be the worst of folly to spend money upon the construction of any road or portions of roads not absolutely necessary for providing immediate communication with the Pacific coast. This was the ground upon which he had always opposed the immediate construction of the Georgian Bay Branch, and not from any feeling of jealousy or opposition to the opening and development of the Ottawa Valley. The Secretary of State had himself remarked in his speech, a few minutes ago, that from Fort William eastward they had already the means of communication through Lakes Superior and Huron, by the lines of railway touching the latter lake, to the eastern seaboard. That being the case surely, it would be the truest wisdom to concentrate all their energies and all the means at the disposal of the Government in the construction of those portions of the railway from Fort William westward absolutely necessary to complete the communication with the Pacific coast instead of frittering them away on branch lines, whose immediate construction, under existing circumstances, was both unnecessary and uncalled for.

Hon. Mr. DICKEY said he would not have spoken on this subject had it not been for the remarks of the Secretary of State, followed, as he had been (and as he generally was when the Government was in a difficulty), by the honorable member for Montreal, who had an ingenious way of letting the Government down when a pinch came. He (Mr. Dickey) made no complaint on that score at all. Where there was any weakness on the treasury benches, he was happy to see it so well and ably supplied. When the Secretary of State undertook to give the House information, it was generally of such a nature as to provoke comment, and in this case it was peculiarly so, it

struck him (Mr. Dickey) as being very singular that the most prominent point made by the honorable gentleman who introduced this question—that this work had been undertaken without survey and without information—had been unanswered by the Government. The Secretary of State had stated this was a policy decided upon long before Confederation—a local work in the interests of Quebec, to connect that province on the north shore of the St. Lawrence and the Ottawa with Lake Huron. The honorable gentleman must be aware within the last four years the action of his Government had produced angry remonstrances from Quebec. Their contention had always been that this line should run on the North Shore of the Ottawa. However that might be, it was an entirely local railway before the Canadian Pacific railway was thought of, and not to be connected with any policy to be framed after the union. The policy of building the Georgian Bay Branch in the manner attempted by the Government had been exhaustively discussed in this House last session and condemned. No attempt had been made to defend it this session; it was indefensible. Nobody could maintain it was right to enter into a contract and commit the country to untold expenditure for the construction of a road through a country which had not even been explored. An ingenious attempt had been made to evade the issue by turning this into a question between Quebec and other portions of the Dominion. He disclaimed any antagonism towards Quebec. Even the late Minister of Agriculture had not thought proper, last session, to narrow down the question to a local matter. He had taken the broad ground that this line was part of the Pacific Railway, but it turned out to have no connection with that great project, except to delay the construction of an all rail route across the continent. The Government had only weakened their case by the line of argument they had taken. He had the satisfaction of knowing that the resolution which he [Mr. Dickey] carried last session had happily averted the further waste of public money on an unjustifiable undertaking.

Hon. Mr. TRUDEL said the policy of the Government was condemned by the Senate last year, and the Government themselves had condemned it, so there was no use to discuss the question again. Some honorable gentlemen might be under the impression, from remarks made in this debate, that the Quebec members made this Georgian Bay Branch a local question. It never entered into their heads that this road should be constructed merely for the bene-

fit of Quebec. The feeling of that Province was that the shortest route from ocean to ocean could not be obtained without passing through the Ottawa Valley. A policy that would not recognize this fact would not meet with their approval. He agreed with the leader of the Opposition in condemning the manner and place of building this Georgian Bay Branch, but he did not approve of a postponement of the work. When he heard such a policy advocated by the honorable mover of the resolution, he would ask him, whom he knew to be a partisan of an all-rail route policy, and against the water stretches policy, how could there be an all-rail route to connect the railway system of the eastern provinces with the Pacific Railway, without building this section? How could he go from Fort William to any railway in Ontario, either north or south, without building that part of the Pacific extending from Fort William north of Lake Superior, to Lake Nipissing or elsewhere?

Hon. Mr. MILLER said the answer was simple. The Premier had stated last session it was intended to go on with the Georgian Bay Branch Railway. He (Mr. Miller) had remarked he hoped it would be some time before that policy would be put in execution, as some time must elapse before the Pacific Railway proper could be built, and the Government should wait until this branch became practically necessary as a link of an all-rail route before constructing it. He would be well pleased if the Government could in a few years build the Pacific Railway, and that then the Georgian Bay Branch would be undertaken as a part of it.

Hon. Mr. SCOTT—Does my honorable friend desire that it should be postponed until after the construction of the line from Thunder Bay eastward?

Hon. Mr. MILLER—Not all the line. I do not go that far, but I say we should make a large advance in the construction of the railway west of Thunder Bay before we commence this, if the valley of the Ottawa should ultimately be selected as the route of the Pacific Railway.

Hon. Mr. DICKEY—If we are going to build the Georgian Bay Branch we should have a practicable route, and none has been found south of Lake Nipissing.

The motion was carried.

WEST INDIES MAIL SUBSIDY.

Hon. Mr. POWER enquired whether it is within the knowledge of the Government that the Imperial Government contemplate withdrawing at an early date, the subsidy paid for carrying Her Majesty's Mails be-

tween Halifax, Bermuda and the West Indies; and if so, at what date such subsidy will terminate, and whether the Government of Canada propose to make any provision for the continuance of the Mail Service in question after such date? He said this service had been in existence for some thirty years, and was the only link between Canada and the West Indies. The service had always given great satisfaction. He understood that the Imperial Government intended to withdraw their subsidy and he wished to know if that Government proposed to pay some steamboat company that would be willing to carry the mails, a certain sum for the weight of mails carried, and if not, whether the Dominion Government proposed to give any subsidy for the purpose. A great deal had been said about the necessity of promoting trade between the Dominion and the West Indies. He hoped that the Government would not, by allowing this subsidy to lapse, lessen the intercourse between this country and those Islands. A great deal was said about establishing communication with British Columbia. True, that Province was part of the Dominion and the West Indies were not, but the latter were inhabited by British subjects also, and almost as closely allied to us. If Parliament were willing to spend millions of dollars to establish communication with British Columbia, they should not hesitate to spend a few thousands annually to maintain a communication with the West Indies, which had existed for so many years.

Hon. Mr. SCOTT said the Imperial Government had given notice they would withdraw the subsidy at the end of the present year. The communication at present is fortnightly in summer and monthly in winter. The Canadian mails to the West Indies go largely by New York. He understood there was a good deal of delay in the mails distributed at St. Thomas. He was unable to say in advance what action would be taken by the Government on this subject, but it would receive due consideration. The Imperial subsidy would be discontinued at the end of December next.

Hon. Mr. MILLER said that would be before Parliament would meet again. The honorable member for Halifax had acted wisely in bringing the matter before the notice of the Government. It would be looked upon as a retrograde step to let this line, which was so important to the trade of Nova Scotia, be discontinued. He hoped the Government would take steps to replace this subsidy and place the service on a much better footing. In fact, the Government should reconstruct their whole policy

towards the West Indies—especially the British West Indies—with a view to cultivating more friendly trade relations with those Islands. He hoped this important subject would be treated in a generous and statesmanlike manner.

Hon. Mr. NORTHUP—Did I understand the Secretary of State to say there was a delay in sending the mails that way?

Hon. Mr. SCOTT—I understand from the post-office authorities that in consequence of the British mails centreing at St. Thomas there is a considerable delay in sending mail matter to the other islands, and a very large portion has gone by New York.

Hon. Mr. NORTHUP said, no doubt that could be easily remedied. This was a very important service and had been regularly performed, and was the only direct communication with the West Indies, where we have a large and important trade. He hoped the Government would take such steps as would be necessary to keep up this service, especially as large sums were being expended on the Pacific Railway, and Nova Scotia was threatened with the withdrawal of the subsidy to the fortnightly steamer to England.

#### ORDERS OF THE DAY.

Hon. Mr. SKEAD introduced a bill to extend the Coteau & Province Line Railway Act.

Hon. Mr. AIKINS moved the second reading of the National Investment Company of Canada Amendment Bill.—Carried.

The House adjourned at six o'clock.

TUESDAY, Feb. 27th.

The SPEAKER took the chair at three o'clock p.m.

#### NEW BILL.

Hon. Mr. HOPE introduced a Bill to amend the Act to Incorporate the *Globe* Printing Co.

#### THE WEIGHTS AND MEASURES ACT.

Hon. Mr. HOWLAN moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House a copy of all circulars, telegrams and correspondence relating to the working of the Act on Weights and Measures. He said, when this Act was passed in 1873, the Government gave a very different statement of what the working of it would be from what it really was. It had, so far as his experience went, interfered materially with the commercial interests of Canada. The departure from the system which was

in use in the old provinces of Canada to the metrical system, was supposed to be a step in the right direction, and the Government were empowered to arrange—not disarrange—the weights and measures of the Dominion. Looking over the public accounts, he found a sum of nearly half a million of dollars had been spent in procuring standard weights and measures and in carrying out the details of this Bill. He found, also, that circulars had been issued from time to time—one of which, No. 134, he held in his hands—which materially interfered with the existing scales and measures. It interfered with every scale in use, or allowed the army of inspectors of weights and measures to make it almost impossible for any one to use scales. Previous to the passage of this act the local authorities had legislated on the subject of weights and measures, and he was not aware that any difficulty had arisen from the working of those local acts. Under the act of 1873 we have a sort of mixed system which does not meet with the approval of a majority of people engaged in trade. In the province from which he came, where some 3,000,000 bushels of grain was exported annually, and nearly every farmer had a scale, this act materially affected the whole population. The platform scale can be more easily adjusted by the adjusting ball at the vertical arm than otherwise. This scale may get out of order, from moisture, from heat or cold, and the only way by which it can be readily adjusted is by the adjusting ball, but this circular, No. 134, condemns that, and provides that the pea at the end of the arm must be subject to inspection every time the scale gets out of order. This would involve great expense and trouble. Under date of October 31st, 1876, circular No. 134, section 6 states:—"No balance balls or other detached parts other than pans are used for adjusting the balance." He did not know how many of these circulars had been issued, but honorable gentlemen would notice that this one bears the number of 134. However, after wading through ten pages of this "Instructions for verification of balances with equal arms," a great portion of which is so full of learned verbiage that it would appear that the commissioner is a sort of an emperor in his way, who lives in a land where all must obey his mandate. He says "Note (b) "with reference to the balance ball on platform scales and weigh bridges, referred to in 9 of section C of the Order in Council of 26th July, 1875, as the expediency of modifying this regulation is under consideration, pending the issue of other regulations, the balance ball is not to be interfered with, nor is the platform, scale or

weigh bridge on which it is used to be rejected unless said balance ball is of an unusual character." Thus it appears what is necessary at one time is not at another. There is such an amount of what may be called learned balderdash in these circulars, that one cannot help coming to the conclusion that some one is riding his hobby to death. At page 5 of the circular it states that "platform scales, if moveable from place to place, some satisfactory arrangement, such as a level or plummet is provided and permanently attached for indicating whether the machinery is perfectly level." Again, if a scale is out of the ordinary make, the instructions are to send to the Department a full description of it—he supposed, have it lithographed, so as to "enable the Department to arrive at a proper decision." Just so, you must not use it until a proper decision is come to, and you have gone through the circumlocution office. After all this, you must take your scale apart and have it submitted, and you are again commanded to "put it together" again. Few traders are able to this, and he had not the clearest conception that many of the Inspectors can. But this is not at all afterwards, you must procure for every "weigh bridge, platform scale or steelyard" a "separate indenture." What a lot of parchment this must take. Every steelyard or scale in the country must be like our ships, they must have a register. But it is provided, that after the 30th June, 1877, the fees must be collected every time the articles are verified—whether they pass or not. To the people of Prince Edward Island, where every farmer has a set of scales of some sort, this is going to be a great source of annoyance, as it has proved itself to be throughout the country. Passing from the large description of scales to the smaller ones, which are in use throughout the Dominion, the same apparently unnecessary rules are laid down, and many of the scales in use by grocers, traders and others are condemned. Another feature of the matter which appeared to him to be ludicrous was that *old scales* of this condemned class may be tolerated, but *new ones* of the same class and pattern are condemned. The instructions read:—"Scales of this description, made in the proportion of one to eight, or in any other way than a decimal ratio as to the load on both platforms, that may be submitted for verification by manufacturers of scales, or by parties who have had them in use previous to the issue of these instructions, they may be verified if in all other particulars they conform to the regulations." This applies to such scales as the Union scale and grocers' scales which weigh

from one to 250 pounds, and which are very much used in the every day trade of the Dominion. He found, also, that certain weights are only to be tolerated up to July 1st, 1878, after which time no weights in bronze, iron or soft metal, such as fifty-six, twenty-eight, fourteen, seven, four, two, one, can be used. One is at a loss to understand why a four pound weight should be discarded, and the three pound retained—and again that the weights above named should be discarded in bronze iron or soft metal cases, whilst, he presumed, brass would pass muster. To the merchants and others who carry on the fishing business of the Dominion it must certainly be annoying to have to cast out all their iron weights, and put brass ones in their place. They use the old balanced scale beam and not the platform, and have the iron weights above referred to in constant use as the quintal of 112 pounds is continually used, and fish are bought and sold by that standard. It must be apparent there is a great difference in cost between brass and iron weights. There might be a good reason for discarding weights filled with lead, but he could not see why iron would not do as well as brass. Then, the inspector's stamp must be made on a lead plug in the weight. If all this had been made known to Parliament in advance, the bill would never have been passed. While he had no objection to the metrical system he did not think it should be forced upon the people. In the United States the use of the cental system is optional altogether. The 112 pounds weight is used in weighing fish, iron and other products. It is also used in England and Australia, and the compulsory abandonment of it in this country would entail a good deal of loss and inconvenience to commercial men. To make up the fifty-six pounds weight, the four pounds weight is necessary, but under this act the only way to make up that amount would be by using two three pounds weights, the four pounds weight being abolished. The inconvenience of this in trading with countries where the 112 lbs. weight is used, must be apparent to every one. The circular also requires the inspection of millers' scales, hay scales, railway scales, &c. Formerly, if the pea at the end of the arm got out of order it could be adjusted by adding a shot or two, but this act prevents that. An inspector must be sent for, though he may be thirty miles away, and if the scales are used before he inspects them the owner is liable to a fine. He did not think he would have troubled the House with the question, were it not

that he saw on his desk a bill making it compulsory to buy and sell by the 100 pounds weight, and going still further, that all contracts made for the delivery of the 112 pounds to the cwt., shall be void. Thus, if a contract had been entered into for the delivery of 10,000 tons of coal, under the old system, the very act of making the bargain that way would cancel it, and subject the party to fine also. The Government should be very careful about permitting such regulations. No doubt somebody in the departments had made a great study of this, but, with all respect for his industry, he had greatly interfered with the business of the Dominion. If the intention was to introduce the cental system in this way, let the fact be announced and let time be given to dispose of the kinds of scales which are not to be used. They should either do this or restrict the powers of the inspectors. Looking at the whole matter, he was of opinion that the law is an expensive luxury, as he noticed by the estimates the following sums of money devoted to it:—

For Equipment of Standards . . . . .	\$20,000 00
Furniture and means of neatling 87 weights and measures offices . . . . .	6,090 00
Salaries of deputy inspectors of weights and measures . . . . .	72,000 00
Rents of 87 weights and measures offices .	8,500 00
Contingencies for weights and measures, such as travelling expenses, fuel, &c. .	20,000 00
	\$126,590 00

If it was the intention of the Government to introduce the cental system, it would be better to do so, and not be annoying the business portion of the community by such regulations as these. He trusted the Government would look into this matter, and provide a remedy for this state of affairs.

Hon. Mr. SCOTT said he did not know that the department could give his honorable friend any more information than he already possessed, but whatever orders had been issued from the Department would be brought down. He did not propose to discuss the very exhaustive criticism that had just been given on the Weights and Measures Act. He was free to admit that it had proved exceedingly onerous for people to give up their old scales and acquire new ones. The Act was passed in 1873 and under it the Minister of Inland Revenue was authorized to obtain proper standards of Weights and Measures. The power of defining what are the true standards under that Act rested with the Commissioner who was supposed to have the necessary knowledge of the technicalities of the subject. Mr. Brunel it was assumed, had the requisite knowledge and capacity to estimate what were the proper standards to introduce into this country,

and Parliament seemed to have given him pretty wide power in that respect, and in consideration of his services—although a deputy minister—it was provided that he should receive an additional sum for this special qualification which it was believed—and very properly so—he possessed to enable him to exercise proper judgment over the introduction of the new standards. The adoption of of this new system in any country like Canada must, of course, create great dissatisfaction, but this Government could not be charged with putting the law in force very actively, as the instructions to the inspectors were to have due consideration for the existing weights and measurers, and to hasten the introduction of the new standards as slowly as might be fair and reasonable. Some provisions of the act were not intended to come into force for three years and the Minister of Inland Revenue, feeling that the law had been somewhat oppressive in its execution had prepared certain amendments which would be submitted to Parliament in a few days. The bill had not yet been brought down, but notice had been given of it, and he was in hopes that some of the provisions of the act which rendered it somewhat objectionable—and he was free to confess, somewhat burthensome—would be removed or modified.

The motion was carried.

THE RINDERPEST.

Hon. Mr. READ enquired if the Government had taken any and what steps to prevent the spread of the rinderpest in this country.

Hon. Mr. PELLETIER said that seeing in the newspapers the Government of the United States had issued a proclamation prohibiting the importation of cattle from England and Germany, this Government had enquired if the statement was correct. In reply they had received the following telegram:—

“WASHINGTON, D.C., Feb'y. 27th.

“Hon. D. Christie,  
Speaker Senate.

Treasury has prohibited importing live stock and hides from England and Germany owing to rinderpest.

H. F. FRENCH,  
Asst. Secy.”

Yesterday the Government had telegraphed to their agent in England to enquire into the progress of the disease there, and the answer was that it was nearly over, and no further danger was to be appre-

hended. However, orders had been issued this morning to stop all importations of live stock from England until further orders, and proclamations would also be issued to that effect.

THE GRAND TRUNK ENGINEERS STRIKE.

Resuming the adjourned debate on Hon. Mr. Read's motion:—“That a committee of this House be appointed to inquire into the causes of the detention of the mails on the Grand Trunk Railway, during the last week of December, 1876, and the first week in January, 1877, with power to send for papers, persons and records and to report from time to time to this House, the said committee to be composed of the honorable Messieurs Hope, Haythorne, Trudel, McLelan (Hopewell), Wark, Alexander, and the mover.”

Hon. Mr. AIKINS said when the adjournment of the debate was moved on this question, the discussion had narrowed itself down to the appointment of the committee itself. He had moved the adjournment in consequence of the action of the Government in claiming the right to have a majority of their friends on this committee. He was quite well aware that in the other House, where the Government controlled a majority of the members, the custom was for the Government to have majorities on committees, but if the committee named by the Government was not acceptable to the House, the House itself had the power of naming the committee. That rule had never been introduced in this Senate, but he, as an humble member of this body, felt inclined to demur on the first opportunity that presented itself, to the ground taken by the Government that they had the right to dictate to this House who should compose a committee. It was all very well for the Secretary of State and the honorable gentleman from Belleville to enter into an arrangement, but the House had rights which should not be overlooked. His object in rising was to move to amend the motion, so as either to add to this committee or that another committee should be named by the House. The committee, as named, consisted of seven members, and he could not see any reason why—if the matter was as grave as asserted by the Government—that the committee should not consist of nine members. He was not prepared to censure the Government with regard to this strike; he did not know that they were to blame, or that they had anything to do with it. The Government might be amenable in this way, that they should have provided for a contingency of this kind.

Hon. Mr. BUREAU—Hear, hear.

Hon. Mr. AIKINS—It might not be considered to be the province of the Government to legislate for a contingency that had occurred, but it certainly might be considered their duty after the contingency had arisen, for the Government to bring down a measure in reference to it. If the law was not sufficient to enable the civil authorities to arrest and punish the strikers, it should be amended, and the Government of the day should certainly be the parties to introduce a measure whereby such difficulties would be avoided in future.

Hon. Mr. DICKEY said, just before the adjournment of the debate, he was about to rise in his place, when the Honorable Secretary of State interposed, and say what he now desired to say, that the proposition to appoint this Committee or to add his name to it was entirely without his knowledge, and he desired to say now that as he was already on half a dozen committees, it would be quite impossible for him to act on this one, and he must, therefore, decline the appointment. This left him free to give an opinion on the extraordinary assumption which the Honorable Secretary of State made on that occasion, and which seemed to him to challenge the consideration of this House. He had taken upon himself to state that with regard to this very grave matter, indirectly affecting the conduct of the Government, it was their privilege to have a majority on the Committee. Now, that was a doctrine to which he would at once take exception. The Hon. Secretary of State, when there was a suggestion that there might be a charge against the Government, was desirous to have, so to speak, a packed jury. It came with very bad grace from the honorable gentleman, when it was considered that only the other day he had been obliged to appeal to the House on a question, where there was a claim made that the Ministry had gone to the Imperial Government to obtain an accession of new members to this House, and the ground taken on that occasion was, that they were in a party minority in this Chamber. Yet the honorable gentleman claimed a majority for the Government on the committees of this House. This was a principle against which he protested, for the constitutional rule was that the committees should be appointed by the House and not by the Government. It was true in the House of Commons the privilege was usually accorded to the Government of naming the committees, but it was simply because the Government were supposed to represent a majority of the House. They lived by the breath of the Commons, and if they did not possess their confidence

they could no longer retain their portfolio, hence it resulted, that as long as they commanded a majority in the House they could command a majority on the committees, although, after all, it was the act of the House. A notable exception to this practice was reported in Todd, page 277:—

“It was a motion in 1863 for appointing a select committee to enquire into the State of Holyhead harbor. The Chancellor of the Exchequer, no less a personage than Mr. Gladstone, not only opposed to the appointment of the Committee, which he was obliged to yield, but took exception to the list proposed, alleging it was ‘as far as possible from being an impartial Committee.’ Yet the House took it into their own hands and agreed to the list without a division.”

There the Commons asserted their power in a House where the Government usually commanded a majority. He would also quote from ‘Cushing’s Law and Practice of Parliament,’ page 730, to prove that it is the House and not the Government who appoint committees:—

“The moving of the names of members to constitute a committee which is conceded by parliamentary usage to the member on whose motion the Committee has been granted, is, of course, a matter of courtesy, and not of right; every other has the same right to move the Committee, and the list made out by the mover, may be rejected by the House.”

This is a general principle applicable to both Houses, and it is scarcely necessary to remind this House that here we deal with questions on their merits, wholly irrespective of party. There was another point raised by the Secretary of State, which certainly ought not to be passed over without comment, and that was the intimation that the Minister of Justice did not think there was any law on which to act in this Grand Trunk emergency.

Hon. Mr. SCOTT said he had expressed no decided opinion. All he had stated was the subject was under the consideration of the Minister of Justice, and if the law of the land was defective, it would be the duty of the Government to say what changes should be made.

Hon. Mr. DICKEY said if the Minister of Justice was wrong, and there was a legal remedy, the Government would be in the extraordinary position of allowing one of the principle arteries of trade and commerce of the Dominion to be blocked up for five days without endeavoring to enforce the law to keep the public peace, and enable the mails and passengers to be conveyed along the Grand Trunk Railway in safety.



He would have no difficulty in showing that the present law provided for this emergency.

Hon. Mr. SCOTT—What law?

Hon. Mr. DICKEY—There is in the first place the Postoffice Act of 1875, drawn, he believed, by the present Minister of Justice, in which there was a provision which pointed distinctly to cases of this kind. He referred to the provision in the seventeenth section of the Act of 1875, which makes it a misdemeanor to obstruct or wilfully delay the passing or progress of any mail or carriage conveying a mail on any public highway, &c. It was a very singular omission that the word "railways" was not included in that section, and why it should be the case he could not understand, for at the time of the framing of this Act the most important mail matter of the country was conveyed by rail.

Hon. Mr. SCOTT—The strikers announced their willingness to send the mail matter on.

Hon. Mr. DICKEY said it was quite true that a day or two after the commencement of the strike the men did propose to forward the mails, after they got their orders from the autocrat of the Association in Ohio. But they did stop the mails; they stopped the trains with the mails on board, in the most inconvenient time and place, and prevented the mails from being carried forward to their destination. Then there was section eleven of the same act which declares "it to be a misdemeanor to wilfully keep, secrete, delay or detain, or to procure or suffer to be detained any post letter bag, or post letter, &c." This enactment clearly meets the case. So far under the Postoffice Act. But their was further legislation in the general Railway Act of 1869, from which he would quote the 33rd clause relating to offences against the person:—

"Whoever by any unlawful act or by any omission or neglect of duty endangers or causes to be endangered the safety of any person conveyed or being upon a railway or aids or assists them is guilty of a misdemeanor."

There could be no doubt the strikers left the passengers on the line in a manner in which they were guilty under that section of the act; but this was not all. There was section 40 of the Malicious Injury Act which is expressly in point. It distinctly declares that,

"Whoever by any unlawful act, or by any wilful omission or neglect, obstructs or causes to be obstructed any engine or carriage used on any railway, or aids or assists therein, is guilty of a misdemeanor."

The persons whose duty it was to

carry on those engines were therefore guilty of wilfully obstructing and preventing the carriage of mails and passengers. Under these acts which he had quoted there was clearly law sufficient to have met this emergency, and to say the least it was most unfortunate that it had not been acted upon, through the local authorities. The history of the whole affair was unfortunate in its bearings on this country. Here was a great English corporation which had expended millions in this Dominion in establishing this line, and yet when their employes, at the dictation of a foreign power, stopped the whole current of traffic on this railway, the shareholders had only the poor satisfaction of being told that there was really no law to protect them in this country. It was enough to commend them to the sympathy of this House. He could not help feeling that it was unpleasant to have those reflections cast upon our country, and in view of the prompt action taken in Maine and Michigan, under similar circumstances, it was time some steps were taken to prevent such a scandal being repeated in this country. It was perhaps a more degrading reflection that during the whole of this unfortunate stoppage, the two ends of the road working in Maine and Michigan were practically unobstructed. Indeed, the Legislature of Michigan had passed a most stringent act bearing on this question. In Maine, the postal authorities had arrested two of the engineers for obstructing the United States mails, and the traffic went on. This is the way in which those matters were dealt with in the country that boasted of being the freest on the continent, and yet in Canada there seemed, so far as the Government was concerned, either to be no law, or no disposition to enforce the law, to protect the lives and safety of passengers and mails. Under the circumstances he thought it his duty to urge the honorable Secretary of State that some steps should be taken at once—what those steps should be it was not for him [Mr. Dickey] to say. He did not attach any importance to the appointment of the committee or to the labors of that committee, but he would have no objection to the resolution if his honorable friend [Mr. Read] persisted in it, although its objects were confined to the causes of the detention, and there was no difficulty in deciding without a committee that these were the illegal conduct and obstructions of the drivers under the dictation of a foreign autocrat.

Hon. Mr. SCOTT said having laid on the table a very voluminous correspondence, as it had not been printed, it would be man

ifestly improper to go into the merits of the case on this occasion. He would simply reply to a few remarks from the honorable gentleman opposite who had charged the Government with omitting to carry out the law. The honorable gentleman seemed to have forgotten that it rests entirely with the local authorities to enforce those statutes. Informations were sworn out against some engine drivers and others implicated in the strike but, according to the statements which appeared in the press, the Grand Trunk Co. themselves desired that the prosecution should not go on. They did not wish to increase the irritation which prevailed, and, he supposed, saw no good was likely to arise from the proceedings. It was unfair, therefore, to charge the Government with having failed to enforce the laws. If they had interfered with the duties of the local authorities, the honorable gentleman (Mr. Dickey) would himself have been the very first to censure them. In the case of Michigan, he believed the Legislature of the State was in session at the time the strike occurred, and enacted a law to meet the emergency, which the ordinary laws did not provide for. The State authorities of Maine and Michigan did not appeal to Washington to enforce the laws, but punished the strikers themselves. With regard to this committee, he had endeavored to arrange with the mover as to its membership, assuming it would be quite satisfactory to the House, which he admitted had the right to name its committees. He had suggested that the Government should be allowed four of the seven members of that committee, and submitted particular names. The honorable gentleman, while yielding at that time to the propriety of the suggestion, objected to one of the names, and another was substituted. The Committee was thus agreed upon, and there were two grounds on which he thought it should be allowed to stand—this agreement between the honorable gentleman (Mr. Read), and himself, and the broader ground that the Government ought to be represented by at least a majority. The case of the harbor of Holyhead, cited by the honorable gentleman (Mr. Dickey), did not bear on this question, because the House of Commons has the right to name its committees, and exercises it, but if Mr. Gladstone had insisted upon having a majority he could have carried it by calling upon his supporters to enforce his request. In this chamber he was not aware that the rule of the House of Commons had been enforced of striking a committee by the members, and if it had been,

former Governments would necessarily have a majority. He cited Todd, page 320, to show that Ministers of the Crown are constitutionally responsible not only for the preparation and conduct of legislative measures in both Houses of Parliament, and for the control of legislation undertaken by private members, but also for the oversight and direction of the entire mass of public business that may come before either House. The Government were quite ready to stand by the verdict of any committee that would enquire into the matter, but in a case like this, where there had been an attempt to make political capital out of the occurrences, where leading journals had condemned the administration for leaving undone something they supposed should be done but which they had failed to prove could have been done under the circumstances, it would be only fair and proper to give the Government a majority on that Committee. He was sorry his honorable friend (Mr. Dickey) had refused to sit, because he had intended to suggest a compromise—that one more should be added to the Committee, Mr. Dickey being that one, which would give four on each side.

Hon. Mr. MILLER—Is it the intention of the Government to initiate any legislation on this question this session?

Hon. Mr. SCOTT—The Minister of Justice has the subject now under consideration, and he will decide in two or three days—not later than that—what course he will pursue. He has now a draft of a bill, which he is considering, and he will decide before the end of this week whether any and what legislation will be submitted to Parliament this session.

Hon. Mr. CAMPBELL said it was to be regretted that the Secretary of State should have so pointedly alluded to four members being on each side, as though, upon the questions which were likely to arise before this Committee, there could be sides on the part of those who were to conduct the inquiry. So far as he could remember, that ground had never been taken on any previous occasion in this House, and he did not see any reason to suppose that in an enquiry of this kind any member of the Senate would be guided by party motives. He thought it was very much to be regretted indeed that such views should be expressed. When the Secretary of State urged that his arrangement of the committee should be acceded to because he had settled the matter with the gentleman who moved for the committee, that certainly was a reason ordinarily conceded, but it was open to the House to say whether such an

arrangement was satisfactory to them or not, and in this instance objection had been taken by other members of the Chamber. What difference could the addition of two members make except to enable the committee to conduct the enquiry in a more satisfactory manner? Both of the gentlemen whose names had been mentioned belonged to the legal profession and would be useful to the committee. It was lamentable to suggest the idea that such an addition would prevent a fair enquiry. With reference to the general question, as to the right of the Government to have a majority upon a committee, the Secretary of State, he thought, misapprehended the principle of it. It was not that the Government, as such, had a right to a majority on a committee. That was only a colloquial way of speaking of it; the principle was that the committee should reflect the House. The other expression had crept into use because the Government of the day must have a majority in the House of Commons, where these questions for the most part arose. When this subject was up the other day, he was not in the House, but knowing it would be again mentioned he looked for authorities. In the British Parliament of late years, on several occasions the rule had been very clearly enunciated by Mr. Gladstone, the leader of the House, and very high authority. He would quote first from *Hansard*, vol. 199, p. 795:—

"My right honorable and gallant friend, however, must bear in mind that according to the usage which has prevailed for some time—and which my right honorable and gallant friend has recognized in his own speech—committees are constituted of members chosen from both sides of the House, a majority of one being given to that side which possesses the majority in the House itself. And this advantage results from the arrangement that it gives, to gentlemen on whichever side of the House they sit, an opportunity of serving in turn upon committees.

Then in vol. 204, page 1,112, Mr. Gladstone again says:—

"His right hon. friend (Mr. Horsman) had been less than fair as respected the composition of the Committee, for the Government had endeavored to do the best they could with the very limited choice at their disposal. The ancient practice of the House with respect to the representation of the majority and minority of the House was to select eleven members from the majority and ten from the minority."

And in vol. 206, page 1,117:—

"The object of the committee was not to fight the principle of the bill, but to con-

sider its language when its principle had been affirmed. The numbers voting on the question that the bill should be referred to a Select Committee were 73 for it, and 10 against it. As a committee ought to be constituted so as to represent the feeling of the House, he did not think there was any good ground of complaint against the constitution of this one."

There was, therefore, he thought, no tenable ground for saying the Government was entitled to a majority on the Committee. The House must be reflected on it. Apart from this, he hoped the Secretary of State would not object to these names being added to the Committee if this enquiry was to go on. He suggested, however, that it would be well not to press this motion until the House was informed whether the Government were disposed to legislate on this subject or not.

Hon. Mr. FERRIER said, being a director in the Grand Trunk Railway, Company he wished to state the facts of this case as they now stand. The Minister of Justice had within the last few weeks put himself in communication with the managers of the Grand Trunk Railway to ascertain the whole particulars in reference to the strike. Those particulars had been transmitted to the Minister of Justice as fully as he could desire, as he had intimated in his letter that they were asked for with a view to legislation for the better protection of the property and business of the country. The company were most anxious, having the responsibility of the charge of enormous accumulations of property committed to their care, besides the lives and safety of passengers to prevent the recurrence of such an interruption to business and travel as had created so great an alarm throughout the country in December. On the portion of the road in the State of Michigan, when the strike occurred there, the authorities exercised the powers vested in them and arrested the strikers, so that there was only an interruption of one train. They had also placed armed men on the trains to see that they went through to Detroit. The Legislature had since then passed a law, a copy of which he held in his hands, to prohibit any person from obstructing the regular operations or conducting of the business of railway companies or other corporations or individuals. The strike on the Grand Trunk was directed by the head centre of the Engineers Brotherhood who lived in Ohio. It was understood at Montreal up to within twenty-four hours of the strike that there would be no strike,

but the men were so dependent on instructions from the head centre of the brotherhood that they were prepared to do just what he required, and they were compelled, under the rules of the organization to obey. The Chief of the Locomotive Department of the Grand Trunk had sufficient men in reserve, supposing the whole of the engine-drivers should strike, to take hold of the locomotives and proceed without any interruption of the trains. But the strikers threatened them at once that their lives were in jeopardy if they dared to move the trains. In the State of Maine the Railroad Committee appointed by the Legislature, had reported on this question of railway strikes, and their recommendations for the protection of railway interests were very similar to those embodied in the statute in Michigan. He believed the Minister of Justice having asked for full information on the late strike, it was the intention of the Government to legislate on this question, and he feared if this committee were appointed it might delay the action of the Ministry and throw the matter over for another session, which would leave the railways with millions of property and thousands of lives at the mercy of the head centre in Ohio, whenever he chose to issue orders for a strike. Unless some other laws were enacted and the local authorities were prepared to act upon them, the country might be in the same predicament as it was in last December ten days hence. He would state for the information of the House there was no disposition on the part of the Grand Trunk Company to screw down their employees to lower prices than they ought to receive. He would assure this House that was not the cause of the strike, as the same class of men on the roads in the United States had to submit to a reduction of ten per cent. on account of the depressed state of traffic. The men all knew that the trains were carrying goods for less than what paid the actual running expenses. The drivers were perfectly willing to submit to this reduction, as their fellow engineers had done on other railway lines, but the head centre of the brotherhood ordered otherwise and they had to obey. The law of the country allowed these men perfect freedom to be masters of their own labor, and if they did not like to work for the Grand Trunk, they had a perfect right to go to any other road, but the Grand Trunk should be allowed equal freedom to employ whatever men they chose who were willing to work for the wages they offered, and such men should be protected from interruption or violence. If the law did not afford such protection, there was no safety

for life or property on railways. Both of the states he had alluded to had better laws in this respect than we had in Canada, and they were able to act on them, and did act on them when the occasion arose. All the railroads of the Dominion are exposed in the same way, and he had no doubt, from the communications of the Minister of Justice with the Grand Trunk Company on this question, the Government were preparing to bring down a measure in relation to it, and he believed it would be better not to appoint the committee, in case it might retard or interfere with the action of the Ministry.

Hon. Mr. WILMOT said there was another reason why this motion should not be pressed now. Honorable members should be allowed to read the correspondence that had been laid on the table. He entirely concurred in the opinions expressed by the honorable gentleman from Montreal—that any body of laborers had a right to obtain as high a price as they could for their labor, but not to interfere with others who might be willing to work for less. While he (Mr. Wilmot) was mayor of St. John, an association of laborers was organized to prevent ships being loaded by any but members of that society, and he was obliged to make use of the power of the law to protect non-union men.

Hon. Mr. SCOTT said it was a misapprehension to suppose the Minister of Justice would await the action of this Committee. This same evidence was before him, and the subject was receiving due consideration. A decision would necessarily be arrived at before this Committee could take any action, but as the subject was one of general interest, it was well the Committee should go on and consider the matter.

Hon. Mr. PENNY said the first of these strikes had occurred in New Jersey, and apparently there was no more power to stop it there than here. The trains were stopped for a day or two and the company had to yield to the demands of the men. That happened sometime in October. He concluded from this that the suppression of strikes would depend greatly on the action of the local authorities.

Hon. Mr. MILLER said if the motion were pressed he would insist on having two more members added to the committee—Messrs. Kaulbach and Botsford. He thought, however, it would be wise to let the motion stand over for a few days to see whether the Minister of Justice would take any action this session. He very much regretted that the question should have assumed a political aspect. His objection was not to the party bias of the committee, because he

had not given that any consideration at all, but he thought a larger one would be better suited for the purpose of making this enquiry. He had moved the adjournment of the debate without consultation with any member of the House. He was sure the names he had suggested would not give the committee a party aspect if they were added, but, on the contrary, would contribute a great deal towards accomplishing the object the committee had in view.

Hon. Mr. REESOR said there could be no doubt as to the power of this legislature to enact such legislation as would be required to remedy the evil complained of.

Hon. Mr. READ said if the Speech from the Throne had foreshadowed any legislation on this subject he would not have made his motion. He asked that the further consideration of his motion be postponed for a week.

The request was acceded to and the House adjourned at 5 o'clock.

WEDNESDAY, Feb. 28th.

The SPEAKER took the chair at 3 p.m.  
After routine,

ROYAL CANADIAN INSURANCE COMPANY.

Hon. M. FERRIER asked leave to present a petition from the Royal Canadian Insurance Company, asking for an amendment to their Act of incorporation.

Hon. Mr. MILLER called attention to the fact that the time for receiving petitions for private bills had expired.

Hon. Mr. CAMPBELL said he believed the object of the bill was this. The last statement of the Company was considered by the insurance inspectors of some of the adjoining States, to show that there had been a diminution of their capital: that is to say, if the amount which is necessary to re-assure all the risks which they hold were deducted from their gross assets, the amount left would be less than the capital they profess to have, which is \$500,000 paid up. They sustained a great many losses, and although these were fully and promptly paid, it so left the resources of the Company that if a re-assurance of all the risks became necessary, it would make an inroad on the paid up capital. The object of the petition was to obtain an amendment to their act of incorporation to reduce their capital to the true amount at which it now stands. The critical part of the matter is this—they are doing a large amount of business in the United States, and in some of the States they are threatened with expulsion unless these

steps are taken, the preservation intact of the paid up capital over and above the sum necessary to re-assure all their risks being a condition imposed on all insurance companies desiring to do business in many of the States of the Union.

Hon. Mr. MILLER said he understood this same bill was to be introduced in the House of Commons, and it was therefore unnecessary to receive this petition in the Senate in violation of the rules.

The House adjourned at 3 20 o'clock.

THURSDAY, March 1st.

The SPEAKER took the chair at 3 o'clock p. m.

After some debate it was decided that when the House adjourns to-morrow (Friday) it will stand adjourned until Tuesday the 6th inst., at 8 p. m.

VENTILATION OF THE COMMITTEE ROOMS.

Hon. Mr. REESOR moved that the honorable Messieurs Haythorne, Atkins, Paquet, McDonald (British Columbia) Dumouchel, Bailargeon and the mover be a committee to inquire into and report on the heating and ventilation of the Senate Chamber and Committee rooms connected therewith.—Carried.

DANGEROUS WEAPONS BILL.

Hon. Mr. READ moved the second reading of the bill intitled "An Act to extend the law as to the carrying of dangerous weapons." He said he had been induced to bring in this measure from the custom prevalent among the young men of the country of carrying concealed on their persons, pocket pistols, or revolvers. There was scarcely a pair of trowsers made at the present day which was not provided with a pistol pocket in which to conceal firearms. He noticed that the press and the judges of our courts throughout the country have expressed their opinions that a law was needed to suppress the carrying of pistols. Judge Harrison, in his charge to the Grand Jury at Toronto a year ago, had stated:—"That in his opinion there was no more need for carrying a pistol than for carrying a dirk or bowie knife, which the law provides against, and it appeared that the law had not provided against the carrying upon the person the most dangerous of all weapons, pistols." In several charges by Chief Justice Harrison to the grand juries, he has similarly expressed himself, and some grand juries have presented the law as it now exists as defective. Since he had introduced this bill every

article he had read in the papers spoke in favor of the measure and some papers that never before could see anything good either in his utterances or actions commended it. He had received letters from police magistrates and others in the same capacity recommending the passing of an act in this direction as a pressing necessity. He had also noticed that other judges and magistrates had expressed the same opinion as to the necessity of a law to prevent the carrying of revolvers. As to the constitutionality of such a law being enacted by this Parliament he would leave that to the lawyers to decide; he merely brought the matter before the House in the public interest and for the safety of life and property. From a return which he held in his hand, the number of deaths in the United States last year by pistol shots was stated at 312, out of which 143 were killed in quarrels. A few days ago an inoffensive man had been shot at Windsor in consequence of a difficulty about a week's wages. Cases were brought to their notice every day, through the press, where loaded pistols were drawn on slight provocation. In a civilized country like this there was no necessity for the practice of carrying firearms, and this was his reason for introducing the measure. The first clause of the bill provided against the carrying of loaded pistols on penalty of a fine of not less than \$10 nor more than \$40, or in default of payment thirty days imprisonment. The second clause limited the time for the prosecution of the offence to one month after its commission. The third clause provides for the impounding of the pistol. The fourth clause provides for the suspension of the act by proclamation of the Governor in Council, and the fifth that any particular territory may be exempted by Order in Council. The sixth clause provides for the issuing of certificates of exemption by a judge, recorder, stipendiary magistrate, or police magistrate, and the seventh clause provides for a return of such exemptions to the Clerk of the Peace in the proper district on penalty of \$100. The eighth clause, soldiers, sailors, volunteers, constables and policemen in discharge of their duty are not to be affected by, the operations of this act.

Hon. Mr. BUREAU said this was not a new bill. A similar bill had been introduced in the Commons in 1872, by Mr. Harrison, where, after being discussed at length, it was rejected on second reading. There was a law already in existence respecting of fences against the person but it did not extend to the carrying of pistols or revolvers. He would quote for the information of the House the arguments used against Mr. Harrison's bill.

"Mr. O'Connor in the absence of Mr. Harrison moved the second reading of the Act to extend the law as to the carrying of dangerous weapons.

"Sir John Macdonald pointed out certain necessary corrections of the bill to the promoter of it. It was necessary, for instance, to define what a loaded pistol was. It might be loaded with water or anything else. It required other amendments also, and he would suggest that this bill and others standing in the name of Mr. Harrison should be referred to a professional committee of five.

"Mr. Mackenzie said if he understood the remarks of the Minister of Justice he agreed to the principle of the bill, whereas on a previous occasion he had objected to it.

"Sir John Macdonald said the bill went further than before, as it exempted constables from the operation of the Act, gave power to Magistrates to allow the carrying of weapons, and provided that persons in outlying districts could be exempt from its operation by proclamation.

"Mr. Cameron (Peel) thought it should be referred to a special committee of five before the second reading.

"Mr. Blake said it appeared to him that bills amending the criminal law should not be introduced except by the Government. He had not considered any of the bills. It struck him that very dangerous consequences to the liberty of the subject might ensue from the proposal made.

"Sir John Macdonald—Which bill is that?

"Hon. Mr. Blake—The one providing for arrest by telegraph.

"Sir John Macdonald agreed that the principle of the bill was wrong." He then quoted the clause 72, chap. 20, Statutes of Canada (1869), relating to offences against the person:—

"Clause 72. Whosoever carries about his person any bowie knife, dagger, or dirk, or any weapons called or known as iron knuckles, skull crackers, or slung-shots, or other offensive weapons of a like character, or secretly carries about his person any instrument loaded at the end, or sell, or expose for sale, publicly or privately, any such weapon, shall be liable, on conviction thereof before any justice of the peace, to a fine of not less than \$10, nor more than \$40, and in default of payment thereof, to be imprisoned in any jail or place of confinement, for a term not exceeding thirty days."

For his (Mr. Bureau's) part he agreed with his honorable friend (Mr. Read) that legislation in this direction was necessary. He believed in the principle of the bill, but it required to be amended and it was a measure in which the Government should

take the initiative. He thought this House was indebted to his honorable friend for introducing this bill and he would not oppose the second reading, after which it could be referred to a committee of professional men to have it properly amended.

Hon. Mr. SCOTT said there was a wide difference of opinion on this subject, and the laws in different countries were by no means uniform. As would be seen by the report of the debate in the House of Commons on this subject a few years ago, the opinions of the learned gentlemen, who had given great attention to the criminal law, were divided. The main difficulty that he saw was the carrying of the law into execution. A provision of the bill which was open to very great objection was leaving to the Governor in Council to say where this law should be enforced. Laws of this kind, to be respected, should be universal in their application, and this qualification would scarcely be acceptable to the people. The Minister of Justice had been engaged for some time past in collecting statistics and information on this very subject, and if this bill were allowed to stand for a few days he would be able to give the House some information as to the conclusions which had been arrived at by the Government. His (Mr. Scott's) opinion was, unless society were educated on this subject it would be very little use to pass a law of this kind. The people do not regard pistols in the same light as dirks, bowie-knives and slung-shot. Burglars, at all events, would carry pistols, and a bill of this kind would simply prevent honest people from carrying such weapons for self-defence. The question was whether Parliament would be justified in depriving law-abiding people of this means of protection and placing the honest man at the mercy of the villain. There were some objections to the details of the bill.

Hon. Mr. ALLAN said there was nothing in the bill to prevent people keeping loaded weapons in their houses, so that they could protect themselves against burglars. The presumption was that a man who carried a loaded pistol in his pocket in a civilized community did not carry it for the purpose of self-defence. He would no more be justified in carrying a loaded pistol than in having a skull-cracker, dirk or any weapon of that kind, nor did he see any greater difficulty in bringing the one offender to punishment than the other. There could be no doubt of the great necessity which existed for some legislation on this subject, though he could not attempt to express any opinion as to the details of the bill now before the House, having only heard the

brief explanations of the honorable member who introduced it. No one looking through the newspapers and reading from time to time of shooting affrays constantly occurring and resulting very often from the most trifling quarrels, could doubt the urgent necessity for some legislation to prevent people from carrying loaded pistols as well as any other species of deadly weapon. He hoped the Government would take up this question, but if they should not do so the honorable member for Belleville ought to proceed with his bill.

Hon. Mr. DICKEY said, as seconder of the bill, he would explain briefly why he supported it. Some doubt had been expressed as to the constitutional power of this House to pass such a measure, but a little reflection would satisfy anyone that it would be no more unconstitutional than the acts already in existence to prevent the carrying of deadly weapons. If this bill was a restraint on the liberty of the subject, as contended by Hon. Mr. Blake, so was the act on the statute book in a still greater degree; but all laws for preventing high handed crimes are necessarily in restraint of the liberty of the subject, and wisely so. The argument of the Secretary of State, that because burglars will carry loaded pistols therefore honest people should be allowed to do so, would apply with equal force to the law against carrying skull-crackers, bowie-knives and other deadly weapons, for the criminal classes carried them too; yet the Legislature had thought proper to make a law to prohibit them. The Secretary of State had suggested that it would not be desirable to place in the hands of the Government the power to suspend this Act.

Hon. Mr. SCOTT—I spoke of the principle.

Hon. Mr. DICKEY said why his honorable friend should object to take this power so common in other acts he could not understand, but in sparsely settled districts bordering on a neighboring country—

Hon. Mr. CAMPBELL—The Provinces bordering on the Indian country?

Hon. Mr. DICKEY—Yes, or some people almost as bad as Indians, the Government might properly have the power to suspend the operation of this Act where necessary. That would be no objection to the measure, because they would only suspend it when circumstances actually required it. The honorable Secretary of State thought people were not educated up to this question, but unless some act like this was put in force our young men were being rapidly educated up to the very bad practice of carrying, and sometimes using bowie-knives and

pistols, a practice unfortunately too prevalent in the adjoining republic. As the principle of the bill could not be successfully attacked it was not desirable to throw obstacles in its way. At the same time, if the Government would support this or some other measure on the subject it would be of great advantage in securing the passage of the bill, and he would recommend the honorable mover to take the second reading and let the bill stand for a week. It was demanded alike in the interests of the public safety and humanity to the people carrying those pistols, who are not unfrequently the victims of their own recklessness. Therefore, on every ground it was desirable legislation should take place on this subject.

Hon. Mr. FLINT said his honorable friend from Belleville was entitled to the thanks of the country for bringing in this bill. The youth of our land are fast training themselves in the use of firearms, and particularly pocket pistols. Mere boys, who could save a little money, used it for the purpose of obtaining pistols, and used them—at least in the district from which he came—to shoot over horses' heads as they passed on the highways, thereby endangering life. It was time, therefore, that something should be done to check this evil. His own life had been threatened for letters he had published on public questions, and he felt it necessary to carry a revolver, but he had done so openly, placing the weapon on the seat of the buggy beside him, and never had occasion to use it. He hoped the Government would put a stop to the practice of carrying loaded pistols. If it was not done, the public would hold the Government and this House responsible for the consequences of the practice.

Hon. Mr. CAMPBELL was sure the Secretary of State would represent to the Minister of Justice how general the opinion was in the Senate as to the necessity of some legal provision against the carrying of loaded pistols. It was admitted the practice was most reprehensible, and was also increasing. Twenty years ago he hardly ever heard of young fellows carrying concealed weapons. Now it appeared to be quite common. This was partly, he thought, due to the spread of a depraved sort of literature which lads get hold of, and which makes them inclined to believe that the carrying of a weapon shows in some way their manliness and precocity. It was certainly the duty of the Government, and it would come more advantageously from them, to initiate legislation to prevent this increasing evil. It is always a very delicate thing for a private member of Parliament to

meddle with the criminal law. He would suggest to the honorable gentleman who had introduced this bill to suspend it until the Secretary of State would be able to say whether the Government would take up the subject or not.

Hon. Mr. DEVER felt it his duty to support such a measure as this, no matter from whom it came. The carrying of pistols in this country was becoming an alarming matter. In the windows of every shop where hardware is sold, several varieties of pistols are displayed for the purpose of inducing young men to purchase them. In fact, a pistol was becoming a necessary part of a young man's outfit, and accidents from the practice were growing frequent. In his own neighborhood, or city a, sad misfortune had befallen a respectable family by a boy accidentally shooting his playmate with one of those weapons. A law, to be respected, should be universal, otherwise it would become unpopular. There were two practices growing in this country, introduced into the Dominion from the United States, which should be repressed—the one, that of carrying deadly weapons, the other, that of easy divorce. If the Government would take steps to prevent the increase of such evils in this country, they would receive the hearty support of this House.

Hon. Mr. HOWLAN thought this act might infringe on provincial rights, as the different provinces controlled their own police. Then, too, the judges were paid by the Dominion, while the police magistrates were paid by the local governments. He doubted very much if this Parliament had the power, under the British North America Act, to pass such a law. He merely asked for information as he was not opposed to the principle of the bill.

Hon. Mr. SCOTT said it could not be questioned that a pistol was a dangerous weapon, and the power to legislate against the carrying of dangerous weapons came within the Federal law, therefore he did not think the act would be *ultra vires* if passed by this Parliament.

Hon. Mr. HOWLAN said he considered it would be a dangerous power to allow magistrates and others to issue certificates of exemption. There were municipal by-laws already in the different cities of the Dominion against the carrying of concealed weapons, but whether this law could be applied to the whole country at large was another question. For instance, there were bank clerks, bankers and others living at a distance from their offices who had to carry confidential papers and money. If such men had to go to magistrates and get



certificates of exemption, and those certificates had to be registered with the Clerk of the Peace, it would be an easy matter to find out the names of all parties who had obtained pistol licenses. He quite agreed with his honorable friend from Nova Scotia that in a great majority of instances a man was better protected without a pistol than with one, as it required nerve to use fire-arms in an emergency. Then there were times when a man might require to carry a pistol where it would be very inconvenient for him to go to a Magistrate for a certificate. This was a question that required careful consideration, as they might, while attempting to legislate for the protection of our citizens, deprive them of their rights as British subjects.

Hon. Mr. MILLER said there was no doubt the position taken by the honorable Secretary of State was the correct one. Carrying pistols should be made a criminal offence, and as such it was exclusively within the jurisdiction of this Parliament. This was a question on which it was especially the duty of the Government to take the initiative, as it was one that affected the administration of the criminal law. It would then be as well to know from the Government whether it was their intention to take any steps in this matter before proceeding with the bill. For his own part, he believed such legislation was necessary, as the practice of carrying loaded pistols concealed on the person was becoming a serious one in many parts of the country. He considered it would be a very objectionable feature of the law to grant to magistrates indiscriminately the power to issue licenses to carry pistols. That, however, was a matter of detail which could be regulated at the proper time, if the bill were proceeded with.

Hon. Mr. BUTSFORD said there could be no objection to the principle of the bill, but there might be to its details, and he would, therefore, suggest that it should have a second reading, and be referred to a committee of the whole House at some distant date. In the meantime the Government could look into the matter and the House could await the action of the Minister of Justice.

Hon. Mr. REESOR was in favor of the principle of the bill, but he hoped the honorable gentleman would not press its second reading until it would be ascertained whether the Government intended to take action in the matter. He had been astonished for some years past that a measure of this kind had not been passed, including pistols amongst the list of dangerous weapons. Parties should be prevented from

carrying revolvers just as much as slung shot, skull crackers, bowie knives, dirks or other such weapons. A certain class of young men, as soon as they were old enough to handle a pistol, were generally more anxious to possess their first revolver than their first watch, and there was danger of their being drawn in the heat of passion or under the influence of liquor. No one could fail to see that the practice of carrying pistols was growing to be a serious evil, and he hoped the Hon. Secretary of State would urge upon the Minister of Justice the necessity of legislation in this direction, and impress upon him that the feeling of this House was strongly in favor of this bill.

Hon. Mr. HAYTHORNE said he would have nothing to say on this question, but that he thought the Government were disposed to treat it with indifference. He was quite of the opinion that the honorable member from Belleville merited the thanks of the whole community for bringing forward this measure, as the practice of carrying dangerous weapons was becoming very general among young men. He attached considerable importance to the clause of the bill which admitted of the issuing of license to carry firearms, as there were places in which men had to travel where there were no police, and if they could carry firearms it would give their families greater confidence in their safety. He considered this bill of so much importance that it ought not to be lost sight of, and if it was postponed it should only be on the distinct pledge of the Government that they would take the matter in hand and push it through themselves.

Hon. Mr. SCOTT said the honorable gentleman misunderstood his remarks if he drew from them the inference that the Government were indifferent on this subject. On the contrary, the Minister of Justice had given the matter a great deal of consideration. Moreover, his (Mr. Scott's) own opinion was in the same direction as the opinions expressed by the honorable gentlemen who had taken part in this debate. It was desirable to stop the practice of carrying pistols, but this bill could not be engrafted on the law respecting the carrying of deadly weapons. Of course, under any circumstances, it was wrong to carry slung-shot, bowie knives, steel knuckles, skull-crackers, &c., but it was not always wrong *per se* to carry a loaded pistol. Speaking for himself, he would be very glad if the practice could be stopped altogether. The difficulty in enacting such a law was to make special exemptions from its operation. If the honorable gentleman would let the bill stand for a week, he would be able to in-

form the House whether the Minister of Justice would deal with the subject or not.

Hon. Mr. READ said he was well pleased with the progress he had made with this bill. He was glad to learn the Government had some such measure under consideration, and he would ask permission to allow the bill to stand for a week.

The bill was allowed to stand.

Hon. Mr. SKEAD moved the second reading of the Coteau and Province Line Railway extension bill.—Carried.

The House adjourned at 5:30 p.m.

FRIDAY, March, 2nd.

The SPEAKER took the chair at three o'clock p.m.

After routine,

CIVIL SERVICE APPOINTMENTS.

Hon. Mr. POWER moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Return showing the number of *employes* in the various departments of the Civil Service, and the amounts of the sums payable to them as salary or wages:

On the first day of January, 1868.

On the first day of July, 1870.

On the first day of January, 1873.

On the eighth day of November, 1873,

And on the first day of July, 1876;

Also the expenses of legislation for each year since the union of the provinces.

With the consent of the house the motion was amended by adding the words 'distinguishing the names of the new appointments other than those filling up vacancies, with the salaries attached, and all increases of salaries between the first day of January and eighth day of January, 1873.'

Motion carried.

GLOBE PRINTING COMPANY'S AMENDMENT BILL.

Hon. Mr. HOPE moved the second reading of bill to amend the Act incorporating the *Globe* Printing and Publishing Company. He said the object of this measure was to enable the Company to establish branch offices in the different capitals of the provinces and other parts of the Dominion, and also to enable them to increase their capital.

The motion was carried.

The House adjourned at 3.25 p.m.

TUESDAY, March 6th.

The Speaker took the Chair at 8.30 p.m.

After routine

THE STEAMER "SIR JAMES DOUGLAS."

Hon. Dr. CARRALL asked "why the late captain of the Dominion steamer *Sir James Douglas* was dismissed from the service during the past year?" He said the steamer had formerly belonged to the Government of British Columbia, and was commanded by Capt. Clark, who left the navy for the purpose of taking charge of her. When the province became part of the Dominion the vessel was handed over to the Dominion Government. The captain was discharged and the vessel refitted. As an act of justice the Government were induced to offer him the command of the steamer, which he declined. Meanwhile, a Captain Morrison was placed in command of the *Douglas*. In common with his colleagues from British Columbia, he (Dr. Carrall) had signed a recommendation of character for Capt. Deveraux to replace Capt. Morrison, should the latter hold his position only temporarily. This question was asked to ascertain if Captain Morrison was permanently appointed and, if so, why he was removed and Captain Deveraux given the command of the vessel.

Hon. Mr. SCOTT said that Capt. Morrison was only employed temporarily by the agent of the Marine and Fisheries Department at Victoria, on the withdrawal of Capt. Clark from the command of the vessel. Capt. Morrison was never appointed by the Government.

Hon. Mr. CARRALL said he was perfectly satisfied as to the correctness of this reply. Captain Morrison did not desire to be replaced, but simply wanted a vindication of his character. The following letter from the agent of the Marine and Fisheries Department would show that Captain Morrison was not discharged for any dereliction of duty:—

DEPARTMENT OF MARINE AND FISHERIES.

Agent's Office, Victoria, B. C.,  
June 1st, 1876.

SIR,—The Order-in-Council appointing another commander to the Government steamer *Sir James Douglas*, in your stead, in no way reflects discredit upon yourself.

During the time that you have held command of the above vessel, your services have given entire satisfaction, and I have much pleasure in bearing testimony to your many good qualities as a skilful and careful seaman and navigator.

I am, sir,

Your obedient servant,

JAMES COOPER,  
Agent.

CAPTAIN D. MORRISON, Victoria.

## BILLS FROM THE HOUSE OF COMMONS.

The following bills were received from the House of Commons and read a first time.

To extend to the Province of Prince Edward Island certain Criminal Laws now in force in other Provinces of Canada.

To amend the Act respecting Offences against the person.

To amend the Act respecting Larceny, and other similar offences.

## THE PRINTING OF RETURNS.

Hon. Dr. ALKINS, in the absence of Hon. Mr. Simpson, moved the adoption of the fourth report of the Joint Committee on Printing.

Hon. Mr. GIRARD objected to the adoption of this report because he saw at the end of it a recommendation that the return respecting the North West Territory be not printed. His motion had included all correspondence that had passed between the Government of the North West and the Dominion Government, but he observed there was no part of it in the return brought down. There was merely a note stating that the correspondence asked for was so voluminous that the Minister of the Interior was unwilling to have them copied unless it was absolutely necessary. His motives in asking for this return were to show what had been done by the North West Council, and this correspondence would also be valuable as a matter of history. In consideration of what was due to members of this House, he hoped the Government would bring down those papers. He was sure they were quite as willing as himself to advance the cause of our great North West.

Hon. Mr. SCOTT said the papers asked for included many documents that were of no interest whatever, and would involve the labor of eight or ten clerks for several weeks to copy them. If the honorable gentleman would specify the correspondence he wished for, it would be brought down. There was no desire to conceal anything, but the House would hardly justify the employment of a staff of clerks to copy a mass of correspondence which could be of no possible use to the country. Anything bearing on the policy of the Government in developing the North West would be furnished, but the honorable gentleman asked for everything since the organization of the Government of the North West, a period of nearly five years, and, really, when it was brought down it would be too voluminous to be of any service.

Hon. Mr. CAMPBELL thought there was some ground of complaint on the part of

the honorable member for Manitoba. The Government should not hold back any correspondence which the House ordered to be brought down. He did not say there was any desire to withhold it for any other cause than that mentioned, but it was exercising a discretion which they should not. Whether it took one or ten clerks two or ten days to copy the returns, they should be brought down. If the motion asked for papers, the copying of which would entail a great deal of labor, or which were irrelevant, it was the duty of the Secretary of State to have said so when the matter was before the House, and then the order could have been amended but when the order was once made the papers should have been brought down. At all events some opportunity might have been taken to talk the matter over with the honorable gentleman who made the motion and settle what papers should be produced, and not have the statement made to the House that the Secretary of State had seen fit to decide, contrary to the order of the House, that some papers were not important enough to be brought down. The honorable gentleman from Manitoba had a right to those papers, and they should be brought down.

Hon. Mr. SCOTT was not aware whether, at the time the motion was made, he asked his honorable friend to specify what papers he wanted, but his impression was he had. The expenditure for contingencies was becoming enormous. There were not less than fifty or sixty clerks employed to copy the returns brought down. These documents were used for the moment for honorable gentlemen to see, ask from, and then sent to the clerk's room and never asked for again. If the honorable gentleman would only say what papers he wanted they would be brought down.

Hon. Mr. GIRARD said he was not the only party interested in this question. Among the papers asked for were some which would be very useful. He remembered that after the adoption of his motion last session, the then Minister of Agriculture had made some such remark as that of the honorable Secretary of State. He (Mr. Girard) replied that he would go to the office of the Secretary of State and see about it, but on going there he found the Secretary of State was not in. He (Mr. Girard) had never been called upon to say what papers he would require. Some of the documents which the Secretary of State had not brought down were very much needed by the members of the North West Council as a means of justifying their proceedings, and at the same time would be interesting as

historical records. They had no means of publishing their proceedings, and they were of opinion that those papers, if distributed throughout the country, would be a justification of their course. He would speak to the Secretary of State privately, and if he could not get what he wanted, would then apply to the House a second time for an order, for the production of these documents.

Hon. Mr. AIKINS said the Printing Committee had recommended that this return be not printed, because it was incomplete and would not accomplish the object the honorable gentleman had in view. One reason why so little interest was attached to returns when brought down was the delay in producing them. Returns might be asked for this session and not be brought down before the close of next session, and it could not be expected that the same interest would attach to them then as now. The return in question was asked for last session, and after all this delay it was brought down incomplete, the excuse being that it would involve a great deal of labor and time to copy all the papers included in the motion. That was an excuse which no Minister should make. The House having made an order, it should be carried out. Ministers of the Crown do not pay for the work, and if the country wants the information and is willing to pay for it, the Government have a right to furnish it.

Hon. Mr. SCOTT said the honorable gentleman from Manitoba admitted it was a qualified assent that was given to the motion—that the only papers which would be required were to be brought down. He (Mr. Scott) would be glad to facilitate the honorable gentleman's inquiries and had no doubt the Minister of the Interior would at once have the papers copied.

Hon. Mr. AIKINS said the papers must pass through the Secretary of State's Department, and the honorable gentleman should have made it his business to see they were copied. More than that, he (Mr. Aikins) did not think it would take five or six clerks many days to copy all the papers. Before the change of Government, at all events, they were not so very numerous.

Hon. Mr. TRUDEL said while these papers might not appear to be of much importance now, they would be valuable in the future as records of what had taken place in the Northwest. In fact, it was the whole record of a regularly constituted Government. A gentleman who took a deep interest in the history of Canada had informed him recently that while looking through the archives of the Dominion he found papers relating to the period of the war of 1812, which

showed that all the historians who had written on this subject did not seem to have understood the strategical movements of the different bodies which defended the country at that time. It was only by consulting the correspondences written day by day, by the officers of the time, that a correct knowledge of the facts could be got. So, these letters of no importance apparently, are the records from which history is written. In the same way, if some such records had not been carefully preserved in France, it would be utterly impossible to write the history of our eastern provinces. After some years it would be the same with our North West Territories and he was sure the public money could not be better employed than in printing those very interesting documents. Besides that, it was only justice to the gentlemen who had fulfilled gratuitously the important duty of governing the North West, who had laid there the foundations of civilization, to print the record of their administration and spread it all over the country. These records would present in the future the same interest as those of the early days of Canada now present to us.

Hon. Mr. BUREAU said the committee did not object to printing any papers that were of public interest, but in this case the documents were not complete.

Hon. Mr. AIKINS suggested that when the papers were complete they could be submitted to the committee again and they could then be ordered to be printed.

The report was adopted.

#### THE GRAND TRUNK STRIKE.

Hon. Mr. READ enquired if the Government had yet decided what steps they intended to take with respect to legislation for the prevention of detention of railways by strikes.

Hon. Mr. SCOTT requested the honorable gentleman to allow the matter to stand for another day.

#### THE STEEL RAILS.

Hon. Mr. READ enquired when the House might expect a return to the address he had moved, showing the use to which the steel rails purchased in 1874-75 were put. He was led to make this enquiry now as he thought it would not be as easy a task for the Government as he at first considered. He saw by a Halifax despatch that the arrival of the barque *William Wilson*, with a cargo of steel rails from England for the Intercolonial Railway, was announced.

Hon. Mr. SCOTT said he would enquire into the matter. He also informed Mr. Vidal that the correspondence between the

Dominion and New Brunswick Governments respecting the liquor license question would be brought down to morrow.

The House adjourned at 9.30 p. m.

WEDNESDAY, March 7th.

The SPEAKER took the chair at 3 o'clock p. m.

After routine, the order of the day being called.

THE GRAND TRUNK STRIKE.

Hon. Mr. SCOTT said:—The Legislation that I foreshadowed the other day will probably be introduced either to-day or to-morrow. Whether it will go the length my honorable friend anticipates I am not prepared to say, but I believe it will be limited to contracts between the engineers and their employers, making the law more stringent than that now applying to master and servant. The correspondence relating to the delay of the mails by the Grand Trunk strike will be printed in a few days, and if the honorable gentleman wishes to go on with his committee he can do so.

Hon. Mr. READ said with the consent of the House he would ask to have the order stand until the papers were printed.

The House adjourned at 3.30 p. m.

THURSDAY, March 8th.

The SPEAKER took the chair at 3 o'clock.

After routine,

INTERCOLONIAL RAILWAY MANAGEMENT.

Hon. Mr. BOTSFORD moved that an humble address be presented to His Excellency the Governor General, praying that he will be pleased to lay before this House a return, shewing the number and names of all persons who have passed free on the Intercolonial Railway and its branches, from the 1st day of January, 1876, to the 1st day of March, 1877, stating by whose authority, and for what cause, such free passages were given; also a detailed statement shewing the number of accidents to trains, the cause thereof, and the loss to the revenue in the repairing of the damages caused thereby, for the same period. Also a return of the salaries paid per annum or monthly, as the case may be, and emolument or perquisites received by the General Superintendent and all other officers and employes of the said railway, including conductors, station masters and ticket agents; Also a return shewing the total cost of the Superintendent's palace car, so-called, including the work done thereon by the artificers employed by railway author-

ities, the extra cost of running the same, the purpose to which said car has been applied, and the number and names of the persons who have been accommodated by its use." He said this question had been discussed in a most thorough manner last session by the honorable member from Londonderry, and several modifications had been made as a result of that discussion. Still there were other points in which reform was needed. The Government, having full control over the Intercolonial Railway, were responsible for the manner in which that line was managed, and it was a misfortune that they had delegated that authority—their responsibility they could not—to an individual who was irresponsible in one sense of the word, and whose management had not given general satisfaction. Not only were the running expenses of the road conducted in a most expensive manner, but the works connected with it were not given out to tender and were carried out in the most costly manner. The number of tariffs that had been made and established during the past three years was something like sixteen and every one of them was unjust, unequal in its application and destructive of many local industries, and although the last tariff was a great improvement on those that preceded it. Yet he failed to see how the Government could justify the great disproportion between the rates for through and for local freight. It was an undoubted fact that merchants at Halifax and St. John could have freight brought from Riviere du Loup cheaper than merchants living much nearer that point. Merchants at Moncton, 100 miles nearer Riviere du Loup, have to pay more than merchants at St. John, and a car load of flour delivered at Truro paid \$5 more freight than a car load delivered at Halifax. This he understood was the state of affairs, though there was no tariff in the report of the General Superintendent or in the report of the Minister of Public Works, and he was consequently without any authentic information on the subject. Now, the disproportion between the through rates and local rates was too great and should be changed. Either the Government were carrying freight from Riviere du Loup at rates which could not possibly pay, or the tariff was imposing burdens upon the local traffic which were unjust. Some two years ago he had called the attention of the Government to the great abuse of the pass system by the Superintendent, or some of the officers in charge of the road, and returns were brought down, which showed that the abuse was very great indeed, and that a species of

favoritism was exercised, which was, in fact, a fraud upon the revenue. The Government themselves were astonished when they saw the returns, and strict orders were given to put a stop to the abuse. From the best information he could obtain, the same abuse was creeping in again. He did not state this was positively the case, because it was difficult to get information regarding the management of the road. It seemed to be the policy of the General Superintendent to keep everything back as far as possible. The reports of the General Superintendent and the Minister of Public Works contained no reference to the number of accidents which had occurred on the Intercolonial during the administration of the present Superintendent. During the past year there had been a great number of accidents, attended by great loss of public property. Whether this arose from the General Superintendent residing in Montreal, or from the incompetence or carelessness of the persons who managed in his absence, he did not know, but this he did know, there had been a great many accidents, and there was no reference to them in the reports. He happened to know in his own neighborhood that two trains ran into each other not more than ten days ago, and the engines were seriously damaged and a quantity of rolling stock doubled up. Where a road had been constructed by the country at a cost of some \$22,000,000, laid with steel rails, and supplied with rolling stock, it was, to say the least, discreditable to the management of that road that so many accidents should occur. There could be no doubt there was great mismanagement on the road, and this was one of the best evidences of it. These were the salient points to which he wished to call attention, and to justify him in bringing this motion before the Senate. There was another expenditure which had given rise to a great deal of comment in that comparatively democratic country—the palace car of the managing director. One would suppose that an ordinary Pullman would be sufficient for the accommodation of any man in this free country, however great he might be; but this palace car was so costly that it had given a great deal of dissatisfaction, and would tell against the Government if an election should take place in any of the constituencies through which it passed. He asked for information on this subject because it was one of the evidences of the extravagant manner in which this road was being run. He was satisfied, from the character of the gentlemen who composed the Government of this country, that if they were fully aware of the manner in which

that road was managed, and the expenditures were made upon it, they would never sanction it, and would prevent it in future. Unless this great work was economically conducted it would be a charge upon the revenues of the country. The word "perquisites" in the motion referred to the very expensive buildings put up for the accommodation of employees. He wished to get at the cost of these. He hoped when the Government made their return they would show where those expensive residences had been built, what they cost, and what were the advantages which the officers secured by having their houses built at the public expense.

Hon. Mr SCOTT said it would be obvious to honorable gentlemen that the running of a railway was a matter so very much of detail that it could not be assumed for a moment it was pertinent to the Government of the country. It was unfortunate for the Government to have railways. Honorable senators knew the expense of running such a road as the Intercolonial, and they would admit that the gentleman who had been appointed to manage it had prestige and experience as having been manager for several years of the most important railway in the country. With reference to the complaint as to the rates, he was not able to speak, but the Government had adopted the same plan as had been followed on other roads—getting all the through freight they could, and taking it at the lowest rate compatible with the keeping up of the road. If the Intercolonial Railway had not taken through freights at the rates charged, the traffic would have been diverted to Portland and go by there to St. John and Halifax by competing lines. While it was desirable to run the railway at as low rates for traffic as possible, it was impossible that it should be run entirely at the expense of the country. With reference to the question of free passes, he was informed that the members of the Local Legislature, staff officers on duty and volunteers going to practice have had free passes. The system had been introduced many years ago, and it had not been discontinued. The only other persons who had free passes were the leading officers of other railways connecting with it, which was a courtesy extended over all railway lines. Beyond this the department had no knowledge that the free pass system had been abused, although it was quite possible that it might have been abused.

Hon. Mr. BOESFORD said he did not think there were many free passes issued, but persons were permitted to travel over the road without passes.

Hon. Mr. SCOTT said if such was the case it was an indirect way of giving passes. A pass should be a paper that could be reported to the manager of the road, and through him to the Government. It was a principle recognized in all railway companies that the Board of Directors should be made aware of all passes issued over the road, and it should also be so on the Intercolonial Railway. If persons were allowed to travel over the road without passes it was dereliction of duty on the part of the officers. As to accidents to property on the road, he was not aware that the number on the Intercolonial Railway was greater in proportion than those occurring on other lines. With reference to the offence which the construction of the palace car had given, he was advised that it was nothing more or less than an ordinary first-class passenger car, which had been divided into rooms, and it was not only a privilege, but a necessity in the management of any such road. Of all the expenditures on the Intercolonial, that of the palace car could be best justified. He did not think there was a railway on the continent on which there was not a special car for the use of the manager. The manager had to be very much on the road; he could not accommodate his stoppages to the regular trains; he had his telegrams to receive, his correspondence to read and answer, his reports to make out, and his directions to his assistants to give, which could not be done in an ordinary car. On the Grand Trunk several of the managers of different departments had each their special car for their special duties, and such cars could not be considered extra expense when they were attached to the general trains. He thought the expenditure for the palace car on the Intercolonial, a road five hundred miles in length, was perfectly justifiable. He had no objection to the address going. He could obtain a statement of the number of accidents, and the causes thereof, but it would be impossible to obtain a statement of the cost of repairs, as the men in the workshops were paid by the day, and no special accounts were kept for each car disabled. An approximate estimate might be made of it, but that was all. He was glad his honorable friend (Mr. Botsford) had explained what he meant by "perquisites" was the residences built for officials. He could bring down a statement of their cost, and he presumed that they were built because at some points on the road it was absolutely necessary to have some such accommodation for employees.

Hon. Dr. CARRALL said he confessed he seldom had occasion to rank himself under

the banner of the honorable Secretary of State, but with regard to the management of the Intercolonial Railway he could do so. He had known the manager of that road from boyhood. He had read of him in the *Globe* as being one of the worst of men, and the most incompetent of railway managers in the country, but his (Dr. Carrall's) political friends were good enough to stand by him and have faith in his ability, and he was glad to see that their successors had also shown their belief in his ability by appointing him to the management of a railway that had cost the country twenty millions of dollars. He confessed that after years of education by the Reform press of the country he had entertained a sort of quasi doubt as to Mr. Brydges' capacity to run a twenty million dollar railway, but his honorable friends in the Government seemed to think he was a success, and he (Dr. Carrall) joined them in the belief that he had been. With respect to the palace car he considered it was a necessity in the management of the road. He had been through that section of the Dominion himself, and, to use a Blakeism, he considered it a rather "inhospitable country" with respect to accommodation.

Hon. Mr. MACFARLANE said the Intercolonial Railway management was one of the most important questions, not only to the people of the Maritime Provinces, but also to the people of the Upper Provinces. The mails and passengers had been carried over the road during the present winter in a manner that had given general satisfaction to the entire country. The road was one in which the Maritime Provinces were deeply interested. For several years, no doubt, there was very great dissatisfaction throughout the length and breadth of the land at the manner in which the railway had been managed, but he was happy to be able to bear testimony to the beneficial change that had taken place during the past summer. The changes of tariff and in the management of the road had altered very materially the opinions of the people of the Maritime Provinces as regards the manager. The tariff was also giving more satisfaction, although it was still open to improvement and modifications. It appeared very strange, for instance, that a car load of flour from Guelph to Truro should cost more than if it were carried on to Halifax. In the same way if a man brought a car load of flour from the west to Moncton he would have to pay more for it than if he went on to St. John, a hundred miles farther. The cause of this anomaly in the rate was, he supposed, that the extreme points, St. John and Halifax, received a great deal of

their flour via Portland and in order to compete for this traffic the Intercolonial had to regulate their tariff. If the rate by the Intercolonial to St. John and Halifax was higher than it was by the Grand Trunk to Portland, and via water to St. John and Halifax the traffic would be lost. The people thought that freights to intermediate points on the Intercolonial should at least be as low as they were to St. John or Halifax. With reference to accidents on the road it was probable they had been most frequent on the old section between Painsic Junction and Amherst which had been built before Confederation and made part of the Intercolonial. He believed it was an inferior piece of road. He has travelled over it himself and had met with several accidents on that twenty-five miles, but the other parts of the road that had been constructed by the commissioners were as fine a line, and he believed as well worked, as any railway on the continent. With reference to what had been said of the manager the opinion was generally entertained—while few doubted his ability—it was unfortunate for the interests of the road that his residence was in Montreal instead of at Moncton, or some place on the railway. A manager who resided at some point on the line could give a great deal more of his attention to its management than a manager, no matter how great his ability, who resided at Montreal. As far as his own experience went he could say that the officers immediately under Mr. Brydges were very able and competent men. The resident Superintendent, Mr. Lutterel, was a gentleman who went down here from this country, and there was a good deal of prejudice against him. Some such feeling had been entertained against most of the people who went down from the west, to take charge of public works in that Province, as the people considered they had as good men down there for such positions as there were in any part of the West. Mr. Lutterel shared in this prejudice, but the management of the road under him, for the last two years, had given very general satisfaction, and he was personally growing very highly in the esteem and confidence of the people. The general opinion with respect to the palace car was that it was rather an extravagant piece of furniture. It was quite possible, however, that the manager, who has so much traveling to do, should require as much comfort and convenience as could be obtained, but the public opinion was not in favor of this palace car. With reference to free passes it was his opinion that this privilege had been reduced to the lowest possible limit.

In fact he had been told that the Government were rather niggardly in that respect, as railway men from United States roads had complained that the American rule for free passes was not reciprocated over the Intercolonial. He was very glad his honorable friend had brought up this motion, although he did not agree with him in all his conclusions in the matter.

Hon. Mr. BOTSFORD said he would not attempt to enter into an argument with the honorable gentleman who had just spoken. He certainly viewed the question from a different stand-point, but with regard to the construction of the road between Painsic Junction and Amherst he entirely disagreed with him. The only objection that was ever made or could be made to the construction of that road was that it was made longer than necessary. When it was handed over to the Dominion Government it was one of the best sections of the European and North American Railway.

Hon. Mr. MACFARLANE—It is only recently I saw a statement that five or six hundred pieces of broken rails had to be taken up from that section in consequence of the bad construction of it.

Hon. Mr. BOTSFORD still maintained what he had stated. He had travelled on that road almost daily, and could say he had heard travellers admit after it was opened that it was one of the best roads on the continent. This was the first objection he had ever heard made to the construction of that section. As for the accidents, many of them had occurred between Moncton and Miramichi. The last one, to which he had referred, took place at Moncton Station, and not on this part of the road at all. The accident was the result of two trains running into each other, and not from any fault in the road. The road had been re-constructed and re-laid with steel rails. Therefore, he did not think the facts would bear out the honorable gentleman's statement.

Hon. Mr. MACFARLANE said he knew orders had been given to the drivers on that section not to run at a rate of more than fifteen miles an hour in consequence of the defective construction of the road.

Hon. Mr. SCOTT suggested that the portion of the motion referring to the number of persons carried on the Managing Director's car should be struck out.

Hon. Mr. FERLIER said the Manager's car was his office, and the persons going into it went there to do business. On all roads, and particularly long ones, the Manager must have a private car. He must be alone with his secretary, and his orders are going off at every telegraph station in reference to mat-



ters occurring on the line. With respect to the difference in rates between local and through traffic it was easily understood. The Intercolonial has a large amount of rolling stock and is prepared for a large business. Sometimes, when there is a good deal of competition in railway freights it is necessary to take through freights at very low rates. If they do not, their cars and hands must remain idle. It is far better for them to keep traffic in its accustomed channel even though it be at a temporary loss. The local rates must be kept up unless the Government are to accommodate the Lower Provinces and carry freight so cheaply that the country must bear the expense of running the road. The local rates are always higher in proportion than the through rates. From what he could see and hear, he did not think the Intercolonial Railroad was run at a greater expense than other roads. He did not see anything like extravagance about it. As regards passes, they are exchanged with roads connecting with each other. As to giving them to railroad men from the United States, that was something no road did. He had traveled over the road on a pass as Chairman of the Grand Trunk Railway, and Mr. Brydges had a pass on the Grand Trunk Railway in the same way.

Hon. Mr. BOTSFORD said he did not require the names of persons taken on board of Mr. Brydges car while that gentleman was in it himself, but he understood this car had been offered to very favored individuals to run on the road when he was not present. That was the information he wanted. With respect to the difference between the local and the through freights, he did not see why it should cost more to convey freights from Riviere du Loup to Truro than from Riviere du Loup to Halifax, which was sixty-one miles farther.

Hon. Mr. McLELAN said there was a complaint of a Truro merchant that a Halifax merchant ordered a car of flour, and it was billed to him at five dollars less than to the merchant at Truro. The Halifax man stopped the car at Truro and undersold the Truro man. In the same way, a St. John merchant ordered a car of flour, which was billed to him at ten dollars less than to a Moncton merchant. He stopped the car at Moncton and undersold the Moncton man.

Hon. Mr. MILLER—Couldn't the Truro man order the flour to Halifax and stop the car at Truro?

Hon. Mr. McLELAN—I believe that was tried, but it failed.

Hon. Mr. NORTHUP said it was expected there would be a great through traffic to Halifax, when this road was open-

ed, and he was very glad the Government had been doing something in the way of developing it. He thanked the Government for what they had done, and hoped they would carry the policy still further. If they would, and enable Halifax to successfully compete with other points in furnishing cargoes for Europe, after that they would not ask for a continuation of the mail subsidy.

Hon. Mr. READ said he had supposed this Intercolonial Railway was constructed; but from a return that had been brought down he learned to his surprise that 11,160 tons of steel rails had recently been delivered for the Intercolonial, sufficient to construct 124 miles; and he saw that another vessel, the *William Wilson*, had arrived in Halifax on the first of March with a cargo of steel rails—enough to construct a good deal more of the track. So it appeared the country was mistaken in supposing this road was completed, although it had cost the Dominion \$22,000,000. The honorable Senator from Hamilton had given some information the other day that the returns did not corroborate. It appeared only twenty-five and a half miles, instead of forty-five, of those precious steel rails had been laid between Fort William and Red River yet—only 2,295 tons out of the 50,000, with the addition of this car go landed at Halifax the other day. This was all that had been used in two years and several months. When he saw the announcement that this ship had been seventy-four days out he at first supposed she had come round from the Pacific slope with rails, until he looked a little further on and saw it was from England she had come. It was a pity that more of those rails had not been laid; they would rust out sooner than they would wear out.

Hon. Mr. CARRALL.—Paint them. Does this return of 50,000 tons include the rails at Renfrew?

Hon. Mr. READ.—I don't think it; they are iron.

Hon. Mr. PENNY.—I thought they were not there at all. Now it appears they are iron.

Hon. Mr. McLELAN said this section between Painsic Junction and Amherst was originally laid with iron. It was not all relaid with steel rails, but he supposed it soon would be.

Hon. Mr. SCOTT—Last year I announced, in the debate on this subject, that the intention was to use 10,000 tons to make a complete steel track on the Intercolonial.

Hon. Mr. MACPHERSON—Part of the 50,000 tons?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACPHERSON said it was im-

portant to know whether this cargo formed part of the 50,000 tons or not, or whether they had been purchased in addition.

The motion was carried.

#### MANITOBA VOLUNTEERS.

Hon. Mr. GIRARD enquired of the Ministry whether the Government intend to favor the formation of companies of volunteers in the Province of Manitoba, and provide for their equipment. He said his reason for making this enquiry was that in November last when the news of another Fenian movement reached Manitoba, it was felt that the force at Fort Osborne was not sufficient to meet any invaders, and an attempt was made to organize a force of volunteers. In a short time a company of forty-eight men was formed, and shortly after other companies were organized, but when they applied at Ottawa for arms and equipments they had been informed that there were no funds. Under the circumstances the answer was to be regretted. It had fallen on them as heavily as the lead they would have preferred to give their enemies, and he now desired to allow the Government an opportunity to soften the feeling which the answer they had given had produced amongst the people of Manitoba.

Hon. Mr. SCOTT—Manitoba will, of course, receive no special provision over any other province in reference to the formation of volunteer companies. The number under the present system is limited to 40,000 men over the whole Dominion, and Manitoba is entitled to her share. Within the last two weeks permission was given to raise two more companies in that province, which, with the one already organized, will make three companies for Manitoba.

#### DIVORCE BILL.

The bill for the relief of Walter Scott was read a second time and referred to committee.

#### CRIMINAL LAWS EXTENSION BILL.

Hon. Mr. SCOTT moved the second reading of the bill. "An act to extend to the Province of Prince Edward Island certain of the criminal laws now in force in other provinces of Canada." He said this was a bill to extend to Prince Edward Island the criminal laws now in force in other parts of the Dominion. It also provided that the jails in the Island shall be for the purposes of this act regarded as penitentiaries until such time as a building shall be constructed as a joint penitentiary for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island—or one for the Island. It also pro-

vided for appeal, in certain cases, to the Supreme Court.

Hon. Mr. HAVILAND said he had much pleasure in supporting the bill. He was surprised that such a measure had not been introduced long ago, as he was strongly of the opinion that there should be throughout the Dominion uniformity in the punishment of crimes as well as in criminal procedure. At present there was great variation in the laws administered in the Dominion outside of Prince Edward Island, some crimes almost of a trivial character having greater punishment awarded to them by local than by Dominion statute. With regard to the penitentiary for Prince Edward Island being built in Nova Scotia or New Brunswick, he thought it would be very inconvenient—especially in the winter season. The Government of Prince Edward Island had been at considerable expense since entering the Union, in maintaining and supporting criminals who should have served out their time in the penitentiary; and there should be provision made even now by this Government to disturb out of the Dominion funds these expenses, and not have them a tax on the limited income of the Local Government.

The Bill was read a second time.

#### OFFENCES AGAINST THE PERSON.

Hon. Mr. SCOTT moved the second reading of bill "An Act to amend the Act respecting offences against the person." He said the bill consisted of two clauses, the object being to do away with the anomaly on our statute book respecting punishment. It is a well recognized principle now, that unless death ensues from the offence, it is not usual to carry out capital punishment, and it was considered better to adapt the law to the circumstances of the age. This bill simply makes provision for a change from the sentence of death to other modes of punishment.

Hon. Mr. DICKEY—It has been found in short, that in practice the effect of the death penalty is to defeat the object of the Act.

Hon. Mr. KAULBACH said—Bodily injury, with intent to commit murder, and the abuse of a girl under ten years old, are crimes to which the death penalty now attaches—hence the hesitation of juries to convict, or if convicted, the law is not now executed. But this bill would leave it entirely to the discretion of the judge to make the punishment a week's imprisonment in the common jail, or for life in the penitentiary. This, it appeared to him, was not consistent with the general scope of our criminal law, to give such latitude to our judges,

and he thought they should be confined to certain limits. These objections he considered worthy the notice of honorable gentlemen.

Hon. Mr. SCOTT—In the cases to which allusion is made, the offence may be very grave, involving the penalty of penitentiary for life, or there might be mitigating circumstances that would justify the judge in inflicting the lesser punishment. It is evident that the judge who hears the case is best able to say what the degree of punishment should be.

Hon. Mr. KAULBACH said an attempt to commit murder was a very serious offence, and it should not be left to the discretion of the judge to say what the punishment should be.

Hon. Mr. BROWN said it appeared to him that that the bill was a very grave change from the present criminal law. Under the Act of 1869 the law is absolute that any person who attempts to murder by administering poison, or wounding with intent to commit murder, is guilty of felony, and shall suffer death as a felon.

Hon. Mr. SCOTT—But that law is not enforced.

Hon. Mr. BROWN—Suppose it is not carried out—that is the law. And the change of law proposed by this bill is very great. If the severity of the law as it now stands has to be relaxed in order to secure conviction, and a step downward has to be taken, why might not the bill provide that the punishment of such attempts to commit murder shall be imprisonment for life, leaving the modification of that sentence (as now) in the hands of the Executive? But this bill goes far beyond this. It says:—

“10. Whosoever administers, or causes to be administered, or to be taken by any person, poison or other destructive thing, or by any other means whatsoever, wounds or causes any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.”

This appeared to be bringing down the intent to commit murder to a very low scale, and looked like a step in the direction of abolishing capital punishment which he would regret very much to see in this country. He believed there were a large number of criminals in penitentiaries who would not be deterred from committing murder were it not for fear of capital

punishment. It would require a very strong and intelligent conviction as to necessity and effects of this act on the part of the Government to justify so grave a relaxation of the existing law.

Hon. Mr. SCOTT said it was contrary to the law of the land to send a criminal to the penitentiary for less than two years, but there were cases that did not warrant the judge in awarding that punishment. This bill provided that where the judge does not feel justified in awarding penitentiary he can sentence to the common gaol.

Mr. SPEAKER—I have never before asked permission to address the Senate on any occasion of this kind, but I desire to do so now.

Hon. Mr. SCOTT—Perhaps it would be better to leave it until the bill goes to committee.

Mr. SPEAKER (descending from the chair)—I cannot conscientiously vote for this bill. It is practically, when the act is not committed, the abolition of the death penalty for murder, which I cannot vote for. I merely want to say so in order that I may be understood when I come to exercise my privilege and vote on the bill.

Hon. Mr. SCOTT said for a long series of years, he could not say how far back, it had not been the practice to impose the death penalty on criminals where murder had not been actually committed. Therefore it seemed an anomaly in the law that the statute should provide one thing, and, as a matter of course, the executive interference should follow.

Hon. Mr. PENNY—It has been so in England.

Hon. Mr. SCOTT said this bill was simply to bring the law into conformity with public opinion and the practice of the country. There was no remote probability of going back to the infliction of the death penalty where murder has not actually been accomplished; therefore, it seemed a fitting thing that the law, the practice of the country and public opinion, should be in harmony and accord.

Hon. Mr. MACPHERSON—Where a man is convicted of making an attempt to commit murder, is it possible that any less sentence than two years in the penitentiary should be passed upon him?

Hon. Mr. DICKEY said he was strongly in favor of the principle of this legislation, not that he was, any more than the Hon. Speaker, in favor of the abrogation of the death penalty for murder. He believed in the Old Testament rule, that, when a man sheds blood he should take the consequences. But, with regard to this particular legislation, it had been for some time in

force in England, and the experience of legislators, and the judges who had administered the law, had taught them that when a statute was too severe it was difficult to get juries to convict. There was a choice of difficulties, whether justice was to be escaped in that way, or to amend the law so as to procure a proper verdict. A great deal of stress had been laid on the words "attempt to commit murder," but he would remind his honorable friend that the degrees of guilt in cases of serious assault with intent to murder, varied all the way from deliberate attempt, with malice aforethought, to kill a man, down to the extreme case where a man in a sudden fit of passion makes an attempt on the life of another. They had in criminal practice examples of all these, and it only showed the necessity which existed of graduating the punishment in accordance with the extent of the offence. Under the old statute in all the varying shades of crime, it dealt out the same hard, inexorable punishment of death. He thought, not merely from the humane consideration that prompted the law in England, but from other considerations, it was not sound policy that the law should remain in that state. Therefore, he entirely approved of the principle of the bill, and, although there might be extreme cases, where there has been an attempt to commit murder without provocation, yet the Judge trying the case would graduate the punishment accordingly. With regard to the crime of murder itself there were varying shades of it, and there were cases even in which it was "justifiable homicide," where a man should be let off altogether. Then it was necessary to make this amendment to bring it in harmony with the other clauses of the criminal law, which provided the same punishment for even higher offences than the mere attempt to commit murder.

Hon. Mr. SCOTT said this bill would bring the law into harmony with the acts relating to other similar offences. The penalty of death attached only to the offences mentioned in the tenth clause. The eleventh clause, which refers to others offences with intent to kill, provides that the penalty shall be imprisonment in the penitentiary, and the same punishment was inflicted in all cases but those two mentioned in the bill before the House. It would be seen, therefore, that this measure was merely designed to bring the tenth section into harmony with the general law of the land.

Hon. Mr. PENNY said it seemed to him there were different degrees of guilt in the cases mentioned. There were mere attempts to kill, then attempts resulting in wounding, and so on to actual murder.

Even in murder there were different degrees of guilt, from manslaughter to the worst forms of the crime. He would be very glad to see this crime divided into two classes.

Hon. Mr. BROWN—Hear! hear!

Hon. Mr. PENNY said juries would then convict in many cases where the criminal would otherwise escape punishment. But when you come to a case in which there is all the moral guilt of murder, it is a very slight punishment to inflict a few weeks or months imprisonment on the offender as proposed in this bill. At the same time the law should conform with its actual operation. It was absurd, as now, to say: "We shall hang this man," when we do not intend to do anything of the kind. He would like to see some definite punishment substituted for the present of a kind that would really be inflicted, but this bill seemed to go too far in reduction for the character of so grave an offence as intent to murder, which comprised all the moral guilt of actual murder.

Hon. Mr. BROWN agreed with the honorable Senator who had just spoken; punishments should be graded according to the depth of guilt—the intent of the mind. By this clause a man who intends to commit murder may be sent to the penitentiary for life, or for two years, or only to a common jail for a week. It would be very unfortunate to say that in our statutes. It was an immense leap from death absolutely to that. The old system was undoubtedly open to objections. Appeals were constantly made to the Executive which must give great distress to members of the Government, and it would be desirable, undoubtedly, that the law should be framed in a more definite form so that the just penalty could be actually attached to the offence. He spoke on the matter with diffidence, for he knew the difficulties to be overcome, but having studied the question of secondary punishments very carefully some years ago he was satisfied a greater mistake could not be made than to abolish capital punishment, or relax in the minds of the worst class of criminals their salutary fear of the death penalty for murder. And why make such a wide separation between murder and the attempt to commit it; with, perhaps, suffering and ruin for life to the victim? The moral criminality of the man who designs murder was quite as great as that of the man who commits murder. Of course the punishment is not so severe because blood is not shed, but there may be a degree of atrocity attached to the crime which renders it worse than the generality of actual murders.

Hon. Mr. KAULBACH though the same objection which had been made to the tenth clause would apply to the fifty-first section of the act which it was intended to amend. He thought it should not be left to the discretion of the judge to say how long a man guilty of such an offence should be incarcerated.

Hon. Mr. SCOTT said he wished to reply to one remark which had fallen from the honorable gentleman from Toronto who seemed to think that by leaving the punishment more definite the Executive would be relieved from appeals. It would have just the contrary effect. If the penalty in all such cases were penitentiary for life, and the judge were debarred from the power of punishing the crime as he considered it deserved, it necessarily followed when he would be appealed to by the Crown for his opinion, he would recommend such a punishment as he considered the circumstances warranted. As a rule the Executive follow the advice of the judge who tries the case who is the only one in a position to arrive at a correct conclusion. All those cases differ widely and there should be a very large discretion left with the judge.

Hon. Mr. TRUDEL asked to have the further consideration of the bill postponed.

Hon. Mr. SCOTT thought it would be better to take the opinion of the House on it at once.

Hon. Mr. TRUDEL said everyone familiar with the practice of the courts knew that the strongest argument sometimes made use of before a jury was the severe punishment which the conviction of a prisoner in such cases would entail, and sometimes a jury that would like to inflict some punishment on the offender, acquit him rather than punish him with what they considered too great severity. This showed that the law needed amendment. On the other hand it seemed to him that this bill was framed in such a general way that possibly the adoption of even the principle of the bill as it stood would be committing the House to what was perhaps a wrong step. It was certain they should go carefully in this direction. For himself he had not yet given the bill all the attention the matter deserved, and as many of the honorable members of this House seemed to be in the same position, he proposed the postponement of the second reading.

Hon. Mr. BELLEROSE said he had no objection to the bill. On the contrary, he did not think it went far enough. He would rather have an amendment to our criminal laws, giving a little more latitude to our judges. During the last two or three years he knew of individuals being sent to peni-

tenentiary for a term of years, when the evidence showed the punishment was too severe for the offence. He had himself been recommending the Government to let some of those persons free after two or three years imprisonment. He knew of two men who were in penitentiary, who, according to the evidence, ought not to be there. Two or three months imprisonment would have been sufficient punishment for their offences. If more discretion were left to the judges they would exercise it judiciously, and it would be something better than we have now. The principle of the bill was good, but it should include many other less criminal offences, besides the two mentioned in it.

Hon. Mr. MACPHERSON said it was evident the House was in favor of the principle of the bill, and it should be read a second time.

Hon. Mr. REZSOR said that for a period of fifty years in Canada the death penalty had not been inflicted for crimes enumerated in this bill, and it was not to be expected that they would be in the future. He thought it, therefore, wise that some tribunal should have the power to determine what amount of punishment should be inflicted for such crimes. Crimes varied very much in degree, and punishments should also vary, and there is no tribunal so capable of judging of the amount of punishment as the court before whom the criminal is tried. That court would know best all the circumstances in regard to the commission of the crime. The imposition of the death penalty for the crimes mentioned in the bill is practically a dead letter, because it is never carried out. Yet, in consequence of this severe nominal penalty, juries are often induced to acquit the prisoner, though guilty under modifying circumstances. If the court is allowed to modify the punishment according to the circumstances, the guilty would be convicted, and punishment would be certain.

Hon. Mr. HAVILAND could not see what objection there could be to the principle of the bill. Any necessary improvements in the details of the measure could be made when it went into committee, unless there were honorable gentlemen who were in favor of the death penalty when the crime fell short of murder. For his part, he thought the punishment of imprisonment in penitentiary for life would be quite sufficient. In fact, if he were a criminal he would prefer the death penalty. At any rate, this bill left the discretionary power where it ought to be—to the court itself where the crime was tried. If the penalty awarded by the court was too high, a remedy

was left by petition and review of the case by the Government. He would support the second reading of the bill.

Hon. Mr. BROWN said no doubt there was much trouble at times to obtain convictions from juries from their feeling that the death penalty was too severe for the crime proved before them, and the doubt in their minds whether the full penalty of the law might not be enforced, but it was a serious responsibility to commit to one judge the penalty for so great a crime. The judges of Canada were, as a body, as unbiased as any judges in the world. But they were only men, like their fellow-citizens, actuated by views and feelings, some of severity and some of leniency. If the punishments attached to criminal offences were closely examined into in this country and other countries, it would be found that they partook a great deal of the feelings and peculiar sentiments of the judges who inflicted them. Persons well versed in men and things in Canada could go to the penitentiaries, and looking over the roll of criminals on the books without seeing the names of the judges who sentenced them, could say by the special severity or leniency of many of the sentences who it was that gave the judgments. And this was quite natural. One man takes a strong view of particular crimes, and he punishes accordingly; another dislikes the death penalty, and he renders judgement accordingly. He hoped his honorable friend would see his way to amending the bill in committee.

Hon. Mr. DICKEY said the objection would apply to almost every conviction under the statutes, because in almost every case the amount of punishment was left very largely to the discretion of the judge, and if there was an objection in this case they would have to remodel the whole criminal law. Behind the judges we have a most excellent and paternal Government, who could remedy any injustice.

Hon. Mr. BROWN would not like it to be supposed that he argued against leaving discretion to the judges in pronouncing their sentences, but he did not consider it wise to leave too wide a discretion with them.

Hon. Mr. McMASTER said he did not think this bill provided for the abolition of capital punishment. If it did he did not believe it would receive the support of any honorable gentleman in this House. It merely aimed at harmonizing the law and usage with regard to minor offences, which he thought was exceedingly desirable. When a sentence in any case seems to be severe and is appealed to the Government, they refer it back to the

judge who tried the case and they generally act upon the judge's recommendation, and very properly so, as he was in the best position to decide whether there were any mitigating circumstances and whether the sentence could be modified or not.

Hon. Mr. BOTSFORD said where the murder was not actually committed the law on the statute book was of such severity that juries would not convict, and persons charged with crime had greater chances to escape punishment than they would have if the penalty were not so severe. There was certainly some weight in the objection urged by the honorable gentleman from Toronto against leaving too much discretion to the judges in passing sentence on certain degrees of crime. Some judges were lenient in their disposition and were not disposed to inflict the severe penalty of the law. Consequently crimes might be punished not in proportion to the guilt of the offenders but according to the different temperaments and characters of the judges who tried them; but in the various shades of crime, some discretion must be exercised, and to no other tribunal could it be so well entrusted as to the judge who presided at the trial. If the punishment were imposed that would harmonize with the sympathies of the public, juries would be prepared to perform their duty, and the certainty of punishment would deter more than the uncertainty where the penalty was too severe. He would vote for the bill on principle, as the tendency of it was to convict criminals of crime when under a higher penalty they would escape altogether. The same argument applied to the clause relating to offences against girls under ten years of age. It was a brutal offence, but he had known criminals to escape on charges of this kind because juries would not convict when the death penalty was imposed.

Hon. Mr. PENNY asked if the Government would consider the amendment he had suggested.

Hon. Mr. SCOTT said that would never do. It was not pertinent to the present subject.

Hon. Mr. HAVILAND said the suggestion of the honorable gentleman from Montreal would not only jeopardize the bill, but would interfere with the law itself.

The bill passed a second reading on a division.

Hon. Mr. SCOTT moved the second reading of the bill to amend the Act respecting larceny and other similar offences. He explained it was to supply the word "sheep," which had been omitted from the Act.

The bill was read the second time.

The House adjourned at 5:30 p.m.

FRIDAY, March 9th.

The SPEAKER took the chair at 3 o'clock. After routine, Bill to amend the act incorporating the Globe Printing Company was read a third time and passed.

VITAL STATISTICS.

Hon. Mr. BUTSFORD asked whether the Government intended to introduce this session an Act respecting vital statistics, and if not, whether it is the opinion of the Minister of Justice that such legislation comes under the jurisdiction of the local legislatures?

Hon. Mr. SCOTT said he was not prepared to give an answer to that question. His opinion was it was not contemplated to introduce any such measure this session.

EVIDENCE IN DIVORCE CASES.

Hon. Mr. BELLEROSE suggested that as the French members did not look at the evidence in divorce cases, the expense of translating it into French and printing it in that language might be saved.

Hon. Mr. SCOTT said he was very glad to hear the suggestion, and he assumed that unless some one should object to its adoption it was concurred in by the House.

Hon. Mr. GIRARD said he was not disposed to concede the principle that any public document might not be printed in both languages.

Hon. Mr. CARRALL hoped that some means might be devised by which the publication of such evidence as was given in a divorce case last year might be avoided altogether.

WESTERN TERMINUS OF THE PACIFIC RAILWAY.

Hon. Mr. MACDONALD (British Columbia) moved "That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House copies of all instructions to Mr. Fleming, Engineer-in-Chief of the Pacific Railway, on the subject of a series of questions, submitted through the Colonial Office to Naval Officers and others, relating to certain harbors in British Columbia and a site for a terminus of the line on the Pacific Coast, and all correspondence with the Colonial Office on this subject."

The subject of this notice which I am about to move does not appear in any papers laid before Parliament relating to the Pacific Railway, and first came to my notice in the columns of a newspaper published in our province, called the *British Colonist*. In that paper I find the following questions, prepared by the Engineer in Chief of the Pacific Railway, and submitted through the

Colonial Office to Naval Officers and others in England for their opinions:—

"The Government of Canada has undertaken to establish a line of railway from the Atlantic side of North America to the coast of British Columbia, and has, during the past five or six years, made extensive explorations across the continent with the view of reaching the Pacific coast by a practicable and favorable line. Several routes more or less practicable have been discovered, and it is now important to obtain full information respecting the harbors, anchorages and approaches from the ocean, in order to select the most eligible terminal point for the railway on the Pacific coast. The railway lines which have been projected across the Rocky Mountain zone touch the navigable waters of the Pacific at the following inlets:—1. Burrard Inlet; 2. Howe Sound; 3. Bute Inlet; 4. Bentuck Arm North; 5. Dean Inlet; 6. Gardner Inlet; 7. Skeena River.

"This extensive coast may be reached from the open ocean by three main passages or channels, as follows:—1. A southern channel extending between the coast of the United States and the southern portion of Vancouver Island; 2. A northerly channel extending between Queen Charlotte Islands and Alaska; 3. A middle channel extending between Vancouver Island and the Queen Charlotte Islands.

"Ocean-borne traffic may reach the coast of the mainland of British Columbia through either of these channels, and the first consideration which presents itself is with respect to the one whose geographical situation is most suitable to that description of trade. Information on this head may be furnished in connection with questions Nos. 1, 2 and 3."

Two points in connection with these questions have struck me forcibly:—

1st. That they were not comprehensive enough, as two of the best harbors were omitted—Esquimalt and Stamp harbors. I cannot see any just reason for these harbors being omitted from this reference, and can hardly think it was done purposely.

2nd. I cannot imagine the Minister of Public Works—who is more directly charged with the conduct of public works—issuing instructions to have such a reference made—tantamount to an acknowledgment of an absence of sufficient ability in the Dominion to arrive at a conclusion regarding its public works—besides, shifting the responsibility from responsible to irresponsible shoulders. And the Engineer-in-Chief must, in preparing those questions, have done so against his better judgment, as such a course throws a

doubt on the ability of his own staff, a staff that embraces some of the best engineers in the country, quite capable of forming a correct opinion of harbors, and sites for a terminus.

What is the use of explorations and surveys, prosecuted during the last six years, if at this late hour information must be sought from persons who take but little interest in the matter; I am not speaking against obtaining the best and fullest information possible. On the contrary, I think it is right; but I say that no information can be had from England beyond that now in possession of the Government, the engineers, and every person who likes to look into the questions. Charts and sailing directions issued by the Lords Commissioners of the Admiralty, showing depth of water, force of tide, rocks and shoals, are accessible to all. But honorable gentlemen may be surprised to hear it, there are only two living men in England who, from personal knowledge, are in a position to give an opinion of the harbors of British Columbia. The one is Admiral Richards, who for years commanded the surveys on that coast, and afterwards became Hydrographer; and the other is Staff Commander Pender, who came out with Admiral Richards, and was left to complete the surveys, and even then all that these gentlemen know is to be found, as I have said before, in charts and other publications. I have a book in my hand called "The Vancouver Island Pilot," published by the Admiralty, from which I will read a few extracts bearing on some of the harbors mentioned in the Engineer-in-Chief's reference or questions, and on some not mentioned. Before remarking on these harbors, I wish to state that I have no intention to say anything of a local or sectional character. I am not giving my own opinions, but those of unbiased professional men. I have my own opinions, and I know that other gentlemen in this chamber have theirs, and no good would result from a conflict of opinions. I will, therefore, deal with the matter justly.

I will first take Burrard Inlet. This is the most southerly harbor on the mainland, and would have been the terminus, probably, had the Fraser River route been found practicable. This book in my hand contains the following description:—"Burrard Inlet differs from most of the great sounds on this coast, from being easy of access to vessels of any size or class, and in the convenient depth for anchorage. It is divided into three harbours—English Bay or outer anchorage; Coal Harbour, on the south side of the inlet, within the first narrow; and Port Moody, beyond the

"second narrows. Vessels intending to pass the narrows must attend to the tides. The breadth of the channel is not more than one and one-half cables, with a depth of twelve fathoms. A flat, composed of shingle and boulder stones, covering with the early flood, extends off the north shore, so that the peninsular bluff must be kept pretty close aboard. The strength of the tide in the first narrows is from four to eight knots. The only directions necessary for a steamer are to keep the south shore aboard and to be quick and careful with the helm. To a sailing ship a knowledge of the locality is necessary, as well as a commanding breeze, and it should never be attempted with full strength of the stream." Honorable gentlemen will observe that the first and last parts of the descriptions of this harbor do not agree. The tides are doubtless very strong, but, once in, it cannot be denied that the harbor is good. I will take Bute Inlet next, and from extracts which I will read presently it will be seen that this harbor has been looked upon for some time as the termination on the mainland of the Pacific Railway. We never had any fears that it would go north of this. This harbor has been much abused, but, although not a first class, yet there is sufficient room and good anchorage as a place of transport to a better harbor. From Vancouver Island Pilot:—"Bute Inlet.—This extensive arm of the sea penetrates the continent for nearly forty miles, the general breadth varying from one to two miles. Waddington Harbor, at the head of the Inlet, being in fact its termination, is about two miles in extent. The best anchorage is near the north part, about half a mile off shore, in fifteen fathoms, but it is exposed to the south-west winds. Homathco River and Waddington Harbour are likely to become places of some importance, as from the sources of the former an easy route has been discovered to the far north gold mining regions of British Columbia. In navigating Bute Inlet but few directions are required, as the points may be approached to half a cable. Stuart Island, at the northern termination of Calm channel, and in the entrance of Bute Inlet, is about four miles in extent. Its shores are rocky and clear of danger; the tides run strongly round its north and west sides, but there is a clear passage into Bute to the eastward of it nearly a mile wide, with a very slack stream." This harbor, it will be seen, is very easy of approach.

I will now take Esquimalt Harbor, and it will be within the recollection of honorable gentlemen that this was the harbor select-



ed as the terminus by the previous Government; it is the best harbor in the Province, and likely to become the terminus eventually in connection with the Bute Inlet route.

The Vancouver Island Pilot says of it: "Esquimat Harbor is a safe and excellent anchorage for ships of any size, and with the aid of the light on Fisgard Island may be entered at all times with great facility." Nothing more need be said about this harbor. Stamp Harbor, in Alberni Inlet, has also been spoken of as the western terminus, and no doubt it is the most direct and open to the Pacific as forming part of the Bute route, although not so much in the direct line of commerce as Esquimat. I find the following description of it: "Stamp Harbor, at the head of Alberni Inlet, is a capacious and secure anchorage two miles in length, and varying in breadth from four cables to one mile. Its western shore is high and rocky, but the eastern side and head are low and fertile with a quantity of clear level land almost fit for cultivation."

Now, I contend that these two last harbors, the very best in the whole Province, should have been included in this reference, even if neither of them ever became the terminus. These naval surveyors did not examine the different harbors with the idea of their ever becoming the terminus of a transcontinental railway, although thoroughly done; whereas the engineers sent out by the Dominion have made careful examinations with that special purpose in view. Although surveys were made of inlets northwest of Bute, few ever doubted but Burrard Inlet or Bute would be the Terminus; and it is a notorious fact that neither the Government nor the engineers anticipated any difficulty about the harbors and site for the terminus, all this time has been consumed chiefly in finding the best route to those harbors. In evidence of this I will quote from the Premier's speeches in 1875 and 1876, when explaining the progress of the surveys. I find in *Hansard* (1875) volio 504, the following: "A complete instrumental survey has been made from Tete Jaune Cache down the Valley of the Fraser River, following the north bend of the Fraser, by what is known as route No. 6, down to Fort George, where the Nechaco River falls into the Fraser. The distance from Yellow Head Pass to Fort George is 245 miles with extremely favorable gradients and light works of construction. A survey was projected from Fort George across the Chilcotin country to connect with Lake Tatla with the surveys made in 1874 to Bute Inlet. The whole distance from Fort George

to Bute is 305 miles, but a small portion of that route is still unsurveyed, being part at the head of Nichaoo River, a distance of fifty or sixty miles. Except over this small distance there is no practical difficulty whatever to be encountered in passing through the country, following the valley of the Fraser as I have stated, and this gap is being at present surveyed by a party on snow shoes; the only reason for doing that is to enable the Government at once to determine whether this part of the route presents any formidable physical obstructions, for if it does not we shall then be able to LOCATE AT ONCE the whole of the line through British Columbia."

In *Hansard*, 1876, I find the following:— "The Bute Inlet route was surveyed almost completely last year, excepting a distance of sixty or seventy miles, regarding which we obtained some information after Parliament rose last session. This route is one that we knew tolerably well last year. It has been somewhat carefully surveyed from the head of the inlet by the valley of the Homathco River. It was thought advisable to examine the east branch of the river last year, and make an instrumental survey of it. This has been completed, and we now know that we can get a more favorable route by the east branch, the highest grade being about 107 feet to the mile, and that for a distance of two or three miles less than the high grade by the west branch, with the additional advantage that there is a level rest about three-quarters of a mile in the long steep grade which makes it very favorable."

Honorable gentlemen will see that the difficulties alluded to by the Premier in 1875, have been overcome, and that a highly favorable line is located from Bute Inlet to Yellowhead. No doubt is expressed about harbors, and this makes it still more remarkable that this reference to England should be made, and that Earl Carnarvon should display such a sudden anxiety about the western terminus. What can it all mean? Can it be to strengthen his Lordship's arguments in the British Columbia case, and cause more delay? But no outside opinion will remove the responsibility in connection with the matter from the Government. Who can have prompted Earl Carnarvon to take so deep an interest in the question of terminus? For I feel certain that unsonneted he would not offer an opinion or interfere in the internal affairs of the country. In his dispatch to His Excellency, dated 18th June, 1874, when the grievances of British Columbia were first brought to his notice he said, "It is not my wish, nor is it a part of my

"ordinary duty to interfere in these questions."

And were the Government of this country anxious to refer their side of the case to England? Quite the contrary. They said:—"That they had no case to submit but did not object to an opinion being given as to whether the exertion of the Government and the diligence shown had not been just and fair." With such reluctance on both sides how comes it now that these questions are submitted. I am anxious to find out the power which has been moving Earl Carnarvon. In the despatch of 23rd May, 1876, to be found in the correspondence before the House, referring to His Excellency's visit to British Columbia, and the memorial from that Province, he says: "I prefer to postpone the consideration of the papers until after that event." Meaning the visit. And in the despatch of the 18th December, on the same subject, His Lordship says: "It has not been possible for you to complete and transmit to me your official report of this visit." And in another paragraph in the same despatch he says: "I have already learned enough of your proceedings to feel assured that I do not misinterpret the result of your visit."

From these extracts it will, I think, be seen that Earl Carnarvon framed his despatch of the 18th December 1876, on the private or public reports of His Excellency. And any such public report should have formed a part of the correspondence brought down, as it bears directly on the question at issue between the Dominion Government and our Province.

I object to this question of route and terminus being shunted out of the proper channel. It should stand on its own merits and not be influenced by any one not in a position to give an official, and professional opinion. In the same despatch of the 18th December last we find Earl Carnarvon saying: "Grave exceptions, I understand, may be argued against the Bute Inlet route on account of the inadequacy of its head waters as a safe anchorage." And in another paragraph he says: "The question of the terminus on the Pacific is, in fact, one which could only be decided after fuller and more conclusive reports have been procured from Marine Engineers or Naval Officers than have yet been obtained."

I will here read an extract from the Speech of His Excellency the Governor General at Victoria, page 17, printed pamphlet:—

"From a recent article in the *Globe*, it would seem: although the Bute Inlet route

"had finally found favor with the Government, though I myself have no information on the point, and I am happy to see, from statistics furnished by that journal, that not only has the entire line to the Pacific been at last surveyed, located, and its profile taken out, but that the calculated expenses of construction, though very great, and to be incurred only after careful consideration are far less than were anticipated. Well, gentlemen, should the indications we have received of the intentions of the Government prove correct, you are very much to be congratulated, for I am well aware that the Bute Inlet is the one which you have always favored, and I should hope that now, at least, you will be satisfied that the Canadian Government has used, as it undertook to do, all possible expedition in prosecuting the surveys of the line to the Pacific coast. I only wish that Waddington Harbour, at the head of the Inlet, was a better port. I confess to having but a very poor opinion of it."

Of course, I have no means of knowing how His Excellency arrived at this opinion, whether from personal observation or from the opinions of interested persons, but it is certain that time and care would be necessary to make a thorough examination. The result of the experience of professional men is the only test by which questions of this kind can be settled. I think no information more full or ample can be obtained, or will be obtained, than that contained in the charts, reports, and sailing directions published by the Admiralty. It does appear to me that the Right Honorable the Secretary of State has been influenced in this matter with some degree of partiality. When are those Marine Engineers that are mentioned to commence work? What is to be their duty, and where are they to come from? Are they to be sent from England, and does all that mean further delay? Supposing, with the consent and advice of the Secretary of State for the Colonies, a terminus should be selected, which would afterwards be found to be in the wrong locality, would the Colonial Office share the odium and responsibility, and share the loss sustained? Most assuredly it would not—the Government of the Dominion would have to bear the odium, and this country would suffer all the loss.

This question of route and terminus has to be settled in this country, and the sooner the better—and let it be done on its merits. And I here will express the hope that the Government will this year see their way to settle this question by adopting the best route in all respects. Select the best har-

bours—the most central and most likely to command the trade of the world.

Hon. Dr. CARRALL said, in seconding the motion, he desired to call attention to the fact that his honorable friend had placed the Government in the position of having to bear the onus of directing their Chief Engineer to consult with the Colonial Office in this matter, and to except two prominent harbors on that coast. Mr. Fleming must have had instructions from somewhere, and he was satisfied that the Government were at the bottom of it. The Administration had not, unfortunately for themselves, established the most friendly relations on the Pacific Coast, and this would create additional irritation. If the Government had not advised Mr. Fleming to make this application—leaving out two of the most prominent harbors—they should have done so, and they were culpable for it.

Hon. Mr. SCOTT said the correspondence asked for in this address was not in a shape to be brought down, inasmuch as it was incomplete, and it was not desirable, in its present position, that it should be laid before Parliament. As soon as any information could be given, the Government would be only too glad to lay it before the House. As to the selection of a harbor for the terminus of the Pacific Railway, the Government had but one desire, and that was to select a harbor suitable, and find a line that would enable them to build the railway to it. It was no argument to say that any particular place was a good harbor, if there was no way by which to construct the railway to it; and there would be no use in constructing the railway to tide water if no harbor could be obtained. He would ask the honorable gentleman to withdraw his motion until the correspondence was complete.

Hon. Mr. MACDONALD said he had not asked for the correspondence, but for the instructions to Mr. Fleming.

Hon. Mr. SCOTT said it would open up a wider question than the honorable gentleman was aware of. It might be that the harbors named by the honorable gentleman were superior to all the others, and they did not require any further reference or information about them.

Hon. Mr. CAMPBELL said the first answer of the Secretary of State seemed to point rather in the direction of difficulties in the way of bringing down that correspondence. That correspondence had not been asked for, but the instructions to Mr. Fleming, an officer of the Government, on the subject of these questions, and one would imagine there must be something peculiar in those

instructions if they could not be brought down.

Hon. Mr. SCOTT said there was no objection to the instructions being brought down, but the motion included the correspondence.

Hon. Mr. MACDONALD, with the consent of the House, struck out the last clause of his motion and it was carried.

#### KAMINISTQUIA HARBOR.

Hon. Mr. AIKINS moved "that an humble address be presented to His Excellency the Governor General, praying that he will be pleased to lay before this House a statement showing the quantity of land purchased for railway purposes by the Government on the Kaministiquia for a terminus of the Canadian Pacific Railway, the persons from whom said purchase was made, and the amount paid therefor. Also a copy of all correspondence between the Government and the municipality of Prince Arthur's Landing, touching the terminus of said railway or aid thereto." Honorable gentlemen would see that this motion was divided into two parts. The first part relates to the terminus of the Lake Superior branch of the Canadian Pacific Railway on Thunder Bay or Kaministiquia River. This river was navigable for perhaps ten or twelve miles up from its mouth for vessels drawing a few feet of water. The current of the river is sluggish and the banks are low, particularly on the north or east side. The terminus of the railway is located two or three miles from the mouth of the river, and the reason for selecting that particular place is questioned very much, not only by persons who have visited that locality, but by those who reside there. The land was first purchased by private individuals for a mere song, and sold by them to the Government, he understood, for dollars, where it had not cost those who sold it dimes, while at the same time, the Government might have obtained as suitable a location for the terminus, either above or below this point, for nothing. The policy of selecting the Kaministiquia River at all, as the terminus for the railway, was a bad one, as the harbor was seldom free from ice before the 1st of June, and it generally closed about the middle of October, so that navigation would not be available at that harbor for more than four months and a half in the year. Prince Arthur's Landing was a much better harbor, and it opened earlier in the spring and closed later in the fall, so that the question is frequently raised, there and elsewhere, why the Government should have selected Kaministiquia River for the terminus, instead of Prince Arthur's Landing, where the

Government possessed abundance of land, suitable for the purpose. The feeling had been so strong against the action of the Government that, he understood, they had to promise assistance to the people of Prince Arthur's Landing to construct a railway from there to Kaministiquia, a distance of about five or six miles, in order to appease the feeling that was created in the public mind, in reference to the course of the Government in the location of the terminus. This road had obtained a subsidy from the Local Government of \$2,000 per mile, at the last session of the Legislature. It would require a very large expenditure of money to make the Kaministiquia River and harbor navigable for vessels drawing eleven or twelve feet of water. The current of the river being exceedingly sluggish large quantities of mud and rubbish were deposited in the channel, and at its mouth, where was formed a shoal three-quarters of a mile wide, which would have to be dredged from time to time to keep it open. Honorable gentlemen may not be aware that these shoals were dredged a few years ago, on an appropriation from the local Government of some \$20,000 or \$25,000. So anxious were the Government to satisfy the public mind that the terminus selected was a good one, that they entered into a contract to have the river again dredged, and the shoals removed, and he had been very much surprised on looking over the report of the Minister of Public Works to see as a reason assigned for this work it was necessary it should be done in order that railway iron might be got up to the terminus. This might appear reasonable to honorable gentlemen at first sight, but that surprise was increased when he saw from a return submitted to the House that 16,200 tons of railway iron had already been laid down at that point, sufficient to construct 180 miles of railway. Notwithstanding this fact, at page 64 of the report of Public Works, honorable gentlemen would find that a contract had been given out for the dredging of a channel fifty feet wide across the shoal with a depth of thirteen feet, and to remove shoals in the river as far as the railway terminus, so that vessels freighted with iron for the railway can discharge at the wharf. This contract was to be commenced in July. He would like to know from the Government why it was this dredging was necessary in order to allow vessels drawing thirteen feet of water to go up and discharge railway iron there, when the Government already have as much iron at that point as would lay 180 miles of track, and which—according to the state-

ment of the honorable leader of the Government in this House—would not be required for seven or eight years! With reference to the navigation of the Kaministiquia River, as far as sailing vessels were concerned, they could not get up to the terminus without the assistance of tugs—even steamers could not go up the channel at night, nor in day light in a storm. The course which the Government had pursued with reference to the terminus on the Kaministiquia was precisely the course they had pursued with reference to the western portion of the Lake Superior branch. In their wisdom they had located the line from Rat Portage west by north to such a degree that in place of it striking the Red River at Winnipeg, it struck it twenty-two miles north of that point. He would ask any person who resided in Manitoba, or had ever visited that Province, if they could discover any reason why the railway should have been located north of Winnipeg, carrying the traffic as far as possible from the seat of Government, where all the departments, the public buildings and the business of the Province were centered, and running it through a swampy section of a country that will not be inhabited for half a century to come. The honorable Secretary of State in a speech made in this House a few days ago, and which had appeared in *Hansard*, after being revised by himself, had led this Chamber and the country to believe that as soon as their policy was developed and the sections under contract from Prince Arthur's Landing west were completed, great facilities would be afforded for the carriage of freight and passengers into Manitoba. He would now give some figures that the House might see whether the honorable gentleman's statement was borne out by facts or not. The distance from Fort William to Winnipeg by the Dawson route is 452 miles. After building the sections of railway now under contract to Winnipeg, a distance of 250 miles, they would then have as much water navigation to pass over as they have now, and the number of portages would be reduced by two.

Hon. Mr. SCOTT—Do you assume that the lock at Fort Francis is completed?

Hon. Mr. AIKINS—No, but allowing that, there would be a saving of only three portages. The number of portages at present are eleven. (See page 58 Public Works Report.) The navigable waters give 303½ miles of communication; the length of the eleven portages together is eight and thirty three-hundredths miles. His contention was that after the completion of the 250 miles of railway the route to the North West will be more than 107 miles longer than at present,

while the number of portages would be reduced by two—or after the completion of the lock at Fort Francis, by three.

The distances are as follow:—	
Fort William to English River,...	114 miles.
Selkirk to Keewatin, .....	114 "
Winnipeg to Selkirk,.....	22 "
Navigable water stretches reduced by 27 miles, being the distance across Lakes Shabadowan and Kashabowie, but which is more than made up by the distance to be navigated on Lake of the Woods going to Keewatin rather than to the Nor West Angle, taking the same figures as are in the report, .....	303½ "
Portages reduced by three, still leaves a distance of.....	6½ "
	<hr/>
	560¼ miles
Distance by Dawson route, .....	452 "
	<hr/>
	108¼ miles.

The route, to be exact, will be 108¼ miles longer than the Dawson route, with eight portages. Honorable gentlemen would bear in mind that these portages involved not only unloading from one boat and loading into another, but also handling freight to put it into waggons and carry it over the portages, and then unloading those waggons again. In reference to this lock at Fort Francis, it must be borne in mind that it will not be available for some three or four years to come. He observed by a statement in yesterday's paper that it had been found impossible to carry on the work this winter. Honorable gentlemen would remember when this subject was under discussion a few days ago, it was said (quoting from the Report of Public Works) that if the work could be prosecuted in winter this lock might be built in two years. It would easily be seen, therefore, that it would not be open before 1880, as the work could not be prosecuted this winter. Looking over the report of the Minister of Public Works, he saw that another lock or locks would be needed to make this lock at Fort Francis available. The latter is intended to have seven feet of water on the mitre sill, and this supposes there is a depth of at least seven feet of water in the channels approaching it. This report, however, states that the depth in the channel above the lock averages only four and a half feet for a distance of forty four miles, which must be deepened before the lock will answer the purpose it is intended to serve. These rivers can only be used four and a half

months in the year, and hence the state of affairs is simply this:—While the Government are constructing sections of railway at each end of the line, the intermediate link of one hundred and eighty-six miles, between English River and Keewatin, is not to be built for years to come, and persons who may travel by that route must encounter no less than eight portages on these magnificent water stretches. When it was announced last session that the Government intended to abandon the policy of building a hermaphrodite line half rail and half water, he was glad to hear it and expressed his satisfaction. Now it appeared they still adhered to it, and the result would be that no travellers would go that way but tourists who wished to see the scenery. Would anyone be so insane, when he could go from Duluth to the Red River by rail and there take steamer to Winnipeg, as to travel by this route to the North West, and have his baggage and freight transhipped eighteen or twenty times on the way, and he himself exposed to all kinds of weather in open-boat travelling? The Government had made a great mistake in adhering to this policy of using the water stretches and deferring the building of this link of 186 miles. In their professed desire to work the Dawson Route economically they had handed it over to a contractor in 1874, giving him a bonus of some \$75,000, and requiring him to carry freight at so much per ton and passengers at so much per head. Anyone could imagine what course a contractor would pursue under such circumstances, and that very course was pursued by Mr. Carpenter. The first year there were not teams enough to transport the freight and passengers and not enough hands to man the boats. The fewer passengers Mr. Carpenter carried the better for him. An extraordinary circumstance which he (Mr. Atkins) believed could be vouched for occurred. A gentleman who left Liverpool in June, on arriving at the North West Angle found passengers there who had left Prince Arthur's Landing the very same time that he had left England. They had been all that time on the way to the North West. The reports sent by those who had travelled by the Dawson Route the first year to their friends who were to follow them deterred them and others from encountering the same hardships, and very few were carried the second year by the contractor. Then the Government came to the conclusion that, in consequence of so few passing that way, they would not keep the route open at all, and he had been informed that last summer not a ton of freight, and not a passenger went that

way. The large boat on Lake of the Woods never left her moorings but once, and that was to carry some lumber from Fort Francis to Keewatin. The Government evidently did not desire that our people should have an opportunity of passing through their own country. One of the results of this could be observed by anyone passing down the Red River. All along that stream there are colonies of Canadians in the States of Dakota and Minnesota. In going to the North West they had been induced to stop in these States and settle there. Was this to be perpetuated? It certainly would be if this intermediate link were not built. With an all-rail route we would have a shorter and a better line than there exists at present through the United States. Now, what would be the use of this Fort Francis lock after it was built? Did the Government intend to have a water route and an all-rail route also as competing lines? Would any one say this lock would be of any use to this country after the completion of the railway route? A gentleman who had been up there for some time had informed him that the lock might be of use to a few settlers in that neighborhood and to people in Minnesota, who wished to take out lumber. If the policy of the Government was to build this lock for the benefit of the Americans, the fact should be made known. He regretted that he found it necessary to indulge in these strictures on the Government. After their declaration of last year, that they intended to build an all-rail route to the North West, he was exceedingly disappointed to learn that this wise policy was to be abandoned. Although opposed to them he had taken occasion frequently to say that he believed they understood the wants of the country when they decided to build an all-rail line to the North West. He was grieved now to learn, from the Secretary of State, that they intended to go on with the water stretch, and then, eight or nine years hence, they would construct an all-rail route.

Hon. Mr. SMITH said he had listened patiently to the statements of the honorable gentleman who had just spoken with respect to the Kaministiquia River. He had visited that section of country a few years ago on the steamer *Chicora*, and when they got within two miles of this river he asked the captain to sail in there. The captain said though he would be very much pleased to take him up this river he could not do so with his boat as the water was too low. He had a number of friends on board that he would have liked to have taken up with him, but they had to go to Prince Arthur's Landing. On the following morning he

chartered a small steamer and sailed up the Kaministiquia some eight or nine miles. He was quite satisfied that the river was not navigable and he could endorse all that the honorable gentleman from Toronto had stated on that point. He was very much surprised that intelligent men who professed to be working in the interests of the Dominion should have yielded to a proposition to locate the terminus where they had done. Prince Arthur's Landing was the proper place for the terminus as it had a splendid harbor, which only required a small breakwater to protect it from the south wind. He could not imagine what induced the Government to locate the terminus at Kaministiquia and he considered it was a great mistake to have done so.

Hon. Mr. SCOTT said in the selection of the Lake Superior terminus of the Pacific Railway the Government had been guided entirely in the course which they had taken by skilled engineers who professed to know whereof they reported. The objection that he had always heard to Prince Arthur's Landing, was that it was too exposed. It was not a harbor, and as the honorable gentleman (Mr. Smith) had just admitted, it was exposed to the direct south wind from Lake Superior. He had visited Prince Arthur's Landing himself, and at that time they were unable to reach the dock with the steamer, and the passengers had to go ashore in a small vessel.

Hon. Mr. SMITH—Was there a wharf there then?

Hon. Mr. SCOTT—Yes, part of a dock. With regard to Kaministiquia, it had always been regarded as an excellent harbor, with the exception of this bar at the mouth of the river, and long before it was decided to make it the terminus of the Pacific Railway the Ontario Legislature had voted a sum of money to improve the harbor.

Hon. Mr. AIKINS—There is no harbor, it is only a bay.

Hon. Mr. SCOTT—It might not be strictly correct to call it a harbor, but he had always understood from captains of Lake Superior vessels that the Kaministiquia would be a valuable port of refuge if it were dredged. That was one of the strongest arguments used before the Ontario Government to get the grant, and it was supposed that when the bar was dredged the *Chicora*, *Francis Smith* and the *Cumberland* could go in there, and he was under the impression that they had at times gone in.

Hon. Mr. AIKINS said some of them had gone in, but he had been there after it was dredged, and the steamer he was on stuck fast.

Hon. Mr. SCOTT—The Government have to rely in these matters mainly on the report of their engineers. Members of the Government could not know anything of the subject personally. If Prince Arthur's Landing has superior advantages over Kaministiquia as a harbor, the distance is only six miles across, and they would have the two outlets for a double depot. With regard to other matters to which his honorable friend had adverted so strongly, he had to confess it was extremely embarrassing. In discussing this question, at one moment it is the opinion of honorable gentlemen that the Government are proceeding too hastily, and at another moment the Government are accused of not going fast enough. His honorable friend from Toronto had discussed it from the economical standpoint.

Hon. Mr. AIKINS—I am not taking any such stand.

Hon. Mr. SCOTT—Certainly the feeling of his honorable friend opposite (Mr. Macpherson) was, that the Government were proceeding too hastily; some honorable gentlemen think the Government ought not to go on with it at all, and some others thought this herculean undertaking ought to be completed within the next six years. The general feeling, however, was that the Government should proceed slowly, and the vote taken in the other Chamber last year indicated that the public sentiment was, the road should be constructed only as fast as the resources of the country would permit without increasing the taxation. The Government in constructing this line of railway to Lac de Mille Lacs did so for the purpose of availing themselves of the water communication at that point via the Dawson route. The other section to North West Angle of Lake of the Woods would carry them through from water communication to Red River. The honorable gentleman from Toronto had descanted recently in condemnation of the course of the Government with reference to the Dawson Route. If he would only go back and calculate the cost of maintaining that road, during the last year of the Administration of which the honorable gentleman was a member, he would find it was greater that year alone than all that has been expended on it since, amounting to over \$400,000. Yet the honorable gentleman came forward, forsooth, and attempted to condemn the present Government for their expenditures. It had cost more to carry immigrants over that route during the last year of the late Government than it would to have sent them round in palace cars by the American railways. The expense of managing the road was extravagant, so the present Government,

when they came into power, put it under contract to Mr. Carpenter, as it was necessary the road should be kept open, not only for immigrants to pass over it, but for the convenience of persons who had contracts for the construction of the Pacific Railway, to take in supplies. His honorable friend would have been one of the first to condemn the Government had they abandoned this route, and refused to maintain it until the railway was opened. He would be very glad if the Government could go on and complete the 180 miles gap between S. Vainne and Keewatin at once, but it was utterly impossible that this country could continue to expend twenty to twenty-five millions of dollars per year on the construction of this railway. If the Government had put this section under contract, the honorable gentleman from Toronto would have come down and moved a vote of censure on the Ministry, in this Chamber, but the Government had done what was justifiable, in giving out the sections that would be immediately required, and would ultimately form portions of the Pacific Railway. The honorable gentleman took exception to the divergence of the Pacific Railway, north of Winnipeg, but the Government had to be guided by the reports of their engineers. The Minister of Public Works could not go there himself and examine the route. He had taken the advice of the officers who had been employed for this work by the Government of which his honorable friend had been a member. He was not aware that a single officer of the engineering staff had been dismissed, as the Government desired to avail themselves of all the knowledge and experience that the engineers had acquired under the late Administration, and the carrying out of this work was left entirely in the hands of Mr. Fleming, who was never curtailed in his operations in the slightest degree, but was left the same freedom as he had under the former Government. His reputation as an engineer was at stake. He was a gentleman in whom the country had confidence that he would do what was fair and honorable; therefore, it did not lie in the mouths of members of the late Administration to condemn this Government because they had been guided by the advice of an officer of their own selection. He had no objection to the address going.

Hon. Mr. SUTHERLAND said although he had never been over the Dawson route he had sufficient information of it for years past that he was led to believe the statements of the honorable gentleman from Toronto were correct as far as distances and portages were concerned. In Manitoba

there was not a merchant who understood what it was to transport goods would venture five dollars worth over the Dawson route where they would have to be handled so frequently. With regard to the location of the railway from Rat Portage west, it did not give satisfaction to more than one-tenth of the population of that Province. Of course it had been stated that the Government had to rely on their engineers in such matters, but he was sure if the members of the Government knew as much about that route as he did, the line would never be located where it now is. The opinion of competent engineers was that the route by Winnipeg was just as short, there was a little difference in distance at any rate between the two lines. He had used all the influence he possessed to see if he could not get the location of the road altered, but he had always been met with the statement that it was located where it is, in accordance with the advice of the engineers. He had no doubt it was, but it was pretty generally believed in Manitoba that the engineers had been tampered with. It was also rumored that the instructions to the engineers had been to sound the river before doing any thing else, but he had been informed that the line had been surveyed east and west of Red River before the crossing was sounded. He had also learned from a reliable source that the report of the engineers was that there was heavy grading and bridging at the south end of Lake Manitoba, but he was sure that any person who travelled over that country would say it is the easiest piece of line to construct that there is between Ottawa and the Rocky Mountains. The country from Rat Portage to Red River along the line located is very poor with only small patches of land fit for settlement which would never be taken up until all the country south of Lake Manitoba was settled. A movement was on foot at present in Winnipeg to construct a road where the original line was supposed to run. It would not be a very easy matter, under the present circumstances of the country, but it was necessary for the advancement and settlement of the Province, as Manitoba could derive no benefit from the railway as at present located, twenty-two miles north of Winnipeg. Competent engineers had also reported that it would cost an immense sum of money to bridge Red River and the Narrows at the proposed crossings, in consequence of quick sands. He had no desire to obstruct the Government in the building of any portion of the road that would facilitate communication with the outer world for the people of Manitoba, but he would

be derelict in his duty if he did not state that the bulk of the people of that Province were opposed to the present location of the line from Rat Portage to the Narrows.

Hon. Mr. CAMPBELL said it was somewhat amusing to notice the cloud the honorable Secretary of State raised to escape from the observations of the honorable Senator from Toronto. That cloud was made up of declamation on the expenditure by the late Government on the Dawson route; of the fact that Mr. Fleming was the engineer of the late Government, and therefore it did not rest with any member of the late Administration to find fault with their successors for following his advice; that he had advised the Government that Kaministiquia River was a better harbor than Prince Arthur's Landing; and that if the Government had gone on more rapidly with the work of construction they would have been censured by some honorable Senators. Granting all this to be true, was it an answer to the facts laid before the House by the honorable Senator who had brought this motion before the House? Did the honorable Secretary of State pretend for a moment that Mr. Fleming favored this half land and half water route? He (Mr. Campbell) ventured to say there was no such recommendation from Mr. Fleming.

Hon. Mr. SCOTT—I never said Mr. Fleming recommended that the water communication should be used.

Hon. Mr. CAMPBELL said the honorable gentleman had taken shelter generally under assertions that the Government had acted under Mr. Fleming's advice. The difficulties pointed out were two-fold: first, that the Government were making the route longer than nature had made it; and, second, that a route half land and half water would be useless as proposed. Now he (Mr. Campbell) had collected some facts respecting the portages on this route. He was led to do so by the facile manner in which the honorable Secretary of State had attempted to answer the objections to the Government scheme a few days ago by saying, in an easy way, "There may be a portage or two between Savanne and Fort Francis." In a report made by Mr. Dawson a few years ago, he says those portages are seven or eight in number, and the difference in level in reference to seven of these were as follows:—

BETWEEN CROSSING OF SAVANNE RIVER AND RAINY LAKE.		
Portages.	Length.	Diff. Level.
1 .....	360 yards.....	2 feet.
2 .....	$\frac{1}{2}$ of mile .....	47 "
3 .....	$1\frac{1}{2}$ miles .....	100 "



Portages.	Length.	Diff. Level.
4 .....	2 miles .....	124 "
5 .....	286 yards.....	42 "
6 .....	2 miles.....	72 "
7 .....	242 yards.....	9 "
		396 feet.

The charge made by the mover of this resolution he had substantiated, that the water communication between Savanne and Fort Francis was almost useless, that the money expended on it was wasted, and that there could be no object in building a lock of seven feet in depth at Fort Francis, even though the approaches were as deep, and he knew they were not, since an all-rail route was to be opened up between Thunder Bay and Red River in six or seven years. Instead of practicing economy and going slowly, the Government were wasting money rashly, without surveys, estimates or contracts, in constructing a mixed land and water route, which cannot be ready for five or six years, by which time the all-rail route will be available, or nearly so. How could they use this half land and half water route?

Hon. Mr. SCOTT—They are using it now.

Hon. Mr. CAMPBELL—Not a passenger, he believed, had gone over it this year. It could not be used to advantage, to attract passengers and freight. During the time Carpenter was receiving a bonus from the Government he charged and obtained three cents per pound for freight from Fort William to Fort Garry. Would freight go that way, with all the charges on it before it reached that point, when it could be carried by the all rail route through the United States? It was not likely. And therefore the only chance to secure the traffic was by building an all-rail route to the Northwest. Did not the Secretary of State know the all-rail route would be built in seven or eight years?

Hon. Mr. SCOTT—That is different from five or six years.

Hon. Mr. CAMPBELL said he was glad to get the honorable gentleman fastened to something. If it would be built in seven or eight years, was it wise to go on with this expenditure on the half land and half water route, when it could not be completed before five or six years? How were those falls to be overcome?

Hon. Mr. SCOTT—They are not going to be overcome.

Hon. Mr. CAMPBELL—Then the freight was to go by waggons from one water stretch to another. Would anyone believe that freight would go by that way? It was impossible; and all this expenditure of money

would only benefit the people on the American side of the frontier who wanted to pass lumber down the river at Fort Francis. It was no answer to the facts brought out in this discussion to say that the expenditure on the Dawson route by the late Government was large. That expenditure was a thing of the past; for good or evil, it was done. What was to be considered now was whether the money spent to-day on this Fort Francis lock was to be of any advantage to the country. It had been clearly shown that it was thrown away. Common sense must teach anyone that the all-rail route must entirely supersede the half-rail half-water route.

Hon. Mr. McLELAN said the Secretary of State took the ground that the opinion of the engineers should be final. The late Government had not adhered to that position. In the location of the Intercolonial in Nova Scotia, the engineer, acting strictly on engineering considerations, recommended the adoption of one line, but the Government, on the representations that industrial and commercial interests would be better served, selected another, and from the experience had in developing a great industry the course had proved a wise one, and the honorable Senator from Manitoba had presented to this House a case sufficient to have led the Government to interfere and locate the road through that Province so as to serve the interests of the country. The Secretary of State had announced that the Government are constructing 250 miles of railway which are to form two ends of a line, but that for many years to come it is not proposed to enter upon the construction of the intermediate link, 187 miles. Now, what was being done? The 250 miles involved an expenditure more than half as great as was made on the entire Intercolonial Railway that the Provinces had paused so long over before undertaking. This discussion, to-day, demonstrated it as a fact that when from ten to twelve millions have been expended, the distance to Manitoba by this route would be 107 miles greater than by the Dawson route, and the number of portages would still be eight or nine. But that was not the worst. The gentlemen who were familiar with the routes assured us, that until the 187 miles to connect the two end sections is put in, not a man nor a ton of freight will be passed over it. And, were we to make this enormous expenditure on 250 miles of road to lie useless until the Government may, at some period very remote, put in the connecting link? By the time that it is indicated that the link may be supplied, the 250 miles lying idle will have so decayed that it will be worth-

less until it has received an enormous expenditure in repairs. But even suppose freight and passengers did use it in connection with the water stretches, then as that is open, as had been shown, only for about four months in the year, it still seemed an unwarranted expenditure for the small results. He would not discuss that point at present, but if the 187 miles are not to be constructed for any considerable number of years, and if freight and passengers will not use the 250 miles in connection with the water stretches, then it is unquestionably a waste of money to expend another dollar until we can have the route all rail.

Hon. Mr. SCOTT said the argument of the honorable gentleman who had last spoken was, because the country could not build more than a part, the whole should be abandoned. He had understood the sentiment of those who favored this road was that the Government should do something to show that they were in earnest, the lines being constructed west of Lake Superior were part of the main line, and were under the superintendence of the Chief Engineer. The water communications were not part of the Pacific Railway proper, though the money expended on them was part of the expenditure on that road. Mr. Fleming was in no way responsible for the water communication. The Government were enlarging the Welland and Lachine Canals, but not the whole of the works on the St. Lawrence. Honorable gentlemen might say, what use was it to go on with this work without the intermediate links. But we must creep before we can walk, and the Government were going on with the work as fast as they could. Good as our credit is in the English market, if we were to put all our public works under contract at once, we should fail to convince the English capitalists that it was a wise course.

Hon. Mr. AIKINS—Did I understand the honorable Secretary of State to say that the Government acted on Mr. Fleming's report as to the Kaministiquia?

Hon. Mr. SCOTT said he had stated generally that Mr. Fleming's opinion was deferred to in all works connected with the Pacific Railroad without specifying anything.

Hon. Mr. AIKINS—Then the honorable Secretary of State has no right to leave the impression on this House that it was in consequence of Mr. Fleming's report the Kaministiquia was selected.

Hon. Mr. SCOTT said he had not done so; he had justified the selection on two grounds, which he need not repeat. If Prince Arthur's Landing was the proper place for

the harbor, a road would be built to that point.

Hon. Mr. AIKINS—At the expense of this Government?

Hon. Mr. SCOTT—Partly. It is suggested we should furnish steel rails for it.

Hon. Mr. AIKINS said it was stated the northern route through Manitoba had been selected on Mr. Fleming's recommendation. Now, he contended where the interests of a province were concerned, no Government had a right to hand over the responsibility to a subordinate, however able he might be.

Hon. Mr. SCOTT was not aware that the Pacific Railroad was conceived or to be constructed for the benefit of Manitoba. It was designed to give the Dominion the best route to the North West, and the honorable gentleman would have had good reason to censure the Government if they had deflected the line for the benefit of Manitoba. Speaking from recollection, he believed there were some difficulties about the bridge over the Red River on the south route. It was believed also the southern route was longer. The Government did not feel it was necessary to deflect the road for the benefit of Winnipeg, since the Province had communication, the line passing through it. He quite understood it was unpopular in Winnipeg, and he had no doubt if he were a resident of that city himself he would disapprove of the route selected.

At six o'clock the Speaker left the chair.

#### After Recess.

Hon. Mr. AIKINS said when the House rose for recess he was about to say that while he quite concurred in the opinion that we should not attempt to build these roads faster than the resources of the country warranted, he was prepared to go further and say that the policy initiated by the present Government of building and equipping this road out of the resources of the country and afterwards running it, was an absurdity. He felt satisfied that by such a policy the railway would not be built for years and years—that the resources of the country would not warrant such an undertaking. A statement was made in the Ontario Legislature a few days ago, that since Confederation no less than 1,800 miles of railway have been built, are under contract, or in process of completion at an expense of ten or eleven millions of dollars. In the first place the municipalities granted bonuses for about seven millions of dollars. The Government subsidized them to the extent of some \$3,500,000. These bonuses enabled the companies building these railways to borrow on their bonds for \$8,000 per mile, enough to

build and equip the lines. If Ontario unaided and out of her own resources was able to build 1,800 miles of railway within a few years, he asked what could not this Dominion with all her resources do if the same course were adopted. But honorable gentlemen would observe that these railways had drawn from foreign sources fourteen or fifteen millions of dollars. If the province had attempted to build and equip the 1,800 miles of railway out of her own resources and that of her people, the thing would have been impossible. If the Government would initiate such a policy as this, a transatlantic railroad would be built without very much trouble, and without taxing the resources of the country in such a way that we would be compelled to leave important links incomplete. He was quite sure without obtaining foreign capital to be applied in the construction of this railway we will be unable ourselves to complete it for many a year. It was true the leader of the Government might say, "Why did you not do this with the Intercolonial Railroad?" If the late Government made a mistake—and we only improve by noticing our mistakes—

Hon. Mr. BROWN—You admit you made a mistake.

Hon. Mr. AIKINS—I admit no mistake, but the Secretary of State was in the habit when charged with having done anything wrong and driven into a corner. "You did the same." Two blacks did not make a white, and he contended that even if the late Government had done wrong that was no reason why their successors should follow in their footsteps.

Hon. Mr. MACPHERSON said he had spoken so recently on this subject that had the debate closed before the House rose for dinner he would not have said anything at all. He thought, however, that there was a good deal to be said yet about the expenditure at Fort Francis. The Secretary of State had taken credit for the prudence and economy which the Government were exhibiting in the construction of the railroad west of Lake Superior. He (Mr. Macpherson) failed to discover evidences of it, but if there were he hoped the Government would extend it to this work at Fort Francis. The report of the Commissioner of Public Works states distinctly that there was no estimate of the cost of that work as late as the 26th of December last. The works were exceedingly difficult of construction. Some idea of the magnitude of the work could be gained from the report of the Engineer of Public Works, addressed to the chief of that department. With respect to the canal itself, he says it is to be about 800 feet in length and thirty-six and a half feet

in width at the narrowest parts, and to be "excavated to a depth of not less than eight feet below the lowest summer water level." The material to be excavated is exceedingly hard—two-thirds rock and one-third earth. Then the report says:—

"The oak and pine timber for the lock, being of greater dimensions than what could be found, will have to be procured at a greater distance from the Fort than the other; the oak or elm which may be used as its substitute will probably have to be purchased at and brought from Thunder Bay or Red River, a distance of more than 200 miles."

Anyone would see how that would add to the cost of construction, but these were the smallest items in the undertaking. The improvement of Rainy River, the engineer says, presents the following obstacles:—

1. The deficiency of water in the channel, especially in the rapids  $1\frac{1}{2}$  miles above Fort Frances and at various places in the river below the Fort.

2. The swift current at the head of the proposed canal, of the Manitou rapids 36 miles, and of the Long Sault rapids 42 miles below the Fort.

3. The crooked channel and the shoals of the Long Sault.

And he goes on to say "the low water draft through the lake and river above the Fort, a distance of 44 miles, does not average more than  $4\frac{1}{2}$  feet. Between the Fort and the foot of the Long Sault, a distance of about 45 miles, the draft during low water is about 7 feet on the first 12 miles, 6 feet on the next 6 miles,  $5\frac{1}{2}$  feet on the following 10 miles and 5 feet in the remainder, according to the captain of the small tug steamer which plies on that section of the river."

The presumption was that the bed of that river was rock, and the improvements therefore included the deepening the rocky bed of the river, an average of three or three and a half feet for seventy-five miles or more. Now, was that a work to be undertaken without an estimate, and especially if the route would only be temporary in character. If the all-rail route was to be opened up, as a matter of course this water and land communication, which would not be used for commercial purposes, would become useless. The engineer himself says:—"No definite scheme nor estimate can however, be submitted unless the necessary levels, soundings and measurements are taken along the entire line of the proposed navigation." Of course not, and imagine such a work being proceeded with before that was done? Imagine large sums being expended there without knowing what is to be accomplished,

without contract, without check, without audit, without estimate—hundreds of thousands of dollars being expended, and the expenditure of unknown amounts entered upon and the country committed to it! Was that a prudent course to pursue? If that work could be completed for half a million dollars it would be the most cheaply constructed work ever undertaken in Canada. It was all very well to spend money on the Dawson route when it was the only means of reaching our North West, but he did not see, having regard to the resources of the country, how we could build an all-rail route to the prairie country, which would cost as much as the Intercolonial Railway. It was as much as Canada had sunk in railways before Confederation, and what was to be got for it? He was of opinion we should use the American lines until we have a population in the North West. The honorable Secretary of State had stated that in carrying the lines towards the North West the interests of Manitoba were of secondary consideration. Was not Manitoba part of the North West? Was it not the only settled part of it, and were not the people there entitled to some consideration?

Hon. Mr. SCOTT—It goes through the Province.

Hon. Mr. MACPHERSON—Through a part of the Province not fit for settlement—not through the peopled portion of it—as a representative of Manitoba had stated. It was not a few miles in length that ought to influence the Government to deflect that railway from the settled part of the country to an unpeopled section where there is likely to be no traffic in the future. He again expressed the hope that the Government would pause before they proceeded with that Fort Francis work as well as the whole work between Lake Superior and the Red River. In the present state of the finances of the country it was an act of insanity to spend our money there. He hoped the sober second thought of the country would reach the Government, and they would pause in proceeding with this unwise expenditure.

Hon. Mr. GIRARD said the debate had given an opportunity for Manitoba to appear before this House and claim justice. He considered it was a bad policy the Government had adopted in their scheme for the construction of the Pacific railway. At the beginning he had looked upon the scheme for a trans-continental railway as being a magnificent project in the interest of the Dominion, but since the present Government had taken it into their hands, they had done their best to make it appear an impossibility. The Pacific Railway was for the Dominion, and not for Manitoba or any

particular province, but it seemed to him it was possible to so construct it as to give satisfaction to all parts of the Dominion. It was now well understood that the only satisfactory way to construct the line through Manitoba was by Winnipeg and south of Lake Manitoba where a population was to be found, and not locate it through a wilderness where there would never be either population or business. He regretted the money that had been expended up to the present time on the section west of Rat Portage, and he did not hesitate to say that this money was lost to the country and would be of no benefit to the people of Manitoba or anyone else. He had stated in this House last session that this expenditure was like throwing money into the sea, and he had seen nothing since then to make him change his opinion. He regretted to have to express himself so decidedly against the Government, but he considered he would be unfaithful to his duty if he did not express his convictions on this important question. He would admit that the Government now appeared to understand better than they had done before the true policy with reference to the Pacific Railroad, and the necessity of constructing an all-rail route. If that policy had been adopted at the beginning, Manitoba would now have the benefit of the road. The time would come he hoped, when the policy of the late Government would be put into operation, and it would be only by that policy that the Pacific Railroad would ever be constructed satisfactorily.

Hon. Mr. SCOTT—The honorable mover of the motion seemed to convey the idea that the Government proposed to construct this railway as a public work. The Government did not propose any such idea.

Hon. Mr. CAMPBELL—What do they propose?

Hon. Mr. SCOTT—The Government had announced, that as soon as the surveys were completed and the profiles prepared, they would call for tenders. All the information to have been in London this year, but it was found to be impossible to get the profiles ready, in order to call for tenders for the construction of the road as early as they had expected. It was the intention of the Government, when a company was found who would undertake the work, that they should take over the portions already built at a price to be agreed upon.

Hon. Mr. CAMPBELL—That was the plan so much condemned when it was proposed by the late Government.

Hon. Mr. SCOTT—The late Government were condemned because their scheme was

utterly incapable of construction; they laid down a plan on paper and that was all. It was all very well to discuss the morasses, quicksands, swamps and other difficulties, now that this Government had drawn attention to them, but their predecessors, to use a common expression, were "going it blind," and these morasses were perfectly unknown to them. There was not a sensible man in the country to-day who would say it was at all possible to get any company to undertake the scheme of the late Government, and if they had, that company would certainly have broken down.

Hon. Mr. CAMPBELL.—Then what is the Government going to do?

Hon. Mr. SCOTT.—Just as soon as we get the profiles of the line completed we propose to call for tenders for its construction. It is not the intention of the Government to go on with it as a public work, as honorable gentlemen seem to imagine. It would have been very gratifying for the Government to have run the road to Winnipeg in the first place, but at the time it was only a small place of about 7,000 people, and the public would not consider the Government were acting prudently to deflect the line twenty or thirty miles for the purpose of benefiting the people of Winnipeg, especially when they were getting railway communication to Pembina and an extension of that road to the intersection with the main line. That, surely, was treating the Province liberally. The road ran through the Province of Manitoba, but not through the particular part in which the honorable gentleman (Mr. Girard) lives, and if it did not satisfy him he could quite appreciate that he was displeased with it.

Hon. Mr. GIRARD denied that he spoke in the interest of Winnipeg alone, but in the interest of the entire Province, as the great bulk of the settlement was, and would be always, to the south of Lake Manitoba and west of Winnipeg.

Hon. Mr. HOPE said this was the first time he had ever heard that Kaministiquia was not a good harbor, and that Prince Arthur's Landing was the most eligible place for a harbor. This information, repeated from the opposite side of the House, was so different from anything he had understood to be the case that he enquired, after the adjournment took place at recess, of a gentleman connected with the steamers of Lake Superior how the matter stood, and the reply was that the harbor at Fort William was one of the best on the lake—a capital harbor, and all it wanted was a little dredging. With regard to Prince Arthur's Landing, it was an open beach, without any shelter, and not at all adapted

for a harbor. This demolished the argument of the honorable gentleman who had spoken on the subject, as there was no better testimony than the experience of a lake captain. He hoped to see the section of road now under contract completed at an early day, as there was a fine country to develop, and he was sure there would be an enormous traffic by that route down to Lake Superior. He was glad to see the Government had adopted the economical policy of utilizing the water stretches, and of going no faster with the construction of the all-rail route than the resources of the country would permit.

Hon. Mr. SMITH contended that Kaministiquia was not a fit harbor for the terminus of such a road as the Pacific Railway, as it would require constant dredging to keep it clear. A vessel might run up until it reached Fort William, but it could only come out again by swinging on one line. If any honorable gentleman would call that a fit harbor for the terminus of such a road as the Pacific Railway, then he did not know anything about it. Prince Arthur's Landing was a beautiful bay, and the construction of a breakwater at a small expense would make it an admirable harbor for all time to come. The further they would go up the Kaministiquia the worse it became, and in some places it was so tortuous that they could not see 500 yards ahead. No man who had not an interest in placing that terminus where it is now, would ever dream of such a location for it. It was a most scandalous thing to do, and he did not know how the Government were induced to sanction it. It must have been done by persons who were deeply interested in the property there, and that was the belief of everyone in that territory, and he was sure that every honorable gentleman who would visit the place would endorse his statement. He did not blame the members of the Government who had not been there, but they had relied on the reports of interested parties.

Hon. Mr. HOWLAN said he thought the thanks of this House were due to the honorable gentleman who had moved this address. At an early period of this session when reference was made to the Pacific Railway, the honorable gentleman behind him (Mr. Hope) had surprised them by stating the Government had a policy which would be brought down in a few days that would meet with the approval of the country. He was again surprised to-night when the honorable Secretary of State replied to the honorable gentleman from Toronto that it was the intention of the Government to build the road only as the revenue of the

country would permit. Then, after thinking it over, he had told them within the last half hour that it was not the intention of the Government to build the road with the revenue of the country, but with foreign capital, so that they now had a sort of half-fledged policy. They were told, as soon as the surveys and profiles were complete, the Government would send across the water for tenders, and this great work would be inaugurated. He congratulated the Government on the steps they were taking. They were coming back steadily to the scheme of the late Government, as it would take a very long time to build the road if it was to be constructed only as the revenue of the country would permit. It showed that the Pacific Scandal was not lost to the country, and it would be strange if there was not a repetition of it. They had been told the scheme of the late Government was a wild, a mad, an impracticable scheme, but the present Government were coming down to the fact, after spending six millions of dollars in surveys, that it was absolutely necessary to adopt the same policy. It was impossible to imagine that such a country as the North West would be allowed to remain locked up for years to come, and he hoped before Parliament was prorogued a broad, statesmanlike policy would be brought down by the Government for the construction of the Pacific Railway.

Hon. Mr. BROWN said he did not rise to continue the debate, but simply to protest against the manner in which this discussion had been brought on. The honorable Senator (Mr. Aikins) had given notice of a motion for papers in regard to the harbor at Fort William, and that was the motion now in the hands of the Speaker; but his speech was a studied attack on the Government on all sorts of grounds connected with the entire railway and navigation works now going on between Fort William and Manitoba. It was exceedingly inconvenient and unfair that a debate of this kind should be brought on without notice to the Government or to members of the Senate. For himself, he would have liked to take part in the discussion, but it was impossible to answer on the instant, without notice, the details as to canal locks and portages, depth of water, length of routes and cost of execution, into which the honorable Senator entered so minutely and so severely criticized. To a great deal of what fell from the honorable gentleman, the answer was apparent and easy enough; but to answer only a part of the charges and leave the rest unanswered might leave the incorrect impression that

the rest could not be replied to. To postpone the reply to another day, moreover, did not meet the case, for meanwhile the speeches of the assailants went to the country and affected the public mind.

The motion was carried.

#### THE PACIFIC TELEGRAPH.

Hon. Mr. CAMPBELL moved that an humble address be presented to His Excellency the Governor General, praying that he will be pleased to lay before the House all correspondence between the Government and the contractors for the construction of the Pacific Telegraph, and copies of contracts for the several portions.—Carried.

#### ORDERS OF THE DAY.

The following bills were read the second time:—

For the relief of Mary Jane Bates.

For the relief of Martha Jemima Hawshaw Holiwell.

Bill to extend the laws to Prince Edward Island passed through Committee of the Whole without amendment.

A bill to amend the larceny law passed through Committee of the Whole without amendment was read a third time and passed.

The House adjourned at 9:35 p.m.

MONDAY, March 12th.

The SPEAKER took the chair at 3 o'clock p. m.

After routine,

#### A PERSONAL EXPLANATION.

Hon. Mr. BROWN said—I desire to call attention to the following paragraph in the *Ottawa Free Press*:—"In the Senate on Friday Hon. Mr. Brown rose to a point of personal explanation. He had stated that prior to the departure of the late Ministry from office Hon. Senator Aikins, then Secretary of State, and in charge of the Dominion Lands Bureau, had secured a patent for 10,000 acres of land near the then contemplated terminus of the Pacific Railway on Lake Superior. This had been denied, and he regretted to say it was in some degree incorrect. He desired to be allowed to correct the statement—it was Senator Aikins' son in whose name those lands had been secured." Neither these words nor any imputation whatever against the honorable Senator—Mr. Aikins—came from me. I only indulged in a little badinage as to his being a large landed proprietor in the North West. I accidentally heard that forenoon that my honorable friend, who I knew took a deep

interest in the North West, had a large property there, and I said it was too bad of him to come down upon us with all the local and technical knowledge of a great land owner in a far off region, and fire it off upon us without any notice, as he had done. So far from bringing any charge against him, I said then that the fact of his having a deep interest in the North West gave additional interest to the statement he made. No more patriotic enterprise can be undertaken by any member of the Legislature, or any citizen of the Dominion than to acquire an interest in the North West and employ his energies and capital in developing its resources, as well as giving the benefit of his personal knowledge to Parliament. My only feeling in such a matter towards my honorable friend, or anyone else who goes into so patriotic an enterprise, is the sincere hope that the operation should prove profitable to him, I don't care to know what he paid for his lands, so long as he only got them, as others could do likewise, and that I do not doubt. I have always been of the opinion that our true national policy is to give away the wild lands to those who will settle and work them. Nothing could be further from my mind than to state or impute to my honorable friend what is reported in this paper.

Hon. Mr. AIKINS—I quite relieve the honorable gentleman from the charge of insinuating anything of the kind imputed to him in this article. However, there is something rather specific in this notice to which I desire to call attention. Some honorable gentleman may not be aware that these lands near the eastern terminus of the Pacific railway are in the Province of Ontario, and are held by the Government of that Province. Consequently, if I thought proper to buy land there, I would have had a perfect right to do so, but as it happens I did not purchase any from the Government, nor has my son a single acre of land there. Last Friday, after my honorable friend sat down, I told him that he had made a mistake, that my son had lands in Manitoba; but instead of 10,000 acres, I am sorry to say he does not own half that amount. For fear it may be thought there is something in this statement, I will mention what I need not say a word about to the House. My son, who was not a minor, was in that Province during the surveys, and received \$1 per day, paid not by the Government but by the surveyor, who did the work by contract. He liked the country so much that subsequently he acquired interest in land in that Province, which I assume he had a right to do,

and to use his own means as he thought proper.

CRIMINAL LAWS EXTENSION BILL.

Hon. Mr. SCOTT moved the third reading of the bill to extend the criminal laws to Prince Edward Island. He said the honorable Senator from Prince Edward Island (Mr. Haythorne) had, the other day, proposed an amendment to provide what fines should go to the local authorities. Of course it was desirable that these laws should apply to Prince Edward Island as they did to other provinces. Inasmuch as the chief expense of administering the criminal laws fell on the Dominion Government, the fines arising from them in certain cases should go into the Receiver-General's Department.

Hon. Mr. MILLER—No; the expense of administering the laws falls on the local authorities, excepting the judges salaries.

Hon. Mr. SCOTT said the judges salaries formed a very considerable part of the expenses. The Minister of Justice proposed to take up the subject after the session and dealt with it. There were some fines that properly should go to the Dominion and some for local purposes.

Hon. Mr. HAYTHORNE said the Hon. Secretary of State had misunderstood the tenor of his remarks. What he had called attention to was the fact that the bill contained no provision for disposing of the fines. The amendment he proposed would have the effect of making them payable into the Treasury of the province. He did not desire to put Prince Edward Island in a different position from the other provinces of the Dominion; he merely wished to define what fines should be paid into the treasury of the province and what should go to the Dominion.

Hon. Dr. DICKEY said it was a mistake to suppose that the expense of administering these laws fell on the Dominion. With the exception of the judges' salaries, it fell on the local authorities.

Hon. Mr. POWER said it seemed to him that the suggestion of the honorable member from Prince Edward Island, if carried out, instead of placing that province in a different position from the other provinces would only put it on the same footing. If honorable gentlemen would look at sec. 32, of Cap. 32 of the act of 1869, they would see provision was made for the disposition of fines in the then provinces of the Dominion. Certain fines are to be paid into the office of the County Treasurer. Now, in Prince Edward Island there are no such officers as county treasurers. The local legislature of that Province does the work that is managed

by the county authorities in the other provinces, and naturally, money which is paid to the county treasurer in the other provinces should be paid to the local government in Prince Edward Island. While the bill before the House made provision for certain returns to be sent in to certain officers, no provision was made for the disposal of the fines, which was more important.

Hon. Mr. MILLER suggested that the third reading be postponed till the following day, and that the honorable Senator from Prince Edward Island should give notice of his proposed amendment.

Hon. Mr. HAVILAND said as a representative of Prince Edward Island, he was opposed to any special provision in this respect for that Province. He wished to see uniformity in the administration of the criminal laws. The bill had, no doubt, been carefully prepared by the Minister of Justice, and without more light on the subject it would be rather dangerous to tinker with it.

The further consideration of the bill was postponed.

#### JUDGES' SALARIES.

Hon. Mr. SCOTT moved the second reading of the bill to amend the Act respecting judges' salaries. He explained that the object of the bill was to amend the eighth section of the Act relating to the retirement of judges. As the law stands, a judge who has served for twenty five years is allowed to retire on two-thirds of his salary, and after fifteen years' service he is allowed to retire in the same way, if laboring under some permanent disability. The object of the bill was to enable a judge, under such circumstances, to retire after ten years' service.

Hon. Mr. MILLER said the honorable Secretary of State misunderstood this law. A judge of the Supreme Court could retire at the end of five years or one year if he became disabled.

Hon. Mr. SCOTT—Not absolutely.

Hon. Mr. MILLER did not know what the honorable gentleman meant by "absolutely," but it was certain a Supreme Court Judge could retire after one year if his health failed him. This bill could not therefore apply to Judges of the Superior Courts. It was clear it was intended for County Court Judges, as there was no provision made for them if they should become disabled before fifteen years' service. This bill was to provide for their retirement, if disabled, after ten years' service.

Hon. Mr. DICKEY said the eighth section which it was proposed to amend, applied only to the County Court judges of Ontario,

New Brunswick and Prince Edward Island, and it was intended by this bill to extend it to Nova Scotia.

Hon. Mr. SCOTT said the bill reduced the term of service to ten years, and it also extended it to the judges of Nova Scotia.

The bill was read a second time.

#### GEOLOGICAL AND NATURAL HISTORY SURVEY.

Hon. Mr. SCOTT moved the second reading of the Geological and Natural History Survey Bill. He said its object was to establish more permanently than at present existed, the geological staff, under Professor Selwyn. The grant for the maintenance of this staff had been renewed every five years, and it was thought wiser to make it permanent and bring it under the Civil Service Act. It was intended to give the Minister, under whose management it came, power to remove the museum from Montreal to Ottawa.

Hon. Mr. CAMPBELL said he did not oppose the bill; on the contrary, he thought a portion of it certainly deserved favorable consideration. He did not suppose, however, that it was contended the geological survey was to go on forever. A complete knowledge of the geological position of the country could be arrived at some time, and there was, therefore, no necessity for making this service permanent. In the old Province of Canada it was thought best to make appropriations for the geological survey every five years, so that the gentlemen who had charge of it would know there could be no sudden check on it. The natural history of the country had certainly been much less considered than its geology, and there might be reason to believe that the continuance of that service for some time was desirable. There was, of course, the other service, taking meteorological observations, but it seemed to him to be more prudent and consistent with the character of the work not to make the geological survey permanent.

Hon. Mr. DICKEY said the practice of making appropriations for this service every five years had been followed since Confederation as well as before it. In 1867 an act was passed for a grant for a limited amount to the geological survey for a term of five years, and again in 1872 another act for the same period was passed. That last grant would extend to next July, and it was now proposed to put the service on a permanent footing, attaching it to the Department of the Interior. He thought it was departing from precedent to establish as a permanent branch of the service what was necessarily temporary. It was a question whether it



would be better to attach a limitation to the operation of the act so as to carry out the principle which had been uniformly followed since Confederation at all events, and it appeared before Confederation too. He hoped the Government would see the propriety of putting some check on this, and not go on creating permanent offices where there was no permanent necessity.

Hon. Mr. SCOTT said the meteorological observations were taken under the Marine and Fisheries Department. It was not intended to make any serious additional charge on the revenue. Practically those officers were permanently employed. Of course, in a country like this it must be very many years after this when it could be said we had ascertained a full knowledge of the mineralogy or geology of the country, particularly when we have the vast territories to the west to develop. There was certainly employment there for half a century to come. The staff in the United States was increasing instead of diminishing. The Minister of the Interior practically had charge of this service already, but this bill would make the staff more amenable to him as a branch of the Civil Service.

Hon. Mr. RYAN objected to the seventh clause, which provided for the removal of the museum from Montreal to Ottawa. He wished in the first place to ascertain what would be the expense of this removal, and also whether there was a place provided for its reception at the capital. He would also like to know whether the disturbance of the specimens in the museum might not be inconvenient and detrimental to the museum. The service had been conducted in Montreal with great care, and had been most beneficial to the public. All those who during any other time of the year than while Parliament was in session wished to examine the collection, would find it more easy of access in Montreal than in Ottawa. It would no doubt be a great accommodation to members of Parliament during session, but he did not know that there was accommodation for it here at present, or whether such accommodation could be provided without a large expense to the country. The house in which it is maintained in Montreal is a very convenient place, and well arranged for the purposes of a museum. If he was not mistaken some of the private fortune of Sir William Logan was laid out upon the museum and collection at Montreal, with the idea it was to be maintained there. If the Government possessed the means at present to devote to this purpose they could very easily duplicate the museum to suit the convenience of members of Parliament. The proposition to remove

the museum to Ottawa would certainly be looked upon with very little favor in Montreal. He would give notice that he would move to strike out this clause in Committee.

Hon. Mr. SKEAD thought that a great deal of what had fallen from the honorable member from Montreal was very much to the point, but there were people to be found in Ottawa, even when Parliament was not in session. There were 25,000 people in the city, and there were a great many visitors coming here constantly. Still, Montreal was entitled to a museum. Why not divide the collection?

Hon. Mr. MACPHERSON said it would then require two staffs.

Hon. Mr. TRUDEL said he would join with his honorable friend (Mr. Ryan) in stating that there was a question of justice in this matter. Many gifts had been presented to the museum by private individuals, who had done so with the view that the institution should remain in Montreal. Honorable members from Montreal did not intend to make a mere local question of this. If the public interest alone were concerned, they would be willing to sacrifice local interest; but there were private rights that should be taken into consideration. Many of the gifts to the museum were similar to endowments made by last will, and as such they should be considered as sacred. In addition to this there were large institutions of learning in that city which had contributed to the formation of the museum, and should not be deprived of this means of assisting them in this branch of science. If it were possible to conserve the public and local interest by leaving the museum where it is, it would be a great benefit to Montreal.

Hon. Mr. FERRIER said he thought there were specimens enough in the museum to give duplicates to Ottawa, but the Government would do an injustice to Montreal in removing it wholly to the Capital. He had a personal knowledge of what Sir William Logan had done in reference to that survey and the contributions that were there. He knew personally that there had been a sum of £4,000 or £5,000 due to Sir William Logan by the Government many years ago, and he never felt disposed to claim it as long as the Geological Survey was going on, as his interest in science was greater than it was in money. That money, he believed, was still due to Sir William, and it had been expended in the museum at Montreal. If it was the intention of the Government to bring the Geological Survey to Ottawa the one at Montreal might also be maintained, as it would take only a very small staff to look after it, it was in such

capital order and so admirably arranged. It would be an absolute disadvantage to the large educational establishments of Montreal if the museum were removed.

Hon. Mr. HOPE said if the Dominion Government were to maintain a museum at Montreal, he supposed Nova Scotia, Ontario and other Provinces would be asking for the same privilege. If it was to be a branch of the Dominion service, he considered the Capital of the Dominion was the place to have it.

Hon. Mr. PENNY said if the museum was only to be commenced now he could see some force in the honorable gentleman's argument, but the museum was already in Montreal, and had been established there for years by a gentleman who had made a great many pecuniary sacrifices to keep it there. The place had been fitted up at a great expense, and he considered it would be a bad policy to remove a great educational establishment like that to Ottawa, which, although an important city, certainly had not so large a population. It seemed to him that the clause in the bill providing for the removal of the museum was an anachronism, as the Government had no place to accommodate the museum if it were brought here, and it struck him that the clause might be left out of the bill until a proper place was provided.

Hon. Mr. MACPHERSON said he did not well see there could be more than one national museum in the Dominion, whether it was established in Montreal or Ottawa, but he thought it would be a mistake to divide it, as he believed it was a very complete one. It would be for the officers of the Department to advise the Government where it would be most convenient to have it. He had no preference for one place over another. He did not think it should be divided, for if it were it would be again subdivided, as each province would want a share of it. There could be no objection to each province having a geological museum of their own, but it should be maintained at their own expense, and not at the expense of the Dominion. He believed the Geological Survey should be at one place, and that place should be Ottawa.

Hon. Mr. WILMOT also contended that Ottawa was the place for it. There was a geological museum in New Brunswick, maintained at the expense of the local government, and if the Government of Quebec chose to establish a geological museum at Montreal, they were quite competent to pay for it.

Hon. Mr. MACPHERSON said he had omitted to state that he believed Sir William Logan had given his donations to

the museum and not to any particular place, as his desire was to make the collection as complete as possible.

Hon. Messrs. FERRIER and RYAN—No!

Hon. Mr. TRUDEL said it was a question of equity, as several private citizens of Montreal had contributed a portion of their fortunes to ensure to the city the Geological Museum, not foreseeing that it might be removed. If there were any such local claims the Government ought to take them into consideration.

Hon. Mr. HAVILAND said it involved three questions. First, whether the museum was the property of the Dominion Government; second, whether it was the property of the Provincial Government; and third, whether it was the property of the citizens of Montreal. If it belonged to the Dominion Government, he was in favor of its being removed to the Capital, where representatives from all parts of the Dominion could take advantage of it. If it was Dominion property, it should be removed to Ottawa. If it was provincial or private property, it should not be maintained by Dominion funds.

Hon. Mr. AIKINS said to his mind the principle of the bill was correct. In the past the anomaly existed that Parliament made an appropriation, and officers over whom the Government had no direct control expended the money. The printing of the survey that might be done by the Parliamentary printer had to be done in Montreal, where the proofs could be properly revised by the staff. He believed the contributions by Sir William Logan to the museum were in the interests of science and not of the City of Montreal.

Hon. Mr. PENNY—Hear, hear.

Hon. Mr. AIKINS said he did not suppose that Sir William Logan had any idea that the museum would ever be removed from Montreal when he made the donations. If it could be done no other way he would favor the removal of the staff and duplicates of the specimens to Ottawa.

Hon. Mr. HAYTHORNE said it seemed only natural that a national institution should be established at the national capital. The difficulty might be overcome by leaving the present museum where it is and establishing another at Ottawa, and this would enable, not only Montreal, but other cities, to be supplied with specimens from headquarters. Montreal could not expect that their museum alone should be supplied out of the national collection. As a rule geological specimens were not of great value; the principal expense was the labor of the persons who supplied them.

He looked forward to the time when the study of geology in all the provinces would be aided by the establishment of geological museums in the different cities from specimens secured from Ottawa.

Hon. Mr. SCOTT said if any donations were made to the museum on conditions that it should remain at Montreal, such conditions should be respected. He was not aware of any such, but it had always been considered unfair to remove the museum from Montreal during Sir William Logan's lifetime. The collection donated by him to the museum was no doubt large, but the money of the country that had been expended during the past fifteen years on the Geological Survey had contributed very largely towards collection; therefore, it could not be said to be made up of private donations. The bill was read a second time.

SESSIONAL PAPERS.

Hon. Mr. SIMPSON moved the adoption of the fifth report of the Joint Committee on printing. Owing to the difficulty experienced in referring to sessional papers, it was proposed by the Committee to have an index made of all the journals and sessional papers printed since 1876, and that the members of the Senate and House of Commons should have a copy each, and six copies should be deposited in the Library. The committee recommended that after the present session the votes and proceedings of the House of Commons be so prepared and printed that they may be changed into journal form on the same principle as the minutes of the Senate are now being done.

Hon. Mr. MACPHERSON said the index should embrace all sessional papers and journals since Confederation—he understood such was the understanding of the Printing Committee.

Hon. Mr. MILLER said in the manuscript of the report it was since "1867."

Hon. Mr. BUREAU said that was his impression also.

Hon. Mr. MILLER asked if the chairman was prepared to give the House any estimate of the cost of this work, and by whom it was to be done.

Hon. Mr. AIKINS said it was to be compiled by the officers of the House and printed by the Parliamentary printer.

Hon. Mr. MILLER asked if this extra work was to be devolved on the officers of the House without any further consideration.

Hon. Mr. SIMPSON—Yes.

Hon. Mr. BROWN—The printing and paper will not cost much.

Hon. Mr. SIMPSON said the intention of the committee was to have the index date back to 1867 and 1876 was a misprint in the report.

Hon. Mr. MILLER said the index of the papers of the late Province of Canada formed a bulky volume, and the proposed index, if it were made, should be in a more convenient form. If he was correctly informed, for the index prepared before Confederation there was an extra grant of \$4,000 to the employees, in consequence of the extra service which it entailed. It would be a very laborious work compiling an index of all the sessional papers of the last ten years.

Hon. Mr. SIMPSON said the cost of printing and binding of the index would not cost more than \$200. When he took charge of the printing several years ago, under the late Province of Canada, the cost of printing for the two provinces was \$189,000. Last year the printing of the Dominion had been kept down to \$57,000. If all the departments in the Dominion were managed with the same economy as the printing, the finances would be in a better position today. This index was to be compiled by the officers of the House without any additional cost.

Hon. Mr. MILLER complimented his honorable friend on the economy he had introduced into the printing service.

Hon. Mr. BROWN enquired if this index was to be a continuation of the old one?

Hon. Mr. SIMPSON said it was not; it would be on a new principle altogether.

Hon. Mr. BROWN said the former one, compiled by Mr. Todd, was very expensive, though it was a valuable work for reference.

The report was adopted.

PRISON DISCIPLINE IMPROVEMENT.

Hon. Mr. PELLETIER moved the second reading of the Prison Discipline Improvement Bill. He said the object of the measure was to give prisoners under sentence for crime a motive for good conduct. It would only apply to the Central Prison of Ontario for the present, and would go into operation by proclamation of the Lieutenant Governor of that Province. When this Act shall go in force it shall be lawful for the judge to sentence for a term not more than one-sixth longer than the maximum now prescribed by law for the same offence. After this Act comes into force every prisoner sentenced to imprisonment in the Central Prison shall be entitled to a remission of a portion of the time of the sentence not exceeding five days for every month, for exemplary behavior. In case of a breach of

the rules the prisoner forfeits a portion or the whole of the time thus remitted.

Hon. Mr. CAMBELL quite concurred in the principle of the bill, but wished to know why the power was given to add one-sixth to the sentence.

Hon. Mr. MILLER said the Bill applied only to criminals sentenced to the Central Prison, and this increase was to give greater advantage to prisoners to have a portion of their sentence remitted for good behavior.

Hon. Mr. BROWN - Are you aware whether this system had been tried anywhere and found successful?

Hon. Mr. SCOTT--It has been tried in nearly every State in the neighboring country.

Hon. Mr. CAMPBELL--It is the Irish system.

Hon. Mr. BROWN said he was aware it had been tried before, but had never heard that it had been successful. Prison authorities were until lately very strongly opposed to it. They found that the prisoners who behave best in those institutions were not by any means the best men, and those guilty of breaches of the rules were not by any means the worst men. He would be happy, however, to see it given a test.

Hon. Mr. MILLER said the behavior of the prisoner was the only means of ascertaining whether his sentence should be mitigated or not. The cases cited by the honorable Senator from Toronto were contrary to the rule, and only proved it. This bill was not exceptional to Ontario, but was to apply to any Province that would provide a prison similar to the Central Prison at Toronto. It did not follow that the discretionary power to add one-sixth to the sentence of a prisoner would be exercised, but it gave the presiding judge an extension of power in sentencing criminals, to give them four months longer than they could be imprisoned in a common jail. The measure was one which should be supported.

Hon. Mr. PELLEIER said the judge was empowered to add one sixth to the sentence to give him greater latitude in inflicting punishment. This would give the prisoner a greater opportunity of deriving some benefit from behaving well.

Hon. Mr. SCOTT said the Central Prison authorities liked long term prisoners, because they could utilize their labor. The system which it was proposed to introduce by this bill was not new in this country. In the penitentiaries a record is kept of the number of days a criminal may earn for good behavior. The system has worked well. It stimulates the men and gives them some hope of life.

Hon. Mr. BROWN said it might give them some hope, but it removed from the

minds of the criminals the great offence for which they were sent to prison. The criminal puts himself upon a sliding scale, a most of obligation on society to approve of his good conduct there, and if he goes out with honors, perhaps the effect is not so good. However, it was exceedingly desirable this trial should be made in the new prison. In the penitentiary it had not worked well: it placed the prisoners in a position incompatible with being in penitentiary. For shorter terms it might work better than it had done in the Penitentiary.

The bill was read the second time.

#### CIVIL SERVICE MUTUAL BENEFIT ASSOCIATION.

Hon. Mr. HOPE moved the second reading of the Canada Civil Service Mutual Benefit Association Bill. He said the object of the association was a purely benevolent one. It was to provide to a certain extent for the relief of the families of members of the Civil Service of Canada who were members of this association at the time of their death.

Hon. Mr. CAMPBELL--In which clause is that stated?

Hon. Mr. HOPE said it was in the preamble. The association already had by-laws for the purpose of carrying out the object of the bill.

Hon. Mr. CAMPBELL--There does not appear to be any enacting clause in the bill.

Hon. Mr. MILLER--The Government should have something to say in this matter.

Hon. Mr. CAMPBELL--There is provision in the bill to admit members and expel them, that is all.

Hon. Mr. SCOTT said the bill purports to be for the benefit of certain members of the Civil Service who desired to form a Mutual Benefit Benevolent Association to support them when they were ill and to provide for their families, when dead.

Hon. Mr. CAMPBELL--The bill does not say so.

Hon. Mr. SCOTT--The object of the bill will be developed by the by-laws.

Hon. Mr. AIKINS--Where do they reside? In Hamilton or Toronto?

Hon. Mr. SCOTT--Over the whole Dominion. The bill, I think, originated in Hamilton.

Hon. Mr. CAMPBELL said the honorable gentleman who had charge of the bill would see there was no clause in it to enable the association to carry out its object. There was no power in it to make by-laws to provide for widows or children. There were clauses that they might make by-laws for penalties, and what sums should be paid to

the treasurer, but there was no clause consistent with the preamble to carry out its object.

Hon. Mr. BROWN—It is quite clear that there is a clause wanted to carry out the object of the bill.

Hon. Mr. DICKEY said the only object stated in the bill was to buy and sell lands. The real object was an excellent one, but it was not stated in the enacting clause. He failed also to see any reason why this legislation should be asked from this Parliament when it could be obtained in the Local Legislature. He thought the attention of the Government should be called to this bill in order that their legislation should be uniform, and that their action in this matter should not be cited as a precedent in the future.

Hon. Mr. BROWN thought the bill could be amended in committee.

Hon. Mr. SCOTT said the object of the bill was to provide for officers of the Civil Service throughout the Dominion, and consequently it was a proper subject for Dominion legislation.

Hon. Mr. MILLER suggested that the bill be allowed to stand for a day or two.

Hon. Mr. BROWN—It can be amended in committee.

Hon. Mr. MILLER—If it is read a second time now it would be affirming the principle of the bill.

Hon. Mr. BROWN—There is no principle to this bill, except to allow a Civil Service Association to be formed.

Hon. Mr. HOWLAN said the Association was formed in 1875, and it had rules and by-laws in active operation.

Hon. Mr. MILLER—Are we to understand that this House is to confirm by-laws which we have never seen?

Hon. Mr. BROWN—Certainly not.

Hon. Mr. HOWLAN—That is the position we are in. It legalizes the by-laws that govern the institution.

Hon. Mr. CAMPBELL said he was surprised that the Government should have allowed so imperfect a bill to go through the other branch of the Legislature. It was lamentable to see this want of attention to the legislation on the part of the Government in both Houses.

Hon. Mr. SCOTT said it was a private bill, and the Government had nothing to do with it, although he was not prepared to admit that it was in the slightest degree defective, or that the association could not have an active existence under it.

Hon. Mr. CAMPBELL said his surprise was increasing that the Honorable Secretary of State should deny one of the very first principles of responsible government, that

the Government in either branch of the Legislature were not responsible for all the legislation that takes place there.

Hon. Mr. PENNY—The Opposition also have a responsibility.

Hon. Mr. CAMPBELL—I quite admit they have failed in their duty in this case in the other House.

Hon. Mr. DICKEY said the Opposition could claim that they paid more attention to the legislation in this House than the Government did. He did not intend to oppose the bill; but this discussion showed how desirable it was in the interests of good legislation that bills should be thoroughly understood on the second reading, before going to committee.

The bill was read a second time.

#### BANK OF BRITISH NORTH AMERICA.

On motion of Hon. Mr. CAMPBELL, the bill intitled "An Act to extend the provisions of section fifty-six of the Act thirty-fourth Victoria, chapter five, intitled 'An Act relating to Banks and Banking,' to the Bank of British North America," was read a second time. He said it was a bill of one clause, to enable the Bank to affix the signature of the president by machinery.

The House adjourned at 5.30.

TUESDAY, March 13th.

The SPEAKER took the chair at 3 o'clock. After routine,

#### HARBOR IMPROVEMENTS.

Hon. Mr. MACPHERSON moved that an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to lay before this House copies of the reports and estimates of the engineer upon the works proposed to be performed at the following ports or localities, namely:—Arisaig, N.S.; Annapolis, N.S.; Baxter's Harbor, N.S.; Bayfield, N.S.; Beach Point, P.E.I.; Beaver Cove, N.S.; Berdique, P.E.I.; Canada Creek, N.S.; Chipman's Brook, N.S.; Cape Traverse, P.E.I.; Christmas Island, N.S.; Cove Head, P.E.I.; Grand Manan, N.B.; Hopewell, N.B.; Hall's Harbor, N.S.; Liverpool, N.S.; Lingan, N.S.; Lingan Beach, N.S.; Musquodoboit, N.S.; Miramichi, P.E.I.; Montague River, P.E.I.; Nail Pond to Edmond Bay, P.E.I.; North Sydney, N.S.; Port Gilbert, N.S.; Pubnico, N.S.; Port Hood, N.S.; Richibucto, N.B.; St. Peter's Bay, P.E.I.; Scott's Bay, N.S.; Truro, N.S.; Victoria Harbor, N.S.; West Arichat, N.S.; Walton, N.S.; West Sandy Cove, N.S. He said he had given notice of this motion in consequence of seeing the list of thirty-four proposed harbors, which

had been surveyed, and of which reports, plans and estimates had been sent to the Department of Public Works. He confessed that he felt a good deal of alarm at seeing so great a number of new sites for harbors—places which he supposed were mere inlets—being reported on by order of the Public Works Department. Harbors were necessarily costly works, and he took it for granted in the present case some of them were mere inlets, to which little trade had resorted heretofore. The cost would not only consist of improving the harbors, but it would be followed by the establishment of custom houses, light houses, fog horns, and other expenses necessarily attached to harbors. Considering the present condition of the finances of the country, that works of this kind are constructed out of revenue, and seeing that the revenue shows a deficit, he could not understand how the Government could encourage gentlemen interested, or the country interested, with holding out hopes that public moneys could be expended on new works at present. The surveys were ordered last year, although it was well known to the Government then that the revenue would show a deficit, and in his opinion the action of the Government in ordering the surveys and plans for these new works was most reprehensible. It was the duty of the Government to resist the pressure that was brought to bear on them to force them into entering upon large expenditures, in the circumstances of the country. If ever there was a Government who had the power to resist such pressure it was the present Administration, as they not only had a very large majority at their back, but they came into power pledged to economy and retrenchment. The surveys alone of new works in 1876 amounted to \$14,333. He also noticed that the expenditures on harbors, piers, &c., had increased very largely since 1873. In that year it was 347,817. In 1875—he would pass over 1874 because it was a broken year between the two Governments.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACPHERSON said if he took in the year 1874 he would have to hold the present Government responsible for two-thirds of it, and he did not think it would be fair to hold either Government responsible for it, as it was impossible to assign the proper share of responsibility to each. In 1875 the expenditures on harbors and piers was \$399,612. In 1876, when it was known to the Government the revenue was failing, the expenditure was \$554,423, which includes \$25,611 for Prince Edward Island. He hoped the Government would resist all pressure for works of this kind, as he con-

sidered it especially reprehensible that these improvements should be proceeded with at a time when it is known by the Government that the revenue will not admit of their prosecution.

Hon. Mr. HAYTHORNE said the policy of the colony of Prince Edward Island had always been to improve the harbors in all parts of their coast as they had no great stores of stone to make good roads, and it became a necessity to improve the harbors in order to give the farmers facilities to ship their produce. In making a demand on the Dominion Government for the completion of these works it was only following up the old policy of the local Government. Several of the places mentioned in the address had large outlays made upon them by the local Government years ago. He thought the motion of the honorable gentleman had a tendency to create a false impression. The only places mentioned in it were in the Maritime Provinces and it would seem to others as though the honorable Senator was jealous of any expenditure outside of Ontario.

Hon. Mr. MACPHERSON called the honorable gentleman to order. The harbors mentioned in his motion were taken from the report of the Minister of Public Works, and if they had been situated in Ontario he would have made the same objection to the expenditure.

Hon. Mr. HAYTHORNE said his language was that the honorable gentleman's motion might give rise to some jealousy as between the Maritime Provinces and other parts of the Dominion. Previous to entering the Confederation, Prince Edward Island had a considerable and increasing revenue, doubling itself in ten years, out of which they improved their harbors, and now that this revenue was going into the Dominion treasury, if the Federal Government did not continue to improve the harbors of that Province it would be in a worse position than it occupied before entering the union, and he could not see why the Maritime Provinces should be ignored in the expenditure of the public money.

Hon. Mr. WARK said when New Brunswick first came into the Confederation he had waited on the Minister of Public Works, at that time Mr. McDougall, with respect to one of the harbors mentioned in the address before the House. The first question asked by the Minister was, had this harbor been a public work before Confederation? He replied that twenty years previous to that, the Government of New Brunswick had voted \$10,000 for its improvement. The Minister then said the policy of the Government of the Dominion

was to assume all public works of the Provinces which were public works before Confederation. If the honorable senator would enquire into the other improvements mentioned in the address he would find that this Government were only following out the policy of the late Administration.

Hon. Mr. MILLEK said he had listened with a great deal of surprise to the remarks of the honorable gentleman from Toronto, which were of a character not calculated to meet with the approval of the members from the Maritime Provinces. The honorable senator was altogether wrong in attributing to the present Government the responsibility of originating all those works mentioned in the address, as he believed they were nearly all originated at the instance of the late Administration while they were in office. The importance of some of those improvements was very great, and he presumed it was only from a want of knowledge of the requirements of the Maritime Provinces that he had been induced to speak of them as he had done. Take for instance the harbor of Port Hood, situated on the west coast of Cape Breton. It was the only harbor of refuge on that coast from one end to the other, that is from Cape North to the Straits of Canso, and when he would tell honorable gentlemen that he had seen under the shelter of Small Island, which formed a sort of roadstead, as many as 200 or 300 sail of vessels, belonging to all parts of Nova Scotia and other maritime provinces, as well as foreign vessels, taking refuge there from storms, they would see its importance as the only harbor of refuge on the west coast of Cape Breton. This harbor would in a short time become useless from being filled with drifting sand, unless it is prevented by the construction of a breakwater. No greater calamity could occur to the shipping of the St. Lawrence and Lower Provinces than to lose this harbor of refuge. He was glad to see the Government had ordered a survey of the harbor of Port Hood within the last year, and he hoped they would see the necessity of placing a vote in the supplementary estimates for it, as it was not a matter in which Cape Breton alone was interested, but one concerning the whole shipping of the Dominion. Then there was also the Port of North Sydney, a port which thousands of tons of shipping visited every year. Its trade paid a large amount into the treasury, and it deserved some consideration from the Government, if any harbor improvements were required. The harbor of West Anichat, which was among the places in the motion, was a work commenced thirteen years ago by the Local Government,

where they had expended \$8,000, and it had not been completed since Confederation. He hoped the honorable Secretary of State would be in a position to-day to say whether it was the intention of the Government to place a sum in the estimates for the completion of this harbor this year. It was the same with many other of the works mentioned in the address, they were all necessary for the protection of the shipping, and instead of entailing further expense for custom house officers, they were already places of considerable trade, contributing largely to the revenue of the Dominion, and custom house officers were now established at most of them. It would be recollected that before Confederation each of the Provinces had an ample revenue of their own to apply to the improvement of those harbors. But when they entered the union, the Dominion assumed their revenues and the responsibility of continuing the public works of this character, and he would do both the late Administration and the present one the justice of saying that, until lately, they had shown the Maritime Provinces fair consideration in regard to harbors and lighthouses. If those improvements were not made by the Dominion Government they could not be made at all. The Maritime Provinces found their revenue barely sufficient to meet the pressing wants of the municipalities, and it was not when those Provinces were losing a large portion of their subsidy from the Dominion, and taxation was increasing, that the Government should disregard their public works. Large expenditures were being made in opening up the North West and improving the canals in Ontario, but there was no objection to be raised to it, or no economy to be practiced with respect to public works anywhere except in the Maritime Provinces. In addition to this the lower provinces had been promised a sum of from \$5,000,000 to \$10,000,000 to open up the Bay Verte Canal, but the Government found it very desirable to practice economy with regard to that public work and it required only a very gentle pressure to make them abandon it. He thought it was very wise on the part of the Government to drop that work, but the Minister of Justice had declared in another place that if the Bay Verte Canal was not proceeded with the Maritime Provinces would have a fair claim upon this Dominion for the expenditure of an equal amount of money on public works in other sections of those provinces. But they found after the Bay Verte Canal scheme was dropped, there was no desire manifested to make that expenditure or to regard that promise. On the

contrary their subsidy was to be withdrawn, then taxation was to be increased and their public works which were of a trifling character compared with those of Ontario and other parts of the Dominion were to be neglected. There was a sort of retrenchment desirable in the present state of the finances of the country, but it was not retrenchment in regard to necessary public works in the Maritime Provinces, but retrenchment in official salaries, and not in postal service or public works that were calculated to give increased facilities for the trade of the country. His honorable friend from Toronto was the last man from whom he would expect an attack on the public works of the Maritime Provinces when they had so little to show in comparison with the great public works now being carried on in Ontario.

Hon. Mr. McCLELAN said he quite agreed with the remarks of the honorable gentleman who had just spoken, with the exception of what he had said with regard to the Baie Verte Canal. That work would sooner or later be taken up, and would be *un fait accompli* perhaps on a more moderate estimate than had yet been named. It was a work originally promised at confederation, and could scarcely be abandoned by this Government or any other that might be in power in this country. The motion of the honorable gentleman from Toronto was quite proper if he desired to get information only, but the tenor of his remarks would certainly imply a sort of attack on this Government, as well as their predecessors, for their expenditures in the Maritime Provinces. The Senate was aware of the importance of our shipping interests, and he was quite sure the honorable Senator from Toronto appreciated the high position which that interest gave Canada in the eyes of foreign nations. When the returns would be brought down the honorable gentleman would find it did not necessarily follow that the Government were asking for appropriations for every place their engineers were sent to survey. In this list there were only two from New Brunswick, twenty-three or twenty four from Nova Scotia and some four or five belonging to Prince Edward Island. Therefore he spoke on this question from no sectional standpoint. Being a ship-owner, he valued a judicious improvement on the coast of Cape Breton almost as much as if made in New Brunswick. He felt this was a proper kind of expenditure and the Government were not open to censure in any way unless it was for being too parsimonious in their appropriations for this service. If the honorable mover knew how much the shipping inter-

ests, as well as the safety of our hardy seamen, were protected by these appropriations, he surely would not have ventured on such a speech.

Hon. Mr. KAULBACH endorsed all that had been said with reference to Port Hood. The improvement was necessary for the protection, not only of the fishermen engaged on that coast, but it was the only port of refuge for hundreds of miles. It was not a safe harbor, and vessels were subject to great loss for want of the improvements advocated by the honorable member for Arichat.

Hon. Mr. MACPHERSON begged to assure the honorable senators from Nova Scotia that he did not attack those ports at all. He attacked the expenditure. If those harbors had been situated on Lake Ontario he should have taken exception to them in the same way, and perhaps more strongly than he had done with the list he had dealt with. These were new works.

Hon. Mr. MILLER assured the honorable senator they were not. The Arichat pier was commenced before he was born. West Arichat breakwater was commenced by himself when he was in the Local Legislature. He had got a grant of some seven or eight thousand dollars from the Local Government for it, and it remains in an unfinished condition.

Hon. Mr. MACPHERSON said if he was wrong it was not wilfully nor without good reason. The engineer reports to his department:—"During the year surveys and examinations were made at the following locations, and plans, reports and estimates of the works have been forwarded." In view of that statement how could he suppose these were anything but new work?

Hon. Mr. MILLER—Some of them are surveys on old works.

Hon. Mr. MACPHERSON said they were called "localities." Seeing the door opening to a very large expenditure, he had called the attention of the House to it. The expenditures under this head had increased very largely since 1873. He objected to the initiation of those works in the present state of our finances. He was far from undervaluing their importance, but if they had been of great necessity they would have been built before now. If the country were as prosperous now as it was four or five years ago, perhaps he would be very glad to see those improvements made. What he took exception to was encouraging the people to expect expenditures on works of that class, which must be made out of the revenue of the country, when it was notorious that the country had not the revenue out of which to make the expenditure.



Hon. Mr. HAYTHORNE thought he could enlighten the honorable gentleman as to some of those works. Bedique was where the town of Summerside was situated, and where there was a large amount of shipping, shipbuilding and commerce, not only with adjoining ports, but a direct European trade. The work there was dredging. As to Cape Traverse, honorable gentlemen knew it was in contemplation to move the *Northern Light* to that point, and it would be advantageous to the Dominion Government to find built already there a large wharf, recently constructed. Cove Head was on the north shore, and was open to the fishing schooners of all nations. It required improvements in the nature of dredging. Malpeque was a place of considerable importance. His honorable friend from New London could speak as to its importance, as he resided in that neighborhood. At St. Peter's Bay a solid work was built eight years ago by an administration of which he had been the head. Such was the character of the works which the honorable Senator thought were mere inlets.

Hon. Mr. SCOTT said he had not been present when the honorable Senator from Toronto made his remarks, but he understood he had taken the line that the Government proposed to spend the public moneys on the various harbors.

Hon. Mr. MACPHERSON—I want information on that point.

Hon. Mr. SCOTT said he was sorry to have to undeceive his honorable friend. It was not the intention of the Government to put a vote in the estimates for all these works. They recognized the fact that if the finances of the country would admit it the money could not be better spent. With respect to some of them it was absolutely necessary to consider whether they could construct them at present or not. The vote taken this session was not very different from last year's. In 1874 the expenditure for the whole Dominion under this head was \$330,000; in 1875, \$404,000; in 1876, \$554,000. The greater portion of this was in the Maritime Provinces. This year there was a diminution in the vote for Ontario, and an increase in Quebec, Nova Scotia, and New Brunswick. Not more than three or at most four places in the list referred to by the honorable mover were likely to be taken up this year.

Hon. Mr. MILLER—Which are they?

Hon. Mr. SCOTT—I fear West Arichat will not be one. He hoped the honorable Senator who had made this motion would not want the papers connected with works which were not to be proceeded with.

Hon. Mr. WILMOT said the Baie Verte

Canal was one of the public works agreed upon at Confederation to be carried out. It seemed to have been dropped, however, on both sides; but he quite recollected the statement made by the present Minister of Justice, that if that work was not carried on, he considered an appropriation should be made to the same extent for public works in the Maritime Provinces. While the honorable Senator from Arichat censured the honorable gentleman from Toronto, he was quite willing to drop the Baie Verte Canal; the people of New Brunswick, however, were not, and he hoped the matter would be brought before the House in a specific way, in order to get the report of Mr. Morris, one of the commissioners on this great work.

Hon. Mr. MACPHERSON said he was quite willing to accept the return suggested by the honorable Secretary of State.

Hon. Mr. MILLER asked what harbors were to be improved.

Hon. Mr. SCOTT said he could mention the following:—Malpeque, dredging the River Montague, and the St. Peter's Bay improvement. Those were all that he could at present speak of.

The motion as amended was carried.

#### CRIMINAL LAWS EXTENSION BILL.

Hon. Mr. SCOTT moved the third reading of the Bill to extend to Prince Edward Island the criminal laws. In accordance with the suggestion of the honorable member from Prince Edward Island (Mr. Haythorne) he proposed to amend the Bill by adding to the seventh section a clause providing that fines collected under the "Act for the prompt and summary administration of criminal justice in certain cases," and also "Act for the trial and punishment of juvenile offenders," shall be paid to the Provincial Secretary and Treasurer.

The amendment was adopted and the Bill read a third time and passed.

#### OFFENCES AGAINST THE PERSON.

The House went into Committee of the Whole on Bill to amend the Act respecting offences against the person, honorable Mr. Miller in the chair.

Hon. Mr. TRUDEL said some legislation in the direction of this Bill was necessary, but he thought the tenth clause gave the judges too much discretion. He suggested, that first, capital punishment should be maintained as in the law now in force, and the first seven lines of the section remain as they are, and something like the following be added:—Provided always, that in certain special cases, and when it shall be evident that extenuating circumstances diminish

considerably the gravity of said offence and excuse it in a great measure, the judge may reduce the punishment to less than two years in any common jail. An amendment of this character would have the advantage of leaving the law as it was, retaining capital punishment and giving the judges discretion in certain cases to mitigate the penalty. Take the case of a servant girl, who at the command of her master administers poison. This is a felony, but when the responsibility is diminished, as in a case of this kind, the judge should have discretion to mitigate the penalty. The clause as it stood in the bill, while abolishing capital punishment, gave extraordinary discretion to the judges, and he did not believe a judge should have the power to make the punishment for so grave an offence next to nothing at all. On the other hand, the principle of death penalty for that kind of felony should be retained, and the power to judges to alleviate the sentence considered as an exception.

Hon. Mr. KAULBACH contended that in the punishment of offences of the grave character embraced in this bill, it should not be left to the discretion of the judge to commit the criminal to the county jail. If the punishment for the offence was to be less than death, it should not be less than penitentiary. It had been the policy of the Government not to allow of committals to the penitentiary for a shorter time than two years, but it might be wise to reduce the term to one year.

Hon. Mr. DICKEY said there were two objections to the amendment of his honorable friend. In the first place it was unnecessary, because the existing law places the discretionary power which it suggests, in the hands of the judge to graduate the scale of punishment, and this naturally imposes on the judge the necessity of punishing according to the nature of the offence. The next objection to the amendment was, if he, unfortunately, succeeded in having this proviso inserted in the bill, it would necessitate the re-modelling of the whole criminal law, to make it conformable to the proposed amendment. It would never do to amend this bill in the manner suggested, as it would defeat the object for which it was intended, the bringing of this class of offences included in the bill, into harmony with the other parts of the criminal law. A great deal of stress was laid on the words "attempt to commit murder," as if the attempt itself amounted, from a moral point of view, to the actual commission of the crime. If the criminal law were examined it would be found that the punishment of attempts

of the kind referred to in this bill, by death, was opposed to the whole spirit of the criminal law. For instance, if parties enter into a conspiracy to commit murder, and they carry out that attempt by combination, still they are only subject to the punishment which the amendment to this clause suggests. He alluded to the 3rd clause of the act of 1869. Though the person who assists in committing murder partakes of the moral guilt of the murderer, he is let off with the lesser punishment. Then advancing to section 11, it provides that any parties attempting to destroy any building by the explosion of gunpowder in the attempt to commit murder, are only liable to the punishment suggested in the amendment. Then there was the case suggested the other day by the honorable Secretary of State; if a person sets fire to a ship for the purpose of committing murder, which was not accomplished, he is visited with the same punishment as suggested in this amendment, and no more. But the thirteenth section, which is now the law of the land, provides:—"For the case of shooting at a person, with intent to commit murder, whether any bodily injury is sustained or not the same punishment is provided as that proposed in this amendment. Then the nineteenth section provides the same punishment for stabbing, strangling or choking with intent to commit murder. The whole scope of the legislation in this Act was that where murder is not actually committed the death penalty shall not be inflicted, but the discretionary power was left with the judge to graduate the punishment from imprisonment for life down to the lowest point, in order that all cases might be met and punishment administered according to the guilt of the offender. Then take the 31st section of the Act, which provides only the punishment of imprisonment where murder is attempted wholesale by placing obstructions on a railway track, tearing up the rails or displacing a switch, and yet for this diabolical crime the punishment was only for life, down to a few months. Therefore, he contended if they were to interfere with this bill which was in harmony with the other parts of the criminal law, they would have to remodel the whole. He hoped the Government would be supported in carrying out the humane policy they had initiated, and not allow the bill to be tampered with.

Hon. Mr. BROWN said the argument of his honorable friend showed how very necessary it is that the facts should be got at before proceeding to any legislation. Two blacks will not make a white, but, admitting there were some things on the statute

book that are too lax, and which might be advantageously amended, it was not a good argument to say there is a statute in existence very like this, and that it does not work well now. Crime had increased under that statute since it had been enacted in 1869, but of course the population was larger.

Hon. Mr. SCOTT—The penalty was death before that also.

Hon. Mr. BROWN—How was it that the cases provided for in this bill were excluded from the lenient class which had been enumerated by his honorable friend (Mr. Dickey)? Why were they left out of the category, and the death penalty was made absolute for such crimes? How was it that without any argument, or without any statistics, this legislation was sought for and Parliament was asked to sweep away the death penalty in this manner? It appeared to him there was no argument to be drawn from the fact that it was so in England, as this country was in a very different position from that of England.

Hon. Mr. DICKEY—It is to harmonise the sections of our own law.

Hon. Mr. BROWN—There is harmony in the statute applying to all these other offences. But why was this left standing now with the penalty of death against it? Why was it not changed in 1869? If it was omitted then, what are the reasons for putting it in the same category as the others now? With regard to the crime of rape—a crime difficult to prove whether there are two persons guilty in it or not—why was it enacted in 1872 that whosoever commits the crime of rape is guilty of felony, and shall be liable to suffer death as a felon? He considered we stand in an entirely different position from England. We have an immense border, over which persons guilty of crime can easily escape, and it would not be well to let such persons understand that imprisonment is the full punishment that can be awarded in this country for attempts to commit murder. This class included a great many cases, some that ought not to have the death penalty inflicted. There are instances in which persons are put upon their trial for assaulting or stabbing with intent to commit murder, and when they come before a jury the circumstances may show that it was a trifling offence, or that the provocation was very great, and to have the arbitrary punishment of death for all attempts to commit murder was unjust. He quite agreed with the honorable Secretary of State it was very unfortunate that it should be so upon the statute, and he admitted that a change ought to be made. But the question is,

should the change be to so great an extent as that proposed in this bill?

Hon. Gentlemen—Hear! hear!

Hon. Mr. BROWN—From the absolute penalty of death we come down to imprisonment for two years, or even to the common jail for one week.

Hon. Mr. SCOTT—It may be penitentiary for life!

Hon. Mr. BROWN—Yes, it may be for any time from imprisonment for life down to one week in jail. Criminals were very well acquainted with the law. As soon as a man is sent to the penitentiary every convict knows immediately what the law is; he knows how far he can go in crime just as well as the practised lawyer can tell him, and he considered it would be unfortunate if the death penalty were abolished absolutely. Take the crime of rape, for instance, for which the death penalty is absolute. The honorable Secretary of State says the great trouble was that judges were compelled to impose the death penalty, and if it was not just, every one rebelled against it. Then came petitions to the Executive causing a great deal of trouble and bad feeling, which, no doubt, ought to be corrected. The death penalty might be left coupled with the others and the judge need not be compelled to impose it. If they were to say simply this, imprisonment in the penitentiary for life, or for a term not exceeding five years, it would do. If the Government felt that the imposition of the death penalty stands very much in the way of the due Administration of Justice, the next step is down to the punishment of imprisonment for life. He hoped the lowest term would not go further than five years.

Mr. SPEAKER—I think this bill in its present shape should not pass. It gives up a very important principle, that is, the death penalty. I stated the other day that *pro tanto*, this bill abolished the death penalty. It does so in two classes of cases, The first class is in the administration of poison—not an attempt to administer it, but the actual administration of poison, or the actual commission of bodily harm with intent to commit murder. My honorable friend (Mr. Dickey) stated murder was not completed only so far as intent was concerned. I assert that the criminal act is complete, so far as the criminal is concerned—that is, the moral delinquency is complete in the intent to commit murder, and by the administration of poison and wounding. I have in view a very extraordinary case that occurred last month in the Province of Quebec. A clergyman, in order to get rid of his wife, administered a certain quantity of poison, and continued to do so

from time to time. His wife fell into bad health, and she went to Quebec on a visit to her friends. That visit, fortunately, was the means of saving her life, because the administration of poison ceased. In the meantime, the clergyman eloped with another woman. Now, I hold that this bill, if passed in its present shape, is simply holding out a premium for the commission of crimes of that class. It is true juries appear to see a distinction in the class of cases referred to by my honorable friend (Mr. Dickey) which are all simply attempts to commit murder. But here is the actual administration of poison, and the actual violence, and that is the reason why, I fancy, that class of cases is not admitted in the Act passed in 1869. Then there is another case which I have in my mind which, I think, my honorable friend the Secretary of State cannot explain in connection with this bill. The last clause provides that the punishment for the carnal knowledge of a girl under ten years of age shall be imprisonment. We were told the other day that this bill was not only an attempt to harmonize the laws of the Dominion, but also to harmonize them with the laws that exist in England. My honorable friend must recollect that the law in England with respect to rape has been changed. The death penalty has been abolished as far as rape is concerned, but in this instance, most unaccountably, the death penalty is retained in the case of rape on a female of mature age, and abolished in the case of carnally abusing a child under ten years of age. I cannot see why this distinction is maintained, as the second is the major crime of the two. Now, why should there be a distinction made as against the child of ten years of age, when in the case of a female above the age of ten years the death penalty is retained? It appears to me to be most inconsistent and dangerous. In the newspapers of yesterday morning it is reported that an innocent girl was hounded into the St. Lawrence River and drowned by two ruffians who were pursuing her. So that here are two instances occurring within a month which should make us pause before abolishing the death penalty in these classes of cases. I have been looking into a report of the Royal Commission appointed to consider the question of capital punishment, and I find that the judges and barristers of the greatest experience have denounced the idea of abolishing the death penalty in case of murder. The position of Canada is different from that of England, from our proximity to the United States, where, if a criminal escapes, it is not easy to bring him to punishment. It does

seem to me that we should retain, in all its stringency, the death penalty in our statute books, and give to the judges a certain latitude where crimes are less aggravated. My honorable friend (Mr. Read) has introduced a bill to prevent the carrying of deadly weapons concealed on the person, and it seems to me that the abolition of the death penalty and the mitigation of punishment as proposed in this bill is holding out a premium to commit crime. I hope the honorable Secretary of State will accept the proposed modification, and place the penalty in the second class of cases on the same footing as that for the crime of rape, giving the discretionary power to the judge to inflict either the death penalty or imprisonment in the penitentiary for any term not less than seven years. It would bring the two classes of cases into precise conformity with the law as it now is, so far as the commission of rape on the person of a female above ten years of age is concerned.

Hon. Mr. SCOTT said if there was any force in the argument of the hon. senator from Toronto, (Mr. Brown) there should be a decrease in the crimes referred to in this Bill, if severity of punishment was to deter criminals. He could not see his way to adopt the proposed amendment. The arguments in favor of the Bill had been gone over pretty fully by the hon. senator opposite, (Mr. Dickey) who had shown that this Bill was intended to bring the law on the subject into conformity with other acts of similar character. The Government had also endeavored to keep pace with the legislation of England by adopting it when the wisdom of doing so was apparent. The law on this subject had been in force in England as far back as 1861, so there was the experience of the intervening period to guide this Parliament.

Hon. Mr. BROWN said the hon. Secretary of State had not answered the point raised as to the difference between this country and England. In the Mother Country there is a great constabulary force which acts as a check on the commission of crimes of this nature. In Canada we have a long border and men can come across to this country and commit crimes and by crossing the line escape punishment. How often did it happen that a criminal who maimed or perhaps ruined for life his victim was brought back to this country and punished? It was said—he did not know with what truth—that on both sides of the border men who have committed such offences go openly about, so great is the difficulty of proving crimes of this nature after a short time passes. He regretted that he was compelled to put his own views on

record, and he suggested a compromise. If the Hon. Secretary of State would accept it, he would move that the offence be punished with imprisonment for life or a period not less than five years.

Hon. Mr. CAMPBELL said this tenth clause applied not only to attempts to poison, but also to administering any other description of thing with intent to commit murder. It is principally with reference to the class of cases where the evidence is inferential that the discretion of the judge becomes an essential thing, and he did not see that the judge's discretion could safely be limited by any cast iron rule.

Hon. Mr. BROWN—There is no cast iron rule.

Hon. Mr. CAMPBELL said it was cast iron in respect to making the minimum sentence of seven years. Of course if the evidence were direct, there would be no necessity for giving the judge the discretion which the concluding part of the bill gives him. But in another class of cases where the evidence is merely inferential, this bill proposes to give a discretion which was prudent.

Hon. Mr. CHRISTIE—But do not abolish the death penalty.

Hon. Mr. CAMPBELL—It is never carried into effect, but give the judge discretion in certain cases, whatever difference there might be between the effective character of the constabulary of England and our police. There was a great deal of safety in pursuing the legislation which had been found proper in England, for the additional reason besides their experience, that these things are very thoroughly considered there, and there is no change suggested in the law of England which does not come from the law officers, and has probably also been reported upon by commissioners, an amount of attention that is not given to the criminal law in this country. He had always found it safe, so far as his experience went, to follow in the steps of the English law in the criminal law of this country. On both grounds he thought the tenth clause should not be amended at all events in the direction of restraining the judge from inflicting the smallest punishment it contained. With reference to the other clause he agreed entirely with the Honorable Speaker. The crime there described was, to his mind, infinitely more heinous than the crime when committed against a woman of mature age, and the punishment ought to be more deterrent. He would not concur in diminishing the punishment as it was proposed to be in the clause with reference to that offence. There could be no inference in such a case

as that. The punishment is to be applied to a person who has actually committed the crime, and it is only upon conviction that the punishment can be inflicted. He would suggest that the punishment for this crime should be maintained as proposed, with a minimum penalty of five or seven years imprisonment as suggested, and that the other clause should be left as it was.

Hon. Mr. DICKEY said it was due to the Hon. Speaker that some reply should be made to his remarks. All his strictures upon this clause were based upon the idea that, in the intent to commit murder, there was all the moral delinquency of the crime itself. The hon. gentleman was not a lawyer, and failed to recognize the distinction between moral delinquency and criminal liability. The hon. gentleman knew the scriptural rule respecting the man who looks upon a woman to lust after her, but that would not render the offender liable to criminal proceedings. There must be acts as well as intent.

Hon. Mr. CHRISTIE—But I have shown that in one case the poison was actually administered, and in the other there was an act committed.

Hon. Mr. DICKEY said the Honorable Speaker still failed to see the distinction. It was not the act of administering poison, but the act with intent to commit murder. Take that as the postulate—the intent. The hon. gentleman would not argue that every act with intent to commit murder should be punished with the same severity as if the crime had actually been committed.

Hon. Mr. CHRISTIE—I do not say that.

Hon. Mr. DICKEY—Then the Hon. Senator must admit that though, in a moral sense, the intent to commit murder makes a man as guilty as if he had succeeded in committing the crime, yet it does not render him so in the eye of the law, and this is exactly the principle we contend for. Our law punishes the shedding of blood with death. Twenty or thirty years ago the English laws punished with death comparatively insignificant crimes, but the punishment failed to effect what the Legislature intended. Until a more humane system was adopted it was almost impossible to secure conviction for minor crimes. He called attention to section 13 which relates to shooting with intent to commit murder. In that case the criminal is held liable to punishment, not by death, but by a graduated penalty exactly as in this bill. In section 14 for fear there should be any doubt as to the principle of the law, it is stated that the punishment for any attempt to commit murder not included in the preceding sections, shall be imprisonment, as pro-

vided for in this bill, by which uniformity would be secured in our criminal legislation. The section with reference to the carnal knowledge of a girl under ten years imposes the death penalty, but the same crime committed on a girl over ten and under twelve, is a misdemeanor punishable with imprisonment not exceeding seven years. Now, was that a state of our laws that should be continued? Under the circumstances, the Government were correct in adhering to the humane policy of the English law which had been so much lauded by the honorable Senator from Kingston. If the committee did not take the bill as it stood, the probability was the law would be allowed to stand unchanged, and we would be in the same position as we were before this well intentioned measure was introduced.

Hon. Mr. KAULBACH said this Bill would not have the effect of harmonizing the laws. Rape is punished with death, or imprisonment for not less than seven years. Why should the more heinous crime, of a like character, mentioned in the 51st section, be punished so lightly? If it was thought it would be found impossible to secure a conviction by imposing the death penalty, let the punishment be imprisonment for life, or for a period not less than five years.

Hon. Mr. POWER said the Senate having read the Bill a second time were committed to the principle of it, which was to do away with the death penalty in the cases mentioned. It would hardly be proper now to move an amendment imposing the death penalty. He would be happy to second the amendment proposed by the honorable Senator from Toronto, because he thought there should be some distinction made between crimes of different characters. If crimes were uniform, then the penalties imposed by our laws might be made uniform, but they were not. If the Legislature should undertake to make the punishments for all crimes short of murder the same, it would have a tendency to create in the public mind a feeling that there was no difference in guilt between those crimes. For that reason he would oppose the latter part of those two sections. There was a good deal in what had been said as to the difference between the circumstances of this country and England; and the servile copying of laws where the circumstances were so different was injudicious. In addition to a very perfect means of securing criminals in England, they had a judiciary who inflicted punishments with greater severity than ours. There was, he thought, a tendency among our judges—in the Maritime Provinces at all events—to inflict the lightest penalty

which the law gave them the power to impose. One objection to this bill was it took the matter out of the hands of the Legislature and placed it in the hands of the judges. This had not been the rule heretofore, and he thought it was a step in the wrong direction. He failed to see the difference between the guilt of a man who did what was set forth in the tenth section of this act and of the man who actually killed his victim. If the result did not follow the intent coupled with the act, the criminal would not get the credit for it. For these reasons he would support the amendment.

Hon. Mr. REESOR said there was one view that he thought might be fairly taken upon this question—that where a party is guilty of any one of the crimes mentioned in this act, and particularly that referred to in the last clause, it not unfrequently happens, from the criminal's sense of the enormity of the punishment which, if discovered, he would be exposed to, he may add to his crime that of murder, in order to get the party out of the way, and prevent discovery. No doubt the great extent to which crime was carried when capital punishment was inflicted for so many offences in England, was due to this fact. It would be a mistake not to trust to the discretion of the court in awarding punishment in those cases according to the gravity of the offences committed. The judge, knowing all the circumstances of a case, could inflict the punishment which the criminal deserved. He would therefore vote for the bill as it stood.

Hon. Mr. TRUDEL said if this Bill should pass in its present shape a man who might be guilty of an offence more atrocious than some cases of actual murder, could not be punished with the severity which the nature of his offence warranted. Another man in a moment of passion might shoot his fellow man and suffer death, while it would be impossible for the Judge to sentence to death one who would have administered poison coolly, with premeditation, and under the most aggravating circumstances. He agreed with his hon. friend from Nova Scotia that it would be better to suffer a little inconvenience than to adopt an unsound principle. The House was called upon to vote upon this Bill: they were not responsible for the remainder of the law. If the rest of our criminal legislation was not as it should be, this House was not responsible for that, but for this Bill they would be. There was great force in the argument that we should assimilate our laws to those of England, but it might happen that a bad principle would find its

way into the legislation of the Imperial Parliament, and in fact there is a bad tendency to do so in all the legislation of European states, and it would hardly be said we should copy that. He would be of the opinion that punishment of death should be retained, leaving the judge the power to sentence to imprisonment in the penitentiary for life, or for a shorter term, according to the circumstances attending the commission of the crime. It should be stated in the Bill that a light punishment should only be inflicted when it would be evident that there were extenuating circumstances attending the crime. In one sense there should be great discretionary power left to the judge, but there should not be an abdication on the part of the Legislature of its powers. The Bill as framed went too far in removing the death penalty, and without explaining under what circumstances, leaving such large discretionary powers to the judges.

Hon. Mr. REESOR said the Bill before the House, to his mind, implied the very character and provision that the hon. gentleman intended to add to it by his amendment. If the amendment were adopted it would produce confusion, as the judge would be led to believe that the law was to be applied to this class of cases in a different way from what it was in the others. The object of the Bill was to give the judge the power to graduate the punishment in accordance with the heinousness of the crime, and he did not see why it should not pass in its present shape.

Hon. Mr. MACPHERSON said he felt care should be taken in relaxing the scope of our criminal law. He had very great admiration for the law as administered in England, where it was only changed after great inquiry and great experience. As a rule we could follow the English law here to advantage, but with respect to the punishment attached to criminal offences, we must have some regard for the law that prevails on the other side of the border. He was aware that the death penalty had been abolished in some States even for murder, and he thought we should be very careful not to do anything that was calculated to make our country a resort for the worst class of criminals, or make them look upon Canada as a sanctuary for such offenders. He would, therefore, vote for the amendment of the hon. senator from Toronto, which he understood did not touch the death penalty, but substituted five years as the lowest punishment instead of two, and omitted the rest of the section.

Hon. Mr. DEVER said he was in favor of this Bill, as he did not see in it the aboli-

tion of the death penalty for murder. It appeared to him that the intention of the measure was to inflict punishment on the party who aimed at committing a crime but had not accomplished his object. In his opinion, when the act fell short of the actual crime of murder, the death penalty should not be inflicted. The principle of having the death penalty on the statutes where it was never carried out reminded him of the reply of the man who was abusing his wife, and when asked what crime she had committed, said it was not for anything she had done, but for fear she might do something. In the same way this law was kept on the statute book, not to be enforced for any crime that had been committed, but for any crime that might be. He considered where a party was actually guilty of carnally knowing a girl under ten years of age, the penalty should be more severe than is provided for in the Bill, but he would vote for the measure as it stood.

Hon. Mr. BROWN said in accordance with the wishes of some honorable senators, he had modified his motion, and the amendment he had put in the hands of the Chairman was to leave out in the sixteenth line the word "two," and insert the word "five," and after "years" to leave out all the words following to the word "the," which would make it read "shall be liable to imprisonment in the penitentiary for life, or for any term not less than five years."

MR. SPEAKER—Does that apply to both classes of cases?

Hon. Mr. BROWN—Merely to the first.

Hon. Mr. REESOR said where this evidence was not of the strongest character, where the guilt was small, the punishment being five years in the penitentiary would prevent conviction. He would vote against the amendment.

A vote was then taken on the amendment which was carried—Contents 27, non-contents 22.

Hon. Mr. SCOTT said he had heard no argument brought forward against the law as it is at present administered, which would have made a strong point against this bill, if it could be proved that the administration of the criminal law had been attended with dire consequences, or that crime had increased. As the law stood, the judges had declined to go through the solemn farce of sentencing criminals to death when they knew it was not intended to be carried out. Cases were always referred back to the judge who fixed the punishment. Of course it would be impossible to accept the bill with that amendment, and he would give notice to strike out the amendment on the third reading of the bill.

Mr SPEAKER said he had not heard it explained why there should be a distinction made between the law as it now is with regard to the crime of rape and the law as it was proposed to be in the bill. The penalty for rape was death or imprisonment for not less than seven years. This was the law as it now stood.

Hon. Mr. SCOTT—But this bill does not include rape.

Hon. Mr. SPEAKER said the carnal knowledge of a girl under ten years of age was the more brutal offence, as there could be no feeling such as is supposed to exist in extenuation of the crime of rape. He would have no objection to the bill if it imposed the same penalty as for the crime of rape, giving the judge discretionary power to impose imprisonment for life, or for a term of not less than five years.

Hon. Mr. SCOTT said the degree of criminality in those cases was very wide. Probably there was no crime where the results were so different, and the criminal was punished not so much for the attempt as for the consequences.

Mr. SPEAKER—But in both cases there is a carnal knowledge where rape is attempted.

Hon. Mr. SCOTT—There are a good many shades of criminal knowledge.

Mr. SPEAKER failed to discover why the punishment for the carnal knowledge of a girl under ten years of age should be less than that for rape of a female of mature age.

Hon. Mr. PENNY said there was really no distinction between the crime of rape and other offences that required violence and force against the will of a female to accomplish it. It was nonsense to talk of a child under ten years of age giving consent. In such cases it was rape.

Mr. SPEAKER moved an amendment to the clause as follows: "Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years shall be liable to suffer death as a felon, or to be imprisoned in the penitentiary for life, or for any term not less than seven years." He considered that as long as the death penalty was retained for the crime of rape, it would be unwise to abolish it in this case.

Hon. Mr. ALKINS said, if it was the intention of the Government to test the sense of the House on the amendments on the third reading of the bill, he would give notice that he would move an amendment leaving it to the discretion of the judge to sentence either with or without flogging. It appeared to him that the miserable miscreants who could be guilty of such a crime should have the cat applied to their backs.

Hon. Mr. SCOTT—We will accept that amendment.

The Committee divided on the amendment proposed by Mr. Speaker, which was lost—Contents, 22; non-contents, 25.

Hon. Mr. POWER moved, in amendment, to substitute the words "five years" for "two years."

The Committee divided on the amendment—Contents, 31; non-contents, 15.

The Committee rose and reported the bill as amended.

Several bills from the House of Commons were read a first time.

The House adjourned at 6.10 p.m.

WEDNESDAY, March 14th.

The SPEAKER took the chair at three o'clock.

After routine.

#### OCEAN MAIL SERVICE.

Hon. Mr. ODELL inquired whether it is the intention of the Government to limit the carrying of mails to and from Great Britain to the Allan line of steamers, and to require all ocean mail steamers during the summer season to proceed to Rimouski, without touching at Halifax? Whether any new contract has been made in connection with this service, and what are its provisions? What has been the expenditure up to the present time for wharves, piers and steam tenders, connected with this service at Rimouski, the extent of such wharves and piers, and the depth of water thereat, and whether it is possible, and if so intended, to extend such wharves and piers, or make other provision, whereby mails and freight can be landed direct from such steamers in all weathers, and at what cost? He said his object in asking those questions was to obtain some information from the Government as to the position in which this service stood. The fact that the Imperial Government had withdrawn the subsidy from the service to Halifax was no reason why the Dominion should do so too, and deprive the Maritime Provinces of a privilege they had enjoyed for some forty years; and this too just on the completion of an Intercolonial road, over which the mails had been most successfully carried throughout the trying season of winter, with safety and despatch. He did not look upon this as a question solely of the delivery of the mails a few hours earlier or later, because it was coupled with the trade of the Maritime Provinces. Those steamers were feeders to the Intercolonial Railroad, and it seemed to him that this was an additional reason why the service should be continued either by a sub-



sidy or by directing, as he believed the Government had a right to do, the Allan steamers to call there alternately. There was a slight difference in favor of Quebec in the time of the arrivals of steamers coming westward, but that was easily accounted for by the stoppage at Newfoundland. Independent of the time actually lost in port, the vessel had to slacken speed in approaching the coast, and all this caused delay. With regard to the question of expense, it appeared to him that the amount heretofore given as a subsidy was diverted to Rimouski. There had been an appropriation of some forty or fifty thousand dollars for piers and wharves at that point, and a large sum seemed to have been granted for the steam tender. It appeared the mails and passengers could not land at all at Rimouski except by means of this tender. Although a very large sum had been expended for wharves and piers only ten feet of water had been obtained. By the Public Accounts and the Public Works reports he observed that \$32,999.72 had been expended on this tender during last year—\$16,830 during the first six months, and \$19,169.72 during the last six months. That reached to within a very little sum of the amount heretofore given as a subsidy to the steamer calling at Halifax. With regard to the delivery of the mails, they had to be carried 500 miles west of Halifax and back again before they could be distributed. There was a good deal of interest attached to this question in Nova Scotia. Since he had put this notice on the paper he observed that the Halifax Chamber of Commerce had taken up the question, and representations were about to be made to the Government on the subject. He hoped the Government would restore to the Maritime Provinces those privileges they had enjoyed for some forty years.

Hon. Mr. SCOTT said there was no intention to limit the carrying of the mails to the Allan Line, inasmuch as the Cunard line carried our mails from New York and Boston, but beyond that there was no arrangement except with the Allan line. His impression was the Government could not divert the mails to Halifax during the summer months under the contract with the Allan Company. The contract could be terminated on a year's notice.

Hon. Mr. RYAN—Has notice been given?

Hon. Mr. SCOTT said he was not aware that it had been. The extension of the pier at Rimouski was 35½ feet and to nine feet of water. It was estimated to be about a mile from the end of the Rimouski pier to twenty-six feet of water at low tide.

Hon. Mr. RYAN said great inconvenience

had been experienced in landing passengers at Rimouski. There was no protection for a vessel lying off the landing place; there was no deep water to approach the wharf, and in bad weather it was almost impossible to put passengers, or even the mails, on board the tender. Steamers had sometimes to go on to Quebec without landing the mails, and gentlemen landing there for the purpose of proceeding on to St. Johns or Halifax had often been detained for a long time in consequence of the insufficiency of the tender. There was a few miles from Rimouski an excellent port where vessels could go in and be well sheltered, and where money could be expended to much better advantage in building a wharf.

Hon. Mr. SCOTT—How far is that from the railroad?

Hon. Mr. RYAN said the harbor was Bic, and the railroad ran along the shore in that part of the country.

Hon. Mr. DICKEY said under the existing contract with the Allan line for the delivery of the mails at Halifax, they were in the habit of landing the mails and passengers at that port and then going up the St. Lawrence to discharge freight. Could not that system be continued in consequence of the insufficiency of accommodation at Rimouski?

Hon. Mr. ODELL said this question had been brought up in another place, and there it was stated by an honorable member that it was impossible to get a steamer to enter the port of Rimouski in all weather, and that the experiment was yet uncertain, and the reply of a member of the Government was, there was no doubt that that was the case. Under all these circumstances it appeared to him it was unwise to continue the landing of the mails there. The steam tender was totally unfit for the service, and there was great risk in landing mails and passengers. As to freight, or anything of that sort, it was out of the question. He did not hold that the Government should subsidize a steamer solely for the purpose of freight, still, to furnish freight for the Intercolonial Railway and to deliver mails in Nova Scotia, this service should not be discontinued.

Hon. Mr. CAMPBELL said the contract with the Allan Company had been made by himself when he was Postmaster-General, and confirmed by Parliament in May, 1873. It was made originally for a fixed term of three years, and then terminable on a year's notice. The Legislature altered it and made it terminable at the end of a year. There was no provision for any summer service to Halifax, nor any reference to the Intercolonial Railway. With reference to this tender, he could add his testimony as to its

inefficiency. It had no speed, and was unable to contend with any violent wind. It was utterly unfit for the service. It cost the country \$36,000, and he might mention, for the edification of the Government, was built without a contract.

Hon. Mr. MACPHERSON said the place for landing the mails and passengers was very much exposed, and the tender seemed to be very unsuitable for the work.

Hon. Mr. SCOTT said passengers were not bound to land there, and he had not heard of a single instance in which the mails had not been successfully landed.

Hon. Mr. MACPHERSON said he had been informed by the person in charge of the mails, that inefficient as the service was, on no occasion had they missed.

Hon. Mr. RYAN said he knew on one occasion they had to be taken on to Quebec.

#### LE CREDIT FONCIER.

Hon. Mr. BELLEROSE moved "That an Humble Address be presented to His Excellency the the Governor General, praying that he will be pleased to cause to be laid before this House a clear and complete statement of the property and business, assets and liabilities, of a Company bearing the name of "*Le Credit Foncier du Bas Canada*," incorporated under Chapter 102 of the Statutes of Canada, 36 Vic., (1873), and in particular,—

1. The amount of the subscribed capital.
2. The amount of this capital paid in.
3. The amount of bonds in circulation.
4. The amount invested and secured by hypothecs.
5. The value of the real property hypothecated.
6. The amount of capital held as deposits from the time when the company commenced business up to the 1st January last (1877), inclusively.
7. A list of the names, surnames, occupations and residences of the shareholders; also the amount of the shares subscribed and paid for (*bona fide*) by each shareholder, stating whether the same has been paid in cash or by notes, or in any other way.

The said statement not to include the assets, debts, rights, actions, privileges, and hypothecs which the said "*Credit Foncier du Bas Canada*," may have acquired from any Building Society or Societies, established under chapter 69 of the Consolidated Statutes of Lower Canada, or resulting from any union or amalgamation between the said "*Credit Foncier du Bas Canada*," and any company or companies established under the last cited act.

A separate and distinct, clear and complete statement of the property and business

(assets and liabilities), of any such company or companies, so acquired and possessed by the said *Credit Foncier*, to be made in like manner, in the form and manner first above mentioned up to the 1st January last (1877), inclusively.

Further, copies of the various statements duly made and certified by the said "*Credit Foncier du Bas Canada*," since it commenced business up to 1st January last, inclusively, to the Minister of Finance, in conformity to its act of incorporation, and the act amending the same."

He said if rumors outside were true this institution was in a very bad state. His intention in moving this address was not only to see what the state of affairs really was, but to strengthen the hands of the Government, because, by the act of incorporation of this Society, if the Government find their reports are not as they should be, they have a right to declare that the company cease to exist. When the papers he moved for were before the House he would be in a better position to judge as to the truth of the rumors referred to, and he would then take further steps in the matter.

Hon. Mr. SCOTT said a part of the information asked for had been received in the Department. The amount of the subscribed capital was \$700,000; paid up capital, \$244,000.

Hon. Mr. BELLEROSE said a similar motion to his was made in the other House, but it did not go far enough. The Company were bound to furnish a report semi-annually, which was to be sworn to by the auditor, the manager and the cashier. His intention was now to have that report made accordingly. He did not know whether this had been done or not.

The motion was carried.

#### LAND RESERVES IN MANITOBA.

Hon. Mr. GIRARD enquired whether the Government will bring forward during the present session any measure respecting the reserves of land in the Province of Manitoba, known as the half-breed reserves, school lands and railway subsidy reserves, with a view to doing away with such reserves, or making different provisions with respect to them, so that settlement in the Province may not be retarded? He said, this was an important question for Manitoba, and he would call the attention of the Government to the necessity of removing this obstruction to colonization. A large amount of public money had been expended in bringing colonies of Mennonites and Icelanders, but if Canadian settlers were encouraged it would be far better for the country. If Manitoba was to be colonized

the land reserves would have to be thrown open for settlement. The half-breed reserves at first amounted to 1,400,000 acres, which should have been allotted as soon as possible, but nearly seven years had elapsed since the reserve was made, and nothing had been done with it. The consequence was that strangers who came into the Province to settle, finding no land to locate in the vicinity of settlements, had gone away discouraged, and prevented others from going there to settle. The school lands, two sections in each of the sixty townships of the Province, amounted to nearly half a million acres of land in mortmain. Then there was the Hudson Bay Company's reserve, another half a million of acres, in all about two millions and a half acres of land reserved, and closed against settlement. In a province of such small dimensions as Manitoba, this was a serious drawback. He hoped the Government would make some effort to settle the difficulty by allotting the half-breed reserves which would allow of the settlement of a million acres of it, and leave another half million for the minors. He thought it would be an advantage to have the latter half million acres transferred to the Province to be cared for, or to the parents in trust under bond. These minors' lands were being sold every day in Winnipeg under bond from the parents, and it appeared to him the Government could adopt some such plan. The school lands could also be thrown open for settlement by the Government assuming them at a price of one dollar per acre, the price now paid for such land in Manitoba. This would realize an annual interest of over \$20,000, which would remain as a school fund, a small sum certainly, but it would be more profitable to the Province than to allow the lands to lie idle as they are now. The timber on these lands, which was very valuable, was being destroyed, as there was no protection for it. Then there was the railway reserves which were being located by squatters who prefer to run the risk of being treated liberally by the Government in the future rather than go far from civilization to locate farms. It was a serious drawback to the settlement of the Province, and as there were thousands and thousands of persons preparing to go in there from the old provinces to find land, the Government should take immediate steps to have these reserves thrown open for settlement.

Hon. Mr. SCOTT said it was not the intention of the Government to submit any legislation on the question this session. The distribution of the half-breed grant was at-

tended with many embarrassments, and the reserves were being allotted as rapidly as possible. With reference to the school lands he thought it was better not to dispose of them yet, as there were sufficient lands in the market for all persons who wished to settle. The value of lands in that Province had greatly depreciated by the issuance of scrip, and it would be extremely injudicious to sell the school reserves now at a low price. It was found in the older provinces of Canada, where reserves had been made for school purposes, that it was better not to put such lands in the market until they had assumed a high value. The Dominion Government did not think the time had arrived that the school reserve in Manitoba could be sold to advantage. As for the half-breed reserves they would be allotted as rapidly as circumstances would permit.

Hon. Mr. SUTHERLAND said he was greatly disappointed at the answer of the hon. Secretary of State, and he was sure the settlers of Manitoba would also be very much disappointed, because, although there were considerable portions of the remote parts of the Province still unsettled, when persons came seeking for land and had to travel over mile after mile of those reserves in order to get land beyond, they found themselves so far from settlements that they were generally disappointed and returned home without locating lands. This had retarded the settlement of the Province very materially. It was now seven years since the half-breed grant was made, and it was natural enough that the claimants should be very much disappointed because the allotments had not been made. It was not only a disappointment to them, but to intending settlers. As regards the school lands, he considered they might be rented, and in this way they would be of some use, but they were no use as they were. The same complaint was made against the railway reserve. Squatters were going in on it, preferring to take their chances of dealing with the Government rather than go and locate other lands referred to by the hon. Secretary of State. He hoped the Government would enquire into this matter and suggest some remedy as soon as possible.

Hon. Mr. AIKINS said it was desirable to know why the patents had not been issued to the half-breeds, who had attained their majority. Two thirds of them must have done so, for whom the lands were reserved seven years ago, and there was no reason why they should not have their patents. If the patents were issued the difficulty re-

ferred to would be in part met, as they could dispose of the lands or settle on them, but they could do neither at present. As for the railway reserve north of that line no one desired to go in there to settle, but the twenty miles reserve south of the line extended nearly down to Winnipeg. When it was considered that so large a territory was reserved in this way, and for half breeds, and the Hudson Bay Co., and school purposes, it would be seen there is very little left for settlers in the immediate vicinity of the settlements, and as a result many find their way to Minnesota and Dakota.

Hon. Mr. SCOTT said the distribution was being made as fast as possible.

Hon. Mr. AIKINS—It is not the allotment that is complained of, but the fact that the patents are not issued.

Hon. Mr. SCOTT—There will be no delay in issuing the patents when the allotments are known.

Hon. Mr. GIRARD said it was very desirable that the allotments should be made public, as it would give an opportunity to the parents to look after the lands of minors who were too young to look after them themselves.

Hon. Mr. SCOTT said it was a subject attended with a great deal of embarrassment. There was no object in issuing patents to minors who could not make use of their property. It would be very unfortunate if the Province of Manitoba should remove the disability of minors to sell their lands, as it would open a way to a great deal of jobbery. The Government were the guardians of these people, and it was their duty to see that they were protected in their rights to their properties. It might be an advantage to give the half-breeds the power to dispose of their lands when they arrived at eighteen years of age, but the Government would be open to censure if they gave the half breeds facilities to dispose of their lands at an earlier age.

#### CASCUMPEC HARBOR.

Hon. Mr. HOWLAN moved "that an humble address be presented to His Excellency the Governor-General praying that His Excellency will cause to be laid before this House, a copy of the survey and report on the improvement of Cascumpec Harbor, P. E. I., made by C. E. Perley, Esq., C. E." He said in 1873 the Government caused a survey to be made on the north coast of Prince Edward Island for a harbor of refuge. Any one acquainted with the Island knows that it lies in the lap of New Brunswick and Nova Scotia, and being in the neighborhood of the great fishing grounds, a harbor of

refuge is necessary on the north coast of the Province. There is not on the north side of Prince Edward Island what may be called a deep water harbor. In 1801 there was a large trade done at the harbor of Cascumpec, which at that time had a depth of seventeen to twenty-one feet of water. But owing to great storms the sand hills near the coast were broken through and the harbor filled up so that there is now only some twelve or fourteen feet of water there. In the summer season there are from 700 to 1000 fishing vessels in that neighborhood, and the gales which prevail on that coast and drive those vessels for shelter are from the north east. Those north-east gales have wrecked many a noble ship and many a noble man. In 1847, 1858 and 1869 a great many wrecks occurred on that coast, for the reason that there was no harbor of refuge there. Since the building of the Intercolonial Railroad and the Prince Edward Island Railroad matters have been somewhat changed with regard to that harbor. For instance, it is now the nearest port on the island to the Miramichi River and station on the Intercolonial Railroad, and also the deep water terminus of the Prince Edward Island Railroad. He would illustrate the matter for the information of honorable gentlemen by taking Quebec as a terminal point. The route at present is,

	Miles.
Cascumpec to Summerside via P. E. I. R.R.	65
Thence per steamer to Shediac	50
Thence via Intercolonial to Quebec	510
Total	615
By the route he proposed:—	
P. E. I. Railway Depot, Cascumpec Harbor, to Chatham Junction on the I. C. R.	90
Thence to Quebec	417
Total	507

It is also in the centre of the fishing grounds. A survey of the harbor was made, which was done with great care and accuracy. Nevertheless, it was unfortunate for the Dominion that there was not a single marine engineer attached to the Public Works Department, and as a consequence, the soundings have all to be taken from Bayfield's charts made some years ago. These are excellent authority, but it is a question amongst gentlemen posted on the subject, whether the red sandstone formation is not growing in the Gulf, and therefore where breakwaters might have been necessary at one time, by a little blasting and dredging at half the price, better accommodation could be furnished. The expenditure required to improve this harbor would yield a return in the increased traffic on the Government railways. Fishing vessels want

harbors that are easy of egress and ingress, so as to lose as little time as possible in reaching the fishing grounds. This harbor has inside about four fathoms with good anchorage and shelter, and, therefore, if easy of access, would be frequently sought as a harbor of refuge. He had, no doubt that large quantities of fish would be landed from the fishing vessels and forwarded by rail to Boston, Portland, and the other fishing ports of the New England States. Besides this there has been shipped from the county during the past year, as appear by the returns of the Inspector—

Salmon .....	barrels	15
" fresh .....	2,000 lbs.	
Mackerel .....	"	14,535
Herring .....	"	7,850
Cod .....	quintals	7,993
Hake .....	"	4,920
Bass .....	pounds	6,000
Trout .....	"	7,6 0
Oysters .....	barrels	6,250
Lobsters .....	cans	120,276
Fish Oil .....	gallons	9,720
Value .....		\$276,833

There are belonging to the people of this place 400 boats, worth \$25,540, and manned by 1,342 men: 800 fathoms nets, value \$4,340.

The oyster trade was one which could be developed to four times its present dimensions if proper facilities were afforded, because it requires cheap transportation and very little handling. There was another standpoint from which to view this question, and he might find it necessary to call attention to it before the close of this session. He had no doubt this item would be brought up at the sitting of the Fishery Commission at Halifax. Although the fishing grounds on the north coast of Prince Edward Island are perhaps the most important in the Gulf, yet for want of a harbor of refuge their value is lessened. While the harbor is growing more shallow, the draft of fishing vessels is increasing, and for the last nine or ten years he had seldom seen more than fifteen or twenty sail there instead of the 350 which formerly frequented it. The reason was this, the insurance companies cautioned the owners of fishing vessels particularly against this harbor. The country surrounding Cascumpec is a fine agricultural district, and the export of farm products from this port is also very large. While he had the highest respect for Mr. Perley's ability, he was of the opinion that the improvement of the harbor could be carried out more cheaply by marine blasting than the means that gentlemen had recommended. However, that would be seen when the reports were laid on the table. He was led to call attention to this because

he understood the Government intended to do something with this harbor this year, and also, that there was an intention to place a light draft steamer to visit the lower harbors on the Bay de Chaleur for the purpose of carrying freight to the Intercolonial at Chatham Junction. If this was the case, he would suggest that she should touch at Cascumpec during the summer season; but if this should be found to interfere with such an arrangement, that a sum of money of not more than \$500 be appropriated to put on a sailing packet for this incoming season, from which the Government might be able to learn in a practical way the amount of traffic thereby contributed to the Intercolonial Railway.

Hon. Mr. SCOTT said he was not aware whether anything was to be done toward the improvement of this harbor this year.

Hon. Mr. HAYTHORNE rose to confirm the statements of his colleague. This harbor was not one of the "inlets" referred to by the honorable Senator from Toronto (Mr. Macpherson) the other day. It was one which had a large trade once, and would have it again if it were improved. The adjoining lands had formed part of the vast Cunard estate, and when they were purchased by the Island Government he had formed one of a commission to investigate the circumstances surrounding the harbor. He was therefore in a position to confirm most of what had fallen from his honorable friend with respect to its importance as a harbor of refuge. Great loss of life had occurred on that coast for want of such a harbor as this would be if improved. He hoped the Government would undertake the work as soon as the means of the country would permit.

The motion was carried.  
The bill to amend the act respecting Judges' Salaries passed through Committee of the Whole without amendment, was read a third time and passed.

GEOLOGICAL SURVEY.

The House went into Committee of the Whole, Mr. Penny in the chair, on bill respecting the Geological and Natural History Survey.

Hon. Mr. RYAN asked if the head of the geological survey had been consulted in the framing of this bill? In such matters scientific men should be made aware of the powers and restrictions the bill would give them.

Hon. Mr. SCOTT said he was not aware, but there was no change in this respect.

The clause was adopted.  
On the third clause,  
Hon. Mr. SCOTT, in reply to Hon. Mr.

Haythorne, said the practice had been to exchange specimens with other museums, and also to donate them. That was part of the duty of the staff.

The clause was adopted.

On the sixth clause,

Hon. Mr. AIKINS asked whether the provisions of the Superannuation Act would apply to the members of the staff at the passing of this bill, or whether it would date back to their term of service? If the latter, they should contribute something to the superannuation fund.

Hon. Mr. SCOTT said that would be a matter for the Treasury Board to discuss.

The clause was adopted.

On the seventh clause,

Hon. Mr. SCOTT said he had been making enquiries of the Minister of the Interior, and was informed that the building in Montreal was quite unfit for the purpose, that they had tons of specimens now boxed up which they were unable to exhibit, and they must either get a new building in Montreal or remove elsewhere. He was further informed that there would be no difficulty whatever in leaving a very respectable museum in Montreal in consequence of having duplicates, and the honorable gentlemen from Montreal would be gratified to that extent. With reference to the quota furnished by Sir William Logan, it was not at all considerable as compared with the quantity accumulated during the ten or twelve years Canada had been actively engaged in collecting specimens. He noticed in the report of the Minister of the Interior from the first of April to the end of the year no more than 1,200 or 1,300 persons had visited the museum, and that number was considerably in excess of former years, so it did not create that intense interest in the city of Montreal that would be naturally expected. It might be they had not the opportunity to display the specimens for want of space. A very considerable portion of the collection would remain in Montreal.

Hon. Mr. RYAN was gratified at this assurance, and the Government would, he was sure, have no objection to the following amendment:—"The Governor in Council may, whenever he may think fit, direct the removal of such a portion of the Geological Museum from Montreal as will form, as nearly as may be possible and without detriment to the collection at Montreal, a duplicate museum at Ottawa." The collection at Montreal was so large that a very considerable portion of it could be spared for the museum at Ottawa. He had been talking the matter over with a friend who took a deep interest in the subject, and he understood the natural history society of Montreal,

who were quite competent to take charge of the collection, would take it, and if the present building were made over to them, would either enlarge it, or sell it and purchase another place where the museum could be maintained in a style to reflect credit on the Dominion at large. The educational institutions of Montreal found the museum of great service, and Dr. Dawson, the distinguished scientist, was quite capable of superintending and directing it. The removal of even a portion of the museum would entail a great deal of expenses and it should only be done on the assurance that it would be of more benefit to the country at large if brought to Ottawa. He hoped the Government would accept his amendment.

Hon. Mr. JDELL said this amendment proposed to leave the museum at Montreal and remove the duplicates to Ottawa. He would suggest to alter it so as to remove the museum to Ottawa and leave the duplicates at Montreal.

Hon. Mr. WILMOT thought the assurance of the hon. Secretary of State should be perfectly satisfactory, but if they were going to move an amendment there was a celebrated geologist at Halifax, Mr. Honeyman, and if Montreal claimed a portion of the museum Halifax could also claim a share. But if the museum was a Dominion institution it should be situated at the capital.

Hon. Mr. DICKEY said the honorable gentleman (Mr. Ryan) had not pointed out what Montreal would do with those specimens if they were left there. The Government were going to remove the staff as well as the collection, and who would take care of what would remain?

Hon. Mr. SCOTT said for very many years Canada had a geological survey at the head of which was Sir William Logan who was a great devotee to the science. When he became chief of the staff he understood he had an excellent collection which he gave with his own services to the country. Not only that, but he placed at the disposal of the Government the building now occupied by the museum. While the collection naturally belonged to the Government of Canada, the building was part of Sir William Logan's own property. He was a resident of Montreal, and being head of the staff, he was never called upon to remove from that city inasmuch as he had contributed so generously to the original formation of the collection. There were regular appropriations every year by Parliament for the purpose of keeping up the survey, and the officers were paid and appointed by the Government.

Hon. Mr. MILLER—Is the honorable Secretary of State aware to what extent private donations were made to the Museum?

Hon. Mr. SCOTT—There is no interference with private rights. The contributions by private parties, including Sir William Logan's donation, are very inconsiderable in proportion to the rest of the collection.

Hon. Mr. WILSON said he thought if Sir William Logan were alive he would oppose the removal of the museum from Montreal.

Hon. Mr. SCOTT—It is possible had Sir William Logan continued to live the museum would not be removed. Immediately after Confederation the amount voted by Government for the survey was \$30,000 per year for five years. Since that time it had increased until last year it amounted to \$45,000. He could not accept the amendment of his hon. friend (Mr. Ryan), and the hon. gentlemen from Montreal should rest satisfied with the assurances he had given that a part of the collection would be left at Montreal.

Hon. JAMES SKEAD said he had seconded the motion because he considered Montreal had a fair claim to a share of the collection. He had known Sir William Logan thirty years ago as an honored servant of the Government who had devoted his lifetime to the science of geology. At the same time he believed the collection made by that gentleman belonged to the Dominion, no matter where they were collected from. He was much pleased to hear from the Secretary of State that there were tons of specimens boxed up at the museum that could not be exhibited. If that was the case there would be plenty for distribution, and if Halifax and other cities wanted a share of the surplus specimens they should get it. Take the article of galena, for instance, if there were 100 pounds of it in the collection, fifty pounds would be sufficient to bring to Ottawa, as a man could learn as much from that as he could from a ton of it. There was one specimen in the museum which was the only one of its kind on the continent. It was claimed that it belonged to Sir William Logan. If that was the case it should be left in Montreal. If Ottawa was to be the headquarters of the survey the perfect museum should be removed to the capital, though they did not want everything. Last year only 1,300 persons visited the museum in Montreal, but he was satisfied more than two thousand persons would visit it in Ottawa during the same period.

Hon. Mr. MILLER said he considered Ottawa was the proper place for the chief geological collection of the Dominion. He

would suggest to his honorable friend to amend his motion so as to ensure a fair proportion of the specimens being retained at Montreal, while the main collection should be removed to the capital. It would be simply placing on record what the Secretary of State had expressed his willingness to accede to.

Hon. Mr. SCOTT said the honorable gentleman should be satisfied with the assurances he had given. The staff should come to Ottawa, as the Minister of the Interior felt that he could not effectively discharge his duty respecting that branch of his Department without having it at the Capital. As it was at present, instructions had to be given by letter, or the officers had to be summoned to Ottawa to receive orders, and it was so exceedingly inconvenient that the administration of the Department was imperfect.

Hon. Mr. McCLELAN considered that all valuable specimens that had no duplicates should come to Ottawa. Very little interest was taken in the museum at Montreal, one year there being only 600 visitors to it. If the survey were removed to Ottawa it would be much more convenient for persons from all parts of the Dominion to get mineral specimens analyzed because the representatives of the Dominion met here, and would take charge of valuable minerals and attend to any such commissions from their constituents.

Hon. Mr. KAULBACH said the surplus specimens should only be distributed in exchange for specimens from other collections throughout the provinces.

Hon. Mr. DICKEY moved in amendment, page 2, line 26—After "Ottawa" insert "Provided that a fair proportion of the specimens shall be left in Montreal, and the Government may, in their discretion, exchange such portions of the remainder as shall not interfere with the establishment of the museum at Ottawa with other geological and mineralogical collections."

Hon. Mr. ODELL thought if there were triplicate specimens in the museum, they might be distributed among other cities, but any specimens of which there were only duplicates, the duplicates should be left to Montreal.

Hon. Mr. TRUDEL said if this principle were admitted he would ask the Government if they were prepared to distribute all the public properties of the Dominion? How would his honorable friend from Quebec like to have the citadel and the battery distributed among other cities of the various provinces? It would be unfair to treat the museum in the same way as if it had not been localized for many years at Montreal.

He thought there had been a great many contributions made to it by the different institutions of Montreal.

Hon. Mr. SCOTT—No.

Hon. Mr. KAULBACH asked if the honorable gentleman could name any of the institutions that had contributed?

Hon. Mr. FERRIER said Sir William Logan had made a large contribution and he thought a gentleman named Hall had also contributed. He admitted the survey should be at Ottawa, but a large collection should be left at Montreal which could be taken in charge by the Natural History Society. He would support the amendment.

Hon. Mr. KAULBACH failed to see that Montreal had any claim on the institution. Sir William Logan's services had been recognized by the Government.

Hon. Mr. HAYTHORNE thought that the honorable Senators from Montreal might very well trust to the assurance of the honorable Secretary of State. There were specimens enough to make a very good museum in Montreal, and if there were any choice specimens, they might trust the Government to divide them fairly. The amendment of the honorable Senator from Amherst would prevent the distribution of specimens among museums that might in the future be established in rising towns.

Hon. Mr. DICKEY said it would have no such effect. It left to the Government the discretion to distribute surplus specimens to "other institutions," not merely existing institutions. His reason for proposing the amendment was the bill made it imperative on the Government to remove the whole collection. There was abundance to leave a good collection in Montreal and remove the principal part of the museum here.

Hon. Mr. McMASTER said he would be glad to meet the wishes of the honorable Senators from Montreal if it could be shown that the museum mainly owed its existence to private contributions, but the country had paid large sums towards it, and the capital was the proper place for it. It would be a pity to fetter the Government by any amendment, like those that had been proposed.

Hon. Mr. FERRIER said a large portion of the collection consisted of contributions. After his own visit to Palestine and Egypt he gave six large cases of specimens to the Natural History Society, who were about to take charge of this museum.

Hon. Mr. RYAN thought he would be able to modify his resolution so as to meet the views of a large number of gentlemen who had expressed their opinions. One point seemed to have been forgotten—this

museum had been in existence some forty years, and owed its existence mainly to the old Province of Canada. The fair way of settling the matter would, therefore, be to place the principal museum at Ottawa and leave the balance at Montreal. The number of visitors had been necessarily small, owing to the fact that ladies and unscientific men do not take an interest in such matters. He did not see how it could be of great benefit to members of Parliament, who were so busy night after night that they do not find time to go near it during the session. His motion would read as follows:—"That the Governor in Council may, whenever he may think fit, direct the removal of such portion of the Geological Museum from Montreal as will enable the formation of a principal museum at Ottawa, with as little detriment to the collection at Montreal as possible."

Hon. Mr. DICKEY thought his resolution would accomplish the desired object much better.

Hon. Mr. REESOR submitted the following amendment:—"Provided always that, should there be a duplicate or greater surplus of specimens than may be deemed necessary to make one complete museum, the surplus may be distributed among the other geological museums of the Dominion, first supplying the museum of the City of Montreal out of said surplus."

Hon. Mr. SCOTT hoped this amendment would not be pressed. There seemed to be an idea this museum belonged to Montreal. It belonged to the people of Canada. He ventured to say not ten per cent, perhaps not five per cent, consisted of contributions. Since Confederation Canada had expended nearly a million of dollars, and before Confederation nearly as much had been paid out of the public funds for the same purpose. Nearly a million had been contributed by Canada, and yet the hon. senators from Montreal seemed to think the museum owed its existence to the contributions of gentlemen in that city. He doubted very much if the Government could not by Order in Council have removed the museum to Ottawa. The time had come when this museum should be here. The assurance of the Government ought to be sufficient that a very considerable portion of the museum would be left in Montreal. If there were specimens of which there were no duplicates, they should be in Ottawa. It should be left to the Minister of the Interior to give what he could to Montreal and not put it on the statute book to embarrass him.

Hon. Mr. SIMPSON said some gentlemen seemed to think that Montreal had borne the principal part of the expense of collect-



ing this magnificent museum. He had been in public life for the last thirty years, and he knew that nearly a million dollars had been paid by the people of Canada towards this museum. Sir William Logan while he lived was fairly remunerated for his services. He was rather friendly to Montreal, but he did not think this House had a right to say the specimens gathered at the expense of the country should be left in Montreal for the benefit of that city. The amendments should be withdrawn.

Hon. Mr. SMITH said from what he could learn the museum had originated with old Canada, and was now the property of the Dominion. Therefore, it should be removed to Ottawa and it should be left to the discretion of the Government to say what specimens should be left in Montreal.

Hon. Mr. BAILLARGEON said this collection having been made by the Government, it was their property. Being a national museum it was quite evident it should be removed to Ottawa. It might be just as useful to some institutions here as in Montreal, and to strangers also. If it was to be divided he would claim a share for Quebec. He would vote to have it removed to Ottawa.

Hon. Mr. DICKEY said he had modified his amendment to read as follows: "Provided that a fair proportion of the specimens shall be left in Montreal, and the Government may in their discretion exchange such portions of the remainder as shall not interfere with the establishment of a principal museum at Ottawa, with the other geological and mineralogical institutions of the Dominion."

Hon. Mr. HOPE objected to the words "Principal Museum at Ottawa," because it recognized other museums.

Hon. Mr. DICKEY consented to strike out the word "principal."

Hon. Mr. SCOTT objected to any such amendment.

The Committee divided and the amendment was rejected—Contents, 21. Non-Contents, 24.

Hon. Mr. RYAN gave notice that he would move an amendment to this clause at the third reading.

The clause and those following it were adopted and the Committee rose and reported the Bill without amendment.

The House adjourned at 6:05 o'clock.

THURSDAY, March 15th.

The SPEAKER took the chair at 3 p.m. After routine.

INTERCOLONIAL RAILWAY EXTENSION.

Hon. Mr. DEVER enquired, whether the Government contemplate in the near fu

ture to extend the Intercolonial Railway at St. John N. B., by means of a bridge across the falls at that city, to a junction with that of the Western Extension Railway, thereby making an unbroken line of railway from Halifax to California? He said the original intention was to connect the Intercolonial Railway with the Western Extension Railway at St. John. This would give connection with the American system of railways and add greatly to the traffic of the Canadian road. A company had been formed subsequent to Confederation to build the Western Railway extension, but they had been unable to extend it further than the falls on the St. John River, about a mile, or a mile and a half from the terminus of the Intercolonial Railway within the city. Last session he had brought before the notice of the Government the necessity for constructing the Courtney Bay extension, and the Ministry had taken steps during the recess to give out contracts for its completion. He hoped they would at an early date take into consideration also the extension of the Intercolonial Railway so as to connect it with the Western Extension at the falls. It might be asked why was it that the latter company did not extend the road to St. John. He would state that they were not able to do so at present, and seeing this, the citizens of St. John and of the province generally were in hopes the Government would come to their aid and build this mile, or mile and a half of road and bridge, so as to make connection with the railway system of the United States, and thereby give a through railway route from Halifax to New York and the west. This would shorten the sea voyage between England and this continent some 600 or 700 miles and passengers bound from British ports to Boston or New York would land at Halifax and continue their route by rail if this short piece of road and bridge were constructed to connect the Intercolonial with the Western Extension. In conclusion, he hoped the Government would take this matter into their serious consideration, as it would be the means of greatly increasing the traffic on the Intercolonial, and add to the revenue of that property quite sufficient to pay for the additional outlay of the work now asked for.

Hon. Mr. WILMOT said he could substantiate what his honorable friend had stated with respect to the importance of this work. The distance across the River St. John at the falls was only some 500 or 600 feet, and if that were bridged there would be a continuous line of railway from Halifax across the continent. A suspension bridge

had been constructed for ordinary traffic at a cost of some £20,000, and he hoped the Government would at an early day have sufficient funds to devote to the extension of the Intercolonial Railway across the river so as to connect with the Western Extension on the other side.

Hon. Mr. SCOTT said his honorable friends did not expect an affirmative answer. The Government did not contemplate, in the near future, to build the bridge at the falls or to extend the Intercolonial Railway to that point.

#### THE GEOLOGICAL SURVEY.

Hon. Mr. SCOTT moved the third reading of the Geological and Natural History Survey bill.

Hon. Mr. RYAN moved, in amendment to the 7th clause:—

Page 2, Line 26.—After "*Ottawa*" insert "Provided always that so soon as specimens sufficient, in the judgment of the Minister of the Interior, to form a museum in *Ottawa* illustrating the geology and mineralogy of the Dominion, and to supply exchanges shall be removed, then all surplus specimens shall be placed under charge of the Natural History Society in *Montreal*, which society shall arrange such specimens in proper order for public inspection, and, so far as the collection will permit, the Government may order exchanges with other museums of similar character."

Hon. Mr. SKEAD seconded the amendment.

Hon. Mr. SCOTT said he could not accept the amendment of his honorable friend. The collection belonged to the Dominion of Canada and not to the people of Montreal. It was quite true that some donations had been made to the museum by the people of Montreal, but it was also true that contributions had been made by private citizens of Ottawa, Toronto, Quebec and other cities. The greater portion of the collection had been made by the staff of the survey, paid by the old Province of Canada previous to Confederation, and since, by the Dominion, and it would be highly improper that the collection at Ottawa should be subsidiary to the one at Montreal. His honorable friend (Mr. Ryan) had given no assurance, even, that if the collection were handed over to the Natural History Society they were prepared to assume the expense of maintaining it, and if it were thrown upon them they might have ground on which to appeal to the Government for assistance to maintain the museum. The collection had been made at a great expense to the Dominion. Prof. Selwyn had been sent out to British Columbia expressly

to collect specimens to be exhibited at the Centennial, and his expenses were taken out of the \$100,000 voted for the exhibition, and not out of the annual grant for the survey.

Hon. Mr. CARRALL asked if the honorable Secretary of State was certain the money expended for that purpose was taken from the exhibition appropriation?

Hon. Mr. PENNY—Yes, five thousand dollars.

Hon. Mr. SCOTT said nearly a million of dollars of public money had been expended since 1854 in making up this collection of specimens in the museum. The private collection of Sir William Logan was very inconsiderable as compared with the collection now in the museum.

Hon. Mr. CARRALL said if the survey had been paid out of the exhibition vote for collecting the British Columbia specimens, he had paid some thirty dollars to Mr. Richardson, one of the staff for doing some work for him out there in his department.

Hon. Mr. MILLER said he would vote for the amendment because it was carrying out nothing more than what they had been assured by the Honorable Secretary of State the Government were willing to do, and he could see no objection to having it placed in the act to make certain what would be otherwise uncertain should a change of Government take place before the museum was removed.

Hon. Mr. MACPHERSON said he would vote for the amendment, as it left it entirely in the hands of the Government to remove the whole collection to Ottawa if all the specimens were needed to make it complete.

Hon. Mr. WILMOT—If this amendment is carried the consequence will be the bill will be lost and there will be no national museum at Ottawa.

Hon. Mr. MILLER—Why?

Hon. Mr. WILMOT—Because the Government have refused to accept the amendment, and if it carries it knocks the whole thing on the head. He thought that it was time the members from Montreal should rise above the level of parish politics. The proper place for the national museum was at Ottawa where the representatives of the people could have easy access to it and acquaint themselves with the resources of the country.

Hon. Mr. BUREAU said though a supporter of the Government he would vote for the amendment as he did not think it would defeat the bill.

Hon. Mr. DICKEY said unless the threat from the honorable member from York

respecting the defeat of the bill was explained they would have to conclude, if the bill was withdrawn, that there was a power behind the Treasury Benches. To correct a wrong impression which the hon. Secretary of State had made, he would say that the \$400,000 expended since Confederation was in making a geological survey of the Dominion and not in the collection of specimens. He could not quite understand the position which the Government occupied as regards the ownership of the museum and its contents. He thought there was some obscurity about it.

Hon. Mr. HOWLAN said Ottawa was the national capital of the Dominion as Washington was of the United States. The national geological and mineralogical collection of the United States was at the capital of that country, and our national museum should be at Ottawa. It would be in less danger from fire at the Capital, and it was the place where *savants* from Europe and other places would naturally come to enquire into the geological and mineralogical resources of the country.

Hon. Mr. HAVILAND said he would vote for the amendment, for should there be a change of Government before the museum was removed they might not be able to hold their successors to the promise of the honorable Secretary of State, and then they could fall back on the statute. If they conscientiously agreed on the principle they should not repudiate it because the Government would not accept it.

Hon. Mr. BELLEROSE considered the museum should be removed to Ottawa, and the Government should have their choice of the specimens, leaving the surplus at Montreal. He would vote for the amendment.

Hon. Mr. KAULBACH thought Montreal should have the first choice of the duplicates after the first specimens were brought to Ottawa, and then the Government should have the balance to exchange with other geological collections for their surplus specimens.

Hon. Mr. GIRARD said he would vote for the amendment, as it appeared to him the Government should have made some concession to the people of Montreal, who had, in a certain measure, an acquired right to the museum, though the national collection should be at the Capital.

Hon. Mr. SCOTT said in the previous debate on this question it had been asserted, and he had not been in a position to deny it, that Sir William Logan had donated a large portion of the collection to the museum. This morning the Minister of the Interior had telegraphed to Mr. Selwyn to ascertain what portion of the collection had

been contributed by private citizens. The reply had just arrived, and it was as follows:—

“No specimens in the collection given by Sir William; a few presented by persons in all parts of Canada; four thousand dollars' worth of instruments and a large number of valuable works of reference belong to Sir William; these were given to the Survey while in Montreal; the duplicates would be of little value; to divide the collection would be to destroy it; if removed the whole should go—any duplicates might be given to either museum of Natural History Society, the Frazer Institute, or McGill College. It would be useless to keep up a geological museum in Montreal without a geological staff to utilize it. The only reasons for not moving it are stated in my memo, 28th April, 1873, on the subject. Museum and Survey now occupy two buildings; they stand back to back, and are connected by fire-proof doors on three flats. The former faces Champ de Mars, and is Government property; the latter in Great St. James' street, belongs to Sir William; rented to Survey for \$1,200 per annum; cost, \$30,000.”

Hon. Mr. FERRIER said he thought Mr. Selwyn was not properly informed as to the museum or he would not have telegraphed that there was none of Sir William Logan's collection in it. It was well known to the citizens of Montreal that he did leave a large collection which he had made with his own funds, to the museum. In fact, it formed the nucleus of the museum before the Government began to pay him for his services.

Hon. Mr. TRUDEL said the telegram just read could only be properly understood in connection with the question to which it was a reply, as all lawyers would know there was a great difference in the mode of putting questions, in order to illicit certain information.

Hon. Mr. SCOTT—The question was: “What proportion of the collection was contributed by private citizens?” and the answer was quite specific.

Hon. Mr. TRUDEL said there was clearly a mistake somewhere.

Hon. Mr. DEVER said he wanted a direct declaration from the Government whether they owned this property or not. If they owned it he would say unhesitatingly, vote for the bill. If Montreal owned it, he would vote for Montreal having their right recognized.

Hon. Mr. SCOTT—As far back as 1845 we were legislating and granting money for this collection

Hon. Mr. FERRIER—Logan went back further than that.

Hon. Mr. MACDONALD, B.C.—If the Government own and control this museum why do they ask Parliament for power to remove it? If I were a Montreal member I would vote against this bill.

Hon. Mr. SCOTT said the Government did not wish to do anything without the consent of Parliament.

Hon. Mr. MACFARLANE said even if the amendment was carried the Government would have the power to remove the whole collection to Ottawa; he would, therefore, vote for the bill, believing that the Government would be inclined to do what was just to Montreal and the various institutions of learning in that city.

Hon. Mr. PENNY—It seems to me the amendment leaves the bill where it was at first, and I will vote for the bill as it stands.

Hon. Mr. REESOR said it seemed only reasonable that after Montreal obtained the duplicates the Government should have the distribution of the surplus specimens.

A vote was then taken on the amendment, as follows:—

CONTENTS.—The Honorable Messieurs Alexander, Archibald, Armand, Bellerose, Botsford, Bourinot, Bureau, Campbell, Carrall, Chapais, Cormier, Dickey, Dickson, Du mouchel, Fabre, Ferrier, Girard, Hamilton (Inkerman), Haviland, McLellan (Londonderry), Macdonald (Victoria), Macpherson, Miller, Northup, Odeil, Rad, Ryan, Shaw, Skedd Trudel, Wilson—31.

NON-CONTENTS.—The Honorable Messieurs Bailargeon, Chaffers, Christie (Speaker) Cornwall, Dever, Ferguson, Glasier, Grant, Guvreumont, Hamilton (Kingston), Haythorne, Hope, Howlan, Kaulbach, Leonard, Lewin, McClellan, (Hopewell) McDonald (Toronto), McMaster, Macfarlane, Montgomery, Paquet, Pelleuier, Penny, Power, Pozer, Scott, Seymour, Simpson, Smith, Stevens, Sutherland, Vidal, Wark, Wilmot—35.

Hon. Mr. HOWLAN called attention to the fact that Hon. Mr. Reesor had not voted.

Hon. Mr. REESOR—I have paired with Hon. Mr. Aikens.

Hon. Mr. HOWLAN said he understood it was a rule of the House that every member inside the Bar should vote.

Mr. SPEAKER—An arrangement of one gentleman pairing with another is parliamentary, and should always be respected.

The bill was read a third time and passed.

#### THIRD READINGS.

Hon. Mr. DICKEY moved the adoption of the report of the Select Committee in the Scott's Relief Bill.—Carried.

The bill was then read a third time, on division, and passed.

Bill respecting the Improvement of Prison Discipline passed through Committee of the Whole without amendment, was read a third time and passed.

Hon. Mr. DICKEY moved the adoption of the report of the Select Committee on the Bates' Relief Bill.—Carried.

The bill was read a third time, on division, and passed.

#### PERMANENT BUILDING SOCIETIES.

Hon. Mr. MACPHERSON moved the second reading of the Bill to amend the Act respecting Permanent Building Societies.

Hon. Mr. BUREAU said there was an Act on this subject on the statute books of Ontario and also one on the statute books of Quebec. In the latter Province some extraordinary things happened under the Act regulating these societies. For instance they were never empowered to receive deposits, and yet they had done so without any guarantee for the protection of depositors. When the Societe de Construction de Montarville ceased to do business they had some \$80 000 in this way, and they had only their mortgages to meet those liabilities, which did not cover the amount. There were several other building societies in difficulties, and he did not see in this Act any provision for the settlement of those matters. He had expected there would be some legislation on this subject foreshadowed in the Speech from the Throne this session. He had no objection to the Bill as it was to be considered in the Committee, and the Government were responsible for such legislation.

Hon. Mr. McMASTER said there had no doubt been some mismanagement with reference to some of those societies in Quebec, but the remarks of the honorable senator did not apply to the societies in Ontario which were exceedingly well managed. The provisions of this bill would curtail some of the powers they now held; for instance, their powers of taking deposits at present are almost unlimited. This bill would limit their power to take up stock to the extent of their paid up capital, and there were other provisions respecting returns, all of which were of a highly conservative character and tended to give additional security to the public.

The bill was read a second time.

#### CANADA TRAFFIC COMPANY'S BILL.

Hon. Mr. RYAN moved the second reading of the bill to incorporate the Canada Traffic Company. He said the object of this company was to facilitate the general traffic

of the country either by railway, sail boats, or by steamer. There were loud complaints from different points that the local freight rates were out of all proportion to foreign and distant freights, especially railway freights. The object of this company was to put an end as much as possible to these discrepancies, and to act between the shipper and the carrier of freight in order to accommodate and facilitate the arrangements between them and to establish fair rates.

The bill was read a second time.

OTTAWA, VAUDREUIL AND MONTREAL RAILWAY.

Hon. Mr. CAMPBELL, in the absence of Hon. Mr. Skead, moved the second reading of the bill concerning the Ottawa, Vandreuil & Montreal Railway Company.

Hon. Mr. BUREAU said the charter of this company had expired, and this was a new bill. Proper notice had not been given, and it was unfair to parties interested to pass this bill without giving them due notice. Unless the regulations of Parliament were complied with this bill would be a dead letter on the statute book. It was perfectly useless to pass a bill in this way when everything connected with it was irregular.

Hon. Mr. MILLER said the Committee on Private Bills had reported in favor of it. This was no objection to raise on the second reading.

Hon. Mr. BUREAU said it was the duty of any private member who had important facts to mention to the House to do so on the second reading of a bill. He was in a position to prove that the bill which this was intended to amend does not exist at all, and he considered it was his duty to mention this on the second reading.

Hon. Mr. DUKEY expressed his surprise at the doctrine laid down by the honorable gentleman. This bill had been sent to the Committee on Private Bills. They had reported it to the Senate, and that report had been adopted. It was now too late to go behind that report and say on the second reading that there had been irregularities in the notice.

Hon. Mr. BUREAU said this was more than an irregularity, it was a violation of all the rules.

Hon. Mr. MILLER, as Chairman of the Private Bills Committee, contended that it was now too late to raise objections of this nature. The bill came regularly before the committee, it was found the notices had been regularly given, that the petition was sufficient, and on the face of the petition the whole proceeding was regular. If anything was wrong it must be misstatements in the petition, and if anyone had appeared to

show that such was the case their representations would have received consideration, as the notices were regular. The committee were bound to consider the petition as correct unless someone had successfully represented it was not. The company in question obtained an act of incorporation some years ago, by the terms of which they were bound to commence the construction of the railway within a certain number of years, and complete it at a certain time. In their petition they stated they had commenced the work within the time specified, and they now asked for an extension of time to complete the road. The honorable senator stated they had not done so. This was a matter of detail to be brought up in committee. The House was not in a position to ascertain whether the details were correct or not. The honorable senator had a right to give notice that he intended to dispute the allegations of the bill, but not now to question the report of the Committee on Standing Orders, which had already been adopted by the House.

The bill was read a second time.

The bill respecting the Canada Southern Bridge Company was read a second time.

INTERNATIONAL RAILWAY COMPANY'S BILL.

Hon. Mr. HAVILAND moved the second reading of the bill to change the name of the St. Francis & Megantic International Railroad Company to the International Railroad Company, and for other purposes. He said as a rule when railroad companies applied to this House for legislation it was for increased powers. The object of this bill was to restrict the amount of the bonds to be issued. By their act the company are authorized to issue bonds to the extent of \$25,000 per mile, but being in receipt of a subsidy from the Province of Quebec to the extent of \$6,000 per mile, and from the municipalities to a considerable amount. They are of opinion \$13,000 per mile would be sufficient, and that their bonds would sell better.

The bill was read a second time.

THE SUPREME AND EXCHEQUER COURTS.

Hon. Mr. PELLETIER moved the second reading of the bill to amend the act to make further provision in regard to the Supreme and Exchequer Courts. He explained the object of the bill was to amend the second clause of the act which provides for the punishment of witnesses guilty of perjury. The object of this amendment was to strike out that part of the clause which provides for the trial by our judges of persons giving false evidence in a foreign country. The second amendment follows the same prin-

ciple, striking out the portion of the clause which provides for the punishment of witnesses in foreign countries who fail to appear when summoned.

Hon. Mr. DICKEY said it was question able to him whether this amendment should be made.

Hon. Mr. MILLER thought the bill was not only unobjectionable, but necessary. By the law, as it stands, we undertake to enact laws for the punishment of crimes committed beyond our jurisdiction. We have no right to declare any act committed in a foreign country to be a crime punishable by our laws. He presumed it was by an oversight this enactment passed. Crime should be punished wherever it was perpetrated. He wished to know whether the Government intended to make any further amendments to the Supreme Court act. Of course it was new, and it might be expected, as time advanced, experience would show the necessity of amendments. He thought it was an omission not to make provision in the act for the regular and fixed sittings of the Exchequer Court in the different provinces—at least the five old provinces—instead of leaving it to the discretion of the judges. Although there was not much work for the Court to do, there were important cases to be tried in the larger provinces, urgently calling for the attention of the Court, in regard to which delays had already worked injustice. He suggested whether it would not be well now to amend the law so as to establish regular sittings of the Exchequer Court, once or twice in the year, in the principal provinces of the Dominion. Even the short experience we have had has proved, that if the holding of courts were left to the discretion of the judges it could not be accompanied with that degree of certainty which was necessary to the administration of justice. There are a large number of claims, it was well known, now pending against the Government, principally in Nova Scotia and Quebec. One of these claimants who resides in England, came to Nova Scotia expecting to get his case on for trial by the Exchequer Court last autumn. After the application was made for a hearing, the witnesses for the Crown were said to be absent and not likely to be back for some time. The trial was therefore fixed for the 15th of February. The claimant thought it was a long time to wait, but he had no alternative than to submit. On the 15th of February no judge could be got to go to Nova Scotia to try the case. Why this was so might come before Parliament in another way. The witnesses had all been summoned on both sides and the sitor sustained a severe

loss in his own time and that of the witnesses. The trial was postponed to the 2nd of April, and he was informed there was a probability of its being postponed again. If this uncertainty was to exist in the working of the Supreme Court, the people of the Dominion would think they were paying pretty dearly for an expensive toy—more for ornament than use. These claims had been pending for years, and they were the most important business the Court had to transact, and yet suitors were put to ruinous delays. Unless there was some regular sittings of the Exchequer Court in the principal provinces, there would always be this uncertainty, with all the loss and injustice to suitors which accompanied it. There was a strong feeling in the minds of many that the Supreme Court was an unnecessary expenditure imposed on the country. For his own part he had supported it with a great deal of doubt in his own mind, but if this uncertainty in the sittings of the Court was to continue, there would be good ground to doubt the wisdom of establishing such a tribunal for the Dominion. Political contentions were not subject to such delays.

Hon. Mr. DICKEY said the statement which had just been made afforded sufficient justification of the opposition which he and others gave to the Supreme Court Bill. The first bill provided that these issues should be tried in the courts of the different provinces to ascertain the facts, and then the evidence was to be sent to the Exchequer Court here when taken. In that way the suggestion of the honorable Senator would have been fully carried out. He (Mr. Dickey) had supported that with all his power, as it was a protection to the outlying provinces, but he was overborne by the Government, who carried through the clause as it stood. The judges in carrying out that clause were, he thought, disposed to give every possible accommodation to suitors at a distance. If there had been a failure in this one case he regretted it. With regard to the first point raised in this matter, he was not prepared to give an opinion on such an important matter without due consideration. All he could say was the mistake which it was now proposed to amend was a grave one, if it was a breach of international law. The responsibility of it was on the Government, and it was a curious commentary on their legislation when they had to repeal a part of last year's act this session, as being contrary to the comity of nations.

Hon. Mr. PELLETIER said for the present the Government had not in view any amendment to the Supreme Court Act, but any suggestion from honorable gentlemen

would receive attention. The Government would always be ready to amend the act wherever it was found to be defective. Part of the honorable Senator's (Mr. Miller's) views were being met now. There was at present a sitting of the Exchequer Court being held in Quebec, and the court would always be disposed to facilitate the business of the country whenever it might be necessary.

Hon. Mr. MILLER said he was specially induced to make these remarks because he had heard it was the intention of the judges hereafter to confine those trials to Ottawa.

Hon. Mr. PELLETIER said, with respect to the bill before the House, the Government were only doing what the late Administration were obliged to do in 1869. In that year Sir John Macdonald introduced a bill to punish persons guilty of perjury outside of Canada. It was found impossible to take such responsibility, and in 1870 the Act was amended so as not to oblige any court in Canada to try persons who had committed perjury outside of this country.

Hon. Mr. DICKEY said the present Minister of Justice should have been warned by the mistake of his predecessor not to fall into the same error.

The bill was read a second time. Bill respecting the Niagara Grand Island Bridge Company, and Bill to authorize the Union Forwarding & Railway Company to reduce its paid up capital, were read a second time.

The House adjourned at 5:50.

FRIDAY, March 16.

The SPEAKER took the chair at three o'clock.

THE CANADA CENTRAL RAILWAY.

Hon. Mr. MILLER asked the Secretary of State if he could give any information with respect to the Canada Central Railway. He wished to know the exact number and dates of the payments of the \$68,000 paid for rails delivered on that line for the extension.

Hon. Mr. SCOTT said there were two payments, for two specific quantities of rails. Speaking from recollection, he believed the first was for \$23,000, and the latter was for \$45,000.

THE ROUTE OF THE PACIFIC RAILWAY.

Hon. Mr. GIRARD moved "to Resolve, that a Committee of seven be appointed, consisting of the honorable Messieurs Scott, Aikins, Sutherland, McPherson, Bureau, Wilmore, and the mover, to enquire into and report to this House:—1st. As to the difference in length between the line of the Canadian Pa-

cific Railway from Keewatin westward, and a more southern line by Winnipeg and south of Lake Manitoba to the nearest point common to both lines. 2nd. As to the cost of construction of each line; also, the fitness of land for settlement along each line respectively; and also, the greater chance of an immediate remunerative line, with power to send for persons, papers, and records." He said this was not a new question in this House. Opinions had been strongly expressed that the policy of the Government to the present time with reference to this road was not only bad, but opposed to the interests of the country. The route selected was neither in the interest of Manitoba nor of the Dominion. At a late meeting in Winnipeg it was resolved to have railway communication with the projected line of the Government. It was not yet too late to change the line to the south of Lake Manitoba if it should be found, as he believed it could be proved, that the northern route was no shorter and would cost more for construction than the southern line. That it was no longer to carry it by Winnipeg was apparent to any one who would look at the map which accompanied the report of the Minister of Public Works. It would also be seen that the route selected passed close to the lakes where there were a great many rivers to cross. Although power was asked for to send for persons and papers he believed all the information that was necessary to satisfy the public mind could be found in Ottawa. Millions had been expended already on this work and millions more were to be spent in the same way. It was therefore important to make a thorough investigation of all the matters connected with the route before deciding to construct the road by the line determined upon by the Government. An honorable senator had stated the other day that the engineers—it was reported—had been tampered with. He (Mr. Girard) did not believe such a report. At the meeting in Winnipeg to which he had alluded, it was resolved to grant a bonus of \$200,000 to build a railroad to connect with the main line of the Pacific Railroad. This was equivalent to putting a debt of \$40 per head on the population there at the present time. He did not see how the Government could oppose his motion because they were more interested than any one else in having public opinion satisfied on this point. This committee could not embarrass the Government. The people of Manitoba had always contended that the southern line was as short as any, that it could be more easily constructed, and that it would be more speedily remunerative than the one selected by the

Government. West of Winnipeg there was a wealthy population of 25 000 souls, and this important part of our population deserved some consideration. They should not be left without railway communication much longer. His object in moving for this committee was to obtain information on this important subject and to satisfy the Dominion at large, and the Province of Manitoba in particular, as to the true position of this question.

Hon. Mr. SCOTT said the honorable gentleman having made his motion would not, he hoped, press it to a conclusion. The honorable Senator had probably made it in the interests of the people who had recently met in Winnipeg for the purpose of discussing the advantage it would be to them to have the line cross the Red River at that city. In locating this line the Government had been actuated by but one desire—to reach the prairie country by the shortest possible line, not deviating to the right or left, unless there was an obvious advantage to be gained. Certainly, the interests of 6,000 people at Winnipeg were not of sufficient importance to warrant the Government to deflect the line to any extent to accommodate them. The object of building this line was to settle the great North West and to enable us to reach it by the shortest possible route. On enquiring of Mr. Fleming what was the reason for deflecting this line, as far as Winnipeg is concerned, he was told it would effect a saving of thirty miles in the length of the road, and \$1,000,000 in the cost of construction. The advantages of the north line are that it furnishes connection with the waters of Lake Winnipeg, which drains a large section of country. The route selected intersects the river seven miles from the lake, and steamers can come up the river to that point, which was considered of great importance. Between that point and Winnipeg, a distance of some twenty miles, there are a great many impediments to navigation. Those were the principal reasons why the engineers had selected that line. The saving of \$1,000,000 would be effected in the thirty miles which would not have to be constructed and the difference in the bridging of the Red River. The honorable gentleman was not in a position to ask that the funds of this country should be utilized to that extent for the purpose of accommodating 6 000 people. The road was not built for Manitoba, and the honorable Senator had no right to assume, at this early day in the history of the country, that the great bulk of the population would be south of Winnipeg. It was true the greater part of the

population of Manitoba at present was south of Winnipeg, but they would not be accommodated by running this line to that city. The settlements were on the Red River, and would have that means of communication in the summer season and the Pembina branch all the year round. The country possessing the most fertile soil and the greatest attraction for settlers was west of the Manitoba boundary, somewhere in the neighborhood of Livingstone, and it might fairly be assumed that the principal settlements in the future would be in that country. These were shortly the reasons which had influenced the engineer in selecting the northern route. He hoped the motion would not be pressed.

Hon. Mr. GIRARD said his intention in asking for this Committee was to get more light on this important question. He was not ready to admit that there would be a saving of thirty miles by taking the northern route, but even if there were, he contended the southern line presented greater facilities for the construction of the road. In passing so close to the great lakes as the northern lines did, more bridging was necessary, and there were large marshes which presented engineering difficulties which would not have to be encountered on the level plain to the south. He could not understand why the fertile belt extending from Winnipeg to the Saskatchewan should be departed from, to run the line through a wilderness where there were insurmountable difficulties in the way of building a railroad. He had been informed that many of the surveys on that route had been made in the winter season, when the morasses were frozen and the real nature of the country could not be ascertained. At the Narrows of Lake Manitoba there was a locality known as Moss Portage, which extended for miles and was covered with moss and mud knee deep. It would cost a large sum to build a line through such a country, and in the end it might be found necessary to look for a new route. While he took a deep interest in his own Province, he was not on this occasion advocating its interests alone, but the interests of the whole Dominion. It was not Winnipeg which was the most interested in this matter, but Portage La Prairie, some sixty miles from the line, and those parishes lately established, forming a population of some 30,000 souls. The tendency of settlement was to go west, and the railroad should be built to accommodate the future settlements west of the Province. Lake Winnipeg was not to be compared with Lake Manitoba for the facilities it offered to commerce. The waters of Lake Manitoba could be touched by the line



to the south, but at the crossing of Red River at Selkirk, the road would be seven miles from Lake Winnipeg, and it would involve a considerable expenditure to make that seven miles of the river navigable and utilize Lake Winnipeg for purposes of trade.

Hon. Mr. SUTHERLAND thought an enquiry into this matter would be attended with good results. It would set at rest the dispute as to which line is the shorter. He believed there had been no instrumental survey of the southern line. Looking at the map, he thought between the two objective points—Rat Portage and Ruling Mountain—the distance could not be so great as thirty miles. He denied that he advocated the southern line in the interest of Winnipeg alone, but in the interest of the Dominion at large. The honorable Secretary of State had spoken of the cost of building the bridge across the Red River at Winnipeg, but had made no reference to the expensive bridge which would have to be constructed at the Narrows of Lake Manitoba. It was fully expected that the Narrows would eventually be the channel of communication between Lake Manitoba and the Saskatchewan River, the distance being only some three miles at a certain point from one lake to the other. If this line were to be followed, the bridge might prove a serious obstruction to the future navigation of that channel. An eminent engineer, not connected with the survey, had informed him that it would be impossible to build a bridge at that place. Then, with reference to the navigation of Lake Winnipeg, it was well known that it was a much rougher sheet of water than Lake Manitoba, and eventually it would be found expedient to construct this short canal of three miles to connect the waters of Lake Manitoba with that of the Saskatchewan. He denied that this southern line would be in the interest of Winnipeg alone. As had been remarked, there was a population of some thirty thousand settlers west of that city. Those were the people most interested in the selection of the more southerly route. They had settled there in the expectation—almost the assurance—that the line would pass that way. It seemed as if nature had intended that part of the country for a railroad. The boundary of the Province was some sixty or seventy miles south of that, and that part of the Province was probably the best land in all the North West, and was already covered by numerous settlements. It was true a portion of the Mennonites had settled in the eastern part of the Province, but the most of them were in the south and western part

of it. In estimating the difference in length between the northern and the southern lines, the Honorable Secretary of States had forgotten the fact that if the former were adhered to it would necessitate the construction of twenty-two miles more of the Pembina branch. Admitting, therefore, that the northern line was thirty miles shorter than the southern route, when this was taken into consideration it would be found that there was very little saving in the cost of construction, to say nothing of the expensive bridge at the Narrows which would be saved by adopting the southern line.

Hon. Mr. AIKINS said the Honorable Secretary of State did not seem to be aware that the prairie country could be reached as soon by a line to Winnipeg as by the route adopted. There was no difference between the two. The honorable gentleman contended that the northern line was thirty miles shorter than the other. This was just the point in dispute. His (Mr. Aikins') impression was it was not thirty miles shorter, if any. The hon. gentleman did not seem to be aware that it would be necessary to build twenty-two miles of railroad to Winnipeg.

Hon. Mr. SCOTT—That is only a branch.

Hon. Mr. AIKINS said it would require the same kind of work to build it as an equal length of the main line. Then it was asserted that the increased cost of building the thirty additional miles would be \$1,000,000.

Hon. Mr. SCOTT said this included the extra cost of a bridge at Winnipeg, where it would be more expensive to bridge the Red River than at Selkirk.

Hon. Mr. AIKINS said he was not an engineer, but he believed it could be established that the southern line could be built as cheaply as the other. Those who were acquainted with the country through which the northern route passed were aware that a great deal of it was marsh, and he was informed that at the crossing at the Narrows at Lake Manitoba it would be necessary to pile to get a foundation. Anyone who knew anything of that kind of work would have some idea of the increased cost it would add to the construction of the road. He had been at Selkirk and he could not see what there was there to make it less difficult to bridge the Red River there than at Winnipeg. He did not believe that the line should be built in the interests of Winnipeg or any one place specially, but if it was to be built in the interests of the country it would have to go south of Lake Manitoba. The finest portion of Ontario was not to be

compared with the land that would be traversed by it in the central part of the province. He had been through it and seen the crops of wheat and other grain there, and he had no hesitation in saying it was the very garden of Canada. From Lake Manitoba to the southern line of the province there was a tract of country seventy miles broad which must be settled in a few years; yet the Hon. Secretary of State contended that in the interests of the country the road should not pass there, but through a portion of the province not adapted for cultivation, and which would not be settled for fifty years to come. A large portion of that northern country was muskeg. He denied that those who advocated the southern line were doing so in the interests of Winnipeg, but Winnipeg was not to be ignored. The Government were taking a strange course if they intended to do so, in completing the public offices there. Winnipeg was so situated at the confluence of the Assinaboine and the Red River that it could not be ignored. It would always be an important place. If the hon. Senator from Manitoba could get his committee and have Mr. Fleming examined, and obtain other evidence which might be found in Ottawa, he believed it could be proved, first: That there was not much difference in the length of the two lines. Second: That the difference in the cost of constructing the two lines was in favor of the southern one, and Third: That the southern route is the one which would best aid in the settlement of the great North West. All those points could be settled definitely, one way or the other. It was important that the truth should be known and that this agitation should cease.

Hon. Mr. CAMPBELL could not understand why the Government should resist this motion. Where was the use of Parliament assembling unless they inquired into just such questions as this? Here was a railway which would cost an enormous sum of money, and yet the slightest attempt to enquire into the selection of route was resisted by the Government. The first object was to ascertain whether one route was shorter than the other. How could that be looked upon as taking the work out of the hands of the Government? If the northern line was 30 miles shorter than the other, Mr. Fleming, who was given as the authority for saying so, could be called upon to demonstrate the fact. This was an enquiry which the Government should encourage, because if they were right, their position would be so fortified that no one could gain say it, and they would be justified, so far as shortness of route was concerned, in choos-

ing the northern line. If it could be shown the Government had selected that route for other reasons than the advantages it presented, the truth should be known. He hoped this enquiry would not be resisted.

Hon. Mr. McLELAN said, in the location of the Intercolonial Railway, an honorable gentleman had complained of the route between Miramichi and Moncton. He applied to this House for a committee to enquire into it. The House granted the committee, and they enquired into the cost of the different lines and the advantages of the different locations. In that case the enquiry was made in the interests of a single county, or two counties, but the honorable gentleman from Manitoba had asked for a committee in the interests of a province.

Hon. Mr. AIKINS said the honorable Secretary of State had stated he had been informed by the engineer that to take the line by Winnipeg it would increase the distance thirty miles, but at the same time the House was told a branch line twenty-two miles in length would be built by the Government from Winnipeg to the main line. This would leave the difference only eight miles. Supposing the deflection was thirty miles, there was the whole Province of Manitoba to be served by it, and it was in the interests of the Dominion that the southerly route should be adopted. The honorable Secretary of State had estimated the cost of constructing this thirty miles at \$1,000,000, but on the Intercolonial Railroad a section of twenty miles of the road was constructed through a country very similar to that which had been described by the honorable Senator from Manitoba, graded and finished for \$100,000, and he could not see why it should cost more than \$10,000 per mile to build the road on the prairie of Manitoba. He thought this committee should be granted.

Hon. Mr. SCOTT said he hoped his honorable friend would not press his motion. In a few days the report of Mr. Fleming would be submitted to the House, and honorable gentlemen would be able to judge from it whether the information he had given was correct or not. If the honorable gentleman, after reading that report, thought proper to have the matter discussed, he would not oppose his motion for a committee.

Hon. Mr. MILLER did not see that there was any excuse for not pressing the motion. They were drawing near to the close of the session, and after the report came down it would be too late for the honorable member from Manitoba to press for his committee. He could see no ground on which the Government could refuse it.

Hon. Mr. GIRARD said if the committee were granted Mr. Fleming could be summoned before it at once, and they could obtain from him all the information they required. At the same time, if it was not the pleasure of the House he would not insist on the motion. The Senate had no control over the public money, and any opinion expressed by a committee of this Chamber on this subject would be a disinterested one. He did not see why this committee should be refused. In the interests of the Government themselves they should know all about these routes, and the more light they could throw on the question the better it would be for the country.

Hon. Mr. SIMPSON said he hoped the Government would not refuse the committee, as he had some interest in the Province of Manitoba himself, and he would like to get at the facts respecting this railroad. All men were a little selfish, as a matter of course, but the information asked for would be of general interest. Although he had spent a month in the North West himself, he did not know very much about it, and he thought if honorable gentlemen would go out there and get information as to the capabilities of the North West, they would change their opinions of it as he had done, and think a great deal more of that country than they did before. He would regret to vote against the Government, but in this case he felt it his duty to vote for the motion.

Hon. Mr. DICKEY said there was a precedent established in such matters in the appointment of the committee of enquiry respecting the Intercolonial Railroad. It was one the Government could not get over as it was in accordance with parliamentary usage.

Hon. Mr. SCOTT—It is quite an unusual course and I would ask my honorable friend to let it stand a week or ten days until the report of Mr. Fleming comes down.

Hon. Gentlemen—No, no!

Hon. Mr. SCOTT said he was sorry to find the feeling of the House so strongly against the suggestion. The report of Mr. Fleming was already in type and it might be down sooner than he had stated, although he had limited it to a week or ten days as there might be some delay.

Hon. Mr. CAMPBELL—Mr. Fleming can come before the committee.

Hon. Mr. VIDAL said he did not see that the remarks of the honorable Secretary of State had any bearing on the matter at all. When the report came down it might not give any information on the points asked for. It appeared to him to be very unwise for the Government to offer any opposition

to the motion as very strong statements had been made on the floor of this House, and it was desirable that there should be a committee of enquiry on this matter. If ten days would elapse before the report was brought down it would be near the close of the session before the House could be informed of its contents, and it would be impossible to strike a committee in that time. It was quite clear that the northern route labored under some of the disadvantages that had been urged against the line, running, as it did, amongst a chain of lakes and narrows through a country which could not be available for settlement. It was charged that the land was swampy and could not be drained, as it was on a level with the lakes contiguous to it. South of Lake Manitoba there was a rich country for settlement along the entire route, and even though it should incur more expense in the construction of the road that way, the country would be more than compensated for it by opening up such a fine tract of land for settlement.

Hon. Mr. WARK said as reference had been made to him and his motion for the Intercolonial Railway Committee, he would say he thought the Government had better grant the committee now asked for. When he had moved for the Intercolonial Railway Committee in 1871 in this House his object was something the same as that of the honorable mover of the motion now before the Senate. That committee was granted, and he hoped the late Secretary of State would show more zeal in prosecuting this enquiry than he did on the committee of 1871. The honorable gentleman stated the Government should encourage this enquiry; but how did the late Government encourage the enquiry he had moved for?

Hon. Mr. CAMPBELL—By granting the Committee.

Hon. Mr. WARK said it was by appointing one of his colleagues to a seat on the Committee, with the object of obstructing it. He could not even get the Secretary of State to come and hear the report read. In reply to the note he had sent him, the honorable gentleman stated he was in Council, and could not come.

Hon. Mr. AIKINS—Was not that a sufficient reason?

Hon. Mr. WARK said the wheels of state would not have missed a single revolution if the honorable gentleman had left the Council for a little while to attend the Committee. After waiting for him two hours the Committee adjourned, and the honorable gentleman was found reading the newspapers in the reading room. That enquiry was in the interests of 20,000 people, but their in-

terests were sacrificed, and that was the way the honorable gentleman encouraged investigations when he was a member of the Government. He hoped the honorable gentleman would get his Committee, and his honorable friend (Mr. Atkins) would attend to his duties on it better than he had done on the former one.

Hon. Mr. REESOR hoped the Secretary of State would grant the committee. The country was committed to the expenditure of a very large sum of money in building the Pacific Railroad, but at the same time he was convinced that when his honorable friend opposite (Mr. Campbell) occupied the position the Secretary of State now occupies he would have resisted the appointment of this committee.

Hon. Mr. CAMPBELL—On the contrary, we granted the committee before.

Hon. Mr. REESOR said the interests of the whole Dominion were involved in this matter, and if the Government were discharging their duty faithfully they should not be afraid of the fullest enquiry. If the former Government were afraid of enquiries, or postponed them until too late, this Government should not follow their example, but have the matter investigated before the contracts were let, so that if a better route were discovered the recommendation of this House would be available for the Government. If the committee reported in favor of the line already adopted, so much the better for the Government, as it would strengthen their hands; if they reported against it, and showed satisfactory reasons for doing so, the country were entitled to the information.

Hon. Mr. SCOTT said the Government had no right to conceal or withhold in this matter but he was under the impression that it was quite unprecedented to strike committees of this kind to enquire into the details of carrying out a work connected with the Public Works Department, more particularly as the report of the Chief Engineer was to be laid before the House in so short a period. The usual way of proceeding was to move for the report of the officer charged with the carrying out of the work. His opposition to the committee was because he considered it was unprecedented. Honorable gentlemen had shown a precedent in a similar case, and consequently he would grant the committee, but he hoped the principle he had referred to the other day would be followed, and the Government would have a majority on the committee.

Hon. Mr. WARK said the committee that he had referred to had two members of the Government on it, and honorable gentlemen opposite, not satisfied with that, moved

that a third cabinet minister should have a place on it.

Hon. Mr. SCOTT suggested that Mr. Haythorne should be added to the committee.

Hon. Mr. ATKINS suggested that Mr. Vidal should also be added.

Hon. Mr. MILLER said if the Government did not accept Mr. Vidal on the committee, the House would oppose Mr. Haythorne.

Hon. Mr. SCOTT—Then I would name Mr. Haythorne, Mr. Vidal and Mr. Simpson.

Honorable gentlemen—No, no!

Hon. Mr. SCOTT—I think it is decidedly unfair. The Government have conceded the Committee, and I think the House should concede one member to the Government.

Hon. Mr. MILLER—Has the honorable Secretary of State moved the addition of Mr. Haythorne to the Committee?

Hon. Mr. SCOTT—I have.

Hon. Mr. MILLER—Then I move in amendment that Mr. Vidal be also added.

The House divided on the amendment which was carried. Contents, 31; non-contents, 23.

The motion as amended was then carried.

Hon. Mr. BUREAU requested to be allowed to withdraw from the Committee, and suggested Mr. Simpson's name in his stead. The change was accordingly made.

Hon. Mr. SCOTT said he thought the Government should fairly claim the right to name one member of the Committee. He had no personal objection to Mr. Vidal, or to any gentleman in this chamber, but he thought it was an extremely unusual proceeding that the Government should not be allowed to name a member of such a Committee.

Hon. Mr. CAMPBELL said nobody supposed the honorable Secretary of State had any personal objection to Mr. Vidal.

Hon. Mr. MILLER said he thought the honorable Secretary of State did not stand in the very best position before the House with regard to this matter. The honorable gentleman had resisted the motion of his honorable friend for a committee until he saw there was no further use in doing so.

Hon. Mr. SCOTT—Until I saw there was a precedent for it.

Hon. Mr. MILLER—Until the honorable gentleman saw there was no use in resisting, and he was sorry he had not given in with better grace. There was no necessity for a precedent to investigate matters of public interest in this House, even if no precedent should happen to be on their own records. There had been nothing in the action of this

(Opposition) side of the House that the honorable Secretary of State could find fault with. The Government had no right to a majority on the committee. The principle laid down in this House the other day, and on which authorities were quoted, was that a committee should reflect not the Government, but the sense of the House, and the course adopted was not inconsistent with parliamentary practice.

#### THE LIQUOR LICENSE QUESTION.

Hon. Mr. VIDAL moved that a select committee, composed of the Hon Messieurs Atkins, Ferner, Flint, Girard, McClellan, McLellan, Reesor, Sutherland, Trudel, Wark, and the mover, be appointed to examine and report upon the petitions from certain inhabitants of the Province of Manitoba, praying for the extension to that province of the provisions of the Canada Temperance Act of 1864, - and all the petitions which have been or may yet be, presented to this House, praying for any legislative action for regulation or prohibition of the traffic in intoxicating liquors; and to whom shall also be referred the return, submitted to this House, of copies of the correspondence between the Government of the Province of New Brunswick and the Dominion Government, on the subject of provincial jurisdiction as to the issuing or withholding of licenses to sell intoxicating liquors. He said there was a very widespread feeling throughout the provinces that the power to legislate in this direction with reference to what is known as the Dunkin Act rests with the Dominion Parliament, and although the petitions from Manitoba were the only petitions coming up to this House expressly asking Parliament to extend the act to that province, he had received official communication from temperance bodies requesting that the same thing should be done for Ontario and Quebec. His own impression was that the Dominion Parliament had no jurisdiction in this matter; that it is not within the province of this Parliament to interfere in any way with the management of the retail liquor traffic in the several provinces, but that such power was confined to the local authorities. He thought, however, it was due to the petitioners to have a committee to enquire into the subject. It was desirable, in consequence of the close connection of the two subjects, that the papers with reference to the question of jurisdiction should be referred to the same committee.

Hon. Mr. SCOTT said he had no objection to the committee, but the doctrine laid down was that committees should represent the sentiment of the House, and he doubted

whether this committee strictly did so, as it was largely composed of temperance men. He would like to add to it Hon. Mr. Ryan and Hon. Mr. Hope. He also objected to the paragraph in the motion referring to petitions that might be presented to the House. Any petitions that might be presented hereafter could be referred to this committee.

Hon Mr. VIDAL said he had no objection to the names suggested. He had been guided in the selection of the committee, not by any knowledge of the views of the honorable gentlemen, but that all parts of the Dominion should be represented on it. He would rather have a larger committee, and he only wished he could get more honorable gentlemen to take an interest in this question.

The motion carried.

#### THE LIBRARY COMMITTEE.

On the suggestion of Hon. Mr. Ryan, Hon. Mr. Boisford was appointed a member of the Library Committee, as a substitute for Hon. Mr. Allan, who was absent, and would not return to the House during the remainder of the session.

#### LE CREDIT FONCIER DU BAS CANADA.

Hon. Mr. SCOTT said it was due to the Credit Foncier du Bas Canada to announce to the House that after the publication of the remarks made in this Chamber no time had been lost by that institution in deputation their cashier to come to Ottawa and place the Auditor General in possession of the information asked for in the motion of his honorable friend Mr. Bellerose.

Hon. Mr. RYAN said he had received a letter to the same effect, and from the nature of that letter, and the interview which he had with the secretary of that institution, he believed their capital had been unimpaired, their business had been a prosperous one, and they had declared a dividend of eight per cent.—an unusual thing for an institution of the kind to do during such a time of depression. The company were apprehensive that the remarks made in this House might have a prejudicial effect upon their stock, as there was no foundation for remarks that would warrant an unfavorable report getting abroad with reference to the management of their business.

Hon. Mr. BELLEROSE said he was one of the shareholders of *Le Credit Foncier*, and he, with others interested, had a right to know what that institution had done. He had received a letter from one of the shareholders that morning, intimating that he was pleased to see he had moved in this

matter. He had stated, on making his motion, that he would reserve his remarks until the papers were brought down, but if the rumors respecting *Le Credit Foncier* were true, the Government might be forced to wind up the concern. He had not stated then, nor would he say yet, that those rumors were true. But what he had learned that day showed something was wrong. He would ask the Secretary of State if the reports received that day had been sent in due time, on the first day of July, and the first day of January, or were they only lately received?

Hon. Mr. SCOTT said the information he had given his honorable friend a few days ago had since been supplemented by the cashier of the institution.

Hon. Mr. BELLEROSE said under the Act the company should make their returns on the first of July and the first of January, and if it was not done it was the duty of the Government to look into it, and this showed he had been right in moving the address.

Hon. Mr. SCOTT—I see the balance sheet is dated "Montreal, 28th February, 1877."

Hon. Mr. BELLEROSE said this was not complying with the law, and it was the duty of the House to enquire into it in the interests of the shareholders.

Hon. Mr. BUREAU said if the information which the honorable Secretary of State had received was correct, that everything was all right, so much the better. The papers called for related not only to *Le Credit Foncier*, but to the *Societe de Construction de Royal*. That society had ceased to exist, and it had been rumored they had amalgamated with *Le Credit Foncier*. If this was so he knew something of their charter. They had extraordinary powers to borrow to ten times the amount of their subscribed capital. This power was now limited by Parliament to four times the amount of capital subscribed.

Hon. Mr. FERRIER—Is there power given for amalgamation?

Hon. Mr. BUREAU said no, but he saw that a bill had been introduced in the Lower House to amalgamate all these societies.

Hon. Mr. CAMPBELL rose to a point of order.

Mr. SPEAKER sustained the point of order and the subject dropped.

#### CANADIAN ENGINE AND MACHINERY COMPANY.

Hon. Mr. RYAN moved the second reading of the Canadian Engine and Machinery Company Amendment Bill.

Hon. Mr. CAMPBELL said the object of this bill was to enable the country to carry on their work in any part of the Dominion. The works of the company were now being

carried on in Kingston, which city had granted a bonus to the company at the time of its formation, or exempted it from taxation, he was not aware which. If such was the case it was a question that should be considered by the House before passing the bill.

The bill was read a second time.

#### MONTREAL, PORTLAND AND BOSTON RAILWAY.

Hon. Mr. RYAN moved the second reading of the Montreal, Portland and Boston Railway Bill. He said the company had been incorporated by the Quebec Legislature, but as it was beyond their jurisdiction, it was disallowed by the Dominion Government. This bill was to supply its place. The road had been declared a public work in the interests of the Dominion of Canada, and it was under the jurisdiction of this Government. The bill was to grant an extension of time for the completion of the road, and to supply some small defects in the bill passed at Quebec.

The bill was read a second time.

#### CANADA ATLANTIC CABLE CO.

Hon. Mr. CAMPBELL moved the second reading of the bill to amend the act incorporating the Canada Atlantic Cable Company.

Hon. Mr. DICKEY did not know whether the honorable senator's attention had been directed to the position which this company occupied at the present moment. This bill was to amend a charter which had already expired. The company were to have commenced within three years, and if they did not, their charter was to become null and void. The charter had lapsed for about a year.

Hon. Mr. CAMPBELL said he supposed this could be considered in committee.

The bill was read a second time.

#### GAMBLING IN PUBLIC CONVEYANCES.

Hon. Mr. PELLETIER moved the second reading of a bill to prevent gambling in public conveyances. He said the object of the bill was to put a stop to a great evil. It was to punish parties found gambling on railways or steamboats, and parties aiding them.

Hon. Mr. CAMPBELL thought it would not do to pass the bill without changing the language in the first and last clauses. As it stood, any innocent game could be prevented in public conveyances. The object of the bill, he supposed, was to prevent passengers being deceived by professional gamblers. It was not intended to go further. Sometimes on a long journey it is exceedingly pleasant to be able to play for

points at whist, and he did not see why passengers should not. He joined the Government in their desire to repress gambling for money by fraud or deceit. This bill empowered any conductor or brakeman to arrest any person he believed to be guilty of committing this offence. No such arrest should be made without a complaint from some of the passengers. The bill certainly needed some amendment.

Hon. Mr. DUCKEY said the object of the bill was most commendable, and he did not suppose it could have been intended to give it such a wide scope as it had. It went beyond the evil it was intended to repress. It enabled a brakeman or other employee on the train of his own mere motion, where he has good reason to believe that any such offence has been committed, or where he has good reason to believe any person has attempted to commit the offence, to arrest passengers. It gave most despotic powers. It would be contrary to every principle of our criminal jurisprudence that any one should have the power to arrest any person without a complaint from somebody aggrieved. The bill was, therefore, most objectionable. It was most unwise, and unconstitutional legislation. What would we say if in the United States, for instance, a passenger could be hauled up and fined for an innocent act? He recollected very well when crossing the Atlantic one time the voyage took sixteen days, and the four or five passengers who were not sea sick whiled away the time by playing at a penny a round game. Under this act, if they had done this after landing in this country, they would be liable to a fine. He hoped the Government would not pass this bill in its present shape.

Hon. Mr. HAVILLAND said in addition to those objections there was one still more fatal in the fourth clause. There was a premium offered to the employees of a railway or steamboat to arrest passengers that were either gambling or about to gamble. It was nothing more nor less than a premium for blackmailing. Wherever this act came from, it was too despotic for the free air of Canada.

Hon. Mr. FERRIER said he was very glad to see a bill of this kind introduced. Railway and steamboat companies require some such act to reach the evil which exists. Every month or two the Grand Trunk Railway Company were obliged to employ police on their trains to detect gamblers coming in from the United States. If the bill was not workable in its present shape he hoped the legal minds in the Senate would endeavor to perfect it, for such an act was very much needed.

Hon. Mr. PELLETTIER said he for one would very much regret that whist playing on the trains should be prohibited, but he thought the bill as it stood would not have that effect. Any one could see that a quiet game of whist on a train was not gambling. As to the powers given to employees of companies to arrest gamblers, if such authority were not given such offenders would escape. He did not think any premium was offered for blackmailing. The employees were merely given the means to arrest offenders.

Hon. Mr. CAMPBELL suggested that the bill declare that anyone who obtains by swindling or gambling the money of a passenger, shall be liable to arrest by the conductor or somebody on the train, on complaint of somebody.

Hon. Mr. MILLER quite approved of the object of the bill, and with proper amendments it should become law. It evidently was not intended to cover an innocent game of whist where a small stake was involved. Presuming the construction of the honorable Minister of Agriculture was correct, that construction should be put beyond any doubt. As the bill stood the conductor or brakeman or other employees of the company were made judges of the offence: They could arrest, and there was no penalty if they arrested wrongly or maliciously. Any passenger was liable to be taken before a strange magistrate, who did not know his antecedents, and on a charge preferred this way, subjected to a fine and imprisonment. It was one of the most arbitrary measures ever submitted to Parliament. The Government were wisely endeavoring to strike at a great evil, and they deserved every encouragement in carrying out the object they had in view, but care should be taken not to strike a blow at the liberty of the subject, a thing not to be trifled with except in great exigencies. Arbitrary power must be given to somebody, but it should only be on complaint of somebody on board the car who has suffered. Perhaps the honorable gentleman would withdraw the bill and remodel it himself.

Hon. Mr. AIKINS said he approved of the principle of the bill, though some of its provisions were a little too wide. Still, a measure to strike at an evil of this kind must be more or less arbitrary. While he would be willing to vest in someone that arbitrary power, he would not go as far as this bill did. It would hardly do to leave it to parties aggrieved to make complaint. It very frequently happens that the man who loses money that way is the very last to make a complaint about it. The conductor or someone on the train should have the

power to make an arrest whether a complaint is made or not, but the brakeman should not be given such authority.

Hon. Mr. GIRARD did not see how this bill could be made practicable. The power which it gave to employes of railroads and steamboats was extraordinary and would subject passengers, under some circumstances, to great inconvenience. There should be some provision made not to allow gambling on trains or vessels, and conductors and captains should be empowered to prevent it by arresting gamblers with or without warrants.

Hon. Mr. FERKLER said there was surely some way by which the officers of a train could punish gamblers on railway trains. When men lose money in such a way they do not like to make it public. It was very difficult to catch the gamblers. The Grand Trunk Railway Company frequently send constables to arrest gamblers, but it is almost impossible to get them. Before the arrival of the police some friend warns them and they step off the train in time to escape. It was a perfect nuisance. The same power which enables the police to enter a gambling house and break it up should be given to prevent gambling on trains.

Hon. Mr. KAULBACH said this evil must be greater in the western provinces than in the Maritime Provinces. There should be some means of checking it, but care should be taken not to interfere with the liberty of the subject. He would prefer no law at all on the statute book unless it was framed more carefully than this one. No officer on a train less than a conductor should be clothed with such powers as this bill proposed to give. Many a traveller might be guilty of the offence of playing an innocent game for small points, and this bill empowered any officer of the train to arrest him and have him fined or imprisoned.

Hon. Mr. REESOR said he thought the bill was decidedly in the right direction, and he thought it would be a pity to amend it so far as to allow gambling even for pleasure, where any money was at stake, because it would create a difficulty in carrying out the object of the bill. A simple game of whist should not be interfered with, but if they were to make an exception in favor of gentlemen enjoying that privilege for small stakes it would be impossible to make the discrimination. With regard to conductors being empowered to make arrests, if that was considered too arbitrary, and it were changed so as to enable him to make the arrest only on complaint of a passenger, it would defeat the object of the bill, as passengers would not make the complaint.

What they should do was by act of Parliament to clothe conductors with power to prevent any such improper practice, and not leave them to act only on the complaint of a passenger. He thought the bill would require to be amended to define a little more clearly what constitutes gambling. It might also be better not to give brakemen or officers under the conductor power to make the arrest. As a guarantee that the power invested in the conductor would not be abused, the company in their own interest would see that it was not carried too far, as otherwise it would drive travel to other lines. By such means they could prevent the abominable practice of gambling on railways.

Hon. Mr. SCOTT said the sentiment of the House seemed to be that legislation in this direction was required, but some hon gentlemen thought this bill went too far, and that it interfered with the privileges of travellers who indulged in cards for amusement only. No doubt the interpretation put on the bill would defeat it, for playing whist for money was gambling, if it was only for one dollar, as much as it was for \$100. Playing whist for small stakes where it was restricted within reasonable limits, was not called gambling, nor was it a game that was usually taken up by those whose object was money. If a law of this kind was to be carried out to prevent gambling on trains, people would have to forego the pleasure of whist while travelling. Otherwise it would be a farce to put a law on the statute book against three card monte or dice, and make an exception in favor of whist. He believed a law similar to this was in force in some of the states of the Union, and one very much stronger than this was adopted in one of the Western States. If gamblers could only be arrested on the complaint of a passenger, the innocent passenger, who looked on at a game, put down his money on the result and lost, would be the last to make the complaint. Unless the bill was passed with very strong provisions, he thought the object of it would be defeated. It might be that a provision might be made that a brakeman should not be allowed to make an arrest except with the consent of the conductor, but all games of cards for money would have to be foregone, or else it would defeat the object of the bill.

Hon. Mr. MILLER called attention to the diversity of opinion on the Government benches with respect to the bill. The Hon. Minister of Agriculture had stated that innocent games were not to be interfered with, while the Hon. Secretary of State repudiated that interpretation, and said all games for stakes would have to be abolished.



Hon. Mr. SCOTT said undoubtedly persons who played for money would, under this bill, expose themselves to arrest, but he did not believe it was a law that would be enforced by the railway authorities unless it was an urgent necessity. They could not use discriminating words in the bill.

Hon. Mr. FERRIER sincerely hoped the bill would not be dropped.

Hon. Mr. PENNY said he was very fond of playing whist on the cars, but he thought they had some higher object than gratifying their own feelings in these matters, and they should exercise self-denial to put down this evil.

Hon. Mr. CAMPBELL said the bill could be altered to make the crime the act of obtaining money by gambling, and distinguish it from the mere passing of money by passengers who were not gamblers and who were merely playing for amusement.

Hon. Mr. PELLETIER said he must have been misunderstood, as his statement was that persons playing whist in a car were not included in the bill except they played for money. He did not believe his honorable friend had mentioned money in connection with playing whist when he raised the objection. Any person playing whist for money on a train would come under the operation of this bill.

Hon. Mr. MACFARLANE said a law of this kind was required in this country to put down gambling on the railway trains and protect innocent travellers from being swindled out of their money, but they should be exceedingly cautious in enacting a law so as not to interfere with persons who were playing an innocent game on a train for amusement. He thought the bill had better go to committee for consideration.

Hon. Mr. MILLER suggested that the Minister of Agriculture should remodel the clause himself.

Hon. Mr. WARK said this debate reminded him of the woman who, when the first attempts were made to prohibit intemperance, thought there was no harm in wine, and she would sign the pledge excepting that beverage. Some honorable gentlemen thought there was no harm in an innocent game of whist, but he considered when a man played a game of whist for money, and obtained money without giving any consideration for it, it was gambling, no matter whether it was for five cent points or ten cent points or a larger sum. If card playing was to be allowed at all on a train, how was the conductor to decide whether a game of whist was being played for money or not?

Hon. Mr. BOTSFORD said he thought the object of the bill was to prevent cheats and

gamblers from taking advantage of the unwary on board of railway trains, and if it went further than that it would be against the sense of the House, and contrary to the spirit of our laws and the sense of the people of the country. He would advise the Minister of Agriculture to modify the powers given to officials to make arrests, or to define them so as to meet the exigencies of the case—that is, to prevent gamblers and swindlers from practicing their trade on the cars.

Hon. Mr. ARCHIBALD said he considered the only way would be to confine the law to the smoking cars, as gentlemen who played whist for pleasure generally did so in a Pullman car.

Hon. Mr. McMASTER did not see how they were to discriminate between gambling and playing cards for innocent amusement, and the only way to meet the evil was to have the law as stringent as the bill was in its present shape.

Hon. Mr. HAYTHORNE said if the people were to have a law against gambling on railway trains, they would have to forego some of their own pleasure. He could understand people whiling away their time with an innocent game of whist, and there should be a distinction between an innocent game of whist and the commencement of a gambling speculation, but the only way to stamp out gambling on the cars altogether would be to prohibit the playing of cards for money. Travellers might for once do without the excitement of stakes in their games. As to the clause empowering conductors to make arrests, it was a little too arbitrary, but no doubt the clause could be modified in committee.

The bill was read a second time.

LE CREDIT FONCIER.

Hon. Mr. BELLEROSE called the attention of the Secretary of State to the fact that the report of the Credit Foncier, laid on the table, was not the one asked for. It was not made under oath, nor was it the return required by the statute.

The House adjourned at six o'clock

MONDAY, March 19th.

The SPEAKER took the chair at three o'clock.

After routine.

THIRD READINGS.

The following bills were read a third time and passed:—

Act Respecting the Canada Southern Bridge Co.

To change the name of the St. Francis

and Megantic R. R. Co., & d for other purposes.

To authorize the Union Forwarding and Railway Company to reduce its paid up capital.

#### SENATORIAL APPOINTMENTS.

Hon. Mr. CAMPBELL moved to resolve 1st. That by the 26th clause of the British North America Act, 1867, Her Majesty the Queen is empowered at any time in her discretion and upon the recommendation of the Governor General, to direct that three or six members be added to this House, provided that the persons so summoned to a seat therein represent equally the three divisions of Canada.

2. That in the opinion of this House this power was only intended to be exercised upon the occurrence of some grave political emergency, and with a view to the removal of serious differences which should actually have arisen between the Senate and the other House of Parliament, and are not susceptible of satisfactory adjustment by any other means.

3. That it appears by papers laid before this House during the present session, that on the 23rd December, 1873, the advisers of the Crown in this Dominion moved His Excellency the Governor General to apply to Her Majesty to direct that six members should be added to the Senate, pursuant to the above-mentioned clause of the British North America Act.

4. That by a despatch from Her Majesty's Secretary of State for the Colonies, dated the 18th February, 1874, it appears that inasmuch as no sufficient reason has been alleged to justify such an interference with the constitution of this House, Her Majesty's Imperial advisers declined to recommend a compliance with this request.

5. The House desires to express its high appreciation of the conduct of Her Majesty's Government in refusing to advise an act for which no constitutional reason could be offered; and to record their opinion that any addition to the Senate under the provisions of the 26th clause of the British North America Act which is not absolutely necessary for the purpose of bringing this House into accord with the House of Commons, in the event of an actual collision of a serious and permanent character, would be an infringement of the constitutional independence of the Senate, and lead to a depreciation of its utility as a constituent part of the legislature.

Hon. Mr. CAMPBELL said:—Whatever differences of opinion may be entertained by honorable gentlemen on the subject,

which the resolutions now on the table are intended to bring under the consideration of the House, everyone would admit, he thought, that it was one eminently deserving the attention of the Senate. Members of this House are, of course, interested with all other classes of Her Majesty's subjects in the preservation of the constitution, but it would seem to be particularly the duty of the Senate to be prompt to notice any attempt at an infringement aimed at its own rights as an integral part of the Legislature. It was, he thought, their duty to deal with the subject, lest their silence might hereafter be misconstrued and deductions be drawn from it inimical to the constitutional position of the Senate and to the public weal. Years hence, he thought what was now done by the Parliament of Canada, while it still numbers amongst its members gentlemen who had taken part in the framing of the Constitution, would be looked upon as authority, and quoted in support of steps which might be sought to be taken, or against changes which were being opposed. In times to come, it would naturally be said (supposing that nothing was now done on this subject in this House, and a similar question were to come up under the Constitution) that with the information before the Senate contained in the papers on the table of the attempt recently made to augment its numbers under the 26th section of the British North America Act of 1867, the Senate had taken no notice of the subject, and could not have deemed it an effort to infringe the Constitution, and that therefore it was clear that it was not so considered and understood by those in the best position to form a judgment at a time when there were members in the House who had assisted in the forming of the B. N. A. Act; and as years passed on the weight of the argument would increase, until, at the end of 25 or 30 years, it would be considered as almost conclusive that the Constitution did contemplate that an augmentation such as had been attempted, should be made whenever it suited the convenience of the Ministry of the day; and that the course pursued by the Government in December, 1873, was legitimate and might be repeated. He thought it was the duty, therefore, of the House to take some action on this subject, and to take it at the earliest possible moment, and this present resolution enabled the House to do so; for although these events occurred in December 1873, it was only within a week or two that the Senate or public had had any knowledge of them. He desired to im-

press this upon the House, because he thought it was important that the records of the Chamber should show that the Senate had taken the earliest opportunity to deal with, and he trusted, to repudiate, what he considered an unjustifiable attempt at an infringement of the constitution. He desired to approach the subject in that spirit which should be the most remote from partisan feeling, or from any desire to turn it into one of attack against the Government. The resolutions, it would be found, were framed in this spirit. The facts were recapitulated in order to place them on the record, and to make perfectly clear the scope of the final resolution. He would endeavor to avoid in the course of the remarks which he would feel it his duty to make to the House anything tending in the least to excite feeling; all that he aimed at was to place the subject clearly before the House, and to ask them to pronounce upon it in language which he believed would express the opinions which he thought the House would hold upon so grave a subject and nothing more. To understand the scope of the resolution it was necessary to go back to the state of things before the 26th section of the British North America Act 1867 became part of the constitution. This clause did not form part of the original resolutions. At Quebec there were gathered representatives from all the provinces which united to form the Dominion, and at this Conference great fears were expressed that in the working of the Constitution the smaller provinces might find themselves overwhelmed by the numerical preponderance and strength of the larger ones, and to counterbalance the representation according to population which was to obtain in the House of Commons, the Senate was constructed on the territorial principle, equal rights and numbers being given to three great sections of the Dominion, without reference to their respective populations. It would be remembered by those who were present at Quebec, amongst whom was his honorable friend from Toronto (Mr. Brown), the only member of this House, besides himself, he thought, who was a member of the Quebec Conference, that the representatives of the smaller provinces there clung with great tenacity to the principle of having in the Senate a fixed number of senators from each division, and that the plan ultimately arrived at of allotting twenty-four senators from Ontario, twenty-four from Quebec, and twenty-four from the Maritime Provinces, was one which the members of the Quebec Conference believed to be vital, and insisted upon as a part of the scheme of Confederation.

It was felt then and afterwards that when the scheme came to be submitted to the Legislature of the old Province of Canada, this feature in the Constitution needed special defence from its want of elasticity, and when the scheme came to be presented to the Legislative Assembly of the then Province of Canada, and also when it was presented to the Legislative Council of that Province, the gentlemen in both Houses who had charge of the measure on behalf of the then Government, addressed themselves at length to this point. He would quote from the speeches of the then Attorney General now Sir John A. Macdonald, who introduced the resolutions into the House of Assembly, and from the speech of his honorable friend, Mr. Brown, then a member of the Government, and aiding the Attorney General in the advocacy of the scheme before that House. He begged to offer an apology to the members of the Senate from the Maritime Provinces for directing attention exclusively to the reception of the Confederation scheme in the Parliament of Canada. He would gladly have dwelt upon the reception of the scheme in the Legislatures of Nova Scotia and New Brunswick, but he had not been able to lay his hands on the debates which occurred in those bodies. In Canada proper Mr. Attorney General Macdonald, on the 6th of February, 1865, amongst other remarks in introducing the Quebec resolutions in the Lower House, made the following observations with reference to the constitution of this branch of the Legislature:—  
 "The provision in the Constitution, that the Legislative Council shall consist of a limited number of members, that each of the great sections shall appoint twenty-four members and no more, will prevent the Upper House from being swamped from time to time by the ministry of the day, for the purpose of carrying out their own schemes or pleasing their partisans. The fact of the Government being prevented from exceeding a limited number will preserve the independence of the Upper House, and make it, in reality a separate and distinct chamber, having a legitimate and controlling influence in the legislation of the country. This objection has been taken that, in consequence of the Crown being deprived of the right of unlimited appointment, there is a chance of a dead lock arising between the two branches of the Legislature; a chance that the Upper House, being altogether independent of the Sovereign, of the Lower House, and of the advisers of the Crown may act independently, and so independently as to produce a dead lock. I do not

anticipate any such result. In the first place we know that in England it does not arise. There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere Chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people." \* \* \*

"The members of our Upper House will be like those of the Lower, men of the people, and from the people. The man put into the Upper House is as much a man of the people the day after as the day before his elevation. Springing from the people, and one of them, he takes his seat in the Council with all the sympathies and feelings of a man of the people, and when he returns home, at the end of the session, he mingles with them on equal terms, and is influenced by the same feelings and associations, and events as those which affect the mass around him. And is it then to be supposed that the members of the upper branch of the Legislature will set themselves deliberately at work to oppose what they know to be settled opinions and wishes of the people of the country? They will not do it. There is no fear of a dead lock between the two Houses." He would now quote from the honorable senator from Toronto (Mr. Brown) to whose patriotic efforts and great influence with his friends Canada is indebted for being able to carry Confederation at all. In speaking on the resolutions in the House of Commons on the 8th February, 1865, that gentleman said:—

"The desire was to render the Upper House a thoroughly independent body—one that would be in the best position to canvass dispassionately the measures of this House; and stand up for the public interests in opposition to hasty or partisan legislation. It was contended that there is no fear of a dead lock. We were reminded how the system of appointing for life had worked in past years, since responsible Government was introduced; we were told that the complaint was not then that the Upper Chamber was too obstructive a body—not that it had sought to restrain the popular will, but that it had too faithfully reflected the popular will. Undoubtedly

that was the complaint formerly pressed upon us, and I readily admit that if ever there was a body to whom we could safely entrust the power, which by this measure we propose to confer on the members of the Upper Chamber, it is the body of gentlemen who at this moment compose the Legislative Council of Canada."

"And after all is it not an imaginary fear—that of a dead lock? Is it at all probable that any body of gentlemen who may compose the Upper House, appointed as they will be, for life, acting, as they will do, on personal and not on party responsibility, possessing, as they must, a deep stake in the welfare of the country, and desirous, as they must be, of holding the esteem of their fellow subjects—would take so unreasonable a course as to imperil the whole political fabric? The British House of Peers itself does not venture a *Voutrance*, to resist the popular will, and can it be anticipated that our Upper Chamber would set itself rashly against the popular will? If any fear is to be entertained in the matter, is it not rather that the councillors will be found too thoroughly in harmony with the popular feeling of the day?"

At a long interval as regards authority, and, in fact, excusable only because of his having been charged, in conjunction with his late lamented friend Sir Etienne Tache, with the introduction of the Quebec resolutions into the Legislative Council of Canada, he would venture to quote from a speech of his own made before that body on the 6th of February, 1865.

"He did not say that it would bow to every breeze and instantly yield to every demand, nor did he think that any Legislative Upper Chamber should do so, and be content merely to reflect the temper and complexion of the other branch. On the contrary, he held that when it had good and sufficient reasons, sufficient to satisfy itself that a proposed measure was unjust, it was bound to resist, and public opinion, which generally came out right in the end, would sustain it in such an attitude. But there was very much less danger in countries like this that permanent collision of opinion would arise between the Legislative Chambers than between the Lords and Commons in England, and the reason was clear; our Legislative Councillors would not come from a class of society so different to the bulk of the population, as the Peers of the British nation, compared with the mass of the people of that country. The Lords had ideas of caste and privileges which none of our people were unacquainted with,

and the common sympathy existing between all classes here would be felt equally by the Legislative Councillors and the members of the Assembly. Both would be equally subjected to popular influences and be more or less controlled by them. The interests of the Legislative Councillor, though a nominee of the Crown, would be the same as those of the mass. He would have no ancestral estates, privileges, immunities or titles to protect, like the peers of England. He would be affected by the social changes which affected others, and would be moved by the same aims and aspirations as his friends around him. This being the case it was not probable that his opinions would be so persistently set in opposition to those of other men as to make it likely that, as a House, the Council would be in danger of serious and permanent collision with the Assembly. Then the changes which time would inevitably bring about in a body like the proposed Legislative Council would be sufficiently great to prevent the possibility of a continued antagonism between it and the other branch, if unhappily it should at any time arise. The demise, the resignation and the loss of seats from other causes would do this, and afford the Government of the day an opportunity of so reconstructing the House as to bring it more in harmony with public sentiment. He did not say that it was desirable that at all times the Legislative Council should be a reflection of such opinion, though it was, of course, desirable that it should not continue violently to shock it. He would have that House conservative, calm, considerate and watchful to prevent the enactment of measures which, in its deliberate judgment, were not calculated to advance the common weal."

Honorable gentlemen would be able to form a strong opinion from these extracts how tenaciously the original plan of having a fixed number in the Senate was adhered to, and pressed in the debates which followed the introduction of the Quebec resolutions into the two branches of the Legislature of Canada. It was never intended by those resolutions, nor is it by the British North America Act, 1867, enacted, that the Senate or its construction should be made a part of the machinery, so to speak, of party Government. It was not necessary for the Government of the day to possess what is spoken of as "the confidence" of the Senate. It was not contemplated by the Constitution that every successive Government should necessarily have a majority in this branch of the Legislature. It was manifestly impossible that such a result should follow the system which was adopted. Govern-

ments might come and go in quick succession, but this House would remain permanent. How then could successive Governments possess each of them a majority in this Branch of the Legislature? It was not necessary that the Government should have a majority here, nor was it ever expected that they should for merely party reasons seek to add to this House, when there was no existing collision or difference between the two branches of the legislature. That was the shape in which the resolutions passed the legislatures of the original provinces of the Dominion. At the London conference where all the provinces were again represented, these resolutions were a second time considered before being put in the draft of the bill which was ultimately laid before the Imperial Parliament. The necessity of a provision to guard against what is called a "dead lock" between the two branches of the Legislature was again discussed and the necessity for some such provision as that now to be found in the 26th section of the British North America Act, 1867 ultimately admitted. It was in London then that this section was framed, and the honorable Senator from York, the only member of this House present at that conference, will be able, with singular advantage, to explain the circumstances which preceded and attended the introduction of that provision into the bill. The language of the section, the necessity of appealing to Her Majesty for action under it, showed clearly that it was intended to be used only in the event of some serious difficulty. It is a provision analogous (so far as the circumstances of this country will allow any provision here to be analogous) to a similar provision in England, to the reserve power subsisting in the Crown to create Peers of Great Britain. A power to be used only in the event of an actual difficulty occurring in the administration of public affairs insoluble by other means. How reluctant they have always in England shown themselves to be to use this reserve power even under circumstances of the most grave character, when the country was on the apparent eve of serious troubles, is best shown by what happened during the agitation for the Reform Bill in 1832. It was with the greatest reluctance that Earl Grey, even at the very last, was prepared to advise the Crown to add to the number of the Peerage. Very fortunately we have at this day biographical and other works which enable us to form a more accurate opinion of the motives and conduct of public men in those times than their contemporaries could

possibly have done. From Lord Grey's "Correspondence of King William IV." he would read some extracts which gave a very clear insight into the feelings with which the Government of that day looked upon the creation of peers. The first extract is from a minute of a conversation with the King, had by Lord Grey, on the 4th January, 1832, in which he informed the King as follows:—

"Contemplating this danger, which all the accounts from the best informed and most trustworthy persons from all parts of the country represented in the strongest light, the next point to be considered was the possibility of averting it; and for this purpose I saw nothing left but a creation of Peers; that I considered this in itself as a great evil, exposed to great and weighty objections, and which nothing could have induced me to think of resorting to, except the danger, or I should rather say, the certainty, of incurring one infinitely greater; that it was painful to me to propose to His Majesty a measure to which I knew that His Majesty objected, and to which I myself had originally had the greatest objections; that I still saw them in their full force; but that, in looking at the alternative with which we were threatened, the danger of adopting such a measure seemed to me so infinitely less in the comparison, that I could no longer hesitate in stating my deliberate conviction, that it was become necessary for the safety of the country; that I had stated this view of our present situation to the Cabinet; that several of my colleagues concurred with me, and perhaps went further than me in this opinion, and that others still appeared to entertain a strong sense of the objections which they had felt from the beginning, to a measure which they considered as so injurious to the character and independence of the House of Lords, as not to be thought of whilst there remained any hope of averting the danger by other measures."

The other passage was from a still more official paper which from the names of those who were present and assenting to it would command universal respect. It was a Minute of Council of January 13th, 1832, at which were present—The Lord Chancellor, the Lord Privy Seal, the Duke of Richmond, the Earl of Carlisle, the Earl of Grey, the Viscount Melbourne, the Viscount Palmerston, the Viscount Goderich, the Viscount Althorp, the Lord J. Russell, Sir James Graham, Mr. Stanley, Mr. Grant.

And the Minute says in the course of a long paper on the subject:—"But it must be admitted that cases may occur in which

the House of Lords continuing to place itself in opposition to the general wishes of the nation, and to the declared sense of the House of Commons, the greatest danger might arise, if no means existed of putting an end to the collision which such circumstances would produce, and which while it continued, must unavoidably occasion the greatest evils, and in its final issue might involve consequences fatal on the one hand to public liberty, and to the power and security of the Government on the other. It is with a view to a danger of this nature that the constitution has given to the Crown the power of dissolving, or of making an addition to the House of Lords, by the exercise of the high prerogative of creating peers, which has been vested in the King for this as well as for other important purposes. By the first of these, if, in a difference between the two Houses, the House of Commons should not be supported by the constituent body, a return of representatives in unison with the public opinion may restore that harmony and agreement which are so essential to the general security. The second can only be resorted to for the purpose of producing a change of conduct in the House of Lords, when the opinion of the people, strongly and generally expressed and identified with that of their representatives, leaves no other hope of terminating the existing division. It is in such an extreme case alone that, in opinion of your Majesty's servants, this exercise of your Majesty's prerogative of creating Peers for such a purpose could be justified. They are fully aware of the insuperable objections which would be opposed to it in less urgent circumstances. Even when called for by an imperious necessity, its evil as a precedent has not been overlooked by them; and nothing but the alternative in which they now find themselves placed, of resorting to it to prevent a collision which they see no other certain means of averting, or of leaving the public peace and the security of the Government exposed to all the dangers which are to be apprehended from a second rejection of the proposed Reform by the House of Lords, could have induced them to recommend it."

It will be readily perceived by these extracts how serious a state of things existed in England at that time, and how slow the English Government were, even under the pressure of the alarming facts which existed, to recommend the Crown to add to the House of Peers members sufficient to carry the Reform Bill. It, as he believed, the provisions in our constitution, to be found in section 26, was intended to be used only in

the emergency occurring here of as grave a character as that which occurred in England in 1832, so far as there could be a similarity between such events occurring in a colony such as Canada and Great Britain, it became one of the first consequence to enquire whether any such circumstances existed in December, 1873, when the recommendation was made by the Government of this country to increase the number of the Senate. Parliament, it will be remembered, had not at that time met. Indeed, the elections had not at that time, if he remembered right, taken place, and therefore there was no possible existing difference of opinion of any kind between the two branches of the legislature. The recommendation, therefore, to add to the numbers of this House, under the 26th section of the B. N. A. Act, could only have been made from the apprehension that there was in this House a majority of gentlemen of Conservative tendencies, and with a view to redressing this and adding to the strength of the Liberal party here, without reference to any actual existing or threatened constitutional difficulty between the two Houses. There certainly could have been no practical necessity for making such appointment. It is nothing new for the Government of the day to be in the minority in the House of Lords in England; in fact, it was the chronic state of things there during the Whig administration for forty years past, yet no suggestions had ever been made to alter in any way the Constitution of the Upper House of Parliament, or add to the number of Peers. In all Whig administrations which had occurred from Lord Melbourne's first Ministry, in 1835, down to the resignation of the Gladstone Government, in February, 1874, the Ministry had been in a minority in the House of Lords. There was Lord Melbourne, from April, 1835 to August, 1841; Lord John Russell, from July, 1846, to February, 1852; Lord Palmerston's first Ministry, from February, 1855 to February, 1858; his second Ministry, from June, 1859, to October, 1865; Lord John Russell's second Ministry, from the latter date to June 1866 and Mr. Gladstone's Ministry, from December, 1868, to February, 1874. During all these periods the same state of things exactly existed between the two Houses in England as existed here at the time the present Government assumed power, and made the recommendation which is now being criticised. So late as 1873 Mr. Gladstone, in a speech of the House of Commons, used the following language:— "The only argument in favor of the present mode of election was that just used by the honorable gentleman opposite. It is the

mode provided in the "Act of Union," but inasmuch as Parliament had altered the Act of Union in other points, it might alter the act in this point. The evil, however, had been borne for some generations, and they must probably be content to bear it for some time longer. His honorable friend suggested that the Government should propose in the House of Lords the change which he thought was necessary. He could not, however, pledge himself to act upon this suggestion. The Government were in a decided minority in the House of Lords, and could not, therefore, with any advantage take the initiative upon a question of considerable importance bearing on the constitution of the House of Lords. It was difficult for this, as for all Liberal Governments, to conduct the ordinary business of this country in the House of Lords, and he did not think it would be right on the part of the Government to endeavor to effect a change going beyond the ordinary course of business, unless there was reason to suppose, from declarations made by the members of the Opposition in the House of Lords, that they were inclined to give it a favorable reception." The condition of things is acknowledged and the difficulty of the Government in conducting the business of the country in the House of Lords referred to, and the same difficulty which had been found in all preceding Whig administrations stated, but no suggestion to add to the number of Peers in consequence was ever so much as dreamed of by any English statesman. The measures of the Government received fair consideration in the House of Lords. The members composing that House exercised reasonable political forbearance, and evinced the desire constantly to do that which was best for the country, irrespective of mere party bias. In order to show the spirit which actuated the House of Lords during the period referred to, and which spirit he claimed existed equally in this Senate, he would read from a letter written by the Duke of Wellington to Lord Stanley, the late Earl of Derby, on the 19th February, 1846:—

"I have invariably objected to all violent and extreme measures, which is not exactly the mode of acquiring influence in a political party in England, particularly one in opposition to Government. I have invariably supported Government in Parliament upon important occasions, and have always exercised my personal influence to prevent the mischief of anything like a difference or division between the two Houses, of which there are some remarkable instances, to which I will advert here. Upon

finding the difficulties in which the late King William was involved by a promise made to create peers, the number, I believe indefinite, I determined myself, and I prevailed upon others, the number very large, to be absent from the House in the discussion of the last stages of the Reform Bill, after the negotiations had failed for the formation of a new administration. This course gave at the time great dissatisfaction to the party. Notwithstanding that I believe it saved the existence of the House of Lords at the time, and the constitution of the country. Subsequently, throughout the period from 1835 to 1841, I prevailed upon the House of Lords to depart from many principles and systems which they as well as I had adopted and voted; on Irish tithes, Irish corporations, and other measures, much to the vexation and annoyance of many. But I recollect one particular measure, the union of the Provinces of Upper and Lower Canada, in the early stages of which I had spoken in opposition to the measure, and had protested against it, and in the last stages of it I prevailed upon the House to agree to and pass it, in order to avoid the injury to the public interests of a dispute between the Houses upon a question of such importance."

This letter showed strongly, in terms which would command the admiration of the House, the course which enabled the Government to be carried on in England in the face of the majority in the House of Lords opposed to the administration of the day. He contended that this House had shewn from the time of Confederation, and particularly from the time of the formation of the present administration, equal moderation, and that through the wisdom and forbearance of the House there had not been any practical difficulty in carrying on the Government in the face of a majority in this branch of the Legislature. In the session of 1868 the late Government sustained a defeat in the Senate on the bills to introduce and make uniform throughout the Dominion the criminal law. These bills were numerous and of great length, but with some inconsiderable changes were the laws which had been in force in the same Provinces of the Dominion, and were more or less familiar to all legal men in the Senate; but it was urged that sufficient time for their consideration had not been given, and in spite of such poor exertions as he had been able to use, the Government was defeated on those bills, and their consideration was postponed until another session of Parliament. This was the deliberate judgment of the Senate, and looking back upon it he had little doubt that the House was

right. The same bills were brought down in the following session, again submitted to the consideration of the Senate, thoroughly considered and passed without difficulty. When the present Ministry came into power, they found themselves, undoubtedly, in a very different position as regards this House from that which their predecessors had occupied, but in making the recommendation to augment the members of the House, they should not have been governed simply by the knowledge that they were in the minority here. They seem not to have given the Senate credit for any desire to treat such Government measures as might be submitted to them with fair consideration; in order to show how much they had misconceived the spirit in which the House was prepared to act. He would quote from a speech delivered by himself at the opening of the session of 1874. He would not venture to do so were it not that at that time he filled the position on that side of the House which he still unworthily occupied, in the duties of which, he was perfectly conscious, he very insufficiently discharged; but occupying this position at that time, he took the earliest opportunity of stating to the House the course which the Opposition here would pursue. The language which he used on the 31st March, 1874, was as follows:—

"Since the last Parliament the party to which he belonged had sustained an overthrow so complete that it would form a remarkable feature in the history of the country. He alluded to the fact only for the purpose of drawing attention to what he conceived would be the duty of his friends and himself in this House. The expression of public opinion at the late elections put all doubt and cavil on one side, and he thought the duty of the Senate would be to aid in giving in all reasonable ways effect to the wishes of the country as they might be indicated in the other branch of the legislature. He would say for those who acted with him, and for himself that they would be anxious to receive with every consideration and fairness all measures which the Government might bring forward. (Hear, hear.) They would meet with no factious opposition, nor any conceived in the spirit of party warfare. His friends and himself would, on the contrary, be glad to assist the Government in perfecting those measures which might be submitted for the consideration of the Senate."

The assurance which he thus gave was received by the honorable gentleman the Secretary of State in the spirit in which it was given, in the following language.

"It was exceedingly gratifying to hear the



observations of the honorable gentleman from Kingston. He could not but recollect that he had long been in sympathy with the party for which the honorable gentleman spoke. He was satisfied from the kindly remarks that had been made by his honorable friend that all measures which the Government would lay before the Senate would be fairly considered, and that honorable gentlemen opposite would give a kindly aid in perfecting such measures as might be brought before them."

He submitted to the House that from that time to this, the course he then said would be pursued by members on this side of the House, had been followed. That the Senate had given the most fair and even favorable consideration to all measures which had been submitted to the House by the Government. There had been no factious opposition shown at any time. The measures which had been rejected by the Senate had been few in number, and not of vital importance, nor had any been sent up a second time from the Commons. There had been nothing whatever to justify the opinion which had been formed in December, 1873, of the probable course which would be pursued in this House by the majority here. Of the measures which had been rejected, having once passed the Commons, the first was a bill relative to the elective franchise; each province on the occasion of the Union adhered for the time to the franchise which had obtained in it immediately before Confederation. Prince Edward Island when it joined us claimed to be allowed to do the same thing. The House of Commons led by local politicians from that Island had changed the rule and the bill as it was presented here would have excluded from the franchise the bulk of the population of the Island. It was amended here and sent back to the House of Commons, and the very amendment proposed here adopted by that House. There was, therefore, no collision on that occasion. The next measure rejected in this House was that providing for a readjustment of the representation of the County of Huron in the Province of Ontario. A bill had been introduced in the other Chamber, by the member whose constituency was to be immediately and largely affected by the provision which the bill proposed to enact. That member had been returned the House of Commons by one of the ridings of that county, and his seat was at the moment contested and in imminent danger. Foreseeing another election to be on hand, he introduced a bill to take away from the adjoining riding a town-

ship with 200 voters, said to be on his side in politics, and to add it to his own riding. This township is called Tuckersmith, and the bill provided that it should be detached from another riding of Huron and added to the one which the gentleman in question then represented in the House of Commons. The people who resided in this township were already represented in the Commons. Had already voted in the Riding of which they formed part, and could anything have been more unfair than the proposition to detach them arbitrarily from the Riding to which they belonged, and in which they had already voted, and transfer them so as to give a majority to the member whose seat was in jeopardy, and this was carried, though a private Bill, with the approbation of the Government, through the House of Commons. That Bill introduced here as a Government measure, was rejected in this House, and rejected, he believed, with the universal approbation of the country. He might add that the seat in the lower House was lost, and that a new election did take place, and the unseated candidate was defeated, making perfectly clear the unjust character of the legislation which passed the lower branch of the Legislature but which was defeated in this House. These were the only two measures rejected during the session of 1874. In the session of 1875 the first measure from the other branch of the Legislature which was rejected in this House was the Esquimaux and Nanaimo Railway Bill. This was to carry out a part of what was known as "Lord Carnarvon's" terms. It was a proposal to build a totally unnecessary road on Vancouver's Island, on the ground that the country was thought by the Ministry to be unable to go on with the Pacific Railway. The line of railway on the Island had not been surveyed, the country was known to be exceedingly difficult. There was neither survey nor estimate of the cost of the railway. It was a plunge into an unknown sea of expense, to construct a road through a country where there were no inhabitants, alongside of water communication of the first character, open all the year round, and sheltered from the sea; the very place of all others where a railway was least necessary and least likely to be of advantage, or at all likely to compensate for the outlay of the enormous sum of money which it would cost. The Government on that occasion were defeated by a small majority. They never again presented the bill here. There was no second effort made on their part to carry the measure, but it having been once rejected here, and rejected by a small majority, they took into the Adminis-

tration one of the most distinguished opponents of the measure, and never again presented it for the consideration of the House. The next measure defeated was that for the payment of County Court Judges in Nova Scotia. That was rejected for the time being, because it was stated that the Legislature of that Province which had created the necessity for these judges was moribund, that their appointment was unnecessary and that there was strong reason to believe that the new House which was then about to be returned in Nova Scotia would take a different view as to the necessity of appointing these judges and that consequently it was perhaps premature to vote their salaries. As it turned out the new Legislature did not take the view which it was supposed in this House they would take, and the following session the bill with reference to the salaries of these judges passed the Senate as a matter of course. The other measures rejected in the Senate were of still less importance. The common carriers bill was withdrawn.

Hon. Mr. SCOTT—No! the house refused to let it go to the second reading.

Hon. Mr. CAMPBELL—Well, certainly, the honorable gentleman had admitted himself in debate that more time should have been given to the preparation of the bill, and that it would be better probably to allow it to remain over and go to the country and be reconsidered at some subsequent session. He had thus given a slight but, he believed, an accurate *resume* of the occasions upon which the Senate had differed from the House of Commons during the time of the present administration, and of the reasons which had actuated us in so doing, and he would venture to say that on these occasions the Senate had differed from the House of Commons for sound and sufficient reasons, and that public opinion had sustained this House. The actual course, therefore, which we have pursued had completely belied the anticipations which were formed of our conduct by the Government, when they made their recommendation of December, 1873, for the augmentation of the members of this House. The Senate had not been factious, but had shown a spirit of great moderation, entitling it to, as he believed it had received, the approbation of all thoughtful men in the country; and his honorable friends on this side of the House had completely justified, and warranted the language which he had used in speaking for them in March, 1874. If the Senate had erred at all, he believed it was rather in being too

reluctant to assert its views where they differed from those which the House of Commons had expressed, but they had followed the constitutional practice, and he asked whether, under such circumstances, it was not due to themselves to pronounce upon the action of the Government as proposed in the resolutions now upon the table, and whether if they did not it would not hereafter be urged they did not regard this attempt to use the 26th section of the British North America Act, 1867, as a serious infringement of the constitution which deserved the reprobation of this House. It was for the reasons which he had thus imperfectly given that he asked the house to vote for the resolutions which he now proposed for their adoption.

Hon. Mr. WILMOT said he seconded these resolutions apart from any political considerations, and for the maintenance of the independence and dignity of the Senate as a separate branch of Parliament, and consequently in the interests of the country. He always endeavored to occupy an independent position in the Senate, and had taken a decided stand against the criminal law bills alluded to by his honorable friend, when they were submitted to this House by the late Government, because he considered the criminal laws of New Brunswick were far superior to those of any other Province. They had been framed on the law report of Lord Brougham, who was a very thorough law reformer. With regard to the resolution now under consideration, he had to say that he, with one other member of this House, was a delegate to the London Conference when the British North America Act was framed. His honorable friend from Cumberland (Hon. Mr. McFarlane) the other delegate, was unable to remain in London until the Canadian delegates arrived, in consequence of private business, so that he (Mr. W.) was the only one now present who had taken part in that delegation. This question as to the constitution of the Senate occupied more time than any other portion of the bill. They were fully a week in discussing this subject. One proposition was that the Senate should be elective, another that it should be chosen by joint ballot of the several provincial legislative bodies, and the third was that it should be appointed by the crown, which last was adopted. The scheme adopted at Quebec made the Senate a cast iron body, with no provision in case of a dead lock between the two houses. Before proceeding further in this matter he would briefly allude to what had occurred in New Brunswick. That scheme was rejected by the electors of New Brunswick when it was submitted to them in 1865. Hon. Mr. Smith,

the present Minister of Marine and Fisheries and himself had been entrusted by the Lieutenant Governor with the formation of a government, and while he (Mr. Wilmot) was always in favor of a union of the provinces, he had been particularly opposed to the financial arrangements in that scheme; he had felt that the Maritime Provinces were not receiving that amount of money under it that would enable them to carry on their local affairs.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. WILMOT—During the year after the Government was formed, the question of the abrogation of the Reciprocity Treaty with the United States came up, and the Imperial Government directed the Governor General to call a meeting to be held at Quebec, to be composed of a delegate from each province, to take into consideration the renewal of the treaty, and the trade relations generally with other countries. He (Mr. Wilmot) represented New Brunswick at this Council of Trade, and the deliberations that took place impressed on his mind the necessity that existed that the different provinces should be united, in order to carry out such a policy as would be best suited to their various interests, which could not be done by separate local legislatures. In conversation with the members of the Canadian Government at that time he had stated that he was not opposed to union of the colonies, but he was desirous that certain changes should be made in the Quebec scheme. They stated their willingness to re-open the question on another basis. On his return to New Brunswick he informed his colleagues what had been proposed, but they were unwilling to re-open the negotiation. In consequence of this, and of his colleague (Mr. Smith) having gone to Washington contrary to the determination arrived at in the Quebec Council of Trade, he (Mr. Wilmot) resigned his seat in the Executive, and shortly after a dissolution of the House took place, and the question of Confederation was again submitted to the people under a new aspect, and was carried, and in 1866 the delegates proceeded to London, and the British North America Act was the result of their deliberations. Certainly, a Senate consisting of a fixed number was not similar to the constitution of the United Kingdom, and he had taken a very decided course in opposing what he considered a cast iron system. It was debated two days and decided by a majority of one, that some provision should be made to meet a dead lock between the two branches of the Legislature should such a collision ever occur. The next day some of

the members of the delegation changed their opinion, and decided they would adhere to the Quebec scheme. It was also determined that when they went before Lord Carnarvon the Chairman alone should express the opinions of the delegation. Lord Carnarvon objected to the fixed character of the Senate, and he told the Chairman of the delegation (Sir John Macdonald) that he hoped the delegation would reconsider that point and adopt some mode by which the difficulty could be got over. The delegation returned to their Council Chamber, re-argued the question for another day, and arrived at the same conclusion as before. They went back, and when the Chairman told Lord Carnarvon there had been no change of opinion he expressed his regret and said he did not think the Act would be passed in that shape. Two members of the delegation, contrary to the arrangement arrived at, that the Chairman alone should state the opinion of the Conference, began to argue the matter from their side, and he (Mr. Wilmot) stepped across to Sir Alex. Galt, and said he should feel himself absolved from the agreement, that the Chairman alone should speak, after the gentlemen alluded to had argued the matter from their own standpoint. After returning to the Council Chamber he (Mr. Wilmot) stated his determination to present the matter from his point of view when they again went before Lord Carnarvon; they again deliberated, and the cast iron system was again determined on. When they went before Lord Carnarvon the following day, after the Chairman had stated that the delegates were still of the same opinion, he (Mr. Wilmot) informed His Lordship that there was a large minority opposed to the fixed number. After some argument they again returned to their Council Chamber, and after another long discussion they agreed upon the constitution of the Senate as it now stands in the Act, adopting the 26th clause as a safety-valve in the event of a dead lock. This, in his judgment, would not arise except under circumstances where the public mind was greatly agitated on some question of great interest, similar to the reform question in Great Britain. The Senate was to be a territorial representation, especially for the purpose, among others, of guarding the interests of the smaller provinces, and to resist any encroachment on the part of the larger provinces, which held so much larger a representation in the House of Commons. Holding the view that the 26th clause should only be acted upon in a case of great emergency, he certainly was surprised when he

learned that the Government had attempted to add to the numbers of this House in the interest of party. He was satisfied that a large number of the members of this Chamber considered all measures that came before them, on their merits, irrespective of party. He (Mr. Wilmot) fully admitted the principle that the well understood wishes of the people as expressed by their representatives in the Commons should rule, and it was in consequence of his long experience in the popular branch that he was so persistent an advocate that the 26th clause should be inserted in the bill, yet this House should be in a position to check hasty legislation, and mere popular clamor, and give time to allow sound public opinion to assert itself. They were not a mere recording body to register the acts of the popular branch, but possessed powers which the House of Lords did not possess. The Senate had not the prescriptive powers of the Lords, but they had equal powers with the Commons in all legislation excepting the initiation of money grants. Those powers were granted by the Act of 1868, consequently they had higher legislative functions than the House of Lords. While as he before said, he fully believed the well expressed views of the people shall govern in this Dominion, at the same time he was prepared to act in such a way as he believed to be in the best interests of the country, whether it was in accordance with the views of the House of Commons of the day or not.

Hon. Mr. BUTFORD—Hear, hear!

Hon. Mr. WILMOT, continuing, said he entirely concurred in the views of Lord Kimberley, as expressed in his despatch, that no crisis had arisen to necessitate an addition of six members to this body, and he considered it was due to this House and to the country that these resolutions should be placed on the records of Parliament, as expressing their opinion with regard to the interference on the part of any government with what he (Mr. Wilmot) considered the independence of the Senate.

Hon. Mr. SCOTT said the honorable mover of the resolutions had entered into a very long history of the circumstances and debates which had attended the inauguration of our constitution, but he had failed to touch upon the most important point in the discussion of the particular question to which they had now arrived. At the outset he (Mr. Scott) differed from his honorable friend on the assumption he had made, that this power, under the 26th clause of the Confederation Act, was to be exercised only for the purpose of bringing this Chamber into accord with

the House of Commons. He thought that was not the purpose for which the power was given in the constitution, and the very best proof he could give that this was not the correct view, was the very fact that if, in December, 1873, this Government had obtained the accession of six more senators, it would have largely failed to equalize the political bodies in this House. It would, taking that view of it, on the contrary, very likely have created a sentiment adverse to the Government, *per se* the introduction of six new members. He had failed to hear from either the honorable mover or the honorable seconder of the resolutions, who were present at the birth of the constitution, and one of whom had spoken with a good deal of confidence on what had transpired at the London conference, that the idea of giving elasticity to the constitution of the Senate was to enable the Government to swamp or over-ride this branch of the Legislature. The power enjoyed by the Government in England to add to the House of Peers is unlimited, and it was for the purpose of enabling the Government of the day to carry any great measure of national importance when it was opposed in the Upper House. They all knew that at the passage of the Reform Bill it would have taken over one hundred new Peers to have carried it, had the Government of the day thought fit to add to that Chamber for the purpose.

Hon. Mr. CAMPBELL—Twenty-three was the largest number spoken of by Earl Grey.

Hon. Mr. SCOTT said his impression was that the number was very much larger than that. However, the names had never transpired. They were concealed in the breasts of the Prime Minister and his colleagues, and it was impossible to say what the number was; at all events it was very considerable. It was the very power to create so large a number that induced the House of Lords on that occasion to give way. If the power to create Peers was restricted to anything like the power under our constitution to create Senators, could it be imagined for a moment that the House of Lords would have given way on that occasion? Yet six additional senators, as compared with seventy-seven, was a small proportion, and he had no doubt if the object of giving this elasticity to the Senate was for the purpose of bringing it into accord with the Commons, the number would not have been restricted to six. The difference was, in England the power of the Government to create peers was unrestricted, while in Canada the power of the Government to create senators was limited. The Government had simply applied for power

to make six appointments, that would subsequently fill the vacancies that would occur after lapse of time, and in that light it was represented to the Colonial Secretary, His (Mr. Scott's) impression was that this power to add to the representation of this Chamber was given to the Government to strengthen their position, to enable them to avail themselves of the assistance of any gentleman whom they may think fit to call to this body who might be of service at the time, and not for the purpose of swamping the Senate. When a new Government came into power they generally thought it necessary to have larger representation in the Senate. In England gentlemen were constantly being called to the House of Peers. He thought he would be speaking within the limit in saying that since Disraeli's Government came into office fourteen peers had been created, and it was only the other day Mr. Disraeli was elevated to the Upper House. It was for the enjoyment of this very privilege that the British Government possess, that the 26th clause was introduced into the Confederation Act. If it was for the purpose of bringing the two Houses into accord it thoroughly failed to accomplish that object, and it should not have been there at all. There was nothing contrary to the constitution in the Premier recommending His Excellency to name six additional senators, because he merely names them for vacancies that must occur within a limited time. Since that recommendation was sent in December 1873 more than twice six vacancies had occurred in this Chamber—certainly he was within the number when he would put it at eight or ten. At all events, even with that large accession, the Government was not today in a majority in the Senate, and therefore, the mere question whether it was in a minority of ten or twenty was of very small moment indeed, as six of an accession could not have equalized the two parties in this Chamber. Supposing the Senate had taken the course which his honorable friend had suggested, and attempted to defeat the Government at the start, would that not have justified the Premier in adding the six extra members, but if he had, the Government would have been no better off than they are now, as vacancies would have to occur in Ontario, Quebec and the Maritime Provinces before the Government would again be in a position to dispense patronage of that sort, therefore he denied that the object of the 26th clause of the Confederation Act was to enable the Government to obtain a majority in this Chamber. Taking that view of the question, he did not think this Government, or

any other government, would be open to censure because they sought to have the advice and assistance of six other gentlemen in this Chamber. When this Government came into office in 1873, the complexion of the Senate was largely hostile to them. Apart from the gentlemen who came in at the time of confederation, and as the provinces entered the union, some sixteen or seventeen appointments had been made by the late Government as vacancies occurred. It was idle to discuss the question as to whether those vacancies were filled by gentlemen who were favorable to the Government that selected them. All knew it was only natural for the late Government and their successors whenever they had patronage of that kind to give to give it to their friends, and the long period which the late Administration were in power had given to this Chamber a complexion very strongly the same as that of the gentlemen who were then in power. Therefore, it was only natural when this Government came into office that they should seek in some way to call to their aid gentlemen from the various provinces to strengthen their position, not for the purpose of "swamping" the Senate as had been alleged, as that was utterly impossible. It could not be held that the Government had acted outside the powers authorised by the Constitution. There was nothing restrictive in the Act; there was no reason set forth that such appointments should be for a special purpose, and if the 26th clause was to be interpreted as the honorable gentleman had construed it it had utterly failed in the object for which it was intended.

Hon. Mr. DICKEY said as he had been referred to as a member of the Quebec Conference, he could say the account given by the honorable senator from Kingston of the reasons for fixing the number of senators from the different provinces was correct. The leading reason was the fear that the smaller provinces would be swamped by the controlling power of the larger provinces in future appointments. That was why they adhered so tenaciously to a fixed representation in the Senate. He (Mr. Dickey) could give an unprejudiced opinion on this subject, being the only one out of thirty three who declined to sign those resolutions of the Quebec Conference, because, among other reasons, he considered they were not fair to the Lower Provinces from a financial point of view, although he recorded his opinion in favor of union on fair terms. Better terms having afterwards been secured, to a certain extent, he had no hesitation in saying he did not regret the course

he took on that occasion. The Secretary of State had undertaken, contrary to the opinion of Lord Kimberly, to say that the object of introducing the 26th clause into the British North America Act was not for the purpose of meeting a political emergency, but for the purpose of enabling the Government to distribute political patronage among their friends. Such a reason would never have suggested itself to anyone looking at that act from anything but a partizan point of view. Indeed it was obvious in the very next clause, it was intended to meet a temporary emergency, because the moment it was acted upon, vacancies which might afterwards occur could not be filled up until the Senate was reduced to its normal numbers. The honorable gentleman had undertaken to say this 26th clause could not have been intended to provide for giving a majority to the Government, because it would not have secured that result. Did he not know in the first serious conflict in the very next session the Government failed by a majority of only one, and then only because two of their own friends voted against them? Had they succeeded in their attempt to add six senators to this body they might have inflicted on this country the notorious Esquimaux and Nanaimo Railway Act. The Senate on that occasion reflected not only the sense of the people of Canada, but the sober second thought of the Government itself, because, within five months afterwards, the honorable Secretary of State and his colleagues put their hands to a state paper giving the very same reasons as had been urged against the bill in the Senate, for not bringing it in again. It was admitted by a very high functionary in this country that the Senate, in respect to that particular measure, were supported by the public opinion of the Dominion, and the Secretary of State for the Colonies, after reflection, admitted the same thing, as we learn from the papers laid on the table. The Senate had taken that course, not for the purpose of opposing the Government or the Pacific Railway, but in the interests of the Pacific Railway, and to prevent money being squandered in a useless local work. It was a sufficient commentary on the course of the Senate to state that none of the bills which they had defeated had ever been introduced again. In the case of the Judges of County Courts Bill, the measure was passed the following session, when it became apparent that the Nova Scotia Legislature were not opposed to it. One case had been mentioned in which a group of measures of the late Administration — the Criminal Acts — were defeated. In two other instances, the question

of the Governor General's salary and the Seigniorial Tenures, the late Government was defeated in the Senate. With respect to the Prince Edward Island Franchise Bill, it would be remembered it was not rejected but amended, so as to restore the franchise, and that amendment was accepted by the Lower House, the very best proof that it was necessary. Many more instances might be adduced to show that the Senate had not obstructed the legislation of this country, but had constantly viewed every question upon its merits. If the 26th clause of the constitution was not to meet serious emergencies that might arise, such as a legislative dead-lock, what was it for? Surely, it could not be the very low object suggested by the Secretary of State, of putting patronage in the hands of an incoming government. If it were, see the position in which it would place the next administration. They might find a hostile majority against them, a majority created for partizan purposes. The principle of fixing the number of senators was one which was recognized in the United States Senate, that of protecting minorities in the Upper House. He might advert to the vote which was taken in this House, condemning the Government for entering into the Georgian Bay contract. The deliberate sense of this House was, it was an unwise and premature proceeding. And what was the result? The contract was abandoned in consequence of the opposition of the Senate.

Hon. Mr. SCOTT—Not for that reason.

Hon. Mr. DICKEY said if not, it was an admission this House could not control the improper administration of the government of this country. The vote of the Senate on that occasion was not only in accordance with the sentiment of the country, but also with the action of the Government afterwards. The whole matter respecting these despatches resolved itself into this—a mistake had been made, and an unwise course pursued by the Government, to meet an exigency which has never occurred. It was a matter which the Senate could not pass over in silence lest they might be presumed to acquiesce in this unwarrantable attack upon our constitution. The resolutions would commend themselves to men on both sides of the House. They were merely moved for the protection of the Senate, and to express the sense of the House that hereafter no rude hand shall be laid on the fair fabric of our constitution, and that the integrity of the Senate shall be placed at the mercy of no Government in this country.

Hon. Mr. BROWN said there was no reason to regret that this matter had been

brought before the House, but he hoped the honorable senator from Kingston would think seriously before putting his resolutions on record. However interesting this debate might be, and however desirous honorable gentlemen might feel to understand the exact effect of the proviso in the Confederation Act for adding temporarily to the settled number of senators, no argument had yet been advanced by honorable senators opposite which could at all entitle them to say that the Government had done wrong. He admitted the ability and moderation with which the honorable senator from Kingston had introduced his resolutions; but if the matter were fairly looked at, he (Senator Brown) was confident it would appear that he was quite wrong in attempting to condemn the Government for the course they had taken. What was the case of the Government in December, 1873, might be the case of honorable gentlemen opposite at some future time, when it might be just as convenient for them to avail themselves of this constitutional provision as it was for the present Government. [The honorable gentleman here referred to some length to the initiation of the confederation scheme and to the manner in which the Second Chamber obtained its present constitution, and then proceeded as follows.] And thus it happened that seventy-seven gentlemen now sit here for life, clothed with the power of controlling the entire legislative measures of the Dominion; and he ventured to submit to the House, whether holding as they did so high and so delicate a trust, it was wise to condemn the Government for doing precisely what honorable gentlemen opposite would have done if placed in the same position. At the Quebec Conference and elsewhere during the discussion of the new constitution, the necessity of finding some mode of rectifying the balance of power, should a great discrepancy arise between the two parties in the Chamber, was very strongly felt, and the desire expressed that some mode of removing such marked disparity should be introduced. He had himself advocated that to meet this and other inconveniences senators should be appointed only for a fixed term, but had failed to carry his point. He believed still that the limit of appointment, to 6, 8 or 10 years, so that a change would be gradually brought about, would prove highly beneficial in many ways. It was when the Quebec resolutions, endorsed by the several legislatures, were sent to England the 26th clause, now under discussion, was inserted in the constitution. Now it was contended that the views expressed at that private conference in Lon-

don, and only now virtually communicated to us, should have guided the Government in interpreting this clause. But who knew what was done at that conference except the gentlemen who were present at it? No member of the present Government was a member of that conference; and the only guide they had, or that we have now, was the plain language of the Confederation Act. That language could not possibly be construed in the way the honorable senator from Kingston desired it should. The words were these:—"If at any time on the recommendation of the Governor General, the Queen thinks fit to direct that three or six members be added to the Senate, the Governor General may, by summons to three or six qualified persons (as the case may be) representing equally the three divisions of Canada, add to the Senate accordingly." The assertion, then, that the intention of the Government in applying for permission to make these six appointments was to swamp the Senate was totally unreasonable, and the appointments, if made, could not as asserted, by honorable gentlemen opposite, have affected the vote on the Esquimaux and Nanaimo Railroad Bill at all. From the moment they were made, no more appointments could have been made until the Senate was restored to its fixed numbers. Now, when the Nanaimo Bill was voted on in the Senate in 1875, seven or eight appointments had been made to this House by the present Government to fill up vacancies by death and resignations; these seven or eight gentlemen voted on the Nanaimo Bill—but had the six extra ones been appointed in 1874, as proposed, six of these seven or eight would not have been there. Now then, let us see how the Senate stood when the Government in December, 1873, invoked the aid of the 26th section of the Constitution. The agreement at the time of Confederation, for filling up the Senate, was that one-half should be taken from each side of the House; and he was happy to have this opportunity, for the first time, of saying in public, that this arrangement was fully adhered to by the Government, and that the Chamber was divided in as fair a manner as was practicable between the two parties, not only in Ontario and Quebec but also, as far as he could judge, in the two other provinces. He did not contend that as vacancies subsequently occurred they should have been filled in the same manner—or by the appointment of extreme opponents of the Government. But he did contend that the course pursued by the late Government entirely ignored the propriety—to say nothing of the necessity—of main-

taining something like an approach to harmony of action in this Chamber. Out of thirty-two appointments to the Senate made by the late Government, from its formation to its resignation, only five of the gentlemen appointed could be regarded as members of the Liberal Opposition.

Hon. Mr. CARRALL—Does that include the appointments made from the provinces that came in subsequently?

Hon. Mr. BROWN—Cer ainly.

Hon. Mr. CARRALL—In British Columbia we were all Liberals.

Hon. Mr. BROWN said it was difficult to see where the liberality came in.

Hon. Mr. CAMPBELL—You probably would have appointed Tories?

Hon. Mr. BROWN did not say that decided opponents of Government should have been appointed; but what he did say confidently, was that, it ill became honorable gentlemen opposite who had systematically filled this House with their friends to censure their successors because they wished to anticipate by a few weeks or months the appointment of six of their friends. He confessed it appeared to him a very petty matter to make such a noise about. The late Government had, in addition to their full '36 at the outset, 27 of their friends afterwards appointed.

Hon. Mr. WILMOT—As far as Prince Edward Island is concerned I have explained two were Liberals, and New Brunswick and Nova Scotia lost two each.

Hon. Mr. AIKINS—As far as those from Ontario are concerned, they were members of the old Legislative Council and there was an understanding they should be brought in. With one exception it was so done.

Hon. Mr. BROWN—No doubt; but it so happened they were all on very good terms with the Administration. He was not now objecting to that; but he wished to show how entirely unjust it would be to use the majority so obtained to record a vote of censure on their opponents, for desiring constitutionally to strengthen their position in the Chamber a few months earlier than it would otherwise be done. It was impossible to tell, in December, 1873, what circumstances might arise in the coming session of 1874 to make these appointments desirable. The party that then came into power had never made an appointment to the Senate. Except those who remained of the drafts from the old Legislative Councils every man had been appointed by their opponent; and it was as necessary for the efficient administration of the affairs of the Dominion as for maintaining public confidence in the Senate, that the hands of the incoming Government should

be strengthened in this Chamber. Honorable gentlemen tell us there is no party feeling in this House, but they saw every day proof of the reverse of this, and he for one would be sorry that a healthful party feeling should be absent from this or any other legislative body. It was entirely untenable to deny that this Chamber was, and had ever been, composed of gentlemen who from education habit or conviction held different views on public affairs, and who naturally found common sympathies and common bonds of union in supporting or opposing the views and measures of their friends in the other Chamber—and in all the highest interests of the Dominion and for the benefit of all parties, it was of the utmost consequence that both sides of the Commons should be efficiently represented in the Senate.

At six o'clock the House rose.

#### After Recess.

Hon. Mr. BROWN resumed his remarks in opposition to Senator Campbell's motion. He said, when the House rose he was endeavouring to show how very unreasonable it was to propose a grave vote of censure on the Administration for the construction it had conscientiously placed on the wording of a certain section of the Constitutional Act. The Government took precisely the course laid down in the 26th section. They simply asked the Home Government to anticipate at once six appointments which in the natural course of events would fall to be made by deaths and resignations ere many months elapsed. The application was refused and the appointments were not made. Nothing had flowed from the application, except the opinion of the Colonial Minister that the provision of the 26th section was in his opinion, only applicable to an actual dead-lock between the Senate and the House of Commons. He (Mr. Brown) had already showed the immense preponderance in the Senate of the friends of the late Government when the present one came into office, but he wished to call special attention to this fact that of the thirty two gentlemen called to the Senate by the late Government, not fewer than eleven were summoned to it in the last ten months of their existence, and that six of these were summoned in the last throes of the McDonald administration, when condemned universally by the country, and on the point of resignation. Six of these appointments were senators from the new provinces; but under all the circumstances it was perfectly obvious that they should not have been made by a Government in extremis but should have been



held over for the action of the new administration. It was not from the lips of gentlemen who had nominated the entire Chamber, and who thus in the last hours of their existence added six more to the number of their friends, that a condemnation of their successors should come for desiring constitutionally to anticipate so small an addition to their strength in carrying on the business of the country. The motion was unfair and ungenerous. The advice given by Government was said by the honorable gentleman from Kingston to be an error of judgment, and the honorable senator (Mr. Dickey) said it was a mistake; but who ever heard in any British Parliament of a vote of want of confidence being recorded against an administration for what was confessedly, from the lips of their strongest opponents, merely a mistake, an error of judgment as to the meaning of certain words, and from which alleged misconstruction no action had followed? Three years had passed since that advice was given; within a few months who knew but the balance of power in the Chamber might be changed; and how would the honorable gentlemen then like if the action of their friends, given only two months before the advice now under discussion occurred, and when they were on the point of resignation, should be made the subject of a formal vote of censure? In England, as the honorable senator from Kingston had stated, affairs were conducted in the House of Lords by the forbearance of the Peers.

Hon. Mr. CAMPBELL—I said that owing to the forbearance of the majority, the Government which had not a majority in that House was able to conduct public affairs,

Hon. Mr. BROWN—Is that a desirable state of things?

Hon. Mr. CAMPBELL—Much better than to infringe the constitution.

Hon. Mr. BROWN denied it was an infringement of the constitution. He contended that the language of the 26th clause fully justified what the Government had done. The expediency of making the application might be differently regarded, but the right to make could not possibly be doubted. And the application was not only rightful, but perfectly reasonable. It was but trying to hasten by a few months six accessions to the Chamber, and with their then immense preponderance it is out of all reason for honorable gentlemen opposite to talk of swamping the Chamber. The effect would have been to have brought into the Senate at the first session two or three, or at most four, of those who were not there till the second session, and for so slight a thing—which was not done—the House is asked

to record a grave vote of censure. He hesitated not to say that it would be most unfortunate for the influence of the Senate in the country were this thing to be done. Nothing could demonstrate more clearly the strong bias that might prevail in a Chamber that they were told should not, and did not, have party leanings. He (Mr. Brown) confessed his regret at the ground on which Lord Kimberley rejected the application. If the proviso of the Act had been for a permanent increase of the number of Senators, the question would have assumed a different light; but it provides merely for a temporary increase that the lapse of a few months would entirely remove. The hon. Senator from Kingston contended this power should only be invoked in cases of imperious necessity, as in England when additions were made to the House of Peers. That is precisely what he (Mr. Brown) contended for. The creation of new Peers is not reserved solely for dead-locks between the two Houses—creations are made at any time when “imperious necessity” demands it—and what case of necessity could be more clearly established than that of December, 1873. A House entirely nominated by an outgoing administration—and a new one, coming in with an immense majority against them. If the proviso is not intended for just such a case, it was utterly valueless. What use would six votes be of in the event of a dead lock?—and how long would the negotiations for relief consume while the dead lock existed? The only reasonable reading of the language of the statute, it appeared to him, was that, like the creation of Peers, it was to be used with great caution when a fitting exigency arose. He would regret very much that this motion should be pressed, and he still hoped that the honorable senator from Kingston and his friends would content themselves with the discussion elicited. It was in his opinion, uncalled for and inexpedient on many grounds.

Hon. Mr. MILLER said any further argument was unnecessary to sustain the position of the honorable mover of these resolutions, as it had not been touched by either of the honorable gentlemen who had opposed the motion. It must be clear to every unbiased man who had listened to the speech of the honorable leader of the Opposition that the course of the Government was one that deserved the condemnation of the House. The argument of his honorable friend in support of the resolutions was clear and concise, and had exhausted the whole subject, and had been put before honorable gentlemen without a missing link from end to end. The honorable gentleman in introducing the question had correctly affirmed

that the attempt made by the Government in 1873, to add six of their partizans to this Chamber without any constitutional necessity for doing so, was an attempt to violate the constitution, and he had made good his decision. He had clearly made out a case, which deserved the reprobation of the Senate. He (Mr. Miller) did not see how any doubt could exist as to the true construction of the 26th clause of the British North America Act. It was plainly intended to meet a constitutional difficulty, and to remove a dead lock between the two Houses. The Quebec conference had contemplated no such provision in the constitution as the clause in question provided. That change was made in England, not at the instance of the colonial delegates, but at the request of Lord Carnarvon and the Imperial Government, who ought therefore to be the best judges of the object and interpretation of the clause. As in the original draft of the constitution there was no intention on the part of its framers that there should be power in the hands of any government to make extraordinary appointments to the Senate, it was evident such a power was not viewed with favor by the colonial authorities. It would be less acceptable to the small provinces than to the larger ones, because the greater strength of the latter would enable them to control such appointments in the event of a conflict of a sectional character. For this reason the weak provinces might well fear the attempt of the government at any time to swamp the Senate if the law gave them that power. Assuming, as he had a right, to do, that the 26th clause of the Act of union was only intended to apply to great political emergencies, the Hon. Secretary of State had not even attempted to justify the application to the Imperial Government that had been made by the Premier in 1873, by showing that a necessity existed contemplated by the law. He could not do so because the Government had not been called upon to meet Parliament at the time the application was made, and it could only have been in anticipation of difficulty that such power could have been asked for. The only justification the Hon. Secretary of State had attempted was that it was necessary in the peculiar condition of this Chamber in order that the Government could meet Parliament there should be an addition to the Senate. The honorable gentleman from Toronto had wandered out of the record and over the whole history of Confederation, but he had not adduced a single argument to justify the course of the Government in this matter, or weaken

the position of the mover of the resolution. The only argument which the honorable gentleman had attempted to advance in justification of the course of the Ministry was, that between 1867 and 1873 the late Government had made thirty-two appointments to the Senate, which completely destroyed the balance in this House, and justified this Government in making the application for six extra appointments. This statement was calculated to create a wrong impression. The honorable member (Mr. Brown) had admitted that the appointments to the Senate in 1867, at the inauguration of Union, were eminently fair to both the great political parties of the Dominion, the members then standing thirty Liberals to thirty-six Conservatives. That was an important admission affecting the honorable gentleman's argument, and he believed it was strictly correct, but it destroyed the force of the honorable gentleman's figures. Although the late Government had made some thirty-two appointments between the time of Confederation and their resignation of office, it was not to be forgotten that six or seven of these were Liberals. In Ontario the Government had no choice in their appointments, as they had to take in the members of the old Legislative Council. In Nova Scotia there were seven or eight vacancies out of the thirty-two, all among friends of the late Government, and in that province the appointments were not party gains to the Government, so that they could not have gained anything in party strength from them. In New Brunswick the vacancies, likewise, had occurred amongst the supporters of the late Government, and in filling them up the Government could not have had much additional strength. So it was to a less extent in Quebec also; out of nine vacancies that had occurred, five were among supporters of the Government, and in filling up such vacancies there was no gain. Therefore, it followed that, although there were as many as thirty appointments to this House, between Confederation and the fall of the late Ministry, five or six of these were admitted to have belonged to the Reform party, and two-thirds of the others were vacancies created by deaths among supporters of the late Government. The preponderance could not, therefore, have been so great as to have given a reasonable ground for the Government to fear to meet the House without any addition to its numbers. The honorable gentleman from Toronto had admitted that since 1873, on no single occasion, had any factious opposition been given in this House. On the most important

questions, when the Government were defeated in this Chamber, they were defeated because of the defection of their own friends. On the Esquimalt and Nanaimo bill they were defeated by the slender majority of three, and in that majority were two of the most ardent supporters of the Government.

Hon. Mr. SCOTT—And four on the other side.

Hon. Mr. MILLER—Then, with regard to the bill effecting the franchise of Prince Edward Island, the Government were defeated by a majority of only one, and at least two of the strong supporters of the Government voted against them on that occasion. The Nova Scotia County Court bill was also defeated, if not by Government supporters, by gentlemen who generally gave the Government a fair support. Other measures had also been defeated, but with small majorities, and those majorities always included leading and consistent supporters of the Government, so that there was nothing in the action of this House to show factious opposition to the policy of the Administration to justify the attempt made by the Premier to swamp the Senate by extraordinary appointments. The honorable gentleman from Toronto (Mr. Brown) said he was not satisfied to take the interpretation of the law placed upon it by the mover of the resolution or the honorable member from York, who was one of the delegates to the London Conference, but said the law speaks for itself. With strange inconsistency the honorable gentleman undertook, however, to give a history of the Quebec Conference and to explain the way the constitution should have been framed, but he (Mr. Miller) thought the London Conference had acted wisely in rejecting the constitution which, the honorable gentleman says, he wanted, by the Quebec resolutions, to give to this House. He should not reject the member from York (Mr. Wilmot's) statement, and ask the House to take his own as to what occurred at Quebec. The reading of the British North America Act was so clearly against the position of the honorable Senator from Toronto, that he was surprised that he should assert the doctrine which he had done. The preamble of the Act sets forth:—"That whereas the Provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into one Dominion, with a constitution similar in principle to that of the United Kingdom, &c." There was, therefore, not the difference between our Constitution and that of England that the honorable gentleman asserted, and they were

intended to resemble each other as much as possible. Now, starting with this declaration, as the Act of Union does, his honorable friend must recollect what were the principles and the policy which apply in England in regard to constitutional difficulties between the two Houses of Parliament, in order to apply them in this country in similar cases. The rule with regard to extraordinary appointments to the House of Lords, to obviate a constitutional deadlock, was so well known, and so clearly sustained by authorities that it was only done in the rarest emergencies when revolution or the safety of the public interests were threatened that statesmen could be got to advise the Sovereign to consent to the appointment of the most limited number of Peers to override that branch of the legislature. With the British North America Act before them this Government should be guided by British precedent, on constitutional questions of a similar character. The clause of the act says:—"If at any time on the recommendation of the Governor-General the Queen thinks fit to direct that three or six members be added to the Senate, the Governor-General may by summons to three or six qualified persons, as the case may be, representing equally the three divisions of Canada, add to the Senate accordingly." Now, if that was a power to be exercised by the Governor-General in the manner defined by the honorable senator from Toronto, why not give the authority to the Governor in Council here to make those appointments, as all other appointments to this House were made? Why was the power not given if it was intended to be exercised in that way without reference to the Crown? It was because it was only intended to be exercised in an exceptional manner and under extraordinary circumstances, and it was to have the consideration of the Queen and the Imperial Government before doing so, and was not to be left to the local authorities. They had the interpretation of this clause by a very high authority, Lord Kimberly, a distinguished statesman and a Liberal at that, and he was very sorry to hear the scoffing manner in which the honorable gentleman referred to the late Colonial Secretary, though it was usual with some Reformers in this country to scoff at the opinions of English statesmen when it suits their purpose, and at other times when the contrary was the case, to pay a great deal of deference to their opinions. Lord Kimberly says:--

"You will readily understand that Her Majesty could not be advised to take the responsibility of interfering with the Constitution of the Senate, except upon an occa-

sion when it had been made apparent that a difference had arisen between the two Houses of so serious and permanent a character that the Government could not be carried on without her intervention, and when it could be shown that the limited creation of Senators allowed by the Act would apply an adequate remedy."

Hon. Mr. PENNY—Hear, hear.

Hon. Mr. MILLER—The honorable gentleman says "hear, hear," but there was not a word in that despatch that did not bear out the remarks of the mover of the resolutions. According to the interpretation of honorable gentlemen opposite, the Government might at any time without any such necessity as contemplated by the law, apply for an increase of senators. If that was the opinion entertained by the Government he thought it became all the more necessary and imperative to place on record the disagreement of this House with such an interpretation of the constitution. The Senate was constituted as a check on the larger provinces and a protection for the weaker ones, and all the attacks that had been made on this body, it was noticeable, came from Ontario, the strongest member of the federation. It was true of late those attacks had ceased because the gentlemen who had been in the habit of making them had assumed responsibilities which controlled their utterances, and which rendered them more inclined to look upon the question of the constitution of the Senate in a fairer, a less sectional and a more statesmanlike aspect, but if the Government were to have the power of overriding this House by the appointment of extra members there could be no security for the smaller provinces. He considered this House was called upon more than ever in consequence of the remarks of the Honorable Secretary of State to place upon record their views on this subject. The resolutions contained nothing objectionable, being merely an expression of the views of the Senate on an important question affecting its own constitution, for the future guidance of all concerned. The honorable leader of the Opposition had made out such a case as ought to command the support of the House regardless of party, nor was the motion intended as a vote of want of confidence in the Government. He therefore hoped the House would sustain the resolutions by a large majority.

Hon. Mr. PENNY said he had heard a great deal during the debate which he thought was wide of the point at issue. He had heard a great many historical reminiscences which no doubt were very interest-

ing to the honorable gentlemen who had referred to them, but none of them were, as it seemed to him, pertinent to the issue under discussion. The cast-iron rule as to the constitution of the Senate may have had some importance at the time of the Quebec Conference, at which time it had been shown that many gentlemen favored it; but whether it had or had not, that importance had been entirely effaced by what had since taken place; because that proposed cast iron rule had been abandoned, and another had for a time taken its place in the project; but neither plan was that which they had to consider that night. Nor could he see how the argument came in that if those appointments had been made it would be against the interests of the Maritime Provinces, because the number nominated was to be equally divided between Ontario, Quebec and the Maritime Provinces; and if Ontario and Quebec are to be classed as in antagonism to the Maritime Provinces, the Maritime Provinces might with equal justice be classed with Quebec as antagonists of Ontario, or with Ontario as antagonists of Quebec. Again, as to the comparison of this House with the House of Lords, there could be very little similarity between them. The House of Peers could be augmented at any time the Government desired to do so, whereas this House consisted of a fixed number. But whatever interferences might be drawn from these arguments, the 26th clause of our own Constitution is a part of the Constitution, and it is with that that we have to do. He considered that it was possible to read that law for ourselves as well as any other. It seemed to him to be one of the simplest clauses he had ever read in an act of Parliament, "If at any time,"—there was no special occasion mentioned—"on the recommendation of the Governor General"—that was the only condition—"the Queen thinks fit that three or six members should be added to the Senate, then they might be added." If the Senate was a court of justice he would like to know, in the face of plain words like those, what judge would allow an advocate to go behind the wording of the statute, and tell him what some gentleman had said of the law, or of a previous draft of the law in England; and that opinion never recorded in any authentic way; or, again, what some gentlemen had said of it at Quebec, again never recorded anywhere except in subsequent speeches in Parliament. Would he take that evidence against a sound common sense interpretation of the law? He thought not. There was nothing said in the clause about "swamping" the Senate. Nor was

any such thing proposed. There was in it merely a question of adding six members, which it was perfectly well known could not swamp the Senate. After the large number of senators added by the late Government, it was manifest that there was a majority on the side of the Opposition which had not been overcome by the nominations since that Government came into power. It was not pertinent to the case to say the Senate had not hitherto pursued a factious course. He did not think that would be a just accusation to make against the Opposition. They had pursued a course such as perhaps any similar body of men would have pursued, with the same power at their command, and had perhaps been more moderate than some others. But the present Government had only asked to be allowed to nominate six members, which could not have altered the majority, as it happened by a single vote and was plainly in accordance with the law. If not, if it were the intention of the act that these nominations should only be made on some special occasion of crisis, or, as it was called, dead-lock, it would have been so expressed. It would have been provided that the clause should not go into operation, except in these particular crises. But it was now contended not only that it should be confined to such cases, but that it should never be applied even then, except, in the words of Lord Kimberly, this small remedy should be found to be adequate. If the dead-lock were a small one, you might make new members; if a large one, you are not, on this principle, even to alleviate it. It reminded him of the rhyme—

"My wound is great, because it is so small,  
If then 'twere greater, 'twould be none at all."

If they were to have a very big dead-lock, having only the power to appoint six extra senators, they were to be left in the same predicament they were now in, without any remedy, because the Colonial Minister might, in his wisdom, judge the only remedy to be too small for the purpose.

Hon. Mr. CARRALL—A lock about the size of St. Francis lock, for instance?

Hon. Mr. PENNY said the statute clearly indicated the duties of all parties. It did not allow the Government to make the appointments, plainly not. It imposed that discretion upon the Imperial Government, and how was the Imperial Government to know anything of the occasion, or of its requirements, if it was not suggested to them? It was quite clear, then, that the exercise of this discretion was to be invoked by the Government of Canada—it might be invoked improperly—that is to say without adequate

reasons, but it was for those whose intervention was invoked, not for those whose duty was simply to ask intervention to see whether the reason was sufficient or not. It was for the Imperial Government to decide; it was for the Government here to ask in the manner prescribed; and there was no harm in asking, nothing for which they were to be censured, even though the application was refused. If this Senate were elective, no one but the electors would have anything to say against its constitution. No one had anything to say against the constitution of the House of Commons, for if the people did not like its representation they could change it. But the Senate could be modified only under this 26th clause. The late Government, he thought, acted very naturally in making appointments when they appointed their own friends, and he had no doubt any other Government would have done the same thing. But it created a state of things which was likely to become inconvenient, and to destroy all difference of opinion in the body. He was much surprised at the calculation made by an honorable gentleman opposite as to the strength of parties in this House. He said they started even at Confederation, with thirty-six on each side, and that the late Ministry had never had an opportunity to increase their supporters; but some way or other it came about that when the late Ministry went out of power two-thirds of the representation of this House were their supporters. He could not imagine by what process of calculation that result had been arrived at, if his honorable friend's statements were correct.

Hon. Mr. READ—It must have been by conversion.

Hon. Mr. HAVILAND did not agree with the honorable gentleman from Montreal that there was no analogy between this Senate and the Senate of the United States. In the neighboring Republic the smallest State had the same influence in the Upper Chamber as the largest in the Union, and in the Dominion Senate the Maritime Provinces have the same number of senators allotted them as the large Province of Ontario. True, an increase could be made at any time on the recommendation of the Governor-General, but it could only be for urgent and strong reasons. The minute of Council of December, 1873, was the baldest document he had ever seen. It did not specify any sufficient grounds why these appointments should be made, but asked for them without rhyme or reason, before the Government were properly secured in their political saddles, before the dissolution of the House, before an election was held to ascertain what the state of

political parties would be in the country. He had no doubt that Earl Kimberly had put the only proper construction upon the statute, but he did not look upon his despatch as a mere ordinary despatch, but as a very important state paper, setting forth that these appointments shall not take place unless there is a conflict on some great question—not between the Government of the day and the Senate, but between the other branch of the Legislature and this House. That is, a crisis must take place. That contingency had never arisen up to this hour. Whenever a difference of opinion had arisen between the two branches of the Legislature and bills had been rejected or amendments had been made in the Senate, in nine cases out of ten public opinion supported the action of the Upper Chamber. It was specially so in the case of the Province of Prince Edward Island, when the Lower House attempted to deprive three-fourths of the people of that Province of the franchise which they had enjoyed for over a quarter of a century. He knew that this House expressed the sentiment of that Island as evinced in the last Dominion election there. He was not afraid the Senate would lose caste by passing those resolutions; on the contrary, he believed they would rise higher in public opinion for having preserved in its integrity the true spirit and meaning of the twenty-sixth section of the British North America Act. It was not a mere party matter but a warning to any government that might possibly be in power in this country, not to pursue a similar course. At the next general election a new party might be formed, and supposing these six appointments had been made in accordance with the recommendation of December 1873 this new government would have the power to cram the Senate with six more senators without waiting for vacancies to occur. The Reform Bill in England in 1832 had been referred to by several honorable gentlemen, but in that case Lord Grey hesitated long before he recommended the Crown to create additional peers, and that recommendation was never carried out. The bill was only passed by a majority of nine, including all proxies. Surely when an hereditary body, such as the House of Lords, yielded on that important question, there would be common sense enough in this Chamber to give way and carry into law any measure that was in the true interests of this great Dominion. Although it might emanate from a government whose ordinary party views were not in unison with the party predilections of the majority of this

Chamber, they would prefer their country's interests to a mere party triumph.

Hon. Mr. POWER said that although perhaps the youngest member of the Senate, he would, with the permission of the House, express his views on this important question. He thought his evidence was disinterested since, if those six senators had been appointed he would not have occupied a seat in this House, and in speaking in favor of the action of the Government he was speaking against his own interests. He approved the action of the Senate in rejecting the Esquimalt and Nanaimo Railway Bill, and he only regretted that they had not at an earlier period shown the same good sense by refusing to admit British Columbia on the extravagant terms given to that Province. The subject under discussion, however, was not the conduct of the Senate since the advent of the present Administration, but the conduct of the Government in December, 1873. In Ontario and Quebec it appeared the rule had been adopted of appointing old Legislative Councillors to the Senate, regardless of their politics, but it was not adhered to in Nova Scotia. Twelve gentlemen were appointed from that Province in 1867, only five of whom had been members of the Legislative Council. All those supported the Government. Six of the others were taken out of the House of Assembly; some of whom had changed their views on the Union question and were supporters of the late Government. Only one gentleman out of the whole twelve opposed the Government. Subsequent to 1867 four or five appointments had been made from Nova Scotia—everyone of them from among the supporters of the late Government. He did not mention this fact now for the purpose of finding any fault with the late Government for this, but to show the composition of a section of the Senate. He would also call attention to the fact that in October, 1873, after the Government had made up their minds to resign, they made an appointment to the Senate. He did not find any fault with the gentlemen then appointed, but these things should be kept in view in this discussion, in order to see how the situation presented itself to the present Government. They understood the composition of the Senate and had its history before them. In the spring of 1873 the honorable Senator from Toronto (Mr. Macpherson) moved a resolution with reference to the Pacific Railway, reflecting on the conduct of the Government with reference to that great work. That resolution was voted down by 44 to 13. At a subsequent date a member of the Opposition moved for the appointment of a committee

of investigation into the matter which afterwards led to the overthrow of the Government, and though the House had evidence enough to warrant such an investigation, the resolution was voted down by 37 to 15. He asked were not the Government justified in thinking, after all this had taken place, that when they came to transact the business of the country they were likely to meet with serious difficulties in the Senate? He thought they were, and it was natural that they should seek to strengthen themselves in this body. True the addition of six would not have equalized them, but it would strengthen them in debating power which was nearly as desirable as numbers. They could not have been aware of what took place at the London Conference, as no member of the existing Administration had taken part in it. They had only the statute to look at, and on the face of that they considered they had a right to apply for these appointments. Earl Kimberley thought differently, but he was not Secretary of State for the Colonies at the time the act passed, and was not personally aware why that 26th section had been inserted in the British North America Act. Looking at it in that way, he thought no unbiassed man could say that there was anything unreasonable in asking for these appointments. He did not regard it as an offence at all, and no harm was done. That the Government had made a mistake was the worst thing that could be said even by their enemies. It certainly was not, as had been represented, a gross outrage on the House and the country. And then there was this to be considered it had happened over three years ago, and should, therefore, even if an error, be now overlooked. In our criminal laws, while certain grave offences are never barred by the statute of limitations, numerous petty offences are after the lapse of a very short time; and this principle, he thought, should apply in this case. Perhaps some honorable members would be disposed now to avenge themselves for what had some time ago been said in another place derogatory to this House; but the Government were not responsible for that, and no good could arise from reviving any ill feeling which might have existed between the two houses. That had passed away, and the only result of passing this resolution would be to again stir up between the two houses a hostile feeling which should not exist. The feeling honorable gentlemen professed to entertain was one of harmony with the other House, and if the honorable Senator from Kingston was in earnest, he would withdraw his resolution.

Hon. Mr. MACPHERSON imagined no honorable member of this House had any doubt that the provisions of the 26th clause of the British North America Act were only to be used in cases of extreme emergency. The very precautions with which it was surrounded showed that was the intention. In the first place, it was not possible for the Government to make the appointments—they were obliged to apply to the Imperial Government; then, supposing that to be made, the Act declared that no appointment should be made as vacancies occurred until the Senate became reduced to the number 72 originally, now 77. It was, therefore, perfectly clear that it was only when some very great constitutional danger arose that this power was to be exercised, and only then when the six additional appointments would bring about a solution of the difficulty. Earl Kimberly was not Secretary of State for the Colonies at the time the British North America Act was passed, and must have taken his interpretation of the section from his predecessor, or from the law officers of the Crown. But in addition to Earl Kimberly's opinion he (Mr. Macpherson) would read to the House the opinion of Earl Carnarvon on this very point, for in introducing the British North America Act in the British House of Lords, he had said: "The Senate will consist of seventy-two members, the four provinces being for this purpose divided into three sections, of which Upper Canada will be one, Lower Canada, one, and the Maritime Provinces, one. From each of these three sections an equal number of twenty-four members will be returned. They will be nominated by the Governor-General in Council, for life. But as it is obvious that the principle of life nomination, combined with a fixed number of members, might render a difference of opinion between the two Houses a question almost insoluble under many years, and might bring about what is popularly known as a legislative dead-lock, a power is conferred upon the Crown—a power, I need not say, that would only be exercised under exceptional and very grave circumstances—to add six members to the Senate, subject to a restriction that those six members shall be taken equally from the three sections, so as in no way to disturb their relative strength, and that the next vacancies shall not be filled up until the Senate is reduced to its normal number. It may, perhaps, be said that the addition of six members will be insufficient to obviate the legislative discord against which we desire to provide. I am free to confess that I could have wished that the

margin had been broader. At the same time, the average vacancies which have of recent years occurred in the nominated portion of the present Legislative Council of Canada, go far to show that, even in the ordinary course of events, the succession of members will be rapid. I have received on this subject a return which will be interesting. In 1856 forty-two members answered to the call; in 1858 there were but thirty-five, and in 1862 only twenty-five. Thus in six years no less than seventeen vacancies had occurred, showing an average of nearly three every year. When, therefore, a power on the part of the Crown to create six additional members is supplemented by so large and so regular a change in the constitution of the Senate, it may be hoped that enough is done to maintain the legislative harmony of the two Houses." It would be impossible for any one to state more conclusively and clearly what had been maintained in this House as to the intention of that clause. If it were otherwise, would the Senate continue to be an independent branch of the legislature of the country? If any Government could make these six additional appointments at any time when the numbers of the Senate permitted, what would become of the usefulness and independence of this House? Would the Senate not become the creature of the Government of the day? Was that a condition for this House to be placed in, and would not that be its position if the Imperial Government had granted this demand? If it had been intended that these appointments could be made for such reasons as the Secretary of State had mentioned, the power would soon come to be vested in the Governor General, and the Government of the day would not have to apply to the Imperial Government for authority to make them. The Senate owed it to itself and the country to put on record a condemnation of the attempt which had been made to subvert the constitution of the House. The terms of the resolution were exceedingly temperate and moderate, and were moved without any of the feeling that such circumstances were calculated to excite. The speech of the honorable gentleman who had introduced the resolutions was unanswered and unanswerable.

Hon. Mr. REESOR said, without attempting to enter into the history of Confederation, he would call the attention of honorable gentlemen opposite to the position of parties at the time the Union took place, and then to the changes which had since occurred down to 1873. At Confederation, parties were equally divided in this House, but since then many appointments had

been made by the late Government from among their own friends, and not only that, but able men had been removed from the ranks of the then Opposition. That was the condition of affairs when the present Government took office. They found their opponents led by men of experience, while on the other side they were without a single legal man to represent them. Under such circumstances it was unfair to move a vote of censure against them, because they desired to make six appointments from amongst their own friends. He would therefore move that all the words after "that" be struck out and the following inserted:—"Since the accession of the present Government to office it has been sustained by a majority of the House of Commons, but has not had the advantage of the political confidence of a majority of this House, the appointments to which had for many years previously been made by the political opponents of the Government.

"That it appears that the Government did, on the 23rd day of December, 1873, move His Excellency to recommend that Her Majesty should exercise the power vested in Her by the 26th clause of the British North America Act, 1867, to direct that six members should be added to this House.

"That it is not convenient to attempt a designation of the cases in, and purposes for which the said power should be exercised.

"That this House is not prepared to declare that under the actual circumstances the recommendation of His Excellency's advisers was unwarrantable."

Hon. Mr. KAULBACH said he would not trespass on the House by lengthened remarks on the subject before them, yet he would do injustice to his feelings did he give a silent vote when the constitution of our country had been threatened. The honorable gentleman from Halifax (Mr. Power) had stated that the senators from Nova Scotia, under the late Government, were all partizans with one exception, and some of them were noted at the time for their tergiversation. He had no doubt but that every honorable gentleman from Nova Scotia who held a seat here under the late Government could fully justify his actions in the Provincial Legislature on the question of Confederation. Party lines, then, were clearly defined, but leading politicians dropped party differences on a question transcending party—a question of vast imperial and national importance. He was obliged to contradict the statement that the twelve senators first appointed were of one party. The understanding was that both political parties should be equally repre-



sented, and the senators should first be chosen from the Legislative Council. That agreement was carried out. From the Legislative Council came Honorables Anderson, Archibald, McCully, and from the Assembly Messrs. Locke and Miller, all Liberals—there may have been more. Hon. Mr. Ritchie was also chosen—not as a Conservative, as he always maintained an independent position. He considered it foreign to the subject to criticise any individual appointments, and thought it would have been far better had the member from Halifax abstained from questioning the character of the appointments from Nova Scotia. But as that gentleman had done otherwise he (Mr. Kaulbach) felt it his duty to say in vindication of the appointments under the late Government, that no appointments were then made to this honorable House of any gentlemen who had not some political experience and had occupied seats in one or other of the branches of the Local Legislature. And when this rule was departed from the exceptional case should mark the wisdom of the act, or at the very least have some approval from the supporters of the Government from the locality from whence the selection is made. He would now endeavor to confine himself to the question immediately before the House. They find from the Premier, on the 22nd December, 1873, a memorandum that, in his opinion, it is desirable, in the public interest, that six additional senators should be named under the provisions of the 26th section of the British North America Act 1867; and on the following day the Privy Council report the same with the approval of His Excellency. The Government had scarcely vaulted into their saddles, when, before their positions were secured by the voice of the people, they made a raid on the constitution of this country, showing plainly that for party exigencies and purposes they would override the constitution, and that regardless of all right or the approval of the country. The next was a despatch from His Excellency to the Earl of Kimberley, enclosing a copy of the report with his recommendation that Her Majesty grant the addition to the Senate. This despatch was dated 26th January, 1874, more than a month after the report of the Privy Council. If the addition was so necessary in the public interest, why this delay? Was there hesitancy or reluctance shown anywhere to the finding or forwarding of the report? If so, it would have been well for the Government had the better counsel prevailed, and thus have relieved honorable gentlemen from the imperative duty now imposed on them to give

expression to their opinions on the resolutions before them. He had listened with great attention and care to find from the Secretary of State some justification, reason or excuse for the conduct of the Government, but all in vain. No reason came from that quarter. His honorable friend had even repudiated the idea that it was to counteract the preponderance of party or the action of this House. If not for that purpose, what then could it have been done for at that particular time, when the Government had not yet tried the disposition of this House? Would it be fair to suppose that some six gentlemen were to be rewarded for meritorious services in the defeat of the late Ministry? If not that, then the House was left to the simple position that the Government avowed they might, without cause shown, at their whim or caprice, destroy the independence of this branch of the Legislature, and the silence of the Senate might hereafter be shown as an endorsement of the conduct of the Government. The duty of the Senate was not only to express a disapproval of the unconstitutional act of the Government, but in a constitutional manner to bring the same to the notice of Her Majesty's Government. The very next clause to that by which the Government sought the intervention of the Home Government, showed that the power was only to be asked for or conceded in a special case, showing a difference between the two Houses of a permanent and serious character by reason of which the government of the country could not be carried on, unless by Her Majesty's intervention. For, by the 27th section the addition to the Senate is shown to be only of a temporary nature to meet the emergency. As soon after as possible, the Senate is to be reduced to its usual number, and that it is never to be used except in a measure of great importance pregnant with general good. Had the Government measures not been treated in a fair spirit; had not the action of honorable members been generally approved by the people; had the Government appealed to the people upon any measure refused here, and then on being returned and again presenting it here, this House had again refused it, a case of dead-lock might have been made out such as to justify the Government seeking the powers given under the act. But no such case had been made out. When the Senate refused bills, good and substantial grounds were given, and the Government, by their subsequent action, acknowledge the wisdom of the Senate. Lord Kimberly merited thanks that he stopped a severe blow being struck at our constitution and the independence of

this Senate. The defeat in the Senate of the Esquimaux and Nanaimo Railway Bill had met with not only public gratitude, but was endorsed by the highest authority in this country, and the Government did not, and probably could not, venture the risk of again introducing the measure even to the popular branch. The Government could not plead ignorance of the history of our constitution or the spirit and intention of the 26th section of the act. The object and motive for such a clause was fully discussed by the delegates at the Quebec Conference, by the delegates at home, and on the introduction of the bill in the Imperial Parliament. The Government had utterly failed in meeting or averting the censure about to be pronounced. Had the Colonial Secretary for the time not been a Liberal, we might have heard something about Conservative prejudices and notions. Had it been Lord Carnarvon instead of Lord Kimberly, the Colonial Secretary of a Whig or Liberal Government, we would have doubtless had a dissertation on old Tory principles. He today, for the first time, had heard that his honorable friend from Toronto (Mr. Brown) ever held or advocated any other views as to the construction and appointment of the Senate. Life members, nominated by the Crown, had always been considered his contention. The Government had not attempted to atone for their offence, or acknowledged their error or indiscretion. This House having therefore, no alternative, must show their independence, and stand by the constitution when thus threatened by this or any Government.

Hon. Mr. VIDAL said this debate had reached a great length, but he would nevertheless like to make a few remarks rather than give a silent vote. The honorable senator from Toronto (Mr. Brown) was very solicitous these resolutions should be withdrawn, but all hope of that was dissipated by the moving of an amendment, and he was not sorry it had been moved, because it committed the House to a decision. He demurred to the term "want of confidence" as applied to this vote. It was not sustained by the wording of the resolutions before the House. If they were to look at them calmly, it would be found there were but two which expressed the opinion of the House, the others merely recited facts. It was quite true, by implication, the act of the Government in having attempted to make these appointments was condemned, but this House did not stand in the same relation to the Government as the House of Commons, where the adoption of such resolutions would be an expression of a want of confidence. He could speak with

the greater freedom because an adverse vote in the Senate did not imperil the existence of the Government. The Secretary of State had on different occasions—such as the vote against the Georgian Bay Branch—told them that their opposition did not affect the Government, and, therefore by adopting these resolutions no crisis could be created. The whole question turned on the interpretation of the 26th section of the British North America Act. The House had heard from Senator Wilmot—who had been present at the London Conference,—the view which was entertained at that meeting, of this clause and why it had been inserted, and this had been corroborated by the extract read from Lord Carnarvon's speech, showing that this power of adding to the Senate was only to be used for the purpose of meeting grave and important difficulties arising—not between the Government and this Chamber—but between the House of Commons and the Senate, and only when by such appointments the difficulty could be overcome. It was also pointed out that the difficulty must be a probably permanent one, and one not likely to be removed by any ordinary means of procedure. No doubt, on the occurrence of such a collision, time must elapse before the Crown could be appealed to, to make these appointments, but as it was only in case of a permanent difficulty that the power was to be invoked, a few weeks could make no great difference. If the House rose above party feeling and considered this question on its own merits they could not refrain from expressing their appreciation of the action of the Imperial Government. Had the request been made immediately after the House refused to assent to the Esquimaux and Nanaimo bill, it was possible some more consideration would have been given to it: at any rate there would have been some show of reason for making an appeal, for then there would have been a marked difference of opinion between the two Houses; but its permanency was not established, as there was no repetition of the attempt to pass this measure. It seemed to him, in passing the resolutions before the House, the Senate only showed its concurrence in the judgment of the British Government, and its satisfaction that they clearly understood the meaning of the 26th section of the Confederation Act. He contended that the late Government had very little choice in making appointments, about the number of which so much had been said. In Ontario only one gentleman was appointed who had not an admitted right to the position, as having been a member of the Legislative Council at

the time of Confederation. In the other provinces selection was made without reference to parties in the old Province of Canada. The people of New Brunswick and Nova Scotia cared nothing about the differences between the two parties in Canada before confederation. They were chosen, he supposed because they were friends of confederation, and anxious to carry out that scheme. It was so with British Columbia and Manitoba. So it was clear there was very little discretion left to the late Government to make choice from among their friends. The very first addition made by them to the Senate was the gentleman to take the place of the late Mr. Blair, and his record had been throughout that of a Liberal. He (Mr. Vidal) had been assured the reason why that honorable gentleman was chosen was simply the fact of Mr. Blair having belonged to the Liberal section of the cabinet, and showed the desire of the late Administration to carry out the agreement that both parties should have a fair representation in the Senate. The honorable Senator from Toronto (Mr. Brown) had warned the Opposition the time would come when they would be glad to use this very principle of making additions to the Senate which they now condemn. The honorable gentleman no doubt saw coming events casting their shadows before if a change should take place, and a new Government should make a similar attempt to that which the Senate was now asked to condemn, he (Mr. Vidal) would be one of the first to support similar resolutions to those now on the table. He challenged any honorable gentleman to show a single instance in which the Senate had been captious or shown a factious disposition to interfere with the Government or its plans. It was only when the interests of the country were seriously threatened that opposition to their measures had been made, and the course pursued by the Senate had always been sustained by the public at large so soon as they had time to reflect calmly on the action taken. In this exercise of independent judgment, uninfluenced by party considerations, and in this way only, could the Senate be useful. He regretted the attempts made to divide this House into parties. He knew no such marked division of parties here as existed elsewhere, for while there were some members whose views were announced, there were many others whose party leanings he could not tell. It was only recently these allusions had been introduced into discussions in this House, about party alliance and party feeling, and he feared that if per-

sisted in, it would greatly mar the usefulness of the Senate. It is only by rising above party considerations and judging all measures submitted to it by their merits and their bearing upon the general interests of the public, that this House can rightly exercise its constitutional functions and retain the respect and confidence of the people.

Hon. Mr. HAYTHORNE said he regretted that the Opposition had thought proper to bring forward a motion of this kind. The debate on it had been long and discursive, and consisted principally in historical reminiscences of the Confederation period. Recurring to the earlier part of this debate it seemed to him that the mover of the resolutions had, in some measure, answered his own arguments. He (Mr. Campbell) at the beginning of his remarks had described the conduct of the Opposition as so discreet, so patriotic, so magnanimous, that it was quite unnecessary for the Government to have recourse to any such action as the appointment of six additional senators—no conflict had taken place such as had been contemplated by the 28th section of the British North America Act. A little further on in his speech, the honorable gentleman had supplied a motive quite sufficient to account for the line of conduct they had adopted towards the Government. He said that they had felt, individually and collectively, their great personal responsibility to their constituents. There the honorable gentleman had supplied a motive for the Opposition—a very proper and becoming motive he thought it was, such as he himself, and he hoped every honorable member of this House was influenced by—the well understood wishes of the people of the provinces with which they were connected, and which had been declared at the last general election in 1874. He did not think the course of the Opposition in this House had been invariably so patriotic and so forbearing as honorable gentlemen claimed; nor was it so unobstructive as honorable senators had attempted to represent it. Turning to the journals of this House or to the parliamentary Hansard, they would find that a great deal of time had been taken up with discussions which had a strong tendency to reflect upon the Government. They could recollect discussions commencing at Kaminitiquia and ending at Keewatin; they could recollect other discussions which embraced the widest area in the Public Works Department, and active and virulent attacks were made on the Government. He thought, therefore, that the Opposition were not entitled to all the credit which they claimed on their

own behalf. Hence the necessity which arose for the application of the Government to the Imperial authorities to add six extra members to the Senate of Canada. It was not, in his judgment, at all a sufficient answer that a conflict should arise between this House and the House of Commons to constitute a sufficient case to add to the representation of this Chamber. But there was a sufficient case for the conduct of the Government, and it was this, while at one side of the House stood a compact party, well organized, and ably led; able also to bring into opposition three supporters to two of the Government, wielding the power to interrupt the public business in the manner he had shown, the Government were only in a position to meet thirty members on that side of the House with twenty on this. It was such a contingency as this which in his opinion was contemplated by the 26th clause of the British North America Act. The honorable gentleman who preceded him (Mr. Vidal) had stated it was a permanent conflict between the two houses that was anticipated, but, certainly, if permanency was to be regarded as an element in this question, it was not to be found in the mere rejection of a single bill from the other House, but in meeting a large and powerful majority year after year in this House. That was the position in which the Ministry were placed, and it was in his judgment a sufficient reason to ask for the appointment of six additional members in the manner provided for. Some honorable gentlemen had raised a perfect chimera on this question; they said that should the House refuse to notice this attempt on the part of the Government to undermine its independence the operation might be repeated by the Government *ad infinitum!* That seemed to him simply an impossibility, for the very terms of the Act provided that the process could not be repeated until the number of the Senators had been reduced by death or resignation to its normal standard. Therefore he thought he was justified in saying that the contingencies that had been raised by some honorable members of this House were perfectly groundless. The word "withdraw" had been mentioned as a suggestion to honorable gentlemen opposite. He regretted it had not met a favorable reception, as there was indicated a becoming method of terminating the debate after the views of honorable members had been expressed. He thought he could remember several occasions when strong party questions had been brought up and discussed in this House, and when honorable gentlemen, after having ventilated their views, and hav-

ing secured publicity for their speeches, so that they could go before their constituencies, had taken occasion afterwards to withdraw their resolutions. But it appeared this was to be a grand field day, and that the resolutions were in fact a vote of want of confidence in the Government, although the speeches of some honorable gentlemen had a tendency to deprive them of that character. He wished he could coincide with honorable gentlemen in that view, but this he would say, that a victory such as they anticipated must prove disastrous under any circumstances. Victory, in fact, amounted to this: that honorable gentlemen in this House, being in a majority, were determined so to use their power as to prevent the Government by any means, no matter how consistent with the terms of the British North America Act, from taking any step to restore the equilibrium of this House. The honorable leaders of the Opposition might yet live to exclaim, with a celebrated leader of antiquity, "Another such victory and I am undone!"

Hon. Mr. WILMOT said he totally denied that this motion was a party motion at all. It was unquestionably connected with the integrity and independence of this body. It was not a vote of want of confidence, but simply asserting the principle upon which the Confederation Act was framed, and confirmed by the words of Lord Carnarvon, Secretary of State for the Colonies, when he introduced the bill in the House of Lords. They all knew very well that a vote of want of confidence in the Government from this House would have no effect, but he trusted there were honorable gentlemen in this House, independent of any party, who would look to the interests of the country under all circumstances, and would maintain the independence and dignity of the Senate.

Hon. Mr. WARK said he thought it would be exceedingly injudicious when the constitution had been in operation only ten years, to begin to interpret it in such a limited manner as the resolutions before the House were calculated to do. It was true they had Lord Carnarvon's opinion, but they got it from him at the time this act was passed, when it was not anticipated that any occasion would arise in which a wider interpretation might require to be given it. In the House of Lords, when vacancies occurred in the peerage, they were generally filled up by succession, but in this Senate vacancies were invariably filled up by the Government of the day, consequently the relative strength of parties is liable to changes unknown to the House of Lords, and showing a marked difference

between the two bodies. There was also a very wide difference between this House and the Senate of the United States. They agreed in one respect, that was, that the representation of certain sections should balance and not be departed from; but the officer who presided over the proceedings of that House was elected by the people. Here the Speaker was appointed by the Crown as the Lord Chancellor was in England. How seldom had they seen a Lord Chancellor who had filled office before in the House of Lords re-appointed to fill that office again. He admitted there had been cases, but not many. The usual course was to raise a gentleman of high legal knowledge to the peerage and elevate him to the woolsack in order to preside over the deliberations of the House, and to conduct the law proceedings of the Crown. In this House the Speaker had been changed three times since Confederation, and on two of these occasions it had been found necessary to bring in a gentleman in order to place him in the Speaker's chair. Was it desirable that that state of affairs should continue? It might happen very often that although there might be efficient men in the House, none of them were disposed to take the responsibility of presiding over the affairs of the Senate. In such a case what was to be done, if the Government had not the power to make appointments? The members of this House ought to be above suspicion, and no Government should approach a member by way of bargain, in order to get him to vacate his seat to make room for another. If such an objectionable course is to be avoided the only one left them was for the Government to apply to the Imperial authorities to increase the number of senators. Again, circumstances might arise when a new government was formed that no legal gentleman could be found in the Senate to conduct the legal business of the House. How was that contingency to be supplied? By approaching an honorable member and asking him to resign his seat? Would it not be a legitimate occasion for the Government to approach the Imperial authorities and to point out the fact that a new party was coming into power and that they wished to make certain appointments for members of the new Government, whether it be for the Speaker or a Cabinet Minister in order to conduct the business of the country? He believed such would be a case in point on which a wider construction should be given to the act. He considered they would make a great mistake if they put so narrow a construction on the constitution of this House as

that proposed in the resolutions. It would be unfortunate if the Senate were to bind the hands of any Government hereafter who might find themselves in one of the situations referred to, without the power to face an Opposition and conduct the business of the country.

Hon. Mr. HOPE said after Confederation the constitution of this House was such as had commended itself to the confidence of the country generally, but during the administration of the late Government they had made appointments to the extent of twenty-eight of their own supporters and three on the other side. His honorable friend from Bow Park had calculated it at at twenty-seven. This being the case when the present Government came into power they found there was such a discrepancy between the relative strength of the two parties in the Senate that they had applied to the Imperial Government in plain and simple language for the appointment of six additional senators. In reply to that application made in the public interests, Lord Kimberly had stated that there was no sufficient reason assigned that would require such appointments. He could not see where His Lordship could find any reasons in the obvious construction of the 26th clause of the Act, for refusing the application. It was not a matter affecting imperial interests, but one of purely local importance on which this Government were decidedly more competent to form an opinion than Lord Kimberly could possibly be, or any other gentleman at the head of the Colonial office. It was all very well for those gentlemen to express an opinion, but what did the British North America Act really say? It was a very simple document and he did not think the appointments asked under it would subvert the constitution or independence of this Senate. Since that application had been made the Government had made more than six appointments to this House, but they were still in the minority. Instead of committing a blunder he considered the Premier had taken a wise course and the Government had done nothing which they were not perfectly justified in doing.

Hon. Mr. MILLER felt reluctantly called upon again to address the House in consequence of some remarks that had fallen from the honorable member from Halifax (Mr Power) some portions of which were entirely incorrect, and others as devoid of truth as they were uncalled for and offensive. Referring to the appointments made to the Senate from the Province of Nova Scotia at the inception of Confederation, the honorable member had asserted

that the gentlemen appointed to fill seats in this House were not fairly selected from the old political parties in that province. He wished to show that this assertion was completely destitute of truth, and that in no province of the Dominion was the understanding of the union conferences, in regard to the fair representation of parties in the Senate, more impartially carried out than in the Province from which he came. Before Confederation there were but two parties in Nova Scotia—the Liberal party and the Conservative party. The Conservative party was in power when the Union of the Provinces was accomplished, but the Government dealt fairly with their political opponents, the Liberals, in their nominations to the Senate. Of the twelve senators from Nova Scotia then appointed, six only were Conservatives. Five were from the leading men in the Liberal ranks—Messrs. McCully, Archibald, Anderson, Locke, and Weir, every one of whom had been members of the previous Liberal Government which had been defeated in 1863. Seven members were taken from the Legislative Council, and four from the Assembly. In the general election of that year he (Mr. Miller) had been returned as an independent member, and gave a general support to the Liberal party when they went into opposition, and continued to do so while he held a seat in the Provincial Legislature. It is quite true only one of the twelve senators first appointed belonged to the anti-confederate party, but the understanding of the Conference had reference only to the representation of the two great parties that had a historical position in Canada before Confederation, and which, sinking for the time their party contentions, had united to carry that great and wise measure. The act of union made it absolute and compulsory that the first seats in the Senate of the Dominion should be offered to the members of the several Legislative Councils of the different provinces; the law in this respect was imperative, as any one will see on reference to the British North America Act; and more than that, the law in this respect was rigidly adhered to and obeyed by the then Government of Nova Scotia. The twelve seats in the Senate belonging to Nova Scotia were offered to twelve members of the Legislative Council of that Province. This statement could not be truthfully contradicted, and was susceptible of ready proof. Five of these gentlemen declined the position, not desiring at their advanced ages to leave the Provincial Council, and in this way the Government had the disposal of five seats outside of that body, one of which was offered to himself, and reluctantly accepted. Had

the honorable member from Halifax confined his remarks to the fairness of the representation of parties in the Senate at the inception of Confederation in Nova Scotia or elsewhere, his line of argument, however untenable, would be quite legitimate and unobjectionable. He had a perfect right to argue that that representation was unfair, if he considered it to be so. But the hon. member was not satisfied with that reasonable scope for his remarks, but thought it becoming and necessary to go out of his way to wantonly insult some member or members of this House, by insinuating that they had been corruptly induced to change their views and support the union cause by the promise of a seat or seats in the Senate. The honorable member was the only individual in this debate that had gone out of his way to lower the tone of the discussion by the introduction of grossly offensive allusions of a personal character, and it was the only contribution he made to the discussion. The allusion was wholly unjustified and unprovoked by anything that had been uttered on this side of the House. It could give no strength to his remarks, and was nothing else than a cowardly attempt to give offence or inflict pain on some one or another whom he had not the manliness to name or specifically indicate. He (Mr. Miller) felt satisfied that the honorable member was repeating the old slander that the anti-confederate party had falsely urged against himself and others in times past, and the injustice of which would now be readily admitted by everyone who was not blinded by party enmity and spite. But he would like to ask, if the honorable member from Halifax, who had notoriously been pitch-forked into the Senate through a corrupt and dishonorable intrigue, from a subordinate clerkship in Nova Scotia, to the great disgust of his own party, and simply because he was the son of his father, and by taking unfair advantage of the peculiar position of his party, who could not help themselves, being obliged to submit to the insult of his appointment, he (Mr. Miller) would like to ask if that honorable member was the man to rake up old slanders, and unnecessarily drag them into an important discussion, before he had fairly warmed his seat? He would not ask the House to judge the honorable member's appointment by the evidence of his enemies, but he could refer honorable gentlemen to what his (Mr. Power's) political friends had said and continued to say in regard to his nomination to the Senate. They had denounced his appointment as the result of dishonorable intrigue, and an act of unjust and insulting nepotism, brought about by the improper

use of his father's influence. And yet this was the individual who thought it proper to rake up old charges against gentlemen who had given no excuse for the attack. He (Mr. Miller) denounced as a vile slander, whether uttered here or elsewhere, the charge that he had changed his opinions with regard to the subject of confederation for the purpose of obtaining a seat in this House, or had ever changed them at all. As this was the first time that such an insinuation had been thrown out in the Senate, he would not let the occasion pass without showing the charge to be a malicious and unfounded one. It was not pleasant to speak about one's self, but he could not regret the opportunity to defend his past conduct and expose the unfairness and untruthfulness of the attacks of his enemies. He denied that he ever was opposed to the union of the British North American Provinces. He was always in favor of that union, and therefore he never could have changed his opinion on the subject. At the outset of his career in public life he had committed himself unequivocally on the main question of union, and he adhered to his first opinions on every occasion since. He challenged his opponents to point to one line he had ever written or uttered against the principle of union, under a great scheme of federation. They cannot do so, and yet they will persist in their slanders and assert that he was suddenly converted immediately before the passage of the measure. It was well known to all the anti-unionists in Nova Scotia that he was an avowed unionist at all times, although opposed to the terms of the Quebec scheme. His co-operation with the anti-union party merely extended to the financial terms and other details of that scheme, not to the principle of the measure. His opponents knew this, yet nothing will satisfy them except a wholesale misrepresentation of his views and position. He had, however, the official record of the debates in the Nova Scotia Assembly, which afforded a triumphant answer to all his maligners. He (Mr. Miller) was elected to Parliament in 1863. In the session following his election, the Government submitted a resolution to the Legislature looking to a union of the Maritime Provinces. In opposing that resolution he was correctly reported to have used the following language:—

"If the resolution before the House contemplated a union of all the Provinces of British North America on equitable terms, no one would hail it with more satisfaction than himself. Such a union he trusted, at no distant day, would become both a

commercial and political necessity. From such an association they would indeed derive material strength and dignity worth some sacrifice to obtain. They would then possess a population and country whose immediate status and inevitable future destiny would command respect. A union of the Maritime Provinces and the great territory beyond would give us a country extending from the Atlantic to the Pacific, with all the diversified resources necessary to the most unlimited material progress. In favor of such a proposal most of the arguments used in this debate would have real point and force, and not appear as they now did, absurd or inapplicable."

He (Mr. Miller) would not detail to the House how the proposal to unite the Maritime Provinces ended in the Quebec Conference, and the preparation of what is known as the Quebec scheme of union. When that scheme was submitted to the country he was one of the first public men to oppose it on a public platform, but his opposition was altogether to its financial terms and other details. At a mass meeting of the anti-union party, held in the autumn of 1864, in the city of Halifax, about nine months after his first speech in the Assembly, he was one of the speakers against union under the Quebec scheme. His speech was fully reported in the anti-union press, and contained the decided declaration of his opinions as follows. On that occasion he said:—

"I do not wish, Mr. Mayor, that my appearance on this platform to-night should be construed into opposition to a union of British North America on fair terms. I am not opposed to, but on the contrary would support, a union based on sound principles and equitable terms. But I cannot ratify the improvident bargain our delegates have made, because it is unjust to this Province."

Notwithstanding that speech was delivered at a time of great excitement, when popular feeling in Nova Scotia was beginning to exhibit itself very strongly against any union with Canada, he had nevertheless declared himself a friend of union, when the inducements were great to desert his principles. When the question of a maritime union came before the Legislature in 1865, the official report of the debates will show that he used the following decided reiteration of his previously expressed views. He then said:—

"If I have any desire for union, it is for the large one. The opinion I held last year I hold now. My opposition has not been to union in the abstract, but to the terms on which it was secured. I defy any one to find a single passage in anything I have said

which proves that I am opposed to union on equitable terms."

He (Mr Miller) would ask any candid and honorable man if the individual who consistently held and persistently expressed these views in 1864 and 1865 could, or should, be called a sudden convert to union principles in 1866? What opinion would the House form of an opponent who charged him with changing his views in the face of such a record? Only this, that such a person was alike indifferent to truth or fair play, but hoped, by the iteration and reiteration of a slander, to give it a lodgment in the public mind. He had shown his position up to the beginning of the session of 1866. In the spring of that year, in company with a large majority of the best men in British America, he believed that the signs of the times demanded immediate action in relation to the great question of union. If he was wrong, he was wrong in good company, and he was honestly wrong. In 1866 they were called upon to meet an extraordinary state of affairs in British North America. It was a period of great political and commercial excitement and embarrassment in this country. There was the Fenian organization threatening the peace and integrity of the empire on this continent. The strength and intentions of that fraternity at that time justly created alarm in these provinces. One of the articles of their platform was that every means should be used to prevent the consolidation of British power on this continent by the confederation of the colonies. The statesmen of the empire were urging the provinces to unite, and the enemies of the empire all over this continent were using every means fair and foul, to thwart that object. That condition of things had an effect on his mind, as it should on the mind of any loyal man. It tended to strengthen his desire for union. Then the Reciprocity Treaty was about to expire under notice from the United States Government. The people of that country, and especially their public men, openly avowed that the object of the repeal was chiefly to starve or cajole us into annexation. The leading American Consul in Canada promulgated these views on several public occasions, as he declared, with the sanction of his Government. It was thought by our neighbors that, after the repeal of the treaty, they could play the provinces off, one against the other, in matters of trade, by dealing with each separately and creating jealousies and divisions among us, and that they might thus bring about a state of things which would render annexation necessary or desirable on our part. This also inclined him still more to believe that

an early union was the true policy of those who desired to maintain our connection with the empire. Again, the repeal of the Reciprocity Treaty threw upon the provinces interested in the fisheries the duty of protecting them, to which they were entirely unequal without the assistance of the navy of England. The Province of Nova Scotia, more deeply interested in the fisheries than any other portion of the Dominion, applied through its Legislature to the Imperial Government to assume the protection of the priceless fisheries of British North America as the only course that was open to that body. At the same time the Imperial Government was urging on the colonies to confederate, as a duty they owed to themselves and the empire. The measure had been recommended in two or three royal speeches from the throne. They were told by Imperial statesmen that the just claims of the colonies on the empire would always be recognized if the policy of union was loyally adopted. Under these circumstances with what face could the people of Nova Scotia ask the British Government to protect their fisheries, or take any interest in their affairs if they persisted in setting at defiance the policy of the empire on the great question of union? Besides Nova Scotia had always been a favored province of England, and in gratitude owed more than ordinary respect to imperial wishes. These and other circumstances that he could not detain the House to enumerate, led him (Mr. Miller) to the conclusion, in the spring of 1866, that a federation of the Provinces of British North America, to which he was no sudden convert, but to which he had always inclined, was imperatively demanded by the true interests of the country as speedily as it could be accomplished. Did he (Mr. Miller) then accept the Quebec scheme, to which he had all along been opposed? He did nothing of the kind. He made a proposition to the Government in his place in Parliament for the revision of the Quebec scheme by a new conference to be held in London, which was accepted on behalf of the union leaders, and approved by a large majority of the Legislative Assembly. He would now read an extract from his speech on that occasion, taken from the official reports for the year 1866. After fully reviewing the condition of public affairs, he said:—

"Now, sir, holding the opinions I do in reference to this great question, advocating the principle of union and opposing the Quebec resolutions, I have been asked by the press of this country, and I admit not unfairly asked, to define my position. 1



have been asked to justify my conduct in opposing a scheme embodying a principle to which I am committed without offering any other means of attaining the end I profess to have in view. I am here to-day to define my position, and to answer to other objections urged against me. I am also here to make an important enquiry of the Government. As to my position I am in favor of a union—a Federal union of these provinces. I believe such a union best suited to the exigencies of our situation. Accepting then as I do the principle of a Federal union, I desire to ask the Government if there is no common ground on which the supporters of the Quebec scheme, abandoning that scheme, can meet the friends of a union on more advantageous terms, and arrange the details of a measure that will be just and satisfactory to the people? I think there is a common ground—a ground on which I am willing to take my stand regardless of who follows me. If the Government will publicly abandon the Quebec scheme, and introduce a resolution in favor of a Federal Union of British America, leaving the details of the measure to the arbitration of the Imperial Government, properly advised by delegates from all the provinces, I promise them my cordial support. By getting the Legislature, in the outset of the principle of union, and its authority to enter on the details of a scheme, the friends of the measure would occupy a very different position from that occupied by the delegates to the Quebec Conference, who went to Canada in 1864, without any authority from parliament. No small amount of opposition was at that time excited against Confederation from that cause. It had much weight with myself and many others who looked upon the action of the delegates as an improper usurpation of power."

That proposition, the making of which had exposed him to so much obloquy and misrepresentation, was accepted by the Government and approved by the Legislature. It was supported by some of the best men in the Province, who had previously opposed the Quebec scheme by a compromise under which better terms might be obtained. The result was, that Nova Scotia fell into line with the larger provinces, in consequence of which the opposition to confederation shortly afterwards broke down in New Brunswick, and the union of the four larger provinces became an accomplished fact. But he would ask was his opposition to the Quebec scheme of union factious or unreasonable? The result of the London Conference, and the conduct of the Canadian

Government in 1869, proved that it was not. The London Conference largely modified the financial terms of union, so far as Nova Scotia was concerned, in favor of that Province, and after that modification had been made, the Government of the Dominion still admitted that Nova Scotia had not even then got justice. In 1869, in the report of Sir John Rose, at that time Finance Minister of Canada, and who was appointed to consult with Messrs. Howe and McLellan, on the subject of better terms, it was admitted that even after the improved conditions granted to Nova Scotia by the London delegates, Nova Scotia was still unfairly situated, and Mr. Rose recommended better terms to the Province, under which they obtained about two millions of dollars additional. So it was evident that his opposition to the Quebec scheme was based on sound conclusions as to the injustice of that project to Nova Scotia, and the opposition of himself and others was largely beneficial to the people. The head and front of his offending was that he did not insist on having the subject submitted to the people, and in that he did admit he modified his views, and it was the only inconsistency with which he was chargeable. But he believed, constitutionally, the Legislature had power to deal with the question, and he did not hesitate to recede from the unsound constitutional position he had occupied. Besides, he believed that if the opportunity was then lost, all the provinces would never again be got into line, and the great scheme of union might have been lost forever. He knew he was called upon to discharge an unpopular duty, but he had the courage to do it—a duty which his own inexperience in public life had perhaps surrounded by peculiar difficulties. But no man ever discharged a public duty more disinterestedly than he did in helping to carry confederation in 1866. He foresaw what the performance of that duty would cost him in the loss of influence and popularity—at any rate for some years—but he did not foresee the extent to which the misrepresentations and persecutions of his enemies would follow him. They had on every occasion for years, in public and private, grossly misrepresented his conduct and impugned his motives. Before he supported the confederation scheme in 1866, no man of his age in public life in Nova Scotia possessed a greater share of influence and popularity, or had more brilliant public prospects before him. Anyone of a half dozen constituencies would have returned him, had he wanted a seat in Parliament, and yet he was to be told that a seat in the

Senate, at his time of life, was an inducement, as it was said, to sell his country to Canada. But he had lived through these slanders, and the day was gone by when they could hurt him where the truth was known and respected. If a general election took place to-morrow in Nova Scotia, he could get a constituency, if he wanted one, more easily than most of the political charlatans who had risen into notoriety by maligning himself and others, and he would be under no necessity to seek a seat in Parliament by the means through which the honorable member for Halifax had been pitchforked into the Senate.

Hon. Mr. POWER said the House would bear witness to the fact that in his remarks to the House he had manifested no ill temper, and indulged in no insinuations against anyone. He had merely made a statement of facts. Only five or six senators had been appointed from the old Legislative Council. The honorable senator from Richmond stated that the other six seats were not given away until they had been refused by members of the Legislative Council. This would be news to the people of Nova Scotia.

Hon. Mr. MACFARLANE—I was in the Government and can corroborate what the honorable senator from Richmond says.

Hon. Mr. POWER—I am not in a position to deny it, but I say it will be news to the people of Nova Scotia.

Hon. Mr. DICKEY—It is not news to me, and I was a member of the Legislative Council.

Hon. Mr. POWER said he had merely expressed his doubt that those six seats had been offered to and refused by Legislative Councillors, and stated what was supposed to be a fact in Nova Scotia at the time, that those seats had been given to gentlemen in the Lower House, some of whom had changed their views on the Union question. He had not said that the honorable Senator from Richmond was one of those at all, and that honorable gentleman's hurry to excuse himself only showed there was a considerable degree of truth in the statement and that it applied to him. He (Mr. Power) had never known before this discussion that the honorable Senator took such a prominent part in the politics of Nova Scotia as to be the head and front of the whole confederation contest, but he had been informed that the honorable gentleman attended a caucus of anti-confederates one day, and the next day voted with the Government in the House.

Hon. Mr. MILLER—That is a falsehood.

Hon. Mr. POWER—I do not vouch for it.

Hon. Mr. MILLER—The honorable gentle-

man is trying to place on record a falsehood of which he admits he knows nothing.

Hon. Mr. POWER said he was glad the people of Nova Scotia were mistaken as to the cause of the honorable gentleman's change of views, but if that speech was made in Halifax it would not be credited by the majority of the public there. With reference to his (Mr. Power's) being pitchforked into the Senate he could say he had never sought the position.

Hon. Mr. MILLER—Your father sought it for you.

Hon. Mr. POWER—The statement that I was brought into this House by the influence of any relative of mine is untrue.

The House then divided on the amendment, which was defeated on the following vote:—

CONTENTS.—The honorable Messieurs Bailargeon, Brown, Bureau, Chaffers, Christie (Speaker), Cormier, Fabre, Grant, Haythorne, Hope, Leonard, Lewis, McMaster, Paquet, Pelletier, Penny, Power, Pozer, Reesor, Scott, Simpson, Stevens, Wark—23.

NON CONTENTS.—The Honorable Messieurs Aikins, Alexander, Armand, Bellerose, Benson, Botsford, Bournot, Campbell, Carrall, Cornwall, Devor, Dickey, Dickson, Dumouchel, Ferguson, Ferrier, Flint, Girard, Hamilton (Inkerman), Hamilton (Kingston), Haviland, Kaulbach, McLellan (Londonberry), Macfarlane, Macpherson, Miller, Northrup, Odell, Read, Ryan, Seymour, Shaw, Skead, Sutherland, Trudel, Vidal, Wilmoit, Wilson—38.

So it passed in the negative.

The question being then put on the original motion, the House divided, and the original motion was then carried on the same division.

The House adjourned at 12.15.

TUESDAY, March 20th.

The SPEAKER took the chair at three o'clock.

After routine.

#### THE GEOLOGICAL SURVEY.

Hon. Mr. RYAN presented a petition from Prof. Dawson and others, Montreal, which he said contained some statements of facts that would have influenced more or less the passing of the measure respecting the removal of the Geological Museum.

#### THE CAMPBELL DIVORCE CASE.

Hon. Mr. REESOR moved that the bill of last session, intituled: "An Act for the relief of Robert Campbell, together with all petitions for and against and on the subject of the same presented to this House, and

all the records of the proceedings of this House thereon, and all the reports of the Select Committee to which the same were referred, with the records of the proceedings of this House thereon, and all documents presented to, and evidence taken or laid before this House in relation to the said bill, and the record of the evidence taken before and reported by the said Select Committee, and all vouchers adduced before the said Committee, be referred to a select committee composed of the Hon. Messrs. Aikens, Leonard, Dickey, Haythorne, Dickson, Cornwall, Seymour, Kaulbach and the mover, and that the said Committee have leave to sit on Saturdays and other non-sitting days." He said it would be in the recollection of the House, that this case had occupied a very considerable time of the same committee that he now proposed, during the last session. First, upon the petition of Robt. Campbell, praying for a divorce, and then on the petition of Mrs. Campbell, praying for judicial separation and maintenance. The Committee reported in favor of the latter, but owing to the very late period of the session at which the report was brought in, it was postponed until the present session. This was the ground upon which he made this motion.

Hon. Mr. CAMPBELL said he would like to understand from the honorable gentleman whether or not the object of the proposed reference to committee was not with the view of pressing a claim for alimony on the part of the wife?

Hon. Mr. REESOR said it was not for anything different from what was proposed last session, that was one of the provisions in the report, and the committee adopted that report. It was the opinion of the committee at the time that there was no redress except through this House.

Hon. Mr. CAMPBELL—The object of the report of the committee amongst other things was to press the claim for alimony on the part of the wife. It was an entirely novel proceeding, and one which he should regret very much to see the House embark in, and he hoped to find that the Government would take that view. The courts of law were open to the wife, and it was only in those courts that her claim to alimony could be satisfactorily discussed. Persons came to this House as a branch of the Legislature for bills of divorce, because there was no divorce court in some of the Provinces to which they could apply. They had in this Parliament, and the former Parliament of the Province of Canada, exercised the right to pass bills of divorce. These bills had originated in this House

as a matter of usage, but there was no reason why they should not have originated in the Commons. The right was exercised as a matter of sheer necessity, but not as if he rightly understood the object of the honorable gentleman. It was that the House should enter into a discussion, and decide upon the terms which divorces should be granted. This would bring up, besides the question of alimony, the question of the custody of children, and various other points which it was utterly impossible to deal with in this House, and as to all of which the courts were open to litigants, which, as he had stated, was not the case with reference to a divorce itself. In this particular instance a bill of divorce was introduced on behalf of the husband, and reported against, and now they were asked to take up a claim put forward by the wife for alimony. Such a step would be entirely without precedent, most inconvenient and dangerous. He understood that the courts of law in Ontario had already pronounced against the wife upon this very claim, and he was at a loss to understand how any honorable member could believe that it would be proper, or wise, or possible even for this House, to interfere and pass a bill granting this woman a claim which the courts of law had refused. He trusted that the House would not for a moment sanction such a proceeding.

Hon. Mr. DICKEY said, that having had long and painful experience with this matter last session, he had no desire to have his name on the committee. He agreed with his honorable friend as to the extreme inconvenience of such an enquiry before this House or a committee, at the same time he was not prepared to admit that this House had no constitutional power to deal with such a question as this bill for relief, and, incidentally, it might be necessary to give relief in more than one way. While he admitted the inconvenience, he did not see why the power of Parliament to deal with this question should be limited in the manner suggested. This was the highest court in the land, and marriage and divorce were certainly within the scope of the constitution, and as incident to matters of that kind it could deal with a bill for the purpose of affording relief either by dissolving marriage or by a judicial separation, and affording alimony to the aggrieved party or otherwise. It was the power possessed by the House of Lords in the same way as by the Parliament of Canada, to give relief, alimony, or such other relief as their wisdom might deem meet. With no desire to have anything further to do with this matter, he

would enter his protest against the doctrine that the power of this House was limited in the sense his honorable friend had stated.

Hon. Mr. MILLER agreed with what had fallen from his honorable friend from Kingston, that this House had not the power to interfere with the constitutional right of the subject to the extent of making provision for alimony. In this case, however, he would leave the question of jurisdiction aside, as he did not think it was necessary for this House to come to a conclusion on that point. The Superior Courts of Ontario, where the parties resided, had the power to deal with this question of alimony, and it was not for this House to constitute itself a tribunal for such matters. They could not investigate the case, or take evidence with the same precision and certainty as a court of law and he did not think it would be wise to take out of the hands of the law courts of Ontario the right to deal with a subject which peculiarly belonged to them. This particular case had even stronger bearing and aspect, as suit had been brought by Mrs. Campbell in the Ontario courts against her husband for alimony, but it was dismissed—the court not thinking her entitled to it; and hence, it would be a dangerous precedent if this House undertook to over-rule the decision of a court of competent jurisdiction in such a case. The courts were now open to Mrs. Campbell, and he believed there was nothing to prevent her making a second application. At the time the first application was made, the petition to Parliament for a divorce had not been presented. Since then the Divorce Committee had made a most patient investigation of this whole subject, and decided that the petitioner was not entitled to a divorce. That had placed her in a very much stronger position to go before the courts than at the time of her former application. What he would urge upon this House was the danger of constituting themselves a court for the investigation of a subject which was already delegated by the law of the land to one of the Superior courts of Ontario—a court which was competent to give to Mrs. Campbell any rights she was entitled to under the laws.

Hon. Mr. AIKINS contended that the Divorce Committee was conducted with the same precision as courts of justice.

Hon. Mr. MILLAR, with all respect to the Committee of the House, and to the legal attainments of the honorable gentlemen who composed it, he would say that no committee of this kind could conduct an investigation with the same rigid rules as were enforced in a court of law.

Hon. Mr. DICKEY quoted from the journals of the House to show there was necessity for moving for a Committee, as a Committee had been appointed, and their report from last session was before the House for consideration. The honorable gentleman had taken a superogatory course altogether.

Hon. Mr. KAULBACH said he doubted whether this House could take upon themselves the functions of a court of appeal, when there was a court in Ontario which had jurisdiction in such matters. The committee, last year, by a bare majority, thought proper to give Mrs. Campbell the benefit of a doubt, and they reported that the preamble of the bill for divorce was not proven. There was, however, evidence of a criminal nature that would not justify this House in giving that woman what she claimed.

Hon. Mr. HAVILAND said the House could not tell from the resolution what the object of the committee was to be. It was simply to refer all these documents to the committee specially named. It did not say whether they were to bring in a new bill, or whether Mrs. Campbell was entitled to alimony or otherwise. He could not support such vague resolutions as that. His opinion was that the matter should be settled in a court of law. Whether this House had the jurisdiction claimed or not was a question that it is unnecessary now to determine, but it was a function they ought to assume only in very strong and urgent cases.

Hon. Mr. REESOR assured the honorable gentleman who had just sat down there was no object in referring this matter back to the committee except to show a greater respect for the wishes of the House. It was in order to give them an opportunity, if they had any reason to change the view they had taken last session, to do so and make their recommendation to the House. For his own part, he was quite willing to withdraw the resolution and simply give notice for the consideration of the report before the House. It would save him trouble, and he had only put this notice on the paper on the advice of the law clerk, believing it would be most acceptable. So far as the constitutional power of the Senate was concerned, he believed it had exclusive jurisdiction in such cases, and what was more, there was no divorce court in Ontario such as those in other provinces of the Dominion. It was a question in his mind whether the courts in existence before Confederation had not their powers curtailed, if the constitutional question should arise, in consequence of jurisdiction being given to the Senate in such cases. With regard to the propriety

of considering a case which had already been contested in the courts, he thought the objection came too late. The objection should have been raised last session before the long and thorough investigation which took place, was commenced. He would withdraw his motion and ask the House to take the report into consideration.

Hon. Mr. HAVILAND said that was the proper course. He could not see why it should be referred back to the committee to go over the whole ground again, when the case was in a nutshell.

Hon. Mr. REESOR said the parties might become reconciled after the passage of the bill, and then it would cease to act. It occurred to him that the committee might desire to have evidence before them that the parties were not reconciled before asking the House to vote upon the bill.

Hon. Mr. HAVILAND said the Senate was not to presume there was a reconciliation, but that everything was in the same state as it was last session, unless the contrary were shown.

The motion was withdrawn.

SENATORIAL APPOINTMENTS.

Hon. Mr. CAMPBELL moved that an humble address be presented to His Excellency the Governor-General in the following words:—

“To His Excellency the Right Honourable Sir Frederick Temple, Earl of Dufferin, Viscount and Baron Clandeboye, of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye, of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of the Most Illustrious Order of St. Patrick, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Knight Commander of the Most Honourable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

*May it Please Your Excellency:—*

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, have had under our consideration the copy of a report of a Committee of the Honourable the Privy Council approved by Your Excellency in Council on the 23rd December, 1873, together with a copy of a despatch from the Right Honourable the Secretary of State for the Colonies, dated 18th February, 1874, in relation thereto, and we have respectfully to inform Your Excellency that we have agreed to several resolutions thereon which we humbly pray Your Excellency will be pleased to transmit to the Right Honourable the Secretary of

State for the Colonies, for the information of Her Majesty's Government.”

Hon. Mr. SCOTT—When the honorable gentleman introduced his resolutions yesterday he announced his intention was to secure an expression from the Senate as to the true interpretation attachable to the 26th clause of the B. N. A. Act, and one or two honorable gentlemen who followed in the debate (certainly my honorable friend, Mr. Wilmot) said it was not intended to vote censure on the Government, but that it was simply desired to place on the records of this House an expression of its views. The honorable gentleman said it was not intended in any sense as a political reflection on the Administration. It was pretty well discussed, and admitted in the debate, that the clause in question was capable of different interpretations, according to the political standpoint from which it was viewed. I think the sequence to-day very clearly illustrates that my honorable friend had more in reserve than he gave the House to understand when the resolutions were first introduced. I do not propose now, nor do I think it would be proper, to enter into a discussion upon the question on which the House has already expressed its opinion, but I propose that a division be taken upon the motion.

The House then divided on the resolution with the following result:—

CONTENTS—The Honorable Messieurs Aikins, Alexander, Archibald, Armand, Bellerose, Benson, Botford, Bourinot, Campbell, Carrall, Dever, Dickey, Dickson, Dumouchel, Ferrier, Flint, Girard, Hamilton (Inkerman), Hamilton (Kingston), Haviland, Howlan Kaulbach, McLelan (London-derry), Macfarlane, Miller, Odell, Read, Ryan, Seymour, Shaw, Skead, Smith, Truel, Vidal, Wilmot.—35.

NON-CONTENTS—The Honorable Messieurs Baillargeon, Brown, Bureau, Christie (Speaker), Cormier, Fabre, Glasier, Grant, Haythorne, Hope, Leonard, Lewin, McClelan (Hopewell), McDonald (Toronto), McMaster, Pelletier, Penny, Power, Pozer, Reesor, Scott, Simpson, Stevens, Sutherland, Wark.—25.

PAIRING.

Hon. Mr. HOWLAN said he had expressed the opinion the other day that it was the duty of every honorable gentleman within the Bar to vote, but was told by the honorable senator from Richmond that he was entirely astray. He had looked up the authorities, and found he was not so entirely astray after all. On referring to May he found that his view of the question was quite correct.

Hon. Mr. MILLER said when he had made the statement he was under the impression he had correctly stated the parliamentary rule in Canada, which was that honorable members who had paired could remain in their seats and decline to vote. That certainly was the practice in Canada, whatever it might be in England.

After some discussion,

Mr. SPEAKER decided that the practice which prevailed in the Parliament of Canada was as stated by the honorable senator from Richmond. An honorable member who had pledged himself not to vote was bound in honor to respect that pledge.

Hon. Mr. MACPHERSON asked permission to explain the cause of his absence from the division which had taken place a few moments ago. Senator McMaster and himself had gone into the Law Clerk's room to transact some business together. Before doing so, there had been an understanding—at least on his (Mr. Macpherson's) part—that both being absent from the Chamber it would be practically a pair if a division should be taken in their absence. He understood the honorable gentleman to assent to that. While they were engaged in business some person, not one of the messengers or servants of the House, came in and said to Mr. McMaster that Mr. Scott wanted to see him. He left the room and he (Mr. Macpherson) finished the business they had been engaged at, and then went into the Chamber, just in time to see the honorable senator—Mr. McMaster—voting. Now, had he (Mr. Macpherson) been sent for to take part in the division, he would have felt it his duty to tell the honorable gentleman. Among members of the House there ought to be sufficiently good understanding to prevent any member doing what could not be considered otherwise than as a piece of sharp practice.

Hon. Mr. McMASTER said there must have been some misunderstanding on the part of the honorable gentleman.

Hon. Mr. MACPHERSON—Does the honorable senator not recollect that I said we were both absent from the Chamber, and it would be practically a pair?

Hon. Mr. McMASTER—Most assuredly I did not observe it. I remember you said this motion of Mr. Campbell's was coming up, and you did not wish to leave until it was finished. I left hastily and did not understand we had come to any arrangement about pairing. If any such arrangement had been arrived at I would, most assuredly, have observed it in the most sacred manner.

The matter then dropped.

#### CIVIL SERVICE BENEFIT ASSOCIATION.

Hon. Mr. HOPE moved the third reading of the bill to incorporate the Canada Civil Service Association.

Hon. Mr. TRUDEL said he had strong doubts whether this was within the jurisdiction of this House. The object of the bill was in effect to incorporate a benevolent society, and was clearly within the jurisdiction of the local legislatures. The mere fact that the petitioners were members of the Civil Service did not alter the fact, unless the Government had introduced the bill. He had no objection to the object of the bill. On the contrary, he approved of those societies, and believed they should be encouraged, but it did not follow the House should on that account be less careful to guard its rules.

The bill was read a third time and passed.

#### PROCEDURE AND EVIDENCE IN CRIMINALS' CASES.

Hon. Mr. SCOTT moved the second reading of the bill respecting procedure and evidence in criminals' cases.

Hon. Mr. MILLER said there could be no objection to the second reading of the bill. It was intended to meet a difficulty which not unfrequently arose, and would meet the approval of the House.

The bill was read a second time.

#### ROCKWOOD ASYLUM TRANSFER

Hon. Mr. PELLETIER moved the second reading of bill, an act for the transfer of Rockwood Asylum. He said the object of the bill was to transfer to the Province of Ontario the Rockwood Asylum, and the land appurtenant thereto under an agreement entered into between the Commissioner of Public Works of Ontario and the Minister of Public Works of the Dominion, by which Ontario agrees to pay to Canada, \$96,500 for the freehold of the Asylum property. Ontario also agrees to take from Canada all the chattels and effects on the premises at a valuation to be fixed by arbitration. The second section provides for setting apart a portion of the Kingston Penitentiary for the reception, confinement and treatment of insane convicts. The third section provided for the removal of insane convicts confined in Rockwood Asylum whose sentences have not expired, to the Penitentiary, by Order in Council.

Hon. Mr. CAMPBELL said before the asylum was erected it was contended that the penitentiary was not a proper place to confine insane convicts, and therefore it was desirable to construct an asylum in the immediate neighborhood, for their accommodation. It is now provided in this bill that no insane convict is to be kept at Rockwood.

He was aware that there were not so many convicts in the penitentiary now as there had been in former years, owing to the erection of a penitentiary in Lower Canada, but it seemed to him doubtful that it was a proper place to keep insane patients in.

Hon. Mr. SCOTT said although the penitentiary belonged to the Dominion, owing to the great increase of insanity of late years, in the Province, it had been actually filled with ordinary lunatics. As its maintenance was attended with great expense, it was thought wiser to sell the institution to the Ontario Government, and confine the criminal lunatics in the penitentiary.

Hon. Mr. BOTSFORD said he supposed proper accommodation would be provided for such patients.

Hon. Mr. SCOTT said yes.

The bill was read a second time.

#### DANGEROUS WEAPONS CARRYING BILL.

Hon. Mr. READ asked to have the dangerous weapons carrying bill discharged, as he saw that the Government had introduced a measure of a similar nature in the other House, which, he had no doubt, they would carry to completion.

The order was discharged.

#### CONTINGENT ACCOUNTS.

Hon. Mr. SEYMOUR moved that the Fourth Report of the Select Committee on Contingent Accounts be referred back to the Committee for further consideration.

Hon. Mr. TRUDEL moved in amendment that the order of the day, for the consideration of the first paragraph of the report, be postponed to 6th April next. He said his object in postponing that portion of the report was that it was considered important to have somebody to assist the Clerk of the House in translating the proceedings. As he had reason to believe that what had been recommended by the committee in the report in relation to this matter would have to be changed, it would be as well to leave this report on the table for a certain time to see how the present system would work.

Hon. Mr. SEYMOUR said the object of referring the report back to committee was that there was one clause in it which recommended an increase of salary to Mr. Stephens assistant accountant. This part of the report might be separated from the rest, if referred to the committee, and they could bring in two reports.

Hon. Mr. DICKEY said the increase would be opposed.

Hon. Mr. BELLERUSE contended for the rights of the French members of this House to have the motions translated and read in

French, and if the Clerk required an assistant the House should appoint one.

Hon. Mr. BUREAU said that the motions and proceedings of this House should be read in French as well as English.

Hon. Mr. WILMOT moved, in amendment to the amendment, that the second paragraph in the report be adopted. He said the salaries of all the employees of this House had been advanced, with the exception of that of Mr. Stephens, who, as assistant accountant, had a great deal of work to perform, not only during the session, but throughout the year.

Hon. Mr. SCOTT said that Mr. Stephens had been very liberally treated. He had been first employed as extra clerk at four dollars a day in 1873, and he was put on the permanent staff, in 1874, at a salary of \$300, and next year it was increased to \$1,000. As there had been no extra vote for the contingencies of this House since 1873, they would have to be very careful of increases to salaries or they would find themselves in a very bad position.

Hon. Mr. WILMOT said Mr. Stephens had been employed under the previous Government, and the arrangement was that he should have \$1,000 per annum, but he had been turned out of office by this Government.

Hon. Mr. SCOTT—On the contrary, we appointed him.

Hon. Mr. PENNY said he would vote against all increases. He knew gentlemen who were employed to do bookkeeping very much more complicated than the accounts of this House, who were very well satisfied to get \$800 a year for their services.

The vote was then taken on the amendment to the amendment. It was carried on the following division:—

CONTENTS.—The honorable Messieurs Aikins, Armand, Baillargeon, Bellerose, Botsford, Burinot, Bureau, Campbell, Carrall, Chapais, Christie (Speaker), Dickson, Dumouchel, Ferrer, Hamilton (Inkerman), Hamilton (Kingston), Kaubach, McLellan (Londonderry), McMaster, Macfarlane, Macpherson, Miller, Odell, Paquet, Pelletier, Pozer, Read, Scott, Shaw, Skead, Smith, Sutherland, Trudel, Vidal, Wilmot, Wilson—36.

NON-CONTENTS.—The honorable Messieurs Alexander, Brown, Dickey, Flint, Girard, Haythorne, Hope, Lewin, McClelan (Hopewell), Penny, Reesor, Seymour, Wark—13.

#### After Recess

Hon. Mr. BELLERUSE moved in amendment to the amendment, "that inasmuch as the proceedings of this House have to be translated during its sittings, in French, or

in English, according to the language in which such proceedings have originated, it is one of the duties of the clerks of this House. at each sitting, to make such translation as a matter of course."

Hon. Mr. SEYMOUR asked whether it was the intention of the mover that every document before this House should be translated, whether it were required or not?

Hon. Mr. BELLEROSE said that when there was a press of business the French members were always the first to say dispense with the French reading.

The amendment to the amendment was then carried, and the report as amended was adopted.

#### THE HOLIWELL DIVORCE BILL.

The bill for the relief of Martha Jenima Hawkshaw Holiwell was read a third time and passed.

#### THE EXCHEQUER COURT

Hon. Mr. PELLETIER moved the House into Committee of the Whole on the bill to amend the act to make further provision in regard to the Supreme and Exchequer Courts.

Hon. Mr. McCLELLAN in the chair.

On the first clause,

Hon. Mr. MILLER moved an amendment, the object of which was to provide for fixing two regular sittings of the Exchequer Court in every year in each of the old provinces of the Dominion—Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island. He said he did not include British Columbia and Manitoba, as they were new provinces, not likely to have much business in the Exchequer Court for some years, and a long distance from the seat of government. The act as it now stood provided sufficiently for necessary sittings of the Exchequer Court, if they were required in those distant provinces. Under the 62nd clause of the act establishing the Supreme and Exchequer Courts, the fixing of the courts was left to the discretion of the judges, which he considered was an arrangement not in the interests of the suitors or the people who had business before such courts. Unless the sittings of the court were regular, the expense of the attendance of witnesses—not to speak of disappointments and delays—would be ruinous to litigants. The Supreme Court had not a great deal to do at Ottawa, and there was no reason why there should not be regular sittings of the Exchequer Court in each of the provinces. The judges were being paid enormous salaries, and their duties were not

burdensome. Judges were like other men, and they should have as little left to their discretion—in the performance of their duties—as it was possible for the Legislature to give them. It was rumored that the judges, had said, that after the present special cases were disposed of they would hold no more sittings of the Exchequer Court outside of Ottawa.

Hon. Mr. DICKEY said that when the Supreme Court bill was being passed he had urged that evidence in cases for the Exchequer Court should be taken and issues tried before the local courts, and then brought up here for decision, and he thought that would have worked well. If all the witnesses in a large suit such as those now pending at Quebec and Halifax had to be brought to Ottawa to have their evidence taken, the expense and inconvenience would be intolerable, and would amount to a complete denial of justice. But he thought, as the honorable member was proposing a change in this direction, it was desirable to commence it on a moderate scale. He thought the purposes of justice would be secured if they were to render certain that there should be at least one sitting of the Court each year in each of the four old provinces—that would be four sittings divided among four judges—and need not add materially to their labors. And as to the expense of travelling fees, what would this be in comparison with the enormous saving of time and money to suitors and their witnesses? Even this compulsory clause might not be necessary, as he was satisfied the judges would give every facility for trials in the more remote provinces.

Hon. Mr. PELLETIER said he was sorry they could not consent to the proposition of the honorable gentleman, as he could see no necessity for such an amendment. He believed it would be very dangerous to place such a clause on the statute. If fixed sittings of the Exchequer Court were provided for the old provinces, British Columbia and Manitoba would soon appear before Parliament asking for similar privileges. The Government had no reason to believe that the judges had hitherto failed to do their duty. They had now one court sitting in Quebec, and there would be another sitting in Halifax in a fortnight. It was true it had been rumored some of the judges had stated that after these special cases were disposed of they would hold no more sittings out of Ottawa; but, he had the pleasure of meeting one of the judges and of questioning him on that point, and he said the judges never had any such idea—that they were prepared to go any-



where it should be found necessary and possible to hold sittings of the court. If fixed sittings of the court were to be held in different provinces it would necessitate a great deal of expense in providing courts and paying officials.

Hon. Mr. MILLER disclaimed any intention of reflecting on the judges, but he had a right to an independent expression of his views in this House. The Hon. the Minister of Agriculture's explanation respecting the statement of the judges this House was bound to respect, and he would therefore withdraw his amendment and allow the matter to stand over for another year until greater causes would arise to bring it before Parliament.

Hon. Mr. KAULBACH said the Maritime Provinces were led to expect that there would be regular sittings of the Exchequer Court down there.

The bill was reported from Committee, read a third time and passed.

#### THE METROPOLITAN BANK.

Mon. Mr. FERRIER moved the second reading of the bill to authorize and provide for the winding up of the Metropolitan Bank. He said the object of the bill was merely to give power to three persons, to be appointed by the shareholders of the institution, to wind up its affairs.

The bill was read a second time.

#### GAMBLING IN PUBLIC CONVEYANCES.

Hon. Mr. PELLENIER moved the House into Committee on the bill for the prevention of gambling in certain public conveyances.

Hon. Mr. DICKEY asked the honorable gentleman if he was prepared with any modification of the clause which had been objected to before going into committee?

Hon. Mr. PELLENIER said since the debate on the bill he had consulted a great many members of the House, and they seemed to be in favor of the bill as it stood. He had also read a letter that morning, written by the manager of one of the railway companies, strongly favoring the bill.

Hon. Mr. HAVILAND said it might suit the views of railway managers to have such a law on the statute, but it would never suit the travelling public. If railway officials were to have such despotic powers as to detain gentlemen who might be travelling for business or pleasure because they indulged in a game of cards, it would be simply holding out a premium for employees of any railway to levy blackmail on passengers.

Hon. Mr. MILLER said he approved of

the principle of the bill, and he had hoped the Government would have seen their way to meeting the views of honorable gentlemen in this House. But looking at the bill as it was, he confessed he found it difficult to attain both the objects in view, and if the two objects could not be secured, he would prefer to have the bill pass as it was rather than it should be defeated.

Hon. Mr. FERRIER said he was very strongly in favor of the bill, knowing as he always did how much the travelling public suffered from professional gamblers on railway trains. The business of railway companies was to protect travellers, and the object of this bill was to assist them in doing so. He held in his hand the letter which the Minister of Agriculture referred to, and it was well worthy of reading.

Hon. Mr. BOTSFORD asked whether it would not do to confine the power of arrest to the conductor or person in charge, to be applied only to gamblers and cheats?

The third reading was allowed to stand.

#### SECOND READING.

The following bills were read a second time:—

An Act respecting La Banque Jacques Carrier.

An Act to authorize the Royal Canadian Insurance Company to reduce its capital stock, and for other purposes.

An Act further to amend the Act to incorporate the Canadian Mutual Marine Insurance Company.

The House adjourned at 9.35.

#### WEDNESDAY, March 21st.

The SPEAKER took the chair at three o'clock p.m.

After routine,

#### MONTREAL INVESTMENT COMPANY.

Hon. Mr. HAMILTON moved the adoption of the amendments from the Committee on Banking, Commerce and Railways, on National Investment Company of Canada bill.

Hon. Mr. DICKEY said there had been a very important objection raised by him last year to the principle involved in the first section of this bill. That objection had been sustained, and now within twelve months this House was asked to stultify itself and allow this company to take any rate of interest they choose. The anomalous state of the interest law was that whereas in Ontario and Quebec parties may take any rate of interest for money they agree upon, in Nova Scotia the rate was limited to 7 per cent. on real and 10 per

cent. on personal security, and somewhat similarly in New Brunswick.

Hon. Mr. BUREAU said in Quebec corporations were excepted.

Hon. Mr. DICKEY said this limitation of interest to eight per cent., now proposed to be repealed, was decided last year, and four different bills from the Commons of a similar character were amended in the same way, on his (Mr. Dickey's) motion. It would be very unfair to empower the company to go down to the Lower Provinces and transact business on better terms than were allowed to other companies. He would, therefore, object to this amendment from the committee, reversing the action of last year taken at his instance.

Hon. Mr. AIKINS—When the principle of limiting these companies to 8 per cent. interest was adopted by the House last session it was at a time when the attention of honorable gentlemen had not been fully directed to it, or he was sure it would not have been adopted. It placed Canadian companies at a disadvantage as compared with foreign companies who could loan money in Ontario at an unlimited rate of interest, while Canadian companies were restricted to 8 per cent. He was quite satisfied if the House had thoroughly understood what they were voting on last session they would never have voted as they had done.

Hon. Mr. MILLER said under the provisions of this bill this company could come down to Nova Scotia and loan money to better advantage than any other company doing business in that Province.

Hon. Mr. AIKINS contended that they could not, as they would have to conform to the rate allowed in that Province.

Hon. Mr. MILLER said the low rate of interest prescribed by Nova Scotia had kept those companies out of that province up to this date, as they would not do business there when they could invest to better advantage in Ontario.

Hon. Mr. CAMPBELL suggested that his honorable friend (Mr. Aikins) could meet the wishes of those opposed to the bill by providing that the company shall not be empowered to take more interest than is permissible in the province in which they transact business.

Hon. Mr. HOWLAN thought money, like any other article of commerce, should be free, and find its own level.

Hon. Mr. WILMOT denied that money was free. In this country money was gold, and the price was fixed giving it a monopoly that did not belong to anything else. In his opinion it was better for a man to sell his property for anything it would bring when

he got into debt rather than borrow money at eight per cent.

Hon. Mr. SMITH said he did not agree with the honorable gentleman as many a man was able to tide over a difficulty and save his property by being able to borrow money, even though he had to pay a high rate of interest for it. He believed the rate of interest for money should be unrestricted.

Hon. Mr. AIKINS moved in amendment. "Page 1, line 9—leave out from "words" to the first "the" in line 14, and insert "moneys deposited" in the third line thereof, by inserting the words "in Ontario" after the word "individuals" in the sixteenth line thereof, and the words "the other Provinces of the Dominion according to" after the word "in" in the seventeenth line thereof, and by striking out all the words from "executory" in the eighteenth line thereof to "to" in the nineteenth line thereof."

Hon. Mr. DICKEY said this would meet his views.

Hon. Mr. SCOTT contended the restriction respecting rate of interest, adopted last year, should be incorporated in this bill.

Hon. Mr. MACPHERSON said he did not think the rate of interest should be limited. He had voted for it last session only because the bill so amended would have been lost, but he believed the majority of this House were in favor of an unlimited rate of interest.

Hon. Mr. RYAN said, so far as he could understand this bill it was to introduce the principle of putting no limit of interest upon loaning money, but in doing so, he was afraid, it was giving a preference to this particular company over others. For instance, the Banking Act restricts banks to certain rates of interest and puts them under certain penalties, and if this privilege was to be extended to one particular company that very nearly approaches a banking institution, it should be extended to all monetary institutions.

The amendments were adopted and the third reading was ordered for to-morrow.

#### THE GULF FISHERIES.

Hon. Mr. HOWLAN moved—That an humble Address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House, a copy of any correspondence which may have taken place on Article XX of the Washington Treaty. He said before giving his reasons for moving this resolution, he would read the article of the Washington Treaty referred to, in order that honorable gentlemen might have an opportunity to understand his remarks:—

"Article XX.—It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles.

In case any question should arise between the Governments of the United States and of her places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties and authority as the Commission appointed under the said first article of the treaty of the 5th June, 1854."

In Perley's report upon the fisheries of New Brunswick, in 1852, McGregor's official report to the Board of Trade states:—

"The whales caught within the Gulf of St. Lawrence, are those called 'humpbacks,' which yield on an average about three tons of oil. Some have been taken seventy feet long which produced eight tons. The large whales are taken off the entrance of Gaspe Bay, on each side of the Island of Anticosti, and up the river St. Lawrence as far as Bic."

"This branch of our fisheries" has entirely died out. The sealing business which at one time was also successfully carried on, is now entirely confined to a few small vessels at the Magdalen Islands. The walrus, or sea-cow, which was only valuable for its teeth, was pursued with such an avidity that nothing now remains of it but the names of rivers, capes, and headlands in the Gulf, known as Seacow River, Seacow Head, &c. I have chosen to take the greater fishes so as to illustrate the fact that no matter how prolific a fishery may be it can be completely destroyed by over fishing and reckless destruction. The importance of the fisheries of the Dominion I shall not now pause to consider, more than to say that in the early history of British America, under French rule, great importance was attached to them, and the formation of the great "Compagnie Generale Maritime de France," in 1663, which had establishments at different points in the Gulf of St. Lawrence, as well as on the shores of Newfoundland. The headquarters of this company, I believe, is still at the French island, near Newfoundland, known as St. Pierre de Miquelon. The French still pursue fishing in their vessels up to 400 tons, the deep sea fishing on the banks

of Newfoundland, by means of "button" fishing. Such a training school as this is important to the French navy as well as mercantile marine, so much so that the Government of that nation give large bounties for the prosecution of that branch of industry. Turning from a survey of the fishing grounds of the larger fish, let us now look at the smaller ones, or those which enter into daily use, or as they are termed the fishes of commerce. I refer to the cod, mackerel and herring. Many gentlemen from the Maritime Provinces will recall the fact that within their knowledge fish have entirely disappeared from certain parts of our coast. Some honorable gentlemen will remember when there were a great abundance of mackerel at Fox Island near the Straits of Canso, where there are none to-day. It is so also in other parts of the gulf. It may be supposed that it would be almost untenable to suppose that our fisheries could be depleted, but the experience of other places should be a guide for us on this very important subject. The attention of the U. S. was directed towards the depletion of the fisheries along the shores of New England, and in a very able and comprehensive report to Congress in 1871-'2-'3-'4, known as Professor Baird's Report on the "Sea Fisheries of New England," says with respect to the decrease of cod fisheries on the New England Coast.

"Of all the various fisheries formerly prosecuted directly off the coast of New England, north of Cape Cod, the depreciation in that of the cod appears to be of the greatest economical importance. Formerly the waters abounded in this fish to such an extent that a large supply could be taken throughout almost the entire year along the banks, especially in the vicinity of the mouths of the larger rivers. At that time the tidal streams were almost choked up with the alewives, shad and salmon that were struggling for entrance in the spring, and which filled the adjacent waters throughout a great part of the year."

"As is well known the erection of impassable dams across the streams by preventing the ascent of the species just mentioned to their spawning grounds, produced a very great diminution, and almost the extermination of their numbers; so that, whereas, in former years a large trade could be carried on during the proper season, now nothing would be gained by the effort.

*At the present time there are not enough cod in those waters to repay the experiment of attempting to catch them."*

The United States Commissioners then turned their attention to ascertaining the

cause of the depletion and destruction of the fisheries, and at page 18:—

"Many persons are in the habit of considering that the fish supply of the sea is practically inexhaustible, and therefore that a scarcity of any particular location is to be referred rather to the movements of the fish in changing their feeding grounds, capriciously, or else in following the migration from place to place of the food upon which they live. This may be true to a certain extent, but it is difficult to point out any locality where near the shores, in the New England States at least, under the most favorable view of the case, the fish are quite as plentiful as they were some years ago; and still more so where, by their overlapping the original colonists of the sea bottom, they tend to render the abundance apparently greater than usual. And furthermore, if the scarcity of the fish be due to their going off into the deep waters of the ocean, it is of course of very little moment to the fisherman that they are as abundant in the sea as ever if they do not come upon such grounds as will permit their being taken by his lines or nets." He again states:—

"The principle may be safely considered as established, that line fishing, no matter how extensively prosecuted, will never materially affect the supply of the fish in the sea."

The same report further shows that an important portion of the fisheries of the United States had been destroyed by the use of bag nets, purse nets, and traps. He wished to call the attention of the Government to the fact that the gulf fisheries may be destroyed in the same manner. It was a serious matter, as the gulf fisheries were a very important industry, not only as being a training school for our sailors, but there were over \$3,414,000 invested in the business. The United States Government were expending very large sums of money for re-stocking their rivers with fish and a great deal of the ova was taken from our waters, as far west as California and the distant colonies of South Australia. The lobster fisheries of the United States had been almost entirely destroyed, and the canning business was now done principally in Prince Edward Island. The destruction of our fish was not the only difficulty, but they were being driven off the coasts altogether. His own experience was that in places where fish were abundant fifteen or sixteen years ago, there were very few now. He hoped the Government would refer this matter to the joint commission which is to meet at Halifax next summer, to enquire into its details.

He understood there were lots of illegal fishing apparatus now on the way to the Maritime Provinces as well as some already erected in the Gulf fisheries, and if their use was not prevented, a great deal of damage would ensue. For whilst the United States were condemning them as might be seen by the following extract from Baird's report, we were fast getting them on the Gulf. He says:—

"In the event, however, of the States mentioned to establish the very limited close time suggested, I would recommend the passage by the United States of a law absolutely prohibiting, until further notice, the erection of fixed apparatus for taking fish, after a period of one or two years on the south side of New England and on the shores of Long Island, which constitute the spawning grounds of the shore fishes referred to. Although this would be a serious blow to the pound and trip interest, yet the grace allowed would permit the owners to use up their material in the way of nets, and render the enforcement of the law less onerous. The restoration of the fish to their original abundance would be thus accomplished in a much less time than by merely palliative measures; and there is no reason to anticipate there would be, in the meantime, any material decrease in the supply, or any rise in the price of fish to the consumer. There would still be open to the fishermen the use of seines, gill nets, &c., which would capture fish in large quantity without overstocking the market; and the inducement to the use of the hook and line would furnish employment to large numbers of persons now needing it, while the markets would be more regularly and equally supplied. The wholesale cost of fish would probably be somewhat increased, but the competition being somewhat distributed among a large number of persons would prevent an excessive charge by the retail dealers; and the only difference would be that a few men would not make large fortunes in a short time, as they are now in the way of doing.

"In view, therefore, of all these facts, I have no hesitation in saying that all the arguments presented in the earlier part of the report, in favor of regulating the fisheries on the south side of New England by law, are enforced by the experiences of 1872, and that it is too evident that unless some protective measures be adopted, the fisheries in these waters will be practically destroyed in a very short time. This result will, of course, bring its own relief in time, since the cessation of trapping will permit the fish to recover their ground; but several years will be required for this, and doubt-

less as soon as there is any show of increase the traps will be again brought into use."

I trust, therefore, that the Government will prohibit all trap and ground fishing in the Gulf, and that they may, in conjunction with the United States, appoint a joint commission to investigate and report on the present state of the fisheries, with a view to their protection, as they appear now to be the joint property of both countries. The shores of the Gulf present in the summer season a gay appearance with boats and vessels, thus supplying wholesome food to our people, as well as a great source of wealth and industry. I think I have given sufficient reason to this honorable House for asking for any correspondence that may have taken place on this important subject, and should there be none, that the Government will bring the matter to the notice of the Commissioner.

Hon. Mr. SCOT said he was not aware that the Government were in possession of any correspondence on this question, since the Treaty of Washington.

#### DISMISSAL OF EMPLOYES.

Hon. Mr. GUEVEMENT moved:—

"That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House—

1. Copy of a petition complaining of injustice done by the Montreal Harbor Commissioners, or by some person or persons in their employ, in the arbitrary dismissal of Pierre Charbonneau, Pierre Cote, and several others, employed on the works of the said commissioners on the River Saint Lawrence, with the signatures to the said petition.

2. A return of the names, surnames, occupation and residences of the persons who have been appointed in place of those so dismissed.

3. Copies of all letters and complaints relating to the persons so dismissed; or, if no written complaint or correspondence exists, a statement in writing of the reasons for their dismissal."

He said he would explain in a few words the reasons why he moved this address. Last year, the grievances of which he complained had been pointed out to him by those who had been unjustly dismissed by the commissioners or employes of the Harbour Commission of Montreal. Before moving the adoption of such an address by the House, he had taken care to be informed as to the facts of the case and as to the injustice complained of. It had been hoped that the persecution against persons perfectly qualified for the performance of their duties under the commission would come to

an end, but on the contrary, that persecution was re-affirmed by the arbitrary dismissal which had recently taken place, of one Pierre Charbonneau who was acting as captain of one of the dredges of the company. No man could perform such a duty better than he who, for a number of years, and to the satisfaction of all concerned, had occupied the position. The public and the people from Sorel in particular who were in more frequent intercourse with Charbonneau highly appreciated his services. The dismissals complained of were not the act of the Government, who very likely were kept in ignorance of such doings. He was also inclined to believe that the Commissioners themselves were not aware of the doings of their subordinates in the present case, and that the dismissals had been ordered without the sanction of the Commissioners. In order to make known the nature of the persecutions resorted to against persons who have the best possible reasons for complaining, he would briefly relate the case of Pierre Cote, one of the foremen in the service of the Commission. In an action at law against Messieurs McCarthy, one Colbert Paulet had given his evidence. Some time afterwards, his services were retained by Pierre Cote, but he wanted to know before it Mr. John McCarthy, one of the chief foremen of the works in the harbor, and living at Sorel, had any control on Cote. He thought Mr. McCarthy would not have him employed because he had given testimony against him in the suit above referred to. Cote replied, he did not believe Mr. McCarthy would use his influence against him, because he (Paulet) had been for a long time before in McCarthy's employ. Notwithstanding this John McCarthy told Cote that Paulet was unworthy of walking along with an honest man, and that he was a dangerous fellow. Some days after this, as McCarthy wanted to have Paulet's testimony contradicted, and as he could find no one to contradict it as successfully as Paulet himself, he prevailed upon him to belie himself in the most glaring manner by denying his former testimony. Some time after this, Cote was dismissed and Paulet appointed in his place. The outrageous contradiction appears in the factum of the case in appeal, of which he (Mr. Guevement) held a copy in his hand. He hoped, therefore, that the Government will take the proper means to remedy, as soon as possible, these grievances, and that they would, for that purpose, enter into communication with the Harbor Commissioners. An im-

portant fact to be mentioned was that out of eight French Canadian captains who were in the employ of the Commission, four only are now employed; the others have been replaced successfully by persons of other origins, and strangers to the town of Sorel, to the great dissatisfaction of the public. He was prepared to prove the truth of his statements. Should any doubt be entertained, he was quite ready to have a committee appointed to investigate the matter; or the Government or the Harbor Commission of Montreal might have an investigation made on the spot at Sorel, in order to ascertain the facts and redress the wrong committed to the injury of families now suffering in consequence of those unjustifiable dismissals. The Harbour Commission of Montreal received last year \$50,000, and would receive during the present fiscal year \$80,000. The distribution of a part of such sums should not be entrusted to men who had taken advantage of their position to gratify personal feelings of animosity against good and honest men. He hoped the Government would take steps to put an end to such abuses.

Hon. Mr. PELLETIER said the Government were willing to bring down any papers in their possession, but they had nothing more than the petitions referred to. As to the dismissal of Charbonneau and Cote, the Government had no knowledge of it at all. It was done by the Harbor Commissioners of Montreal, or by their employees, and the Government had nothing to do with it, as they had no control over the Harbor Commission.

Hon. Mr. CAMPBELL said this was a case of great hardship if the facts were as stated, and it deserved more consideration from the Government. If these men had been dismissed because they had given evidence against some of the harbor commissioners, those gentlemen had gone further than they had a right to go. The Government had control over the commissioners, as their whole power and authority came from the Government who had legislated to have a majority on the Board. This was a very strong case if the story of these men was true, and the Government had a right to interfere and see that they were reinstated in the places from which they had been dismissed.

Hon. Mr. PELLETIER said the honorable gentleman might rest assured that all the legal interference which the Government could use would be made to correct this abuse.

Hon. Mr. BELLEROSE said this was not the only abuse of power by the Harbor Commissioners. About three years ago the

Union Navigation Company, of which he was a shareholder, ran a line of steamers between Quebec and Montreal. They applied to the Harbor Commissioners for a proper wharf, but the Commissioners would not accommodate them as it was due to them. The boats were running at such low prices that they lost \$60,000 or \$70,000 each summer. A good many of those Commissioners were directors of one of the steamboat lines plying on the same route, so any company that comes in opposition with them, these gentlemen are ready to crush them, so that the Richelieu Company should have the monopoly. He did not complain so much of their action against the company, as of their action against the public interest. He did not accuse the Government because he did not believe they knew anything of this matter. On the contrary, in some other instances where complaints were made to the Government justice was done immediately.

The motion was carried.

#### THIRD READING.

Bill respecting procedure and evidence in criminals' cases was read a third time and passed.

#### OFFENCES AGAINST THE PERSON.

On the order of the day being read for the consideration of the report of the Committee of the Whole on bill "An Act to amend the Act respecting offences against the person,"

Hon. Mr. SCOTT moved to replace the tenth section of this bill as it was originally. The change made in it in committee was to make the lowest punishment in penitentiary five years instead of two, and the last clause of the section had been struck out, taking away the discretion of the judge to sentence the prisoner to the common jail. In reference to the second section of the clause, providing for the punishment of the crime of carnally knowing a girl under ten years of age, the feeling of the House was so strong on that point that he did not propose to disturb the conclusions that had been reached in committee. The elasticity of punishment in that case was struck out and imprisonment was placed at not less than five years. He would bow to the decision of the House on that point, and would accept the amendment. As to the other section the vote was closer, and as it was highly desirable that there should be uniformity in the criminal laws respecting cases of that character, he would move to have the amendment struck out.

Hon. Mr. HAVILAND supported the motion of the honorable Secretary of State,

as he believed it was a great mistake to have the punishment of a crime so severe that the jury would not convict. There were honorable gentlemen in this Chamber who were strongly of the opinion that the punishment, as provided in the bill, was too light for attempts to commit murder; that it should be punishable with death.

Hon. Mr. BROWN—That is not the question in dispute. It is whether the punishment in penitentiary shall be less than five years.

Hon. Mr. HAVILAND said the argument which had been used by the honorable senator from Toronto was, that imprisonment for life was too light a punishment for the attempt to commit murder, and it would be holding out a premium for murderers from the United States to make Canada an asylum. In the neighboring States the punishment for murder was not as high as it was provided for in this bill. In Massachusetts, for instance, the highest punishment for attempts to commit murder by stabbing or administering poison was imprisonment for ten years, whereas the punishment under this bill would be as high as imprisonment for life. In New York it was not less than ten years; in Ohio not more than seven years, nor less than three years. He believed that imprisonment for life was a sufficiently great penalty, and there was not an instance on record where capital punishment had been inflicted for attempts to commit murder in the last ten years.

Hon. Mr. BROWN said the result of the leniency of the law in the United States was, that attempts to commit murder were so frequent that nearly every American newspaper that was issued contained instances of the most revolting character. It was not a very good argument to ask this House to model our law on that of the United States. Only a few days ago Chief Justice Harrison, in addressing the grand jury in this city, remarked:—"The record of crime now being kept in our courts would be of use in showing whether the laws regarding certain crimes were effective or not. If they were known to be on the increase it would be on account of the inefficiency of the law, or not-carrying out of it. It was necessary that crimes should be adequately punished, and if any certain one was shown to be on the increase the law should be more stringent—it would be the duty of the Government or Legislature to make a new and more severe law."

No truer words were ever spoken. No one who watched what was going on in this province could deny that attempts to commit murder by the administration of poison

were on the increase. He was very glad the honorable Secretary of State had accepted the second amendment, and as to this one he would admit it was a matter of opinion. Uniformity in our laws, was a very desirable thing, but if uniformity was not in the right direction it was not a strong argument in its favor. The world had advanced since these laws had been placed on the statute several years ago, and he thought the time had arrived when there should be a commission appointed to enquire into the working of our criminal laws, in order to see if we were going in the right direction, and ascertain whether crime is or is not on the increase. If a division was to be pressed on this motion he would vote according to his conviction, otherwise it might be passed on division.

The yeas and nays being demanded, a vote was taken as follows:—

CONTENTS.—The Honorable Messieurs. Alexander, Armand, Baillargon, Benson, Botford, Campbell, Carrall, Cormier, Dickey, F. bre, Ferrier, Flint, Girard, Grant, Hamilton (Kingston), Haviland, Haythorne, Hope, Lewin, McLellan (Hopewell), McDonald (Toronto), McMaster, Miller, Paquet, P. letier, Reesor, Scott, Shaw, Skrad, Stevenâ, Sutherland, Wark, Wilson.—33.

NON-CONTENTS.—The Honorable Messieurs. Aikins, Bellerose, Brown, Chabais, Christie (Speaker), Cornwall, Dever, Dickson, Hamilton (Lukerman), Howlan, Kaulbach, McLellan (Londonderry), Macfarlane, Macpherson, Northup, Odell, Penny, Power, Read, Ryan, Simpson, Smith, Trudel.—23.

Hon. Mr. MILLER who was not inside the bar of the House when the division was taken, asked to have his name recorded with the yeas, which was accordingly done.

On motion for concurrence Hon. Mr. Aikins moved to further amend the fifty-first section to give discretionary power to judges to sentence with or without flogging for the crime of carnally knowing or abusing a girl under ten years of age.

Hon. Mr. SCOTT said he had only agreed to accept that amendment on the condition that the section should not be amended, but it had been amended so as to provide for a longer period of imprisonment, and it was not usual to add floggings to imprisonment in the penitentiary.

Hon. Mr. RYAN said he believed nothing would tend to repress crime of this revolting character more than flogging.

Hon. Mr. CAMPBELL said it was not the principle of our criminal laws to add flogging to a sentence of imprisonment for life. It was confined to short terms in the common jail.

Hon. Mr. AIKINS said flogging was ad-

ministered in the Central Prison of Ontario, and it was not a common gaol.

Hon. Mr. MILLER said sentences to that prison did not extend beyond two years.

Hon. Mr. BROWN said there were some cases in which flogging had a good effect, but there was a danger of its being carried too far, as nothing brutalized prisoners more than the free use of the lash. If reformation was hoped for, that hope might be given up altogether where flogging was much resorted to. They tried it in the Penitentiary at one time, and instead of tending to reform it only made the institution a hell upon earth.

The amendment was declared lost on division.

The bill was then read a third time and passed.

The House adjourned at 6 p.m.

THURSDAY, March 22nd.

The SPEAKER took the chair at 3 o'clock. After routine,

THIRD READINGS.

The following bills were read a third time and passed:—

Royal Canadian Insurance Company.

Canadian Mutual Marine Insurance Company.

Union Marine Insurance Company of Halifax.

Act for the winding up of the Metropolitan Bank.

Act respecting La Banque Jacques Cartier.

Act to amend the act incorporating the Montreal, Portland & Boston Railway Company.

Act to amend the act respecting Permanent Building Societies, carrying on business in Ontario.

EXTENSION OF TIME.

Hon. Mr. MILLER called the attention of the House to the fact that the period for reporting private bills had expired that day, and moved that the same be extended ten days.—Carried.

PAIRING.

Hon. Mr. McMASTER said—When the honorable gentleman from Toronto on Tuesday last insinuated that I had violated an agreement, by which I regarded myself as being paired with him, I thought it unnecessary to say anything more than to deny that such was the case, especially as the honorable gentleman only spoke of an implied understanding, and did not venture to speak of a positive agreement. But when the *Mail* newspaper,

which most honorable gentlemen see—the organ of the honorable gentleman—had published the untruthful statement that I pleaded for and obtained a pair with that honorable gentleman which I afterwards violated, I thought it was due to myself and to the House to state the simple facts connected with the matter. A bill in which the honorable gentleman and myself were both interested was introduced a few days ago. It was found it would have to be recast, and was sent to the law clerk for that purpose. The honorable gentleman suggested to me during the early part of the day that we should meet in the law clerk's office for that purpose. I stepped across the floor shortly after the House met, and enquired of him what time would be most convenient for this meeting? He said in reply that he could not leave the Chamber until the motion of the Hon. Mr. Campbell was disposed of. I enquired what motion? He at once turned up the minutes and pointed to that respecting the resolutions to be referred to Her Majesty, but said he would let me know when it would be most convenient to meet me in the law clerk's office. Not a single word was said on that occasion about pairing. I returned to my seat, and I think in about twenty minutes a messenger came to me from the law clerk's office and said the honorable gentleman wished to see me. Before leaving the Chamber I spoke to the Hon. the Secretary of State, and requested him, if the Criminal Law Bill were to come up during my absence to send for me, and lest he should overlook the matter, I asked my honorable friend the member for Hamilton to do so. When we were about fifteen minutes in the law clerk's room discussing the bill, a messenger came to the room and stated that Mr. Scott wanted to see me. The honorable gentleman from Toronto, I presumed, heard what was said, and I supposed that a division was coming on.

Hon. Mr. MACPHERSON—Was it a messenger of the House?

Hon. Mr. McMASTER—I cannot say. I left, and as I got to the bar of the House the motion was being read. I had no time to go to my seat, but took a seat alongside the Hon. Mr. Stephens, and asked him what the motion was. He said it was on Mr. Campbell's resolutions. I then felt at perfect liberty to vote on that motion—no understanding either expressed or implied, having been made with reference to pairing. I certainly did not make it, but if the honorable gentleman had asked me to pair on that bill I would certainly have done so. The resolutions to which this motion referred having been carried on a previous even-



ing with such a large majority, I felt this motion would be passed also, and I would have had no hesitation in meeting his views. These are the simple facts, and these are the circumstances under which the following paragraph appears in the paper that is understood to be the honorable gentleman's organ.

Hon. Mr. MACPHERSON—I have no organ, and the honorable gentleman knows it.

Hon. Mr. McMASTER—The following is the paragraph:—

“SENATOR McMASTER.

In the Senate to-day, after the division upon Mr. Campbell's motion for the presentation of an Address to Her Majesty, incorporating the resolutions with reference to senatorial appointments, passed yesterday, Senator Macpherson created a sensation by entering the House and calling attention to the fact that, prior to the division, Senator McMaster had asked him to consider himself “paired,” as he (Mr. McMaster) could not be present. In pursuance of this understanding, Mr. Macpherson had absented himself, but was astonished upon discovering that Senator Scott had, in the meanwhile, sent for Senator McMaster, and that that gentleman had cast his vote for the Government. This strange proceeding is condemned by many members, although Senator McMaster alleges that he misunderstood the arrangement.”

All I have to say is that there was no arrangement expressed or implied that there should be a pair. If there had been I would have felt it my duty to have kept it in the most sacred manner, the more so, as the honorable gentleman and myself had been on friendly terms, though opposed to each other in politics.

Hon. Mr. MACPHERSON—I have only very few words to say which will in any way differ, but rather go a little further than the explanations of the honorable gentleman. In the first place, I must tell the House that I have no newspaper organ; I never had anything of the kind. I may state here, incidentally, that I made no reference to any newspaper proprietor, editor, or correspondent in any way, directly or indirectly, relating to this subject, and it was a matter which gave me very great pain. I said what I was obliged to say in my place here, enlarging upon it in no way, nor varying the statement which I made here; therefore, the fact that the paragraph is not in conformity with what I said is proof that it was not published at my instigation. I will relate the circumstances as they occurred. There was a measure in which we had a

common interest—I could not attend to the matter with the Law Clerk during the early part of the day, but I said to the Law Clerk that the honorable gentleman (Mr. McMaster) and myself would very likely be able to go to his room to settle it while the House was in session. Very soon after I met the honorable gentleman in the corridor, and I said, “I think we can go to the Law Clerk's office during the sitting of the House, because there is not likely to be an immediate division, but if there should be our absence will not affect it, as we will pair.” to which the honorable gentleman assented. In pursuance of that understanding, after the House met, the honorable gentleman crossed the chamber to me and asked if I would go with him to the Law Clerk's office for the settlement of this bill. I referred to the order paper and said “The only motion I care particularly to vote upon is that of Mr. Campbell's,” but I said, “the chances are there will be no division until we return, but if it should be taken no matter, as we will pair.” I added, “I will be ready in a few minutes, and I will let you know.” I left my seat, went to the door and sent a page to the honorable gentleman to inform him I was ready to go up to the Law Clerk's office. He followed me to the office, and we engaged in the business which took us there. We were nearly through, when a man—not a servant of this House; not one of the messengers, nor one of the pages, but a man who looked as if he had come from the country, wrapped up in a thick greatcoat, with a bundle under his arm,—said: “Mr. McMaster?” as if he was not acquainted with the honorable gentleman's appearance, and added: “Mr. Scott wants to see you.” The man did not say a division was about to take place. I never thought of a division. It never entered my head that the honorable gentleman would vote. I knew I could not, and did not think of the division at all. I finished the business on which we had been engaged—it only took a few minutes—went down to the House, and, to my amazement, the first thing I saw was the honorable gentleman near the door rise to record his vote. I shall not characterise it, but I felt exceedingly aggrieved, and thought it most unfortunate that gentlemen who differed on questions of the day—not a very important difference on these questions—could not trust one another in their personal relations. I felt that it would lower the character of honorable gentlemen in this House, and render a seat in Parliament very much less desirable than it ought to be, if honorable gentlemen would do here what they would not do any where else

what I felt I could not do, and, therefore, what he should not have done in this House. The important difference between the statements of the honorable gentleman and myself is this: I made a proposition to attend to the business when we met in the corridor, and if we were absent when the division was taken, it would amount to a pair, and he crossed the floor of the House and asked me if I would go with him and carry out that arrangement. I said distinctly that I wished to vote on that motion; that I thought we would be back before the vote came on, but if we did not it would not matter, as the absence of both of us would be equal to a pair.

Hon. Mr. McMASTER—I never asked the honorable gentleman to carry out the arrangement. I never talked of the arrangement.

Hon. Mr. MACPHERSON—I did not state that. I said I made a proposition to the honorable gentleman in the corridor. We acted upon that, the honorable gentleman crossing the House to ask me to go then. He would not have done so if the first conversation had not taken place.

Hon. Mr. McMASTER—I did not ask you to go according to agreement. I asked you only "would you arrange to go?" and I reiterate in the most positive manner, that I did not allude to a single word I had with the honorable gentleman in the corridor.

After some slight discussion the matter dropped.

#### EMPIRE AND DOMINION INSURANCE COMPANY.

Hon. Mr. REESOR said he had attempted, on Tuesday last, to introduce a bill on the petition which he had presented on Saturday, but he had postponed it at the request of honorable gentlemen, and he now begged permission to introduce it to-day. It had reference to a change of name of the Empire Dominion Insurance Company. The bill had been introduced last session as the Canadian Insurance Corporation, and when it went before committee was changed to the Empire Fire and Marine Insurance Corporation. It turned out that this was almost precisely the name of another company incorporated in 1873, and the consequence had been, when the provisional directors applied for a license for the company, to go into operation under its charter, it was met by a *casus* being styled against them by the other company. As the change was made by the Legislature, and was not the fault of the promoters of the bill, he considered it was due to the company to have the change now made without any extra expense.

Hon. Mr. CAMPBELL said the bill could not be introduced without a petition.

Hon. Mr. MILLER said the motion was not regular, and the proper mode to proceed would be to give notice that he would move for the suspension of the rules.

Hon. Mr. REESOR asked that the motion be allowed to stand as a notice.  
It was accordingly done.

#### VITAL STATISTICS.

Hon. Mr. PAQUET inquired: "Whether the Government intends to introduce during this session a measure concerning the Department of Public Health and Vital Statistics, of which it has already acknowledged the necessity? And if not, when?" He said that it was to his personal knowledge that the Government had persistently opposed this question on two grounds, first, as to the jurisdiction of the Federal Government to legislate on this matter, as some legal opinions had been given that it was one that belonged to the local legislatures. It was a matter however, which could be decided by the Supreme Court. The second objection was, that it would involve a large expenditure of money, but he was in a position to affirm that such statistics could be obtained without any considerable additional expense. The staff of the Department of Agriculture and Statistics, as it is now composed, could compile such a report. The medical geography of this country is such that these very elaborate reports would materially help the various medical institutions of the Dominion; all these vast sources of information being sent to Ottawa would be of the utmost importance to the people, and at the same time facilitate the task of taking the next census. The information obtained could be published monthly, and it would be a valuable work of reference. He hoped the Government would enquire into the matter, and see their way to carrying out a scheme of this kind.

Hon. Mr. PELLETIER said the honorable gentleman's question had received the serious consideration of the Government, but no final conclusion had been arrived at, and for the present session it was not the intention to introduce such a measure.

#### THE ARNPRIOR SLIDE MASTER.

Hon. Mr. READ moved:—That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of the correspondence in connection with the dismissal of John Harvey, Slide Master at Arnprior. He said this gentleman had been Slide Master at Arnprior for twenty years, and for some

unexplained reason he had been dismissed last year by the Government. He hoped when the papers came down it would not be found that he had been dismissed for anything bearing a political aspect.

Hon. Mr. SCOTT said there were no other papers in this case to be brought down than the letter of dismissal. The reason for his dismissal was his neglect of duty on several occasions, more particularly at the time of the breaking of the Madawaska boom by which Mr. Rochester and others had suffered severely. Harvey's attention had been called to the state of the boom; notwithstanding that fact, he had come down to Ottawa without attending to it. He was in the habit of taking contracts and leaving his duties to some other person.

Hon. Mr. READ said there was a grave suspicion that it was not for neglect of duty this officer had been dismissed, and, if he were rightly informed, there were other papers in the hands of the Government connected with this case, other than the letter of dismissal.

Hon. Mr. SCOTT said he did not think this discussion would benefit Mr. Harvey. There was another occasion on which Mr. Harvey was dismissed before the Government came into power, and, if necessary, Senator Skead could give some explanations.

Hon. Mr. READ said he was prepared to hear all about it.

Hon. Mr. SCOTT requested Mr. Skead, if the House desired it, to say what he knew about Mr. Harvey.

The House being opposed to any further discussion on the subject it was dropped.

#### THE GEOLOGICAL SURVEY.

Hon. Mr. RYAN moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all correspondence, both by telegraph and by letter, which has taken place between the Director of the Geological Survey and the Minister of the Interior since the 1st April 1873, on the subject of removing the staff and museum from Montreal to Ottawa; also, for a copy of the petition of J. W. Dawson and G. E. Grant, executors and administrators of the late Sir William Logan, presented to His Excellency the Governor General relating to the said subjects. He said there had been a good deal of assertion in connection with the removal of the geological museum from Montreal, and the object he had in moving this resolution was to elicit the real state of affairs, and to show whether the allegations as to the expenditure by individuals—such

as Sir William Logan—upon the museum at Montreal were correct; also, to obtain correct information as to what would be the probable cost of the removal of the collection, and also the possible detriment to the specimens which were contained in the museum. With regard to the expenditure of Sir William Logan, he had presented a petition from his executors. Their allegations as to the amount expended by Sir William Logan out of his private funds upon the museum show it was much greater than had been stated in this House. In addition to the \$20,000 which he had spent in making collections for the museum, he had founded a chair in McGill University, in the belief that the museum would be continued at Montreal for the benefit of that educational institution; and he had attached to it a gold medal for the successful student in geology each year. This would show that the House was not precisely in possession of all the facts of the case when they discussed this matter on the third reading of the bill.

The motion was carried.

#### THIRD READINGS.

The following bills were read a third time and passed:—

An Act to amend the act to incorporate the National Investment Company.

An Act concerning the Ottawa, Vaudreuil and Montreal Railway.

An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend the Penitentiary Act of 1875.

#### THE STRIKE ON THE GRAND TRUNK RAILWAY.

On the order being called to resume the adjourned debate on the motion for a Committee of the House to inquire into the causes of the detention of the mails on the Grand Trunk Railway during the last week of December, 1876,

Hon. Mr. READ moved that the order be discharged, as he was pleased to see the Government had taken measures to provide against such detentions in future.

The order was discharged.

#### GAMBLING IN PUBLIC CONVEYANCES.

Hon. Mr. PELLETIER moved the House into Committee of the Whole on the bill "An Act for the prevention of gambling practices in certain public conveyances," Hon. Mr. Bureau in the chair.

Hon. Mr. BOISFORD said it was quite apparent, from the remarks of honorable gentlemen on the second reading of this bill, that a measure of this kind is absolutely necessary to prevent professional gamblers

and cheats from practising their calling on the railways, although he was happy to say it was an evil that had not extended to the Maritime Provinces. Honorable gentlemen, while admitting the necessity of such legislation, objected to the extraordinary powers which it conferred on employees of railways. He would venture to propose, on the part of honorable members who were not disposed to go the length of this bill, an amendment which he thought would to a certain extent remove the objection which had been very reasonably made to the arbitrary powers conferred by the bill upon irresponsible parties. The amendment which he proposed was to the third section, confining the power to make arrests to the conductor, master, clerk or station master.

Hon. Mr. CAMPBELL suggested that the first clause should be amended by inserting the word "gambling" before "game," in the first clause, so as to distinguish gambling from an innocent game played only for amusement.

Hon. Mr. PELLETIER — The difficulty would then arise, in giving discretion to the conductor, to say what a gambling game was, and it might lead to the abuse of power under this bill. He admitted it was a very stringent bill, but it was required to carry out the object which it had in view. Until it was proved that some abuse had arisen under the operation of this law, it would be better to let it go as it was.

Hon. Mr. CAMPBELL said he would not insist on his suggestion being adopted.

Hon. Mr. DICKEY contended that if the bill passed in its present shape it afforded every inducement to brakemen to use the power conferred on them to levy blackmail. Two gentlemen might take out a pack of cards or a box of dice to play an innocent game for amusement, and the brakeman or deck hand could, on the supposition that they were going to gamble, arrest them at once and take them before a magistrate, and this power could be exercised, not only without the consent of the conductor or captain, but actually against their will.

Hon. Mr. PELLETIER said it was not likely that any man would make an arrest unless he was prepared to prove the act.

Hon. Mr. MILLER said it was necessary to give such despotic powers to police officers, but they were men who were appointed to such a position for special qualifications, and it was not safe to give the same powers to every employee of a steamboat or railway company. He thought it was sufficient to meet the object in view, to confer the power of arrest on no employee lower in rank than a captain or conductor—or as

the honorable gentleman (Mr. Boisford) had gone so far—to clerks.

Hon. Mr. SCOTT said, no doubt the bill gave extraordinary powers, and at first sight it seemed to be an interference with rights that all men hold dear, but it was adapted to special circumstances to meet an evil of an extraordinary character. The bill was largely copied from statutes now in force in some of the states of the neighboring Union. The law in Iowa and Kansas was very much more strict than this bill. The reason for giving power to brakemen to make arrests was because the conductor on a long train could not be present in all the coaches at the same time, and as a rule he only passed through once between each station. He thought if this point were conceded it would seriously weaken the bill.

Hon. Mr. BROWN said he had been travelling on railways for many years and had yet to meet the first case of professional gambling on a car. It was true there were strict laws in some of the neighboring states against this practice, but he had not heard anything as to their effect in suppressing it.

Hon. Mr. FERRIER said he had written to the manager of the Grand Trunk Railway for his opinion respecting this bill and he had received the following reply:—

GRAND TRUNK RAILWAY OF CANADA,  
General Manager's Office,  
MONTREAL, March 19th, 1877.

Hon. James Ferrier, Ottawa.

MY DEAR MR. FERRIER,—I have read the proposed act for the prevention of gambling practices in certain public conveyances." The utility of such provisions as the Act contains will be recognized by all railway men.

For the better protection of the public against the practices of card-sharps, gamblers and three card monte men, it has recently become necessary to issue a special circular, instructing conductors and others to take every measure permitted by law at present to put a stop to the proceedings of these men.

Reports reach us frequently that the comfort of passengers is seriously interfered with, and as the class of men who pursue this avocation is the lowest and worst in existence, occasions may arise when very serious results will occur unless the law intervenes.

I understood you to say that the bill has been regarded as an improper interference with the liberty of the subject in preventing innocent games with cards. The company would deprecate any measure the effect of which would be to prevent passengers

whiling away the tedium of long journeys by friendly games of whist, &c, but it does not appear to me that taking the time of the whole bill there is anything to lead to the apprehension that such passengers could be interfered with. Certainly they could not under the bill unless they played for money, and I think our conductors may be trusted to distinguish between the ordinary passenger so employed and the low type of gambler, card-sharper and three-card monte men, with whom they occasionally have to deal.

The Act appears to be a very excellent one, and entirely in the interest of the public. I hope, therefore, it may pass through the Legislature.

Yours faithfully,

L. J. SEARGEANT,  
Traffic Manager.

Hon. Mr. COENWALL said he considered it was owing to the absurdity of the laws in Texas, Kansas and Iowa that they were inoperative. He had, while travelling through those States, seen card playing carried on continually on the railways. It must be that the laws are so stringent and absurd that they are not carried into effect.

Hon. Mr. SCOTT said the law was only passed last year. Another objection to confining the power of making arrests to the conductor was that officers could not leave the train to prosecute.

Hon. Mr. MILLER said that was the only valid objection that had been used by the Hon. Secretary of State to this amendment, and there was considerable force in it. He would suggest an amendment that would meet the views of honorable gentlemen, and that was to empower any employee to make the arrest when authorized by the conductor.

Hon. Mr. MACFARLANE suggested that the amendment should be accepted, and if the law did not work well enough it could be amended next year, by giving the additional powers asked for.

Hon. Mr. PELLETIER accepted as an amendment, that arrests could be made by any employee "when authorized by the master, conductor, or superior officer."

Hon. Mr. GIRARD moved an additional clause to the bill, to provide that the master, conductor or officer in charge, shall be liable to a penalty of twenty dollars if they permitted gambling to be carried on with his knowledge or consent.

Hon. Mr. SCOTT said they would accept the amendment as an additional clause.

The amendments were concurred in, and the bill was read a third time and passed.

#### SECOND READINGS.

The following bills were read a second time:—

An act to amend the act to incorporate the Ottawa Agricultural Insurance Company.

An act to incorporate the St. Lawrence and Pacific Railway Ferry Company.

#### THIRD READINGS.

The following bills were read a third time and passed:—

An act to incorporate the Union Atlantic Cable Company.

An act to amend and extend the Coteau and Province Line Railway.

The House adjourned at 6.05.

FRIDAY, March 23rd.

The SPEAKER took the chair at three o'clock.

After routine.

#### THIRD READINGS.

The bill, "An Act to incorporate the Canadian Engine and Machinery Company," was read a third time and passed.

Hon. Mr. RYAN moved the third reading of the Montreal, Portland and Boston Railway Bill, as amended from committee.

Hon. Mr. DICKEY called attention to the fact that the amendments were ten times as long as the original bill, and by these amendments it was proposed to legislate for two other railways having no connection or concern with this bill.

Hon. Mr. RYAN said the two railways mentioned, the Missisquoi Railway and the Montreal, Chambly and Sorel Railway, were actually part of this.

Hon. Mr. CAMPBELL said the difficulty arose in committee. It was suggested there that this railway having been incorporated by statute of the Province of Quebec, and afterwards having been declared a road of general utility, and made a road of the Dominion, it should be brought under the Consolidation Clauses Act of the Dominion, otherwise it would have to be controlled by the Consolidated Clauses Act of Quebec, and everything connected with the road would have to be reported to Quebec. The reason why the other roads were mentioned was it had a devious history. At one time it was the Missisquoi Junction Railway, another time it was the Montreal, Chambly & Sorel Railway until it came into the hands of the present company, when the name was again changed.

The bill was read a third time and passed.

The Halifax Union Marine Insurance Bill was read a third time and passed.

PRISONERS IN COMMON JAILS.

Hon. Mr. PELLETIER moved the second reading of the bill. "An act to provide for the safe custody of prisoners in places where the common jails become temporarily insecure." He said this bill was merely permissive legislation. It provides that when in any district the common jail becomes temporarily insecure the Lieut. Governor may substitute a neighboring gaol by proclamation published in the *Official Gazette* of the Province and the *Canada Gazette*. The second clause provides the authority for the confinement of the prisoners in the substituted jail, and the third clause provides for their trial in the district, county or place in the gaol whereof he is confined.

Hon. Mr. MILLER said it appeared to him there was an important omission from the bill. It was this—the intention was to remove prisoners from the county jail of one district to the county jail of another. In Nova Scotia the prisoners in county jails were supported by the district in which it was situated, and in removing prisoners from the jail of one district to the jail of another, in that province, there was no provision made in this bill for their support. Of course, in the other provinces where the criminals were maintained by the Local Government, it would make no difference, but in Nova Scotia, where each district had to support its own prisoners, this bill would make an important difference.

Hon. Mr. PELLETIER said he expected that objection would be raised, but this bill was only permissive legislation, to allow the Lieutenant Governor to make such regulations on certain occasions; and when it was carried into effect the expenses connected with it must be regulated by the Local Legislature.

Hon. Mr. DICKEY asked what was the scope of this bill? Did it only include prisoners for crime, or did it extend to all prisoners?

Hon. Mr. PELLETIER said it extended only over prisoners for crime. This Government had no jurisdiction over civil cases.

The bill was read a second time.

TRADE MARKS.

Hon. Mr. PELLETIER moved the second reading of the bill to extend the Act respecting trade marks and industrial designs to the Provinces of British Columbia and Prince Edward Island.

Hon. Mr. HOWLAN said, in 1864 an act was passed by the Imperial Parliament, a

copy of which was sent to all the colonial governments. That same act was passed in Prince Edward Island, and he thought it would be necessary to repeal that act before this act was extended.

Hon. Mr. HAVILAND said this question had come before this Chamber last session, when the present Lieutenant Governor of Quebec was Minister of Agriculture, and he had promised this measure would be brought down this session. He presumed this bill was the one promised, but he would call the attention of the present Minister of Agriculture to the fact that there was already a local act on the statutes of Prince Edward Island regulating trade marks, which was an exact transcript of the Imperial Act. It would be necessary to have the local act repealed. It would be far better to have the Dominion Act, as the local one protects the trade marks in Prince Edward Island only.

Hon. Mr. PELLETIER said this act would supersede the local act.

Hon. Mr. MILLER thought it would certainly be necessary to repeal the local act.

Hon. Mr. PELLETIER said any necessary amendments could be made in committee.

The bill was read a second time.

THE RAILWAY ACT.

Hon. Mr. PELLETIER moved the second reading of the bill to amend the Railway Act of 1868. He said the object of the bill was to make the fifteenth and sixteenth sections of the seventh section of the Railway Act of 1868 apply to any railway company incorporated under any act of a provincial legislature, in all cases where it is proposed that these railways shall intersect or cross any railway under legislative control of Canada. It provides, also, that the owners of such railway shall agree as to the amount of compensation, and in any case where they shall not agree the amount shall be decided by arbitration. The sixteenth paragraph provides that no such power shall be granted to any railway company before applying to the Railway Committee constituted by the 23rd section of the Railway Act.

The bill was read a second time.

The House adjourned at 4 o'clock.

MONDAY, March 26th.

The SPEAKER took the Chair at 3 o'clock.

THIRD READING.

Bill to amend the Act incorporating the Ottawa Agricultural Insurance Company, was read a third time and passed.

## PRINCE EDWARD ISLAND RAILWAY.

Hon. Mr. HOWLAN inquired:— Whether it is the intention of the Government to comply with the terms of a certain petition requesting the building of a branch line of railway from the O'Leary Station on the Prince Edward Island Railway to West Point. He said that the Prince Edward Island Railway had been talked of as a great drawback to the Dominion, and that it cost a large amount of money, from which there would never be any return, but he was pleased to find from the manager that the earnings of the road this year had not been far from the expenditure. The earnings for the year 1876 were \$118,000, against an expenditure of \$127,000, of which \$8,000 were for material and stations which had been built for the accommodation of passengers. Ninety-three thousand nine hundred and sixty-eight passengers had passed over the railway during the last year, which was proof that the people appreciated the advantage of having such accommodation. The railway was fast becoming a blessing to the Island, and the people were anxious to have this branch built as a feeder—the more feeders there could be to that line, the more successful the road would be. The construction of this branch would not be very expensive as he noticed there was a load of steel rails now going to the Island for the purpose of relaying the main track, and the old rails could be used for laying the branch. The amount of freight which had passed over the road was some 28,000 tons. He thought the people who, at the commencement, had opposed the construction of the Prince Edward Island Railway had now come to the conclusion that the building of such a line was warranted in the interest of the country; and this success was proof that the promoters of the scheme were wise in their generation. The branch which was asked for was only about ten or twelve miles in length through a rich country, where there was no harbor, and if the railway were constructed it would bring a large amount of traffic to the main line.

Hon. Mr. SOTT—I beg to inform my honorable friend that it is not contemplated by the Government to build such a branch line.

## CANADA AGRICULTURAL INSURANCE COMPANY.

Hon. Mr. BUREAU moved that a humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a full and complete statement of the property and affairs of the

Canada Agricultural Insurance Company, incorporated in 1872 by the Act of Canada, 25 Victoria, chapter 104—such statement to be duly sworn to as required by the Act of Canada, 38 Victoria, chapter 20, and to exhibit a list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

The property or assets held by the company, specifying—

1. The value (as nearly as may be) of the real estate held by such company.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited with amounts separately.

3. The amount of cash in the hands of agents.

4. The amount of loans secured by bonds and mortgages, constituting either a first or second lien on real estate in separate schedules.

5. The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof.

6. The amount due the company or which judgments have been obtained.

7. The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stocks owned by the company absolutely.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value.

9. The amount of assessments on stock premium notes, paid and unpaid.

10. The amount of interest actually due and unpaid; also the amount of interest accrued and unpaid.

11. The amount of premium notes on hand on which policies are issued, with amount paid thereon; also bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue.

12. The amount of all other property belonging to the company, with a detail thereof.

The liabilities of the Company, specifying—

1. The amount of losses due and yet unpaid.

2. Amount of losses adjusted but not due.

3. Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the Company upon which no action has been taken; the amounts of each class separately, carrying out the totals in one sum.

4. Amount of claims for losses resisted by the Company distinguishing those in suit.

5. Amount of dividends declared and due, and remaining unpaid.

6. Amount of dividends declared, but not yet due.

7. Amount of money borrowed, and security given for, payment thereof; stating each loan separately, and the interest paid therefor.

8. The amount of unearned fire premiums.

9. Amount of unearned inland marine premiums

10. Amount received for marine (ocean) premiums, not marked off.

11. Amount of all other claims against the Company, with a detailed statement thereof.

12. Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

Income of the Company, specifying,—

1. Amount of cash premiums received, less re-insurance.

2. Amount of notes received for premiums, less re-insurance.

3. Amount of interest money received.

4. Amount of income received from all other sources.

Expenditure of the Company, specify ing —

1. Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at \$

Amount paid for losses which occurred during the year deducting savings and salvage.

Total amount actually paid during the year for losses in each branch, in separate columns.

2. Amount and rate of dividends paid during the year.

3. Amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. Amount of all other payments and expenditures, with details thereof.

Miscellaneous:—

1. Gross amount of risks taken during the year, original and renewal, in each branch of the Company's business separately, deducting amount of re-insurance effected thereon, in each branch separately.

2. And amount of risks in force at end of the year in each branch of the Company's business, deducting re-insurance; and showing at foot, in separate columns, the net amount of risks then in force.

The above statements to be made separately for each year, from the date of the

commencement of the business of the Company to the date at which the Company was last required by the Act last above cited, 38 Victoria, cap. 20, to prepare and deposit an annual statement.

He said he would not have been obliged to move this address if the parties had complied with the law; that was to say, if they had made a return within thirty days of the meeting of Parliament; but they had not done so. He would not give his reasons for moving this address as he did not wish to affect the credit of the company in any way, but he would say it would be a great deal better if all such companies would make their returns according to the provision of the law, and he thought it was the duty of the Government to see that such returns were made properly, because in virtue of the general act they appointed a general superintendent, to whom they paid \$4 000 a year as salary, and it devolved upon that officer to see that the law was complied with. The public looked to the Finance Minister to see that a proper investigation was made into the affairs of this company. What had taken place in an important city of the Dominion had unfortunately given rise to suspicions amongst persons who had invested their money in such institutions, and when they see there are no returns they become apprehensive. He thought the Government should be held personally responsible if the law were not faithfully carried out, as they had taken into their own hands the whole of the administration of these insurance companies. The shareholders of this company were complaining that the company were now asking them for the payment of a new instalment, and some shareholders would have several thousand dollars to pay, which they were not willing to do, if the company did not comply with the law. He had received complaints from persons of very high standing, as to the state of the institution, and he had been pressed to move the resolution now before the House. Among others who had spoken to him was a director of the company. Some members of Parliament, also, were directors of the company, and they had asked the President to call a meeting, so that they could take the affairs of the institution into consideration. The President called the meeting on the same day as the meeting of Parliament, and he had done so in order to prevent members of Parliament attending the meeting.

The motion was carried.

THE NATIONAL POLICY.

Hon. Mr. READ moved, that in the opinion of this House, the present and future



interests of the manufacturing and agricultural industries of the Dominion, call for the adoption of a national policy by which either reciprocity of trade with the United States is obtained, or a reciprocity of tariffs is established by Canada. He said that in rising to ask consideration of this motion, he did so with a great deal of diffidence. He felt he was the least among the many here who could do justice to so important a subject, and he would claim the indulgence of the House while he presented his views on a question, which was one that bore more on the present and future prosperity of the Dominion than any other. He had always been inclined to the side of protection, and he was led to arrive at that conclusion from mature deliberation on his own part, and from experience of other countries. He was led to believe that it was the true policy of this Dominion by seeing the results that had followed its adoption by our neighbors on the south side of the line 45, and he had always held that in commercial matter, what was advantageous to them could not be disastrous to us. He held that for all new countries, starting into national existence and coming on to manhood, the only way they could hope to be successful was to protect themselves as far as they could against the manufacturers of the older countries. Great Britain, above all countries, protected herself in every possible manner against every other country; from the extreme course which she took she rose to that degree of perfection that no other country could compete with her when she established what was called a Free Trade policy. So far did she protect her manufacturers that she prohibited the exportation of some classes of machinery even as late as 1842, and it was only when she had so far advanced in the rank of nations that she removed certain duties that were pressing hard upon her industries, but which tended further to protect herself. He referred to the speech made by Sir Robert Peel at that time, during the passage of the corn laws, and read the following remark therefrom:—

“I do not intend to remove all the duties that are protective; nay, to the contrary, I intend some to remain that are strictly protective in their character.”

From this it would be seen that even at the time the corn laws were passed they had not given up the idea of protection. They had frequently heard free traders eulogize the Cobden Treaty, but if they would look into the trade returns of England they would see what were the imports into the country of manufactured goods at the time of that treaty between England and France, and to what extent it was likely to affect

British manufactories. The people at that time demanded cheap bread in order to compete with other countries. The question of foreign importations, at that time, showed that all the imports into England of manufactured goods were:—

Cotton manufactures.....	£3,700
Lace “ .....	7,600
China and earthenware .....	3,600
Linen manufactures .....	12,000
Woollen “ .....	16,700
Silk “ .....	240,000
	<hr/>
	£283,600

Under the Cobden Treaty it would be found that France for a number of years agreed that a thirty per cent. tariff should be adopted, and after three years it was to come down to twenty-five per cent. At that time England was admitting brandy at eight shillings a gallon duty, showing that there was not much free trade about that. In looking at the history of the United States it would be seen that that country had a partial free trade policy and a protective policy of from twenty-four to thirty-three per cent. While the latter tariff existed the free imports were very small, being eight million, as compared with eighty six millions paying duty, in the year 1832, as will be seen by the following table:—

	Imports Free of Duty.	Imports Paying Duty.
1824.....	\$4,183,938	\$67,985,234
1825.....	4,796,745	85,392,565
1826.....	5,686,803	72,406,708
1827.....	3,703,974	67,628,964
1828.....	4,889,435	76,130,648
1829.....	4,401,889	62,687,026
1830.....	4,590,281	58,130,675
1831.....	6,180,680	89,734,499
1832.....	8,341,947	86,779,818

Average duty on total imports, about 28 per cent.

A compromise act was then passed, by which the duty was reduced every two years until it came down to twenty per cent. on manufactures. It would be well to study the history of that policy and see the result of that compromise. For the nine years of partial free trade, ending 1841, imports ran up twenty-five millions free of duty, as compared with seventy-five millions paying duty. This state of the trade continued till 1841, when there were over sixty-one millions of dutiable imports and a like amount of free imports.

Free Imports.		Dutiable Goods.	Table of imports during a protective policy from 1843 to 1860:		
			Imports	Imports	
			Free of Duty.	Paying Duty.	
1833.....	\$25,377,582	\$75,670,361			
1834.....	50,481,548	58,128,152			
1835.....	64,809,046	71,955,249			
1836.....	78,655,600	97,923,554			
1837.....	58,733,617	71,739,186			
1838.....	43,112,889	52,857,390			
1839.....	70,806,616	85,690,340			
1840.....	48,313,391	49,945,315			
1841.....	61,031,098	61,926,446			
			1844.....	\$18,956,452	\$ 83,668,154
			1845.....	18,077,598	95,106,724
			1846.....	20,990,087	96,924,058
			1847.....	17,651,347	104,773,002
			1848.....	16,356,379	132,282,325
			1849.....	15,726,425	125,479,774
			1850.....	18,081,590	155,427,936
			1851.....	19,652,995	191,118,345
			1852.....	24,187,890	183,252,508
			1853.....	27,182,152	236,595,113
			1854.....	26,327,637	271,276,560
			1855.....	36,430,524	221,378,184
			1856.....	52,748,074	257,654,236
			1857.....	54,267,507	294,160,835
			1858.....	61,044,779	202,293,875
			1859.....	72,286,327	259,047,014
			1860.....	82,291,614	279,873,327

Average duty on total imports about 12½ per cent.

It would be well to consider what the statesmen of that day thought of that policy, and he would quote from the remarks of one of the most eminent men of the day, Henry Clay, who stated, "My fixed purpose on this occasion has been to appeal to all gentlemen, and all political sides of this Chamber, to come out and make a sacrifice of all lesser differences in a patriotic, generous and general effort for the relief of their country." This was what he believed the representatives of Canada should now do. He would read a little further from the same speech.

"I do not ask what have been the remote causes of the depression and wretchedness of our once glorious and happy country. I will turn my views only on the causes which are proximate, indisputable and immediately before us. One great, if not the sole cause, is to be found in the withdrawal of money from the country to pay debts accrued and accruing abroad for foreign imports, or debts contracted during former periods of prosperity. What then is to be done to check this foreign drain. We have tried Free Trade. We have had the principles of Free Trade operating on more than half of our comforts for nine years. That will not do, we see. Do let us recall the time when a protective policy was established and we then had universal prosperity."

This was the experience of Henry Clay after being thirty-seven years in public life, and of a tariff running from thirty-seven and a half per cent. down to twelve and a half per cent. After that they passed a more protective tariff, and the result was imports were \$18,000,000 free of duty in 1844 as compared with \$83,000,000 dutiable goods in the same year. Then coming down to a period sixteen years later, about the commencement of the rebellion, the imports were \$82,000,000 free of duty, as compared with \$279,000,000 dutiable goods. During that period the country had prospered; every one would recollect the great advance in the trade and commerce of the country, as shown by the following table:—

NOTE—The Reciprocity treaty went into effect, 16th March, 1855. Fourteen years later we find the imports into United States

1874.....	179,936,668	415,924,580
1875.....	167,180,644	386,725,509

When the war began the tariff had to be readjusted so as to meet the increased expenses of the country. Under their present policy their free imports in 1875 were \$167,000,000, and their dutiable imports were \$386,000,000. The result of their protection policy was that notwithstanding the disastrous civil war through which they had passed, to-day they were exporting very much more largely than they were importing, and they had paid already upon their debt a larger sum than any other country in the world had ever done in so short a time. At the close of the war their debt was so large that the interest on it was greater than the interest on the national debt of Great Britain per capita. Putting it in pounds sterling—for the sake of comparison—the debt of the United States was £575,000,000, and that of England £800,000,000. The interest on the national debt of the United States amounted to 19s. sterling per capita, whilst that of Great Britain was 17s. 8d. per capita. Comparing the debt of the United States, and the per capita tax per head of some of the principal countries in Europe, it would be found to stand as follows:—

National debt of the following countries, with the interests per head of the population computed, in sterling, at the close of the American war:—

	Debt.	Interests per heap per annum.
United States.....	£575,000,000.....	19s. 0d.
England .....	800,000,000.....	17s. 8d.
Holland .....	85,000,000.....	14s. 1d.
France.....	152,000,000.....	9s. 6d.
Austria .....	234,000,000.....	6s. 8d.
Italy .....	152,000,000.....	7s. 3d.
Russia .....	142,000,000.....	2s. 6d.
Prussia .....	36,000,000.....	2s. 5d.

These figures may have changed since this calculation was made, but here was a country which had, since the war, reduced its national debt by \$600,000,000, and it was to day a little over \$2,200,000,000. They had been able to pay this large amount because the people were prosperous, and had always employment. The exports of the United States very largely exceeded their imports, and he had yet to learn that a country could be rich which imported more than it exported. The feeling of the free trader was, that a country that could import more than it exported would grow rich. This he considered a fallacy. He had noticed the following significant fact in the *London Times*, which had been carefully suppressed by a leading free trade paper of this country, in reproducing the article. The *Times* said:—"The fact that Canada is a very large importer compared with the United States is in some measure a satisfactory feature. This is not altogether so pleasant a sign as the other, because Canada is partly enabled to buy thus largely in excess of her available means merely by borrowing largely. Heavy import figures are not so much a sign of wealth therefore, as a sign of debt. It is a question fairly open to dispute whether the stimulus given to the country by incessant borrowing is healthy. At the present time it is a dead weight." It was not necessary for him to use any argument on this point, when the great free trade organ of the world—the *London Times*—had advanced such a statement. Although he had noticed that this point had been carefully excluded from a review of the article by the *Toronto Globe*. Free traders tell us that the consumer had to pay the duties. It was so in some cases, he was willing to admit, but in the great majority of cases it was the producer who had to pay the duties. He had to meet competition in the market, and, consequently, had to reduce his prices in order to meet that competition. Free traders ask "Why tax farmers? Why make them pay more for their goods than they are now doing, by protecting the manufacturers?" He did not believe that protection would increase the price of manufactured articles to the

farmer. After the present Government came into power they sent a gentleman to the United States to offer great inducements for free trade. Why was there a necessity to offer those inducements for free access to the American market if the consumer in that country has to pay the duty? To his mind it was a sufficient answer to the question, it is the producer and not the consumer who has to pay the duties in nine cases out of ten. Why had the honorable Senator from Toronto, when at Washington, offered to give away our fisheries, or bind Canada to build the Caughnawaga Canal for the accommodation of the American people, if it was not because the Americans were the consumers of our products, and the Canadian producer was paying the duties? There might be exceptional cases, but if they were going to offer a great deal for reciprocity with the United States it was not because the American consumer paid the duties on Canadian goods, but because they were paid by the Canadian producer. The argument that had been thrust on the farmers that they would have to pay for the protection of the manufacturer was a delusion, and he contended that a free trade policy was not in the interests of this country. He considered the greatest amount of harm had been done in this country by that organ of the free trade policy, the *Globe*, by educating the people on free trade principles. The country was led to believe that without free trade or a reciprocity treaty we could not exist. If the *Globe* had been subsidized by the Cobden Club it could not have done their business more effectually to the detriment of the best interests of this country, and in the interests of the manufacturers of Great Britain and the United States. He had no doubt that they were the honest convictions of the honorable gentleman who owned and controlled that paper, but the manufacturers of Great Britain were certainly not the most disinterested advisers this country could have in the framing of its commercial policy. As a proof of this he would refer to the correspondence which took place between the mother country and Canada after the adoption of the tariff of 1859 by the Canadian Parliament. The manufacturers of Sheffield had memorialized the British Government in their own interests, and that Government thought proper to send a copy of the memorial, with a remonstrance, to the Government of Canada. In that memorial the Sheffield manufacturers set forth:—

"The merchants and manufacturers of Sheffield have no wish to obtain special

exceptions for themselves, and do not complain that they are called upon to pay the same duty as the Americans or the Germans, neither do they claim to have their goods admitted free of duty; all they ask is, that the policy of protection to native manufactures in Canada should be distinctly discountenanced by Her Majesty's Government, as a system condemned by reason and experience, directly contrary to the policy solemnly adopted by the Mother Country, and calculated to breed disunion and distrust between Great Britain and her colonies. It cannot be regarded as less than indecent and a reproach, that while for fifteen years the Government, the great statesmen and the press of this country, have advocated free trade, one of her important colonies should have advocated protection, a principle destructive to the manufactures of England, where carried to success. In Mr. Galt's reply to the British Government, who forwarded this despatch, he says the duty was necessary to meet the expenses of the country and enable us to pay our debts, but should it foster manufactures it was in the interest of Canada to do so."

Here we have an objection, the adoption of increased duties as a protection to our home manufactures. How magnanimous and disinterested the Sheffield manufacturers become in their anxiety for the protection of the poor consumer; a day's labor of the manufacturer was equivalent to three days of the agriculturists, and Great Britain wanted to do all the manufacturing for her colonies. He would now refer to what the Secretary of State for the Colonies had to say on the subject. In the remonstrance he said:—"They cannot, however, concur with Mr. Galt in thinking that it should be a subject of gratification to the Canadian Government if it is found that the duties absolutely required to enable them to meet the engagements of the Province should incidentally benefit and encourage the production at home of many of the articles which she now imports. According to the Colonial Secretary it was not a matter for congratulation at all that manufacturing industries should be established in Canada, but he (Mr. Read) was proud to see the principles which he had advocated for years take such deep root in the Dominion as they had done. The free traders of this country, he believed, had drawn their inspiration chiefly from colonial secretaries, who were guided by the self-interest of the British manufacturers. But he would quote a little further from the same despatch:—"In reply to Mr. Galt, the Secretary of State for the Colonies says "They cannot,

however, concur with Mr. Galt in thinking that it should be a subject of gratification to the Canadian Government if it is found that the duties actually required to enable them to meet the engagements of the country should incidentally benefit and encourage the production at home of many of the articles which she now imports.

"On the contrary, my Lords are of the opinion that should this incidental effect be produced by the operation of the tariff, and branches of native industry be created which could not have equally prospered without protective duties, it may be found, when the financial condition of the country might enable the Government to reduce their import duties, that a class of interests will have grown up in dependence upon these duties which will impose a very serious obstacle in the way of a return to a sounder commercial policy, and that a system of taxation adopted for the object of revenue may be continued for the mischievous purpose of protection."

It appeared to him, if the consumer was to pay those duties instead of the producer, the British manufacturer would not have taken such a keen interest in Mr. Galt's tariff of 1859. They knew very well that, on the contrary, the producer who had to meet competition in the market and not the consumer, had to pay the duty. He believed it was the duty of Canada to take care of her own interest and provide employment for her own people, by fostering her home manufactures and industries. It would create wealth, promote the happiness of our people, and command respect and influence abroad. Have we that respect or influence at present? He thought not. Our neighbors across the line did not show it. He desired no quarrel with the United States, but he wanted to trade with them on fair terms—as an equal, and not as an inferior. Take our tariff as it exists at present and compare it with the tariff of the United States, and it would give the following result:—

	United States Tariff.	Canadian Tariff.
Bacon and hams.	2c per lb.	1c per lb.
Animals, all kinds	20 p. c.	10 p. c.
Barley	15c per bush.	Free
Bricks	20 p. c.	Free
Buckwheat	10c per bush.	Free
Bar stones	20 p. c.	Free
Cheese	4c per lb.	3c per lb.
Cider	27 p. c.	17½ p. c.
Clocks	35 p. c.	17½ p. c.
Coal	75c per ton.	Free
Coke	25 p. c.	Free
Copper, muf'd	45 p. c.	17½ p. c.
Corn & corn meal.	10c per bush.	Free
Cloths & clothing.	35 p. c.	17½ p. c.
Woollen, muf'd	35 to 50 p. c.	17½ p. c.
Cottons muf'd	35 to 50 p. c.	17½ p. c.
Deer carcases	10 p. c.	

United States Tariff.	Canadian Tariff.
Cutlery..... 35 p. c.	17½ p. c.
Earthenware from 25 to 50 p. c.	17½ p. c.
Furniture..... 35 p. c.	17½ p. c.
Furs..... 35 p. c.	17½ p. c.
India rubber, man'd 50 p. c.	17½ p. c.
Pig Iron..... \$7 per ton	Free
Oats..... 10c per bush.	Free
Crude oil..... 10c per gal.	7c per gal.
Coal oil, refined... 40c per gal.	6c per gal.
Hay..... 20 p. c.	10 p. c.
Patent medicines.. 50 p. c.	25 p. c.
Potatoes..... 15c. per bush.	10 p. c.
Rye..... 15c. per bush	Free
Salt..... 12c. per 100 lbs.	Free
Seeds..... 20 p. c.	20 p. c.
Sheep..... 20 p. c.	10 p. c.
Shrubs..... 20 p. c.	10 p. c.
Sheep skins..... 30 p. c.	Free
Stone..... 10 to 20 p. c.	Free
Trees..... 20 p. c.	10 p. c.
Vinegar..... 10c. per gal.	12c. p. Imp. gal.
Wool..... 20 p. c.	Free
Wood, manufac- tured..... 35 p. c.	17½ p. c.
Wheat..... 20c. per bush.	Free
Manufactures of iron, steel, cotton woolen, silk, hemp..... 35 to 60 p. c.	17½ p. c.
Type..... 25 p. c.	5 p. c.
Ship material....	5 p. c.
Iron.....	5 p. c.
Books.....	5 p. c.
Planed lumber.... \$' per M.	Free

The protective tariff as regards cheese, had a great deal to do with the establishment of cheese factories in this country. The duty did not effect the consumers, because the price is regulated by the British markets. The first year cheese factories were established in Canada we imported from the United States \$360,000 worth, but after a duty was placed on it, the number of cheese factories increased until we not only produce enough to supply our own wants, but a large quantity for export. He would not care to see a heavy duty placed on corn, other than that which entered into the production of spirits which should be taxed, and there was no reason why it should not be taxed, and as easily collected as any other tax, for every pound of it had to be weighed by the Government officer before it was manufactured into spirits. Mr. Galt's tariff in 1859 had established our woollen manufactures on a sound footing and it was a noticeable result that our people were as well and cheaply supplied with woollen goods as any other people in the world. It seemed to him that the time had now arrived when the manufacture of iron was worthy the consideration of the people of this country. What position would Canada be in if such an emergency should arise that we should be shut out from the world. He was not aware that there was a solitary blast furnace in operation in the Dominion. It appeared to him that Canada ought to manufacture her own iron and we should be prepared to tax ourselves

to accomplish that object. We were constructing an immense railway and there was no reason why we should not manufacture all the iron and steel for that road. In Nova Scotia the iron and coal were found adjacent to each other, and all it required was a proper protective policy to have iron manufactures established in that province. He saw by a late number of the Philadelphia Bulletin that the iron works of Pittsburg were working on full time; and the boot and shoe manufactures of Lynn were employing thirty-five per cent. more men than they did last year. These were signs of the times that would be welcomed by the people of this country as the prosperity of the United States meant prosperity to a certain extent for Canada, for when their trade was depressed it depressed the trade of Canada also. When the manufacture of salt in Canada first commenced a desperate attempt was made to stamp it out by selling American salt, which was admitted free, in the vicinity of the salt works at Goderich at a less price than they sold it at Toronto, and cheaper in Toronto than at Kingston. They did not succeed, however, in crushing out the Canadian salt trade, and we are now making salt for ourselves, but we cannot export it to the United States, as it is met with a duty of twelve cents per 100 lbs. He believed that all materials that enter into the construction of our shipping should be as free as possible, so that our ships could be built cheaply in order to compete for the carrying trade of the world. He considered our shipping interests were the most important in the Dominion, as we could always rely on the sailors to fight our battles. The United States found the utmost difficulty in manning their ships, and they had to depend on foreign sailors to sail their war vessels. To have good sailors to fight our battles we must have patriots, or else they would be found skulking behind the bulkhead for safety. Men had to be trained to the sea from their youth to be good sailors, and the Maritime Provinces would always furnish this element of greatness for the Dominion. Though the bargain by which they remained in the Dominion might be a hard one for some of the provinces, still it was a very desirable one, and he for one was very well pleased with it. The Americans were a far seeing people who understood their own business, and they generally got the best of the bargain when dealing with other countries. They encouraged home productions in every manner possible. They allowed old iron rails to be brought into their country free, to be re-rolled and exported; but if the Americans had the old iron and Canada had

the rolling mills, the re-rolled rails would not be admitted free into the United States. A foreign vessel winter-bound in an American port, if she only gets her machinery repaired, when that machinery goes back to the United States it has to pay a duty of thirty-five per cent. A ship sails from China to Montreal with a cargo of tea, arrives in port, but does not break bulk, and is ordered to New York, and because she sailed to Montreal, instead of to New York direct from China, the tea is rendered liable to a ten per cent. duty, as it is classed as tea imported from west of the Cape of Good Hope. This shows that the United States look after their own interest, and Canada should look after hers. Canadian vessels loading lumber at Ottawa for the United States are not allowed to pass into the Hudson River, where they can get return cargoes of coal. The consequence is, the coal and lumber trade from Ottawa has rapidly passed into the hands of the Americans, as Canadians cannot compete with them in rates when they have to return with empty barges. He considered, under the Washington Treaty, while it was the duty of our Government to allow American vessels to navigate our canals, if the Americans would not allow our vessels to navigate their rivers, we should exclude their vessels from the Richelieu and Ottawas, as there was no provision made in the treaty for the right of the Americans to navigate those rivers. There was no doubt but the policy of the Americans was to force Canada into annexation. He recollected well the able and unanswerable speech delivered by the late lamented Joseph Howe at the Detroit Convention, in defence of the rights of Canada to her fisheries. At that convention it was a well understood thing that it was at the request of the United States Government no resolution in favor of a renewal of the Reciprocity Treaty was passed. He had reason to believe it was because the treaty had not brought Canada into a close political alliance with that country, that was looked for by the people of the United States. The leading men of that country and the press stated so. At the Conference of 1866 there was a most unmistakable proposition made there to show the bent of the American mind was that there should be annexation. At that Convention letters were received from different parts intimating, that if the United States withheld reciprocity for two years Canada would be starved into annexation with the republic. They withheld the treaty, but Canada, notwithstanding, was to-day a part of the

British empire, and he hoped it would long continue to be so.

Hon. gentlemen—Hear, hear,

Hon. Mr. READ, continuing, said there was no doubt that the Munroe doctrine was the doctrine of the United States, and it could not be kept down—even when the representatives of the British Provinces were trying to negotiate a new treaty. The words of the Chairman of the Convention, Mr. Morrill, were so significant that he had never forgotten them; they were as follows:—"Will you have to pay the Hudson Bay Company a large amount for their territory?" To which Mr. Galt replied "We must pay them for their property, but the amount will not be large." Mr. Morrill then remarked, "You see, we are somewhat interested, for we look upon it as if we might have to pay that debt some day." That was significant enough. Going down a little further in the report, Mr. Galt said, in referring to the enlargement of our canals, that "they (Canadians) would not build those canals for their own trade alone," and "that it might be well to consider whether it would not suit both parties to put this trade on a better footing," and, further, that "his idea was that these waters might be utilized with advantage to both." To this intimation rather than proposition, Mr. Morrill replied, "That, gentlemen, will have to be postponed until you assume your seats here," i. e., at Washington, showing that the secret as well as public policy of the United States is now, and has been, one of aggression towards this part of Her Majesty's Dominions. He then pointed out that all that the Americans offered in return for the use of our Canals, fisheries and other advantages, was the admission free of duty of "burr stones unwrought, cotton and linen rags, firewood, grindstones, rough and unfinished, and gypsum or plaster, unground." This was what Canada was to get for the advantages to be received by the United States. At that time there was very little disposition shown to enter into anything like reasonable trade relations with this country, and the same free list that now exists is about all that was offered then. Notwithstanding the fact that that treaty was not renewed, our trade with the United States was the third largest in the world. Canada bought from them more than any other country, with the exception of Germany and England—England first, Germany next, then Canada, as would be seen by the following table, which is worthy of attentive study. The United States domestic and foreign exports for the years 1874-75 were:—

England.....	\$308,876,292
Scotland.....	21,120,561
Ireland.....	43,569,635
Germany.....	64,344,622
France.....	48,729,429
Canada.....	50,805,820
Belgium.....	20,187,315
Cuba.....	19,597,981
Netherlands.....	13,714,846
Spain.....	11,643,715
Russia.....	10,162,557
Japan.....	8,373,006
Italy.....	4,265,686
Mexico.....	4,073,679
Turkey.....	2,549,493
China.....	1,629,165
Portugal.....	1,553,042

years. Of these imports from the United States Canada exported \$6,000,000, leaving the balance against us \$38,000,000.

Canadian imports of Domestic and manufactured produce, exclusive of foreign productions imported from United States:	Canadian exports of Domestic and manufactured produce, including foreign productions:
1867.....	\$21,321,169
1868.....	26,262,272
1869.....	21,197,252
1870.....	26,849,324
1871.....	34,502,726
1872.....	32,759,090
1873.....	38,572,550
1874.....	47,093,157
1875.....	34,296,531
1876.....	37,960,947
	\$330,820,018

Domestic and foreign Imports from United States for the years	Domestic and foreign exports to United States for the years
1874.....	\$54,283,072
1875.....	50,805,820
1876.....	46,070,033
	\$151,158,925
	96,073,170
	\$55,085,755

He would now show what the export trade of 1875 of the United States was, as compared with the population of the different countries. It was as follows:—

Value of Exports,	Population,
Spain.....	\$11,643,715
Italy.....	4,265,686
Russia.....	10,162,557
Turkey.....	2,549,493
Netherlands.....	13,714,846
Portugal.....	1,553,042
Sweden & Norway.....	2,385,088
Japan.....	8,373,006
China.....	1,629,165
	\$56,279,573
	144,989,377

While Canada imported from the United States no less than \$50,805,820, with a population of about 4,000,000.

So that it would be seen that Canada bought nearly as much from the United States as Spain, Italy, Russia, Turkey, the Netherlands, Portugal, Sweden, Norway, Japan, and China. The 4,000,000 of people in Canada bought as much as the 145,000,000 of people in Europe, besides China and Japan—not very bad customers, he thought.

Hon. Mr. WILMOT—How much did the United States buy from us?

Hon. Mr. READ said he noticed that in the ten years between 1866 and 1876, Canada sold to the United States \$361,194,437 worth of goods, and we purchased from them domestic products to the value of \$330,820,018—this did not include foreign products. Last year Canada sold to the United States \$30,000,000 worth of goods, and purchased \$46,000,000. In 1875 she sold them \$29,900,000, and bought \$50,000,000. In 1874 the sales amounted to \$36,000,000, and the purchases to \$54,000,000; or, in other words, during the last three years we purchased from the United States \$151,000,000, and sold to them \$96,000,000,—leaving a balance of trade against us of \$55,000,000 in three

1874.....	\$361,194,437
1875.....	30,362,231
1869.....	42,090,314
1870.....	41,039,991
1871.....	37,424,851
1872.....	40,961,434
1873.....	43,809,070
1874.....	38,153,004
1875.....	32,763,870
1876.....	30,930,697
	\$361,194,437

Balance of trade against Canada in 3 years.

In the period of our prosperity the balance was, some years, a little in our favor, but not much. It would be well to see what these things consisted of, and what were the purchases from the United States. The returns last year showed that we purchased \$21,438,758 worth of manufactured goods from our neighbors, and we sold them only \$1,386,685 worth, as their prohibitory tariff prevents Canada from sending anything with advantage into their country while they have the advantage of our markets, take away our money, and leave us in debt. The Hon. Mr. Cartwright tells us that the people of the United States only purchase to the extent of \$10 per capita, while the people of Canada purchase to the extent of \$22 per capita, and hence Canada is in a greater state of prosperity. But the London Times tells us that this is an evidence, not of prosperity, but of debt. He thought Canada had gone further than she ought to have done in making concessions to her neighbors, as the policy of Canada should be that which Washington advised his country in his farewell address, which he would read to the House, as it was peculiarly applicable at the present time. It was as follows:—

“How strongly has our recent experience evinced the wisdom of that farewell advice in which Washington urged on his countrymen the importance of keeping constantly in view that it is folly in one nation to look for disinterested favors from another, that it must pay with a portion of its independence

for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalent for nominal favors, and yet of being reproached for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard."

Free Traders would say, look at the experience of England; but his answer to that was, that free trade was really protection to them, as England was the great distributing house of the world; their ships take the goods from the producer and carry them to the consumer; their merchants handle these goods, and in doing so bring wealth to the nation. The trade of England in foreign products amounted to about \$300,000,000 annually, so that there was every inducement to encourage foreign products to come to their market to be distributed all over the world. The following is a list of foreign products distributed from Great Britain during the year 1874:—

Articles exported to Great Britain being products imported from foreign countries and Colonial possessions for the year 1874.

	Value in stg.
Bacon and Ham.....	£ 593,392
Butter.....	151,002
Candles.....	402,145
Cheese.....	100,397
Coffee.....	5,233,684
Cornmeal.....	481,499
Wheat.....	222,046
Flour.....	146,907
Cotton.....	6,833,616
Hides.....	1,509,511
Rice.....	2,519,870
Raw Silks.....	2,962,796
Skins and Pelts.....	1,064,065
Spices.....	803,669
Brandy and rum.....	794,848
Sugar.....	686,442
Tea.....	2,580,378
Tobacco.....	818,747
Wine.....	825,273
Wool.....	10,244,285

British exports of foreign and colonial produce for years:—

1871.....	£60,505,538
1872.....	58,331,487
1873.....	55,840,162
1874.....	58,092,348

While that policy was all right for England, it was all wrong for Canada, as we are not situated as they are. Canada is a young

country, in leading strings, and can only gain strength by being protected in its growth and development. It was his experience and the experience of the world that a purely agricultural country was always a poor country, and without a manufacturing, mining and mechanical population the natural resources of Canada would never be developed. No better evidence of the good effect of protection could be shown than that the result of Mr. Galt's tariff, of 1855, under which many of the manufactures at present existing in Canada had been established and placed on a firm basis. Why was it that our population was emigrating to the United States? It was because they could not find employment at home and they sought to better their condition in the manufacturing districts of that country. There the mechanic and his family lived in ease and plenty; but it was not the case with the mechanic here, while the farmer and his family labored harder than any other class of the community—considering the remuneration which they received. When the Compromise Act was passed in the United States the complaint was that the duties on the imports did not meet the expenses of Government, although the tariff was from 20 to 30 per cent. In 1860 the duties were increased on imports, but still the expenses of government were not met. At that time there was no excise duty on spirits, beer or tobacco, but after the adoption of the protective system the country had progressed in a manner that elicited the wonder and admiration of the world, and he thought that what was beneficial to that country would not be disastrous to Canada. Under their protective system the United States were now competing with Germany, England, and all other countries in cotton manufactures—and lately one firm had contracted to supply the Turkish Government with 600,000 rifles. In dealing with our neighbours across the line, no man had gone so great a length as Sir Alex. Galt, who said:—"As regards the United States I frankly declare that they ought to be dealt with in the same purely selfish spirit with which they treated us." Although he (Mr. Read) was a supporter of the late Government when Mr. Galt made his last proposition, he had stated, at the time, he would never support it. Mr. Galt had further stated—"It is the duty of the Government to examine the allegations of the sufferers most carefully with a view to their relief if practicable. And should such relief take the form of differential duties against the United States, I unhesitatingly adopt the position that we have a distinct and inalienable right to impose such duties if we choose." Turning to the trade returns



of the United States for the past four years, the following results would be found:—

Trade of United States for years—			
Imports.		Exports.	
1873...	\$ 624 639,727	1873...	\$ 649 132,863
1874...	550 556,723	1874...	704 463,120
1875...	518 846,823	1875...	658 691,191
1876...	443,933 763	1876...	654,463,969
<hr/>		<hr/>	
	\$2 139,032,039		\$2,666 751,143
Deduct imports.....	2,139,032,039		
			\$ 527,619,104

Leaving a balance of trade in favor of the United States in four years of \$527,619,104. He thought this was a table that would commend itself to their careful consideration. It showed that it was from that cause alone that the United States were paying off their national debt. He would now show how our trade of Canada was drifting into the lap of the United States. Our imports for the past four years were as follows:—

	IMPORTS.	
	From U. S.	Great Britain.
1873.....	\$47,735,678	\$68 522,776
1874.....	54,283,437	63,076,437
1875.....	50,805,820	60,347,667
1876.....	46,070,033	40,734,260

The decline in imports from England in four years is over 40 per cent., while in the same time the decline in imports from the United States is only a little over eight per cent. The total imports in 1876 from the United States exceed those from Great Britain.

He thought he had shown conclusively that the system adopted by the United States had been one eminently beneficial to them. They had studiously taken care of their own interests, whilst Canada had not. His resolution called upon the Government to adopt a national policy—a national policy which would be in the true interests of the country. He was not going to say how far it would be necessary for them to go, but the true course would be to adopt such a tariff as would be in the interest of Canada alone, and one which would induce the people of the United States to open negotiations with us for the purpose of securing our trade—a trade which was not insignificant when it equaled the trade of these countries in Europe with 135,000,000 of people, besides Japan and China. He believed it was the duty of the Government to step in and apply some remedy to the present state of affairs, and if it were not a success they

would not be blamed. But this do-nothing policy, this rest-and-be-thankful policy, this time-will-cure-all-things policy he did not believe in. He had waited for some time, and he had not seen the Government move in the right direction. But possibly the people of this country would move the Government. They had before this seen governments moved by the people; they had seen the British Government moved very rapidly without an election; and, although the Government of Canada did not seem to appreciate the signs of the times, no doubt it would be forced upon their attention by the people at the polls.

The further consideration of the resolution was postponed until after recess.

THIRD READINGS.

The following bills were reported from Committee without amendment, read a third time and passed:—

To provide for the safe custody of persons in places other than jails.

To amend the Railway Act of 1868.

THE NATIONAL POLICY.

Mon. Mr. WILMOT resumed the debate on honorable Mr. Read's motion. He said he had been asked to second this motion, but had the honorable gentleman consulted him before, he would have advised the framing of the resolution in a somewhat different shape. He was prepared, however, to support the principle involved in it. The honorable senator from Belleville had done good service in bringing a question of so much importance as our trade relations with the United States before the Senate at a time when there was so much interest felt in the country as to whether we should have reciprocal trade or reciprocal tariffs with that country. It might be argued that the Senate had not the right to interfere with a question of taxation—while he was well aware it had no right to initiate money grants, he thought that the statute defining the powers of the Senate gave it the right of making alterations in any way it chose so long as it did not increase the taxation of the country. The question of the tariff presented itself to his mind as containing three distinct principles or characteristics. First, to raise a certain amount of revenue. So far as the requirements of the Finance Minister were concerned, it might be a matter of indifference to him on what articles the duties were levied, so long as he obtained the necessary amount. The second principle involved was how the tariff acted on the course of trade. A tariff affected the course of trade to a certain

extent, as a dam would influence the current of a river. The third principle was its effect on the currency, or amount of circulation in the country, and from his experience he considered this the most important question of all, because the trade of a country is so largely dependent upon the amount of money in circulation. If the balance of trade is against the country and gold being the only legal tender, money upon which any description of credit is based, the withdrawal of it to meet the balance necessarily occasions a restriction of circulation, causing sometimes great commercial difficulty and depression. It had been asserted by some political economists as an axiom—which he regarded as a mere dogma—that imposing duties by a tariff upon the productions and manufactures of other countries, which articles could be produced or manufactured among ourselves, necessarily increased the cost to the consumer by the amount of the duties so imposed. He entirely denied that position, for it did not necessarily do so. Take for instance the duties imposed by the tariff of the United States, to the extent of 35 per cent., upon manufactures of cotton reported from other countries, no one could suppose that the consumers in the United States paid that duty when manufactured cotton had been sent to Manchester and undersold the British manufacturer on his own ground. The same may be said of iron and iron manufacturing; the American tariff imposed duties ranging from 35 per cent. to 100 per cent., and the Maritime Provinces were getting anchors, chains and iron from the United States at lower prices than they could be imported from Great Britain. In these and many other similar cases the tariff acted as regulating the course of trade, and not the raising of revenue, or increasing the cost of the articles to the home consumers. Therefore the supposed axiom of the political economists was not correct. We are importing double the amount from the United States that we are exporting to that country. Was that a desirable state of trade? He denied that it was. He contended the sooner it was changed the better. The whole of our import and export trade for the year 1875 showed that the balance was largely against us. In that year we imported into this country \$123,070,976, whilst we exported only \$77,860,976; this adverse balance affected our whole circulating medium by causing a demand for gold drafts and bills of exchange and reducing the circulation some nine millions of dollars, causing bankruptcy, thus throwing out of employment the laboring classes and other producers of

wealth, and causing numbers to leave the country for want of employment. A large amount of business was carried on at a loss, and as a large amount was due the banks for discounts, he feared that numbers of our business men were paying interest in a great many cases, not out of their profits, but out of their capital. Was that a desirable state of things to continue? It might be asked, what can legislation do to prevent it? He contended it could do a great deal. His own experience had been that taxes were increasing while his income was falling off. It was high time some remedy should be devised for this state of things. The Swiss historian, Sismondi, in his history of the rise and decline of the Italian Republic, laid down the principle "that every legislator should inform himself, and understand how wealth was created and distributed, and how it can be made most advantageous and available to every family and every inhabitant." There are two factors in wealth—one, the resources the Creator has given; the other, the productive labor, the ingenuity and machinery brought to bear to convert these natural resources into exchangeable articles. Therefore, we have to study in what way to make the productive labor in our country yield the largest returns. He had felt disappointed in listening to the utterances of the Finance Minister, when he introduced his budget. In a time of depression like the present, he had a great opportunity of regulating his tariff so as, not only to have raised the necessary revenue, but have given a stimulus to those engaged in productive industry, instead of permitting our markets to be supplied by the productive classes of other countries; and it was hardly to be expected he would have selected two articles—one, tea, a production of China that enters into the consumption of every family in the country, rich and poor, and the other, malt, which gives a wholesome drink, and not intoxicating, to the working classes, and which is manufactured entirely from one of the products of the country. But, unfortunately, his (Mr. Cartwright's) views were diametrically opposed to what he (Mr. Wilton) considered as best suited to the best interests of the Dominion. The Finance Minister was thoroughly imbued with the principles of what was falsely called Free Trade, but was merely free imports. Free Trade should be an interchange of commodities on equal terms. Our trade with the United States was not of that character. A high wall of tariff impositions gave them a great advantage over our industrial population. England had been referred

to as a country which derived great benefits from Free Trade, or free imports, but he would read from the London correspondence of the New York World, the great organ of the Free Traders of the United States published within the last fortnight, the following statement:—

“In all the large manufacturing centres of the country we hear of nothing but depression and the disappearance of business—mills working on half-time only or altogether closed, factories shut up, large establishments which are not receiving now as many orders in a year as they used to receive in a single month. Where are the ‘cotton lords’ to-day? They seem to have suddenly become extinct. The great trade upon which they flourished is withering away. The change has come with startling suddenness, and no one yet seems to fully realize the immense consequence which it must carry with it. However, no one appears to understand what has brought the catastrophe to pass. ‘It can only be a temporary depression,’ said a manufacturer from Oldham to me the other day; ‘the surplus goods will be cleared off the market, and then trade will revive again.’ I was sorry to discourage him by giving him reasons for holding a different opinion.

“The cotton trade, in my opinion, is passing from England, not temporarily, but permanently, and no one who is engaged in it yet realizes that fact. And what has produced the revolution? The great and silent advance made in cotton manufacture on your side of the Atlantic. I need not tell you that hitherto England has held practically a monopoly in this branch of industry. She supplied the world. But now wherever a piece of English cotton can enter a market another piece of American cotton is to be seen side by side with it—always as good, sometimes better in quality, and lower in price. The last fact is one for which I was quite unprepared when I began to make inquiries into the subject. But a fact it is; and it is fatal to the recovery of English trade.”

Now, that was a most important statement. The cotton manufacture was of great importance to Great Britain, and any check to that industry was of very serious import—When he (Mr. Wilmot) was engaged in the timber trade it was a remarkable fact, that when the cotton manufactures were brisk in Manchester, timber was active in Liverpool. He had not long since met the representative of one of the largest firms in Glasgow engaged in the manufacture of cotton, who admitted that the American goods alongside English goods were cheaper and better. Here was another statement from an English paper:—

“The gravest intelligence is reaching the manufacturers of Birmingham and Wolverhampton wares, touching the competition of American manufacturers in our colonial dependencies of Australia, New Zealand, the West Indies and Canada. In all these markets United States products are rapidly supplanting those of England. They are declared to be superior in style and finish, to be mostly cheaper, and to be more carefully and more handily packed.”

These were awkward facts that should receive the consideration of every thinking man. The first principle of trade is barter, and if we want free trade we must have some other symbol of value for the exchange of our commodities besides gold, and the first step in free trade should be to make gold free, as it now is in France and in the United States. The cause of the depression in the United States is put down to the great reduction in the amount of circulating medium since 1865.

The following statement is taken from the books of the Treasury Department by Hon. Moses W. Field, which exhibits the contraction of the circulating medium of the country that took place from September 1st, 1865, to December 1st, 1873:—

Amount of money, currency, and circulating medium, September 1st, 1865, exclusive of coin—

United States notes.....	\$133,160,569
Fractional currency.....	26,344,742
National bank notes .....	185,000,000
Compound interest legal tender notes.....	217,024,160
Temporary loan certificates (10 d-d).....	107,148,713
Certificates of indebtedness....	85,093,000
Treasury five per cent legal tenders .....	32,536,991
Treasury notes, past due, legal tenders, and not presented...	1,503,020
State Bank notes.....	78,867,575
Three years' Treasury notes...	830,000,000

Total, Sept. 1st, 1865.....\$1,996,678,770

Circulating medium, exclusive of coin, Dec. 1st, 1873—

United States notes.....	\$367,001,685
Fractional currency .....	48,000,000
Certificates of indebtedness (bearing interest).....	678,000
National Bank currency .....	350,000,000

Total, Dec. 1st, 1873..... \$765,679,685

Contraction from Sept. 1st, 1865, to Dec. 1st, 1873 (causing a money panic)..... 1,230,999,085

From the foregoing statement it appears that the circulating medium of the country (or evidences of indebtedness of the Government, used as such) was contracted over \$1,200,000,000 in eight years. The greater part of this amount consisted of the three year treasury notes (\$830,000,000.) These notes were called in and bonds substituted in their stead, prior to 1868. The crash of 1873 followed as an inevitable consequence. It won't do to say that it was the result of the war, or of extravagance, or of over-production, or of anything of the kind. Crashes and money panics just like it, occurred before the war, on an average *every five years*, and this crash did not occur until *eight years after* the war. The periodical money panics, which occurred before the war, were the natural results of the specie basis system of money, and the panic of 1873 was caused by enforcing the policy of contraction, which was planned at the same time that the national banking system was projected, in order that the specie basis system might be re-established."

When he heard gentlemen in the other branch of the Legislature arguing about protection and free trade, he observed they never took into consideration one of the most important elements connected with trade—that was the money or circulating medium, as our whole supply of gold is dependant upon our foreign trade, and the quantity is so small, compared to the values that are exchanged, that all means are taken to carry on business by some other substitute. He would now refer to a statement made by Sir John Lubbock, in which he showed that of £19,000,000 paid into his bank in a few days, only one half per cent. was paid in gold, while by law the whole amount could have been exacted in that metal, as it was the only legal tender, showing how entirely the system was based on a fiction, and the great cause of money panics. It is a fact that in England, if the sovereign is the slightest shade short of the legal weight it is not a legal tender. An enquiry was lately made in the Imperial Parliament on the subject of banks of issue. Some of the witnesses estimated that the total amount of gold in the country amounted to £150,000,000, and as there are no notes below £5 in England, the principal amount of this is in circulation to pay wages, &c. but the amount settled at the London Clearing House in the year footed up 1,500,000,000, all of which could by law have been demanded in gold, but could not have been obtained as it did not exist. Great Britain was now dependant for a large portion of the supply of

bread upon three countries, viz : Russia, Germany and the United States, and the consequence is, those engaged in agriculture in England say rents or labor must come down. Laborers have been forming unions to prevent a reduction of wages, and the consequence is that a great deal of land formerly cultivated in that country is now turned into pasture, and the great question in England to-day is the beef question. He would refer again to Sismondi, to show how history repeats itself:—

"Within a century and a quarter of the commencement of the Christian era, the mighty Roman Empire was at peace. At home the historians had only to commemorate the virtues of the sovereign and the happiness of the subjects; this happiness the result of universal peace, of equal protection, equal security for all, was doubtless great. It was the period, more especially the provincial cities attained the highest pitch of opulence, and were adorned with the most remarkable edifices. The Emperor Adrian had a strong taste for the art, and for all the enjoyments of life; he was continually travelling through the provinces of his vast Empire. But it was during the same period that peace and prosperity fostered the colossal growth of individual fortunes and vast domains, which, according to Pliny the elder, were the destruction of Italy and the Empire. A single proprietor gradually became possessed of immense estates, while he amassed wealth so disproportioned to the wants of a single individual he cleared all the country he got within his grasp of that numerous and respectable class of independent cultivators, hitherto so happy in their mediocrity. Where thousands of free citizens had formerly been found ready to defend the soil they tilled with their own hands, nothing was to be seen but slaves; even this population rapidly diminished, because its labor became too expensive, and the proprietor found it better to turn his land into pasture. The fertile fields of Italy ceased to supply food for their inhabitants. The provisioning of Rome depended on fleets which brought grain from Sicily, from Egypt, and other parts of Africa. From the capital to the uttermost parts of the provinces, depopulation followed in the train of overgrown wealth, and it was in the midst of this apparent universal prosperity, before a single barbarian had crossed the frontiers of the Empire, that the difficulty of recruiting the legions began to be felt. The incomes of individual patri-cians reached £600,000 sterling, and many of the senators and wealthy Roman subjects derived incomes of 4,000 lbs. weight

of gold, or £160,000 sterling annually, from their estates; at the same period 350,000 of the citizens of Rome, men who under other circumstances would have composed the invincible Roman legions, were reduced to pauperism, and received from the public stores their daily doles of bread."

It was precisely the same influences which brought ruin to the Roman Empire that were occurring to-day under the free import system. They are buying bread and meat from other countries, and their manufacturers were being interfered with by other countries in the markets of the world, and Free Trade and a fixed metallic currency would, in his (Mr. Wilmot's) opinion, bring about the same result. In Canada we are in a different position. Our farmers own their own land, can raise their own food, and make their own clothing, if need be. But our policy is suicidal, and it was quite time there should be some change, which could only be effected by altering the tariff or by applying free trade to gold. We must regulate our tariff in such a way as would be most beneficial to ourselves. Instead of imposing duties, running from 25 to 50 per cent., on the necessaries of life, like sugar and molasses, they should be levied on manufactures. The duties would not be a loss to the country, as they would go into the revenue to be expended for public requirements. Since we must be taxed, it is better for us to be taxed for the benefit of home manufactures, than to pay high duties on tea, sugar and molasses, which we cannot produce. There could be no doubt that the great depression was caused by circumstances beyond our control, as he had previously explained. Let us legislate for ourselves; let us employ our own labor, instead of letting our people go to the United States to be employed. He had been informed that there were more natives of New Brunswick in Massachusetts than in the city of St. John, and more natives of Nova Scotia than in the city of Halifax. How could we expect prosperity when we pursued a policy which sent our people to another country to manufacture articles we required. Political economy for a nation should be as domestic economy applied to a single family. A family that has more to sell than it has to buy not only increases its own wealth, but adds to the taxable wealth of the country, and the same policy will apply to a million of families who compose a nation. It was said that free trade was favorable to the consumers, and the consumer and producer formed different classes. Every man who produces

wealth with his hands is a consumer, though it does not follow that every consumer is a producer. We have a great country, which only needs wise statesmanship to make its resources yield large returns. We want sound common sense in our legislation, and not the nonsensical views which are put forth under the name of political economy. That system was on its trial now in Great Britain, and the working classes in the manufacturing centres of that country were beginning to find that the doctrines of political economists and doctrinaires were not putting bread into their mouths. The result of it was that the rich were growing richer, and the poor were getting poorer.

Hon. Mr. HOPE said this resolution appeared to have a wide scope. It proposed to establish a reciprocity of tariff either by a reciprocity treaty or a retaliatory policy, which simply meant that the taxation of the country was to be doubled. In 1850, the tariff of old Canada was 12½ per cent., and that was considered amply sufficient for all the exigencies of the public service. A good deal of discussion took place about that time on the subject of reciprocity. We contended if our farmers had reciprocal trade with the United States in raw products, there would be no difficulty in our becoming excellent customers of the United States manufacturers. The reply to that was, "But if we admit your raw products free, the first thing will be you will raise your duties and inaugurate a protective system." The answer was, "That is all nonsense. Twelve and a half per cent. is sufficient for our purposes." On something like that understanding, reciprocity was carried in Washington in 1855. The gentlemen who were then in power were succeeded by honorable gentlemen opposite, and their friends in opposition in the other House. In 1857 they raised the duties to 15 per cent.; in 1858, to 15, 20 and 25 per cent.; and in 1859 to 20 per cent. on unenumerated articles, and 25 per cent. on boots and shoes, &c., just double the duty imposed in 1855, when reciprocity was established. It was pointed out that the Government of the day had broken faith with the United States, but they replied they carried out the words of the treaty; as to the spirit, that was another thing altogether. A good deal of discussion took place on the subject, and the British Minister at Washington sent a despatch to the Government of Canada pointing out if this policy were persisted in it would lead to very important changes in the trade relations between the two countries. No attention was paid to that, and the United States Government appointed a commission-

er—Hon. Mr. Hatch, of Buffalo—to enquire into this matter. His report stated the facts very clearly, showing the Canadian Government had completely changed the relations which had existed at the time the Reciprocity Treaty was inaugurated, and he recommended a repeal of the treaty. That was before the civil war was well commenced, and the American people were too busy with warlike operations to attend to matters of trade, but as soon as the rebellion was ended, the Reciprocity Treaty was once more brought to the front and ultimately repealed. The right honorable leader of the present Opposition and his friends had some story to concoct to excuse themselves for the loss of the Reciprocity Treaty, and they attributed it to the fact that a certain amount of sympathy had been expressed by our people for the South; but he would ask who ever heard of Americans allowing such feelings to influence a square transaction? At Confederation the compromise tariff of 15 per cent. was adopted. He regretted that it had ever been altered. Some people might think it not high enough, but he thought it unfortunate it was ever raised above the 15 per cent.

Hon. Mr. READ—Was not another Government in power about 1862, 1863 and 1864—the Sandfield Macdonald Government?

Hon. Mr. HOPE said there was, and that Government would have been glad to have reduced the tariff, but were not strong enough to do so; their majority was only one or two. Some people pressed the Finance Minister of the day to come down with this policy, but he declined, saying it could not be carried, and that was the last of it; but he should have tried it, even though he had fallen in the attempt. A good deal had been said about the balance of trade, and it seemed to be the opinion of some honorable gentlemen that in order to get rich you must export more than you import. His opinion was, if you give away more than you get back you will speedily come to grief. He liked, himself, to get more than he gave. Supposing the senator from Belleville had 100,000 bushels of wheat, costing \$1 per bushel to send to the United States, that he could sell it there at \$1.50, and that the expenses amounted to 25 cents per bushel; this would leave him \$25,000 profit. Now, if he invested this \$125,000 in merchandise, and imported it into this country, would he be any poorer because there was an apparent balance of \$25,000 in the customs books against the country? On the contrary, both he and the country would be \$25,000 richer. In other words, the profits of a country are, to a certain ex-

tent, measured by the excess of its imports over its exports. Now, with protection, if high duties are levied, the goods are manufactured in the country, and the price to the consumer is increased in proportion to the duty, while the Government get no revenue from such goods, and hence they have to fall back on the prime necessities of life, from which to collect a revenue. Take boots and shoes for example. We manufacture over \$10,000,000 worth yearly, and import very little, not even \$50,000. We derive little or no revenue from such goods, and the people are taxed 17½ or 20 per cent more than they would have to pay if they had free trade. Time and again protectionists had contended that protective duties were only needed for a time until our manufactures were thoroughly established, which surely is the case with boots and shoes; and suppose an excise tax of fifty cents per pair were levied on boots and shoes manufactured in the country, it would bring \$2,000,000 into the exchequer, which would be some compensation for the loss sustained by the country in establishing this branch of trade. Did the honorable senator from Belleville, under a national policy, propose to tax to the extent of say thirty-five per cent. the farmer of Ontario and Quebec, and the fisherman, lumberman and shipwright of the Maritime Provinces to put money in the pockets of a few manufacturers in Quebec and Ontario? A farmer was not so credulous after all. If he could buy a pair of boots for five bushels of wheat he was not foolish enough to give six bushels for the same, as he would have to do if this national policy were adopted. It must be remembered that the prices of the farmer's products are regulated by the English market, and there was no possible way of protecting him. And the "workingman," what about him? A very sensible letter had recently appeared in the *Hamilton Times*, showing there was no protection in the power of Parliament to confer upon the workingman; that the imposition of high duties would attract workmen from the United States to work in the factories which would spring up; and instead of protection increasing his wages, it would, under such a system, lower them. The only way, however absurd it may be, to protect the workingman would be to prohibit labor from coming into the country. No legislation can affect the workmen who are suffering from the condition of the labor market on this continent. Some reference had been made to the Washington Treaty. The less said by the honorable Senator from Belleville about that treaty the better. Through the gross mismanagement

of the gentleman who represented Canada in the negotiation of that treaty, our fishery claims, instead of being decided, were left unsettled to this day, while the United States had free access to our fishing grounds. Then, with regard to the canals, if care had been taken in the construction of the treaty there would be none of the difficulties which had arisen from the manner in which it was interpreted. With regard to the differential duties on tea, the United States had for the greater part of a century given a preference to teas imported into that country from the east of the Cape of Good Hope. It was not a duty levied against us only, but against all European countries as well, and it would be unwise to legislate specially against the United States, which would be most uncalled for. There was another feature about any hostile tariff with the United States. Our trade with that country last year amounted to \$75,986,903, and honorable gentlemen must admit that a trade of such magnitude should not be lightly interfered with, and more especially as it was a trade which must be mutually advantageous. Then, with regard to agricultural products, he contended that the consumer in the United States paid the tax levied by that country on Canadian products. Take, for example, barley and rye, of which we exported to that country for the last fiscal year the large quantity of 10,164,551 bu-hels.

Hon. Mr. ATKINS—You would have some difficulty in convincing the people who grow the barley that they do not pay it.

Hon. Mr. HOPE said there had been a great deal of fallacy preached on this subject which would be thoroughly ventilated during the next two years. Viewing the matter as he did, he hoped the resolution would be withdrawn. He did not see what good purpose it would serve; and, moreover, the Senate was not exactly the body which should advocate doubling the taxes of the people of Canada.

Hon. Mr. SMITH said he wished to make a few remarks respecting the policy which should be pursued hereafter by the Government in case of a re-adjustment of the tariff. They should re-arrange it in such a way as to put the public to as little inconvenience and loss as possible. All goods in bond and in the country should stand at the duty then existing for at least one year. By this means it would take nothing out of the Treasury, and would be a great advantage to the mercantile community. All goods in bond, whether excise or imported, should stand in that position. In the United States they go further. All goods in bond or afloat they allow to stand at the duty

existing at the time of the change of tariff. If that course were pursued there need be none of the hardships which had been inflicted on the business community during the last three or four years. He would also suggest that in the next re-adjustment of the tariff the farmer, mechanic and laborer should not be obliged, as they now are, to pay more taxes in proportion than the wealthier classes of the community. On tea the farmer has to pay 18 to 30 per cent., while the man who gets his tea for 60 cents per pound, pays only ten per cent. That was unfair to the poorer classes. On sugar, the poorer classes pay 40 cents on every dollar's worth they consume, yet the advocates of free trade had nothing to say against such a policy. Then, on rice the duty is thirty-three and a third per cent. Before the change of Government an attempt was made to introduce light wines into the country, to take the place of ardent spirits, but since then that policy had been changed and the duty on light wines was now 150 per cent, while the wealthier classes pay only 15 or 20 per cent. on the wines they use. That was not fair. It was not the way to encourage temperance. On tobacco the duty is at least 200 per cent., on whiskey, 500 per cent., and on brandy only 100 per cent., although brandy is commonly used by the wealthier classes. On beer the duty amounts to 600 per cent. Now this was not a fair way to levy taxes. There was another grievance of which he complained. The last change of tariff affected only a few articles, among them malt. Now, a maltster who had a contract to deliver 1,000 bushels a month had no notice of this, and on every thousand bushels he loses by this change of tariff \$500, by a stroke of the Finance Minister's pen. He is thus placed at a disadvantage with those who have no contracts on hand. That was a hardship which the adoption of the principle he had already alluded to would remedy. The tariff was so framed as to give no encouragement to the poorer classes. The same, and in some cases a lower duty was levied on the goods consumed by the rich as on those used by the poor. The same principle should be applied to the tariff that municipalities apply to the raising of taxes. The more valuable the property the higher it is taxed. The Hon. Senator from Hamilton had contended that the consumer in the United States paid the tax on barley sent from this country. He (Mr. Smith) thought quite the reverse. The fifteen cents per bushel was paid by the producer, for if there were no duty on that barley in the United States our grain buyers would be able to pay fifteen cents more to the farmer for

it. The policy of the Dominion Government at the time of Confederation was to construct certain public works in the several provinces. The Lower Provinces had their Intercolonial R.R. built, Quebec had received benefits, and so had Ontario in the enlargement of the canals, and Manitoba and British Columbia would also have their share in the Pacific R.R. The policy of the Government should be to keep faith with every province of the Dominion in the construction of the public works promised at the time of Confederation. That was a proper course to pursue; but at the same time they should keep in view the necessity of making this country a desirable place for poor men to live in. As for free trade there could be no such policy in a country where we must raise \$25,000,000 every year to carry on the Government of the country, unless we are prepared to adopt direct taxation. The effect of a policy of direct taxation would be to throw the whole burden on the property holder, and by that means the floating population would escape bearing their fair share of the public burden. The present tariff was not a free trade tariff. It was unjust imposing on the poor heavier duties than on the rich; and he hoped the Government would re-adjust it so that each class of the community would bear its fair share of taxation, and do it in such a manner as not to cause such loss and inconvenience as the business community had suffered from the tariff changes during the past three or four years.

Hon. Mr HAYTHORNE rose to oppose the motion, partly because on a recent occasion the country with which he was connected had returned a representative to the other House, pledged to the principles of free trade, and partly because he believed if the people of Prince Edward Island were polled to day, a very large majority would also be in favor of those principles. But, quite apart from this purely sectional view, he was himself a firm believer in the grand principles of free trade, and he believed that if the views of the honorable gentleman who moved these resolutions were carried into effect this would not conduce to the welfare of this Dominion. He could not but admire the physical powers of the honorable gentleman. He admired also his candor. Right or wrong, the honorable gentleman was, at all events, a sincere believer in the principles he so boldly avowed. When looking over the motion of the honorable gentleman from Belleville which had stood so long on the notice paper he (Mr Haythorne) thought he recognized in this resolution an old friend with an new face, and, taxing his memory a little, he recollected that some

few years before Prince Edward Island became a portion of the Dominion, a similar policy, emanating from the then Government of Canada, was forced upon the Island by the Imperial Government. Canada had obtained the assistance of British men-of-war with a view to exclude American fishermen from the inshore fisheries of the Gulf of St. Lawrence, to which they had been admitted during several years by licenses. That was felt to be a great grievance in Prince Edward Island. They were compelled to shut their ports against American fishermen at the instigation of the gentlemen then in power in Canada, and a profitable trade with the United States was suddenly shut down, in order to enable Canada to carry out a retaliatory policy. The Island Government met the difficulty by an address to the Imperial Government, of which the following was the conclusion:—"In conclusion, the Council desire to press upon your honor's notice, for the guidance of the Secretary of State, the importance of cultivating friendly relations with the neighboring republic, and the danger of persevering in the present system, which is certain to produce discontent amongst the colonists, and bad feeling, if nothing worse, in the United States. A renewal of the Reciprocity Treaty would be a most welcome boon to the people of this colony, and failing that, a reduction of the United States tariff upon the produce and manufactures of the colonies, but the Council do not believe that the United States can be coerced into compliance by the pressure now applied, and they apprehend that all such attempts, discrediting, as they do, the soundness of the principles of free trade, will only increase the difficulty of gaining the desired concession by negotiation." Those remarks were true, then, and he believed they were true now. The result was that the memorial of the Local Government was met with unusual promptitude. The result was that almost by return of post an order was sent by the then Secretary of State for the Colonies to the Lieutenant Governor for the immediate re-opening of the Island ports. The following year the Washington Treaty was negotiated, and thus ended that attempt at retaliation, a policy which was most unstatesmanlike and unwise. If the United States pursued an unwise, unfriendly policy, there was no statesmanship in our Government being equally unwise. The honorable gentleman from Belleville had affirmed the proposition that young countries required protection against older and more advanced societies. He could not endorse that proposition. It was not necessary



that young countries should produce everything or nearly everything they required. Every country has special industries to which its attention should be naturally directed. If such industries only are followed no protection is necessary. Protective duties force a hot-bed growth, by which the country which pursues such a policy loses money every day. For instance a young country requires woollens, pottery, brickwork, agricultural implements, the more ordinary kinds of furniture, such as are in ordinary use in an agricultural country. These and other articles would form proper branches of industry, for such a country as ours, and for such there would be an extensive home market, but when you propose to manufacture expensive furniture, musical instruments, &c., the demand for which is comparatively small, you injure the country by forcing its industries out of their natural and productive channels into others which cannot be maintained unless it be at the expense of other more profitable trades. Expensive furniture, for example, could, as a general rule be produced cheaper in older countries where numerous large cities existed, creating an extensive demand, and where, not only would the most costly material be found, but also the most elaborate machinery and skilled workmen, who would scarcely find permanent employment amongst smaller communities. The honorable mover had referred to the past policy of England with reference to the protection of her trade and manufacturing interests. He (Mr. H) did not undertake to defend the protective policy of Great Britain. He considered it was rather to be avoided than imitated. Her free trade policy, however, had been eminently successful, and having the experience of that great country before us, he could not conceive any man wishing to earn for himself the gratitude of his country, or a character as a statesman, advocating the same blunders in this country as rendered England poor for many a year. The honorable gentleman from Belleville had said that England only inaugurated her present free trade system after her manufactures had been firmly established beyond fear of competition. On this point he would quote the opinion of Huskisson, which he found in an article by the Rev. James Freeman Clarke, in the *Boston Advertiser*. It was as follows:—

“After the wars of Napoleon protection reigned in England during 20 years. In 1824 the prohibitory duties on foreign silks were removed, and Mr. Huskisson said, that ‘after this measure the manufacture of silks made more progress in a few months than in half a century before.’ But not till

1849 was the principle of free trade inaugurated. At that time England was in great distress—the working people discontented and manufacturers equally so. The finances were in great disorder, the receipts of Government every year less than its expenditure. In 1846 Sir Robert Peel after reducing the duties on food broke with the protectionists, and led Parliament to adopt the principle of free trade. Immediate prosperity followed; there was no longer any deficit in the budget, wealth was steadily increased.”

So much for protection. Anyone who has lived in England in the period referred to would agree that what was stated in this article was perfectly true. He thought it was conclusive as to the rival principles of free trade and protection. The repeal of the Corn Laws was perhaps somewhat hastened by the famine in Ireland, but it was due chiefly to that and one other cause—the unadorned eloquence of Cobden, which contributed so largely to set British commerce free from the trammels in which it had labored so long. Not only was his memory revered in England, but in France also, where he inaugurated the free trade principle. There seemed to be some misunderstanding on the part of some honorable gentlemen on the subject of free trade. They seemed to think that there could be no free trade where there was taxation. No free trader contended there should be no taxation; their principle was that taxation should be levied to produce a revenue, and they claimed full liberty to buy in the cheapest and sell in the dearest markets. The honorable mover of the resolution had enlarged on the “cuteness” of the Yankees with respect to their trade relations with the Dominion. If he would turn to the pages of Adam Smith he would find how history repeats itself. The same difficulties occurred in England a century ago. Adam Smith relates that out of five and a half million pounds of annual customs revenue nearly one half was absorbed in paying duties and drawbacks. The same writer related the confusion it created in the customs, the uncertainty and hardship it occasioned the merchants, and the inducement it held out to dishonest traders after receiving a drawback on their goods to re-land them at some other part of the coast. A state of things very similar was now occurring in the United States, owing to their tariff. If the honorable gentleman would look at the matter closely he would find the high tariff of the United States had a great many evils and very few benefits. Something had been said about the Maritime Provinces and idle populations. In

Prince Edward Island there was no idle population. All the people of that Province were, or might be, fully employed. He had sometimes the pleasure of addressing them, and had before now congratulated them on their high privileges. That all classes, ages and sexes were productively employed. Contrast that with the state of Europe, even with that of England, and see if we are not at a great advantage in this country of ours. Here we have no idle aristocracy. He did not reflect on the British aristocracy; on the contrary, he had the highest respect for them but they were not a producing class. Neither were soldiers nor sailors in the navy. Nor were the arizans who build those vast war ships productive classes. Therefore, unavoidably, England had a large class who were not producers. Some reference had been made to the progress of the United States, and it had been attributed to protection. Mr. Wells traced their prosperity most distinctly to another and widely different cause. In one of his reports he says, "taking the length and breadth of the land, you cannot find, necessarily, an idle and unemployed man. Everyone can have abundance of food and clothing and all the necessaries of life." He adds that "the source of their prosperity is not legislation, but the inherent energy of the people and the resources of the country." Another great cause, no doubt, had been the fact that during a number of years there were added to their population, by immigration, 300,000 souls, mostly able-bodied persons, skilled in every branch of industry. He had seen the value of those emigrants placed at \$1,100 for females, and \$1,200 for males, and that appeared to be a cheap price. Mr. Wells says:

"From the Atlantic to the Pacific, from the St. John to the Rio Grande, no man need hunger from scarcity of food, or be idle from lack of employment. The experience of another year reaffirms the principle that the progress and growth of the country, through its elements of vitality, viz, its great national resources, and an inherent spirit of energy and enterprise in the people, are in a great degree *independent of legislation*"

With regard to England, he would like to quote what Mr. Gladstone regarded as the source of Britain's prosperity. At Wakefield, a few years ago, addressing a meeting, he said:—

"It would be, he said, a very extreme assumption to suppose that nothing but Free Trade had brought about the present development of the wealth and material power of the country. We know that the agency of steam and the telegraph, but

especially the agency of steam, as developed in the vast railway system in the country, has given an impetus to trade and commerce, and produced results, the amount of which it is difficult to measure. Yet, I conceive that the establishment of freedom of trade, and of a disposition to remove from trade every possible restriction, and every possible burden, excepting the burden of those charges which are absolutely necessary to maintain the revenue of the country, has been the main agent in raising the commerce of the United Kingdom to the extraordinary position it has now attained.

"I apprehend I am stating the matter very moderately if I put it thus—that in the course of the last thirty years (from 1841 to 1871), our population has increased from 25 to 30 per cent, while our trade during the same period has increased in the ratio of certainly not much under 400 per cent."

If, as Mr. Gladstone said, this was the source of England's prosperity, surely it would be unwise for this Dominion to go in an opposite direction. The mere fact of our being a young country should not induce us to abandon the experience of older countries. Surely the same principles held good whether the country was young or old. With regard to reciprocity, he would quote from a blue book of the Province of Prince Edward Island, to show the great progress that province had attained during the period it was in operation. It was taken from a blue book furnished by the Governor of the Province to the British authorities, and the portion to which he desired to call the attention of the House would show the decline of its trade after the abrogation of the treaty:—

"The trade of the British American Provinces with the United States increased during the term of the Reciprocity Treaty from \$17,000,000 to \$68,000,000; as to Prince Edward Island the exports fell from £120,908 stg. in 1865, to £21,603 stg. in 1866; and of imports from £90,800 in 1866, to £74,000 the following year."

With regard to a retaliatory policy, he believed it would be unwise to alienate those who were advocating better commercial relations with this country in the neighboring republic, by proposing anything of the kind. Such a resolution as this now before the House was calculated to put an end to all attempts at a reconciliation in matters of trade between the people of the United States and Canada. A country possessing such vast resources as the United States could not fail to prosper in the long run. Difficulties had arisen, but they were due, chiefly, to the wars, which had disturbed commerce throughout the world. The late

wars had caused an enormous waste of national wealth, diverted industry from productive channels to unproductive objects, and the nations had hardly yet resumed their original industries. To adopt a retaliatory policy at such a time and under such circumstances would be unwise. Some reference had been made to the cotton trade and had been asserted that the United States manufacturers were competing successfully with their Manchester rivals. He would read from the London *Mail* newspaper, an abstract of the annual circular of Messrs. Ellison & Co., the following, which he hoped would re-assure his honorable friend that the British cotton trade had not fallen into that utter state of decadence he imagined:

"The United States took for home consumption 1,356,598 bales of cotton, being an increase of 150,000 bales over 1874-5, and of 50,000 bales over 1873-4.

"The consumption of Great Britain has also increased by over 100,000 bales. From the complaints made by Messrs. Ellison's correspondents in Alsace, Prussia, Germany, as well as from France, Switzerland and Austria, there is abundant evidence to be got that English goods are holding their own in those parts of the continent where the customs tariffs do not practically exclude them from all competition. It is interesting to notice that the number of spindles in this country is still much greater than that of the rest of the world put together. Britain has, it seems, about 39,000,000; all the rest of Europe has only 19,500,000; and the United States, 9,600,000. We are still in a position, therefore, to supply all the world with cotton goods. When the world gets settled down again, we shall no doubt command, as heretofore, all open markets and the supply of the East."

It might be quite true that some American cottons and other goods had been sold in Manchester at remarkably low rates, but it did not follow they were sold at a profit. It could not be supposed that such a great country as the United States would remain forever without manufacturing industries. It is not to be expected that other countries could not go into manufactures. But there were new markets opening up continually. There was room in the great Australian continent, and in newly opened regions of Africa, as well as in the east, to dispose of manufactured goods. There was another phase of this cotton question to be looked at. In India, where 2,000 years ago cotton was spun with the distaff and woven with the hand loom, they were adopting English machinery and carrying on manufactures on a large scale. At some future time England may receive formidable competition from

India. The circular from which he had already quoted, referred not only to the cotton trade of England, but also to that of India, and he found the following statement with reference to the growth of that industry in India:—

"There were in Bombay forty mills; in Calcutta four, and several in course of erection, and not less than one million spindles and ten thousand looms."

So much for the cotton trade in Great Britain and in India. For his part he did not despair of the future of this Dominion, with such a wealth of minerals, such an area of fertile land, such forests, such fisheries, and such a mercantile marine. We might suffer from temporary depression, from which we should recover when the great industries of the world resumed their proper channels. We might have to wait for a return of prosperity. Meantime the taxes should be levied with a view to the requirements of the revenue, leaving trade as unrestricted as possible.

Hon. Mr. LEWIN said he would, in a few words, call attention to the position of the Dominion of Canada, and to what interests employed the largest number of our people and the largest amount of our capital. In the first place, he presumed, the largest interest was that of the agriculturists who export large quantities of wheat, and the only way to protect them was by giving them cheap labor. Ask the Canadian farmers what is the greatest difficulty with which they have to contend, and they will reply, that wages are so dear that they cannot afford to employ men to work their farms. If this was so, how was it possible to increase taxation and have cheap labor? Could the lumber interest be protected? He thought not. Look at the vast piles of lumber which had been lying unsold at this city for years. Could they be protected? They had to be exported to foreign markets, where they came into competition with the lumber of the United States and the Baltic, and the only way that it could be protected was by providing cheap labor, and that could not be done by increasing taxation. Then there is the shipping interests of the Dominion which are greater than many honorable members would imagine. In the Maritime Provinces a great proportion of the capital and enterprise of the people were invested in ships. These ships were not employed as a rule in direct trade between our own shores and Europe, but they were to be found in every sea engaged in doing the carrying trade of other countries. The ships of Nova Scotia and New Brunswick are not inferior to any

other ships in the world. In their models and workmanship, and in every respect these are equal to the ships of any other nation; but if those ships were to enter into competition with the shipping of other countries for the carrying trade, can they be protected by increasing the price of labor and the price of the materials which enter into their composition? He did not think any amount of protection that could be placed on coal could possibly benefit the coal interest. He did not believe a duty of one dollar per ton on coal would enable Nova Scotia to supply the Province of Ontario, and he certainly thought Ontario would not be willing to pay that duty, as in a cold country like Canada cheap fuel was an important question. Then the fishing interests could not be protected by increasing the cost of the necessities and comforts of life to them. Our present tariff is 17½ per cent, which, with the expenses of commission, freight, &c, is equivalent to twenty per cent, and this he considered was a very high tariff, and ought to be sufficient to encourage the manufactures of the country. When the largest amount of the capital, enterprise and energy of the people were employed in the lumbering, agricultural, shipping, mining and fishing interests, none of which could be promoted by any system of protection, it appeared to him if there is any country in the world to which the principles of free trade were adapted better than another it is Canada, taken as a whole from the Atlantic to the Pacific Ocean.

Hon. Mr. TRUDEL considered that the House was very much indebted to the honorable gentlemen who had introduced this question in the manner in which they had done. He considered it was one of the most important subjects that had come before this House for years, as for many years the country had not suffered from such a period of depression as now prevails. It had been stated that the depression was general throughout the world, that there was no remedy, and all that could be done was to wait for better times. If such was the case he could not see what necessity there was for selecting the wisest and most intelligent men to form a Government, as it would be just as well to call for tenders for the administration of the affairs of the country, accept the lowest offer and govern on a system of *laissez faire* and wait for better times. He thought differently, however; if there was not an entire cure for the bad times there was a partial remedy. The honorable gentleman from Hamilton, who had just spoken, had declared that his policy was to get as much

as possible and give as little as he could in exchange. The honorable gentleman, no doubt, understood it in the sense of an advantageous exchange, but the principle laid down in general terms, without distinction includes those who never pay their debts—that is to get as much as possible and give no equivalent. If we can obtain from our exports a greater value of imports without increasing our debt it is a good result, but as soon as we import more than we export, and the balance has to be paid in gold, it is so much debt created by the country. The wealth of a country comes from three different sources—natural products of soil, mining, etc.; manufactures and the products of exchange—that is, the gain which is realized by commerce. The true policy is to get all that can be got from these three sources. It had been truly stated by the honorable gentleman that political economy, after all, was not such a speculative science, based on complicated principles, which is a mystery for all not initiated in it. It is, after all, the same common sense that is applied to domestic economy—in fact the wealth of the whole country is the aggregate wealth of individuals. What is true of the individual is true of the country. For instance, if an individual takes a natural product worth one dollar, and by his workmanship manufactures it into an article worth two dollars, the wealth of the individual who manufactures it is doubled. It has been calculated that in the United States every workman produces \$2,000 per year. His wages are estimated at \$370, so that the balance, after deducting price of raw material and interest invested in the concern is a clear profit to the manufacturer.

Hon. Mr. WARK — What becomes of the raw material?

Hon. Mr. TRUDEL said, of course, the balance was not all profit, but the raw material was so increased in value by being manufactured that the individual wealth and national wealth were increased in proportion. A great deal had been said on free trade and protection, but he considered that these principles were not absolute principles. Free trade might be a sound principle in a country at one time, and protection might be an equally sound policy in the same country ten years afterwards, as it depended entirely on the state of trade and the requirements of the country. Protection that would induce the agriculturist to leave his farm and engage in manufacturing would be excessive; but while a country is in such a position that a large portion of the population are forced to remain idle, for

want of employment, and all industries starving—there is no fear of such a result—then it is the duty of the Government to so encourage industries that they will give employment for all who require it, and prevent the ruin of the national industries. This was the present condition of this country. The workmen, mechanics and artisans of the Dominion were idle, while the money that they should earn was going out of the country to pay foreign workmen for what should be done at home. The policy of the advocates of free trade seemed to be to raise antagonism of interest between the different classes of the community. They believe that protection to those engaged in some industry would be detrimental to other classes. He believed that there is such solidarity in the different classes of the population of the country that when any one class of the community is prosperous all other classes are benefited by that prosperity. According to the last census the disproportion between the artisans and agriculturists of the country was not as great as the House were led to believe, the proportion of the manufacturing class being 44 per cent. of the agricultural class. It would be seen from this that the number of those interested in the manufacturing industries is nearly one half of the number belonging to agriculture, and when these industries failed, a great proportion of the people of the country suffered. According to the last census the aggregate amount of wages paid to artisans was \$40,851,000—an amount sufficient to buy the whole of the cereals of the Dominion. It would be seen by that how largely it was to the interest of the agriculturists that the manufacturers should prosper. At the last census the amount of capital invested in manufactures was \$299,531,793, comprising the capital employed and value of the manufactures, so that it was a very large interest that demanded the attention of the Government in this crisis. It had been stated that the depression in the United States was as great as it was in this Dominion, but he considered if it was only as great, it was a strong argument in favor of the policy followed by our neighbors. Canada should be in three times a better position than the United States. First, because at the commencement of the depression, three years ago, the United States was laboring under the disadvantage of an immense war debt, while Canada was in a normal condition after fifteen or sixteen years of very great prosperity. 2nd. Everybody knows that every four years the Presidential elec-

tion brings a crisis of more or less intensity, and it was very well known what crisis brought the last one. Yet, in spite of the terrible war which the United States had come through, and the electoral crisis, they were in no worse position to-day than Canada, which was conclusive proof that they had taken better care of their industries. The capital invested in manufactures in the United States is shown by their last census to have increased 109 per cent in the last ten years. The products of these manufactures had increased 124 per cent, and wages had increased 104 per cent. The wages which were \$2 per day in 1860, were in 1870 \$4 per day. In 1860 the number of hands employed in manufactures was 1,311,216; in 1870 the number had increased to 2,053,996. The products in 1860 amounted to \$1,885,860,675, and in 1870 they had increased to \$4,232,325,442. The average amount of manufacture produced by each hand in 1870 was \$2060, while in Canada it was only \$1,179, so that if each workman of the United States produced \$881 less than they had produced in 1870, they would still be equal to the greatest prosperity which Canada had ever acquired. He could not understand, in the face of such facts, how the Government could ignore the manufacturing interests of the country as they were doing. He could remind the present Minister of Agriculture of the very eloquent speeches which that honorable gentleman had made not very long ago in favor of protection, and ask him, now that he was in power, to be patriotic enough to put those professions into practice; but he knew that such matters were not settled by any one member of a Government.

At this point the debate was adjourned, and the House adjourned at 11 p.m.

TUESDAY, March 27th.

The SPEAKER took the chair at three o'clock.

After routine,

THIRD READING.

The bill to incorporate the St. Lawrence & Pacific Railway Ferry Company was read a third time and passed.

LA CREDIT FONCIER.

Hon. Mr. SCOTT laid on the table a supplementary return in reply to the address for a clear and complete statement of the business, assets and liabilities of "La Credit Foncier du Bas Canada."

Hon. Mr. BELLEROSE called attention to the fact that the return was still incomplete, as it did not show the amounts paid

by the shareholders in cash and promissory notes.

Hon. Mr. SCOTT said that on the face of the return, certified under oath, it was in conformity with the statute. If payments were not in cash they were not payments in conformity with the statute.

Hon. Mr. RYAN said he had been authorized by the directors to state that all the payments by them had been properly made, and the calls had been paid in full.

Hon. Mr. BELLEROSE said that if that were the case it would have been easy to state in the return that the payments had been in cash.

Hon. Mr. PENNY called attention to the fact that the mode of payment was noted at the head of each column.

Hon. Mr. RYAN said he had a most distinct assurance from the directors that everything stated in the return was accurate. He thought it would be fairer and better for all parties, if there was anything wrong, that distinct charges should be made against the company. He really thought from the representations that had been made to him that there was no fault to be found with the management of the company.

#### SUPPRESSION OF GAMING HOUSES.

Hon. Mr. PELLETIER moved the second reading of the bill to amend the Act for the suppression of gaming houses. He said the object of the bill was to give increased powers to constables to enter gaming houses, and also to give to magistrates and justices of the peace power to direct that any cards, dice, or any other gambling instruments, should be destroyed as soon as found in gaming houses, and to fine any person found gambling, or looking on whilst others were playing.

The bill was read a second time.

#### GRANGERS.

Hon. Mr. LEONARD moved the second reading of the bill to incorporate the Dominion Grange of the Patrons of Husbandry. He said the object of the bill was for the organization of a large number of these societies, now in operation in Ontario. They wished to obtain an act of incorporation, and asked for power to hold real estate, so far as the Society was concerned, and to transact the business of the corporation. Their business embraced, principally, the manufacture of cheese and butter, driving cattle to market, etc. It was a sort of farmers' organization, to place them in a position to transact business in a collective capacity.

Hon. Mr. BROWN said it was undoubtedly a proper object for which to apply for an act of incorporation, because agriculture,

like any other business, could be prosecuted under incorporated powers; but, there were some things in this bill which he felt would lead to a great deal of confusion. The powers they sought were very extensive, and many of the objects could not be carried out without capital and considerable mercantile responsibility; yet, curious enough, the act provides that the Dominion Grange was not to be held responsible for the proceedings of subordinate granges. It appeared to him that parties might be led into a great deal of responsibility under this bill, without having the least idea of its extent, and he fancied the committee to whom the bill was to be referred should take care that the parties interested in the granges should be present to see that it was properly amended.

Hon. Mr. WILMOT said he would certainly support the bill. Grangers had established themselves in New Brunswick. It was simply an organization among the farmers to look after their own interests, and he thought agriculturists should have a measure of this kind as well as any other class of the community. Their rules and regulations were excellent.

Hon. Mr. MACFARLANE said they had farmers' organizations similar to those in the Maritime Province, under another name; they were simply called farmers there. He did not know whether this bill would in any way come in collision with the societies of the lower provinces.

Hon. Mr. AIKENS said these granges were numerous in Western Ontario, and he knew they were very highly spoken of in that part of the country from which he came. There could be no valid reason for refusing them an act of incorporation.

Hon. Mr. MILLER agreed with the honorable gentleman from Toronto (Mr. Brown) that the bill was very indefinite as to the limitation of its powers, and what it was to accomplish, but if the principles of the bill were not to be doubted, it would be well to refer it to a committee.

Hon. Mr. SCOTT said he did not think there was anything special to object to in the bill, but it contained some features to which objection was urged the other day in the Civil Service Bill. The mode of carrying it out was practically, under the authority of by-laws to be agreed to by the association. He thought the farmers were to be trusted with powers of this kind, as he did not think they were a rash class of the community.

The bill was read a second time.

#### THE DUNKIN ACT,

Hon. Mr. VIDAL moved the adoption of

the second report of the Select Committee on the petitions from the Province of Manitoba, praying that the temperance act of 1864 may be extended to that Province. He said in case anyone might consider there was some inconsistency between his motion and his expressed opinion that the jurisdiction in this matter lay with the local legislature, he might mention that he merely spoke as chairman of the committee on this occasion. The Act which it was proposed to extend to Manitoba was the 18th chap. of the 27th and 28th Vic., familiarly known in Ontario and Quebec as the Dunkin Act. Its chief object was to empower municipalities to prohibit the issuing of licenses within their respective limits, for the sale of intoxicating liquors, not to interfere with the manufacture of the wholesale trade in them. There were also some general provisions simplifying the procedure in prosecutions, &c., and making the vendors of liquors responsible for any damage arising from the use of the liquors thus sold. There were also a few clauses at the end of the bill which had reference exclusively to Lower Canada. It was quite obvious that in extending this Act to Manitoba great care would have to be exercised, and the committee, therefore, recommended the Government to prepare such a measure this session that Manitoba might enjoy the same privileges as the Provinces of Ontario and Quebec. He did not propose at this time entering into the general question of prohibition. He hoped still to have an opportunity of discussing that subject.

Hon. Mr. SCOTT said this brought up the whole question of the jurisdiction of the local and federal Parliaments in connection with the right to restrict the liquor traffic. It would be extremely unwise for the Dominion Parliament to inaugurate any such legislation until the Supreme Court decided the question of jurisdiction. When this motion was put on the paper the other day there was a discussion on this question, and the report of the Minister of Justice was then read with respect to it in which he advised against a special case going before the court. His reasons were that a court would not be in a position to give a decision on an artificial case. On no large question had there been so much diversity of opinion as this, and it would be manifestly unfair that a prepared case should go before the Supreme Court, more particularly as the opportunity of having it discussed on an existing case could not be long deferred. It was well known, for instance, that the brewers and others protested against the power of the Ontario Legislature to exact license from them, and

a living case would soon come before the Supreme Court for decision. It was well known that the courts prefer to give a decision on a live case, in which the counsel would be more earnest and the question would be more thoroughly discussed than in a prepared case. For these reasons he hoped the motion would not be pressed. The opinion of the Government was known. They were guided by the Minister of Justice, who had put on record the reasons why he thought it unwise to bring a case at present before the Supreme Court.

Hon. Mr. FLINT said the object of the Committee was to elicit the opinion of the Government on this subject. There appeared to be a hitch between the various governments on the question and it struck him the Dominion Government, having the power to levy a tax on the importation and manufacture of intoxicating liquors, they had a right to give Manitoba the benefits and advantages which might be derived from the Temperance Act. It seemed hard that those who were in favor of a prohibitory law should be put to the cost of bringing up a case before the Supreme Court to settle the question of jurisdiction. If, in the framing of the constitution anything was left undone, it was the duty of the Dominion Government to have it completed. To meet the advocates of prohibition, every time they came before this Parliament with the question of jurisdiction seemed to him absurd. The duty devolved on the Dominion Government to bring this question in all its phases before the Supreme Court and have it settled as soon as possible. If the matter had been left undecided until cases came regularly up from the lower courts to be settled by the Supreme Court, it would be a long time before anything definite could be known. The judges, when a case comes before them, generally decide it on a technicality if they can. Under all the circumstances, it would be better if the Government would take steps to settle this vexed question without further delay. They were, as a matter of course, all-powerful, and they had an opportunity to have this question of jurisdiction decided, if they wished.

Hon. Mr. CAMPBELL said he could not but admire the earnestness of the mover and second of this resolution in the cause of temperance. The progress they made was necessarily slow, because the matter was surrounded with so many difficulties; and, as the Hon. Secretary of State had said, it was necessary to proceed carefully in order that they might proceed legally. He felt bound to say that he did not think it would be a safe course to have the question

of jurisdiction settled on a prepared case. There was more likelihood of having the matter thoroughly considered after it had gone regularly up from one court to another, and been discussed in the lower courts before reaching the Supreme Court. It was a more prudent course for the Government to pursue than to frame a special case in which the facts might not be presented as they would occur in actual life. He hoped his honorable friends would not feel that anything was being done to thwart their efforts, because those who were familiar with the law advised a different course from that which they recommended.

Hon. Mr. FLINT asked how it was possible to settle this question in any single case that was likely to be brought before the Supreme Court. One man violates the law one way, and another man in another, and the consequence in each case that comes up will be decided on some special point, and the general question will remain undecided. He had no desire to embarrass the Government, but he wished to find some point from which a start could be made in the direction of prohibition. Unless this question of jurisdiction was settled it could not be got at. He asked in all fairness if it was not right that the Government should have this matter settled as soon as possible, looking at all the interests affected by the delay and uncertainty. Unless the Government would take some steps it would not be settled for many a year to come.

Hon. Mr. VIDAL said had he introduced a bill to prohibit the sale of intoxicating liquors in Manitoba he could understand this opposition to it, but this was merely a proposition to the Government to extend an existing law to Manitoba, which people of that province had petitioned for. Was the Secretary of State prepared to say the people of Manitoba were not entitled to the same privileges as the people of Ontario and Quebec enjoyed? This report did not touch the question of jurisdiction; the Government were simply asked to introduce a measure to extend the Dunkin Act to Manitoba. If they had not the jurisdiction to do so, let them distinctly say so, and then the matter would be at an end and no harm would be done. He had not intended to say one word on this question of jurisdiction, but since it had been alluded to he ventured to ask whether it would be right or proper to subject private individuals, or even a province, to the expense of obtaining a decision of the question of jurisdiction? This Parliament had a right to know what its powers were. How could it be possible to decide that question on any case that

was likely to come before the Supreme Court? As Mr. Flint had remarked, it would be years before a decision would be arrived at in the ordinary way. The country was looking for something to be done, and he hoped the Government would not postpone the consideration of this important matter any longer.

Hon. Mr. SCOTT said this report asked the Government to legislate for Manitoba. The honorable gentleman was aware that when a constitution was introduced for the North West, all round Manitoba, provision was made to meet the views of the temperance people.

Hon. Mr. VIDAL—The best legislation you ever made.

Hon. Mr. SCOTT said the report of the committee asked the Government to legislate for Manitoba in local matters, about the issuing of tavern licenses. Of course they had not the power to do this.

Hon. Mr. BELLEROSE said it appeared that the by-laws passed in the municipalities in Ontario and Quebec under the Dunkin Act were not legal.

Hon. Mr. SCOTT—The Parliament of Canada had control of this matter before Confederation.

Hon. Mr. BELLEROSE said even in Quebec they had been changing the code on that question. If there was a doubt, was it not the duty of the Government to see into the matter? Municipalities were going to the expense, from time to time, to pass by-laws which they were not sure were legal, and they did not wish to incur the expense of having this question decided in the Supreme Court. For the good of the whole community the Government should take up this matter and have a decision arrived at without delay.

Hon. Mr. MACPHERSON said the point involved in the question of jurisdiction was this—whether it was competent for this Parliament to extend the Dunkin Act to Manitoba, or whether it was within the power of the Legislature of Manitoba. The more regular way would be for Manitoba, if it desired to have this Act, to enact the Dunkin law and put it in force in the Province. Then the question would come up fairly and fully to the Supreme Court, where a final judgment would be given. The advantage of adopting that course would be two-fold. In the first place, you would have the sense of Manitoba expressed as to the desirability of having that Act made a part of the laws of the Province, and also of having this case brought before the Supreme Court. That would be a much more satisfactory way to settle the matter than by bringing a prepared case before the Supreme Court.



Hon. Mr. FERRIER said three judgments had been delivered in the Province of Quebec, deciding that the jurisdiction rests with the Dominion Legislature. In Nova Scotia the very opposite had been decided. Manitoba would, therefore, be in precisely the same condition as Quebec and Ontario if the course suggested by the honorable Senator from Toronto were pursued. The question would be no nearer a settlement than it is now.

Hon. Mr. DICKEY said this motion necessarily involved the question of jurisdiction. He concurred in the opinion that Manitoba should legislate, and that the legislation should come before the Dominion Government. A decision must then be arrived at, one way or the other. Speaking for his own province, it would be a shock and surprise to the public if this Parliament were to pass any act which would interfere with the jurisdiction of the Local Assembly in matters of license. It would not be submitted to, and he could readily understand if the converse of that were applied to Manitoba, instead of carrying out the object of the honorable senator who had introduced this motion, it would defeat it, because there would be a sentiment created against the act which would defeat its operation.

Hon. Mr. GIRARD was very happy to have this expression of opinion from the House on this important question. This difficulty about the jurisdiction was experienced in Manitoba. If they had been of the opinion they could legislate in this direction they would have done so in the Local Legislature, but they had been told it was an interference with trade, and, therefore, was beyond their jurisdiction. In this dilemma, the province was entitled to a decision. The Government knew what Manitoba desired, and the responsibility would rest with them if no legislation such as was wanted could be obtained. The people of Manitoba were of opinion that the introduction of the Dunkin Act into their province would be of great benefit, and in one way or another it would be introduced there in a short time.

Hon. Mr. VIDAL said, after the discussion on his motion, he was satisfied the interests of the measure could not be advanced by pressing it, and he, therefore, asked leave to withdraw the report of the committee.

Bill to extend the Act respecting Trade Marks to other provinces, was reported from committee without amendment, read a third time and passed.

#### THE NATIONAL POLICY.

Hon. Mr. TRUDEL resumed his speech on Mr. Read's motion, recommending the

adoption of a national policy. He said he had endeavored to show that a comparison between the present state of our industries and those of the United States was not fair, because the civil war, and the Presidential election occurring every four years, rendered crises like the present one more intense in that country than in ours. He had shown that \$300,000,000 was invested in our industries, and that at least one-half of that enormous amount of capital remained idle, and that part of our population dependent upon those industries were starving. In the face of such facts he asked why was it the Government made no attempt to relieve the distress which prevailed, in one way or another. Not only were our industries starving, but they were destroyed. In Montreal a factory had been established for the manufacture of sewing machines for shoemakers. Previous to the establishment of that factory those machines had sold for \$1,900, but they at once fell to \$1,600. The manufacturers in the United States made an effort to crush out this new rival, and reduced their prices to Canadian purchasers successively to \$1,400, \$1,200, \$1,000, \$800, until at last their policy had its effect, and the factory was closed. Thus, for want of a national policy this branch of industry was destroyed, and it would take years and years before an attempt would be made to restore it. The natural consequence of such ruinous competition has been to leave the Americans masters of that branch, and they can raise their prices as much as they please. For the last twenty-five years our imports had exceeded our exports by \$367,635,452, and during the last three years by \$55,000,000. It was impossible that the country could prosper under such circumstances. True, there might have been a profit on our exports, but not sufficient to cover the enormous difference between our imports and exports. It was easy to see where the difference was met. We borrow every year, not only through the Government, but from private societies which lend money on mortgages. No doubt a certain part of this was employed in making property more valuable, but a certain portion of it had to go to pay the excess of our imports. There could be no doubt this evil was produced by excess of imports. The best remedy, therefore, would be to take steps to check our imports. That could be done by the adoption of a fiscal policy such as was indicated in the motion before the House. And on whom rests the duty of moderating exports, if not on the Government? Private parties who had not the returns possessed by the Government to guide them, were not in a posi-

tion to know what articles were imported in excess. The Government were at the helm, and were responsible for the management of the ship of State. They were threatened with rocks on each side, but the channel was large enough, and the duty of the Opposition was to warn them against the breakers. It was for the Government to act upon that warning. What would be said of the captain who, in such a position, seeing that his vessel would infallibly be wrecked on one side, would refuse to turn the vessel from rocks on one shore because there were rocks on the other side of the channel? Yet that was just what the Government were doing. They would not take steps to check over-importation lest it might lead to over-production. Besides, they apprehend that our manufacturers become too rich, notwithstanding the fact they are starving and half of their establishments closed. He contended that the country was in no danger of excess of production or monopolies by manufacturers. It would be a long time before our oppressed industries could produce too much for the consumption of the country. On referring to the census returns he found that there was a profit of only two per cent on the amount invested in our industries, which can be very easily established. The gross receipts of the manufacturers are calculated to be \$191,617,773 a year. Deducting the price of the raw material, that is, \$125,907,846, we have a balance to cover wages and profits of \$65,709,927. Taking off that sum \$40,851,000, representing wages, we have a balance of \$24,858,927. Taking an interest of six per cent on the whole capital invested in industries, that is nearly \$300,000,000, say \$18,000,000, we have a balance of \$6,858,927, representing the net profit, that is, a little more than two per cent clear profit on the whole \$300,000,000 invested. There is no farm or city property giving so small an interest. He did not think, therefore, that there was much danger of the farmer giving up his occupation to enter into manufacturing, or manufacturers becoming too rich. In view of that state of our industries, the Premier might have taken some steps to relieve the depression which prevailed, but unfortunately he had committed himself and his Government to the doctrine of free trade in his speech at Dundee, and he considered it incompatible with his dignity to change his views, even when the interests of the country required it. It reminded him of the physician who had given a prescription to his patient, which the patient feared would kill him. On expressing his fear to the doctor, the latter replied "it is according to

the regulations of science, and it is better that you should die according to the rules of science than to live without them." The policy of the Government seemed to be quite similar to that. We want free trade and must have it anyway. It might kill the country, but we must have free trade. The Premier, at all events, will be able to show his friends in Scotland how strongly he is attached to the principles of free trade when he is prepared to do injustice to the Dominion rather than abandon them. When Dr. Sangrado taught his disciple to bleed all his patients, the young man came to him and said, "It is too bad, doctor, I bleed in all cases, and all my patients die." "I have remarked that myself in my own practice," replied Dr. Sangrado. "All my own patients die, but I cannot help it. I have written in favor of the system, and I must therefore continue to bleed my patients." So it is with our Government. They are bleeding the country, under the system to which they are committed, and will not change it. A great deal of praise had been accorded to those patriotic men who had invested large capital in establishing industries which gave employment to the people, developed the resources of the country and doubled its wealth: Is it right now to ruin those men who have invested such large amounts? The government of the country owes equal protection to all interests, to all national property, and the \$300,000,000 invested in the industries are entitled to the same protection as all other property. We ought to save these industries by all means! We must save them! And should a protection of 25 or even 30 per cent. be necessary, the country should readily grant it, because, by saving the industries we benefit all other branches. Whenever we claim that protection it is answered by the Government and their friends: "How do you propose to readjust the tariff? On which of the imports do you intend to raise the duties?" Of course, it did not rest with the Opposition to frame a tariff for the Government. All they could do was to suggest the remedy that could be applied, and let the Government act upon the suggestion or not, as they deemed right. It would be very easy for them to look over the tariff and see amongst the articles we import, which of them are produced here or could be advantageously produced and manufactured here. By protecting such industries they would pursue a policy which would soon make its beneficial effects felt. It is a total loss to send our money to foreign countries to pay there the price of raw material

which, in Canada he undeveloped to pay workmanship there, while our workmen are left idle, and to pay the interest on the capital invested in their manufactures, while our own manufactories are closed and the capital which they represent lost. Every million of such goods bought abroad is a loss of a million to this country.

By the enumeration of the articles of imports which could be manufactured here out of the products of our soil, he could show what a large margin is left to the Government in readjusting the tariff. He would not pretend to point out on which of the articles the duties should be raised, nor to what extent, but he would enumerate certain articles, about forty-six in number, which are all products of Canadian soil, that could be easily manufactured here.

In the year ending 30th June, 1876 we imported:—

Butter, .....	\$33,000 00
Cheese, .....	16,060 00
Fish, salted and smoked, .....	3,378 00
Lard, .....	313,570 00
Meat, fresh, salted, smoked, ..	1,134,897 00
Soap, .....	35,985 00
Whiskey .....	165,600 00
Vinegar .....	22,394 00
Ale and Porter .....	169,380 00
Cabinetware and Furniture .....	267,419 00
Carriages .....	85,291 00
Hats, Caps and Bonnets .....	1,101,100 00
Hardware .....	3,696,000 00
Boots and Shoes .....	283,293 00
Harness and Sadlery .....	63,903 00
Manufactures of Woods .....	376,270 00
Mowing, Reaping and Threshing Machines .....	38,396 00
Sewing Machines .....	72,286 00
Paper, &c. ....	479,144 00
Toys .....	33,603 00
Clothing .....	7,181,105 00
Ashes .....	28,818 00
Biscuit .....	3,332 00
Church Bells and Communion Plates .....	27,291 00
Fish and Fish Oil, about .....	410,000 00
Hay .....	25,000 00
Barley .....	27,602 00
Coal and Coke .....	3,320,060 00
Eggs .....	9,078 00
Firewood .....	10,951 00
Flax .....	217,427 00
Flour, of wheat, &c. ....	1,906,298 00
Flour and Meal of all kinds .....	499,438 00
Furs and Skins, produce of ma- rine animals .....	4,269 00
Furs and Skins, produce of ma- rine animals, undressed .....	185,505 00
Gravels .....	2,385 00
Grain not otherwise provided ..	29,421 00

Grease and Grease Scrap .....	71,696 00
Hides, Horns and Pelts .....	1,029,958 00
Indian Corn .....	2,356,706 00
Wheat .....	6,070,174 00

Hon. Mr. SCOTT—We export 4,000,000 bushels of wheat more than we import. Our exports of wheat last year were 10,000,000 bushels, and our imports 6,000,000. The honorable gentleman would only injure the milling and carrying trade, without benefitting the farmer.

Hon. Mr. TRUDEL—I do not propose to impose duties on wheat specially. I told the House that I would give an enumeration of all the natural products of our soil which we imported from foreign countries. I could not omit such articles as wheat. The honorable gentleman would then have accused me of having omitted one of our most important products. We also import:—

Ores and metal .....	\$ 14,157 00
Peas and beans .....	20,171 00
Wood, unmanufactured .....	539,702 00
Wool .....	395,906 00
Oats .....	232,346 00

In all .....

\$37,375,165 00  
Hon. Mr. SCOTT—We import 232,000 bushels and export 1,239,000 bushels of oats.

Hon. Mr. TRUDEL said he merely mentioned these products of the soil among the others which we import from the United States to show that we do import them. He did not point out on which of those articles a duty should be imposed, he merely invited the Government to look more closely at the importations of the country to see what products of our own soil and what manufactures should be protected. It had been asserted that there was no possibility of protecting those products, and he merely pointed out that we do import them when we might grow them ourselves, and he contended that it was very easy to impose a duty equal to, say half a dollar per head on this list. In this way the revenue might be augmented and home industries encouraged. This was one of the ways in which the tariff could be so re-adjusted as to restore confidence in this country. There was another way of re-adjusting the tariff. When the late Government resigned office, the imports from England augmented to \$68,522,776, and from the United States to \$47,735,678. Last year we imported from England \$40,734,260, and from the United States \$46,070,033 so that in three years the balance of trade had changed in favor of the United States and against England by \$26,122,871.

Hon. Mr. PENNY—That is bad for the English.

Hon. Mr. TRUDEL said he had cited those figures to show where the Government might re-adjust the tariff so as to encourage trade with the mother country. This balance of trade against England, and in favor of the United States, showed there was great facility, and even a necessity, to re-adjust the tariff. The United States could not complain if they were put on the same footing as England. It might be argued that it was not the fault of the Government if our people choose to buy more from the United States than from England. That was true in one sense, but how had this result been brought about? It was by a re-adjustment of the tariff made in favor of the United States. One day we had a duty of twelve and a half per cent. on American goods. That was reduced to seven and a half per cent., and we raised the duty on English goods from five to seven and a half per cent. That was in 1847. Last year we imported from Great Britain, free of duty, \$8,348,778, and from the United States, free of duty, \$24,730,371; while, during the same period, we imported of dutiable goods from Great Britain \$32,385,482, and from the United States \$21,334,613. This shows a very great balance in favor of the United States. The United States are favored to a much greater extent than England in the admission of their goods free of duty. There ought not to be this difference of \$16,000,000 in favor of the United States and against England. The fact is that, though the United States sell us more goods, they only contribute to our customs by \$1,104,483, less than one-third of our customs revenue, while England, who sells us less goods, pays to us in customs duties \$6,075,756, that is nearly one-half of our whole customs revenue. The result of this policy was that when the Imperial Government made the treaty with France, in 1874, she stipulated that British vessels should be admitted into France at two francs per ton, while Canadian built vessels have to pay forty francs per ton, which amounted to prohibition. This instanced one of the results of discriminating in favor of the United States and against England. Some years ago we sold to France nineteen ships, constructed at Quebec, and representing 9,628 tons. There were 1,400 carpenters employed to build those ships, and they were manned by 285 men. To sell the same ships to France now, we would have to pay \$77,024 duty, while English ship builders would have to pay only \$3,851, that is \$73,173 less than Canadian builders. And on a vessel of say: 2,000 tons, England would pay \$800, while Canada would pay \$16,000 duty on the same vessel! Is it not prohibition? Com-

ing back to the crisis, he would refer to the statement that we are not suffering any more in this country than they are in the United States, but we know for a fact that our manufacturing industries are seriously affected, and some of them have been completely destroyed. Nobody can say the same of the manufacturing industries of the neighboring country. On the contrary, the United States Government had taken advantage of the crisis to turn it to their advantage. We had lost our tea trade and sugar refining trade, and they had gained it. Not more than a fortnight ago, a gentleman who was a very large manufacturer of paper, had assured him he would not remain in Canada for more than six months. The gentleman was very wealthy, but he said he would not lose his money for the pleasure of employing the Canadian people, but would establish a factory in the States. If proper statesmanship had been shown, this crisis might have been turned to our advantage. But the Government had folded their arms and waited for better times. After this crisis what would be the result of it? Canada would find herself with six or seven branches of industries completely lost here, which the United States by wise statesmanship had acquired. Free traders contended that protection would have the effect of glutting our markets by over-production; but, as he had shown, the depression was caused, not by over-production, but by over importation. Not until we had manufactured more than we could consume and sell could it be considered that we had produced too much. It was also a mistake to suppose that protection would increase prices and be detrimental to consumers. Before the manufacture of prunella shoes was commenced in this country they could not be obtained for less than \$2 50 per pair; but since they were manufactured here, they could be procured for \$1.75, showing a gain to the consumers of 30 per cent. There could be no sure competition so long as we are dependent on foreign industries for our supplies. Take, for instance the sugar trade. Since it had been driven out of the country the price of sugar had increased in our markets. He would here give the opinion of Lord Derby on the subject of bounties paid by the French Government to encourage the export of sugar.

He said, in the House of Lords, 22nd July, 1875:—

"We are convinced that any advantage of cheapness to the consumer, which can be obtained by means of the bounty on foreign sugar, will be temporary only, because, if the bounty were continued long enough, and raised high enough, to drive the

*English sugar refiner and colonial producer out of the market, then it follows that the foreign producer would get the monopoly of the market, in which case the price would not long remain at a low rate."*

Hon. Mr. PENNY—Did he put on protective duty?

Hon. Mr. TRUDEL said he did not think so, but the fact that he did not, cannot destroy the fact that he recognized that home manufacture unprotected, being destroyed by foreign competition, is a disadvantage to the consumer, and rises the price of the article. The sound definition of free trade is not "no duties" but "equality of duties," and in this instance the effect of French bounties was equal to irregularity of duty, which was equivalent to want of protection. He would also quote the opinion of Lord Aberdeen, which was as follows:—"Of course, it was an advantage to this country to reap the benefits of cheaper productions in other countries, but the effect of these large bonuses was this, that they were rapidly destroying the refining industry in this country. There were large manufactories already closed. *If this continued they would find that the present refineries of sugar would cease to exist, and the British consumers would find that instead of a decrease there would be an increase in the price of sugar.* It was, therefore, of interest to the British consumer, that these absurd and extravagant bounties on French sugar should cease. The United States had pursued this policy. They had kept their own market of 35,000,000 of people for themselves, by protective tariff amounting to prohibition, and any surplus they had they could send abroad to be slaughtered, if necessary. In the manufacture of boots and shoes, for instance, the United States manufacturers are protected by a 40 per cent duty, more than sufficient to cover the price of workmanship, amounting to an average of 35 to 38 per cent, and at the end of each year they send the old stock remaining on hand to Canada to be sold for whatever it would bring. In this way he was prepared to produce a new and improved stock every year. But our manufacturers were the losers, and they could not retaliate, but had to submit to this unfair competition. He would now proceed to show that protective tariff would not be against the interests of the agricultural class. He had just shown that destruction of home manufactures by foreign competition increased prices. Second, it was calculated that during the thirteen years beginning with 1849 to 1861, a period in which a free trade policy prevailed, the average price obtained for wheat in the United States

was \$1.30 per bushel, being yearly 6,817,676 bushels, worth \$8,903,300. Then followed the period of protection, from 1861 to 1874, during which the average price obtained for wheat was \$1.37 per bushel, say, 27,680,724 bushels, worth \$38,042,803 a year, showing also the enormous increase that took place in agricultural products during that period of protection. Under a protection tariff the farmer received a higher price for his produce, and the production was highly encouraged. It was, therefore, clear that there should be a re-adjustment of the tariff for the promotion of the interests of all classes. As to the merits of the resolution itself it does not go far enough, proposing only reciprocity with Americans. On some articles a higher rate should be imposed for some years to secure sufficient protection. He would now refer to the statement that had been made by the honorable senator from Toronto, Mr. Brown, in a former debate, with respect to the amount which Upper Canada contributed to the revenue before confederation. The honorable gentleman had stated that Province had contributed four-fifths of the whole revenue. He (Mr. Trudel) had taken the trouble to look up the reports, and he had found that in the year of confederation the amount paid by the people of Ontario to the revenue was \$1.44 per head, whilst the people of the Province of Quebec had paid \$3.89 per head—more than double, nearly the treble. No doubt some of these imports were for the use of the people of Upper Canada, but still, he proved that there could not be this great disproportion between the amounts paid by the two provinces, and at all events the duties were paid by the Quebec importer. Then, again, with regard to the expenditure of public funds. It could not be supposed that when a large amount of money was expended on the Lachine Canal it was for the benefit of Quebec alone; it was principally to enable the western trade to reach the ocean, and was more for the benefit of Ontario than Quebec, so that if these improvements are charged as against Quebec, the imports should be charged in her favor. Then with respect to the imports in the year of confederation, Ontario received \$8 85 per head, while Quebec received \$14.04 per head—making a very large difference in favor of the lower Province. He would also point to the fact that Quebec had a much larger commercial intercourse with the Mother Country than Ontario, and that all the difference of tariffs are in favor of Ontario, and against Quebec. Last year (1876)—



ed in Minnesota), and which was reproduced in the *Toronto Globe*, with comments approving of this view of the question:—

“A large force of lumberers will soon be engaged in deepening and improving the channel of Rainy Lake and the Lake of the Woods. Two important results will flow from this much needed improvement—

“First—Easy access for supplies and material required for the construction of the Canadian Pacific Railroad.

“Second—A reliable and expeditious outlet for the many hundreds of millions of feet of pine logs that make up the very extensive pine forests found along the numerous streams that flow into Rainy Lake River on the American side.

“The advantages to be derived from this improvement in favor of the owners of the extensive pine forests found along Vermilion, ‘Big’ and ‘Little’ Fork rivers, will be incalculably great. Not only can logs be driven into Lake Winnipeg, but by means of saw-mills erected, say at the head of the Lake of the Woods, manufactured lumber can be readily shipped by steam tugs to the north shore of the lake, at a point where the Canadian Pacific Railroad touches, and thence by rail to many parts of Manitoba. Those having this important improvement in charge confidently expect to have the same fully completed within a period of two years. It is to this quarter that the lumber dealers of Manitoba look for their future supplies. A glance at a correct map of the region indicated will satisfy the most skeptical that while the enterprising Manitobans are energetically laboring for their own good, they are equally tempting the wide awake American capitalists that have wisely secured the ownership of the extensive pine forests on our side of the ‘line.’”

This article would fully bear out what he had stated the other day, in the debate on the Fort Francis lock. The only parties who would receive any benefit from this costly improvement were the lumbermen on the American side of the line, who would thus be enabled to get out their lumber cheaply.

Hon. Mr. PENNY said that would not be the only advantage of this improvement. It did not follow that we should not build the canal because our neighbor would derive some benefit from it as well as ourselves. The Welland Canal, for instance, is of great advantage to the commerce of the United States, but we did not build it to accommodate them, but for our own use.

Hon. Mr. CAMPBELL—What is the advantage of this Fort Francis improvement to ourselves?

Hon. Mr. PENNY—I presume there are advantages, but that is not the point. The

honorable gentleman says because this canal will be an advantage to the Americans, therefore it should not be built. I see no reason why we should not collect tolls from them if they want to use it.

Hon. Mr. AIKINS—It is very unfortunate we have no pine forests on our side of Rainy river. They are all on the south side.

Hon. Mr. PENNY said it was hardly the proper way to bring up such a discussion as this, but he thought we would be foolish to refuse the tolls of the Americans.

Hon. Dr. CARRALL concurred in the opinion that the Americans received more benefit from our canals than the people of Canada. His attention had been called to a letter from a member of the other House, Mr. Currier, with reference to the exclusion of Canadian vessels from the navigation of certain waters in the United States. While the Government were building this St. Francis canal, our vessels were obliged to tie up at Albany, being refused the use of the Hudson river. The effect of this was to throw the carrying trade of this section of the Dominion, in lumber, into the hands of the Americans.

Hon. Mr. SCOTT—That is under the Washington Treaty.

Hon. Dr. CARRALL—Then, why do you go on building canals for the use of the Americans when they treat us in this manner?

Hon. Mr. MACPHERSON thought the information brought before the House was most important. It showed the Americans were the people to be benefited by the improvements at Fort Francis. Rainy River is the boundary between the United States and this country, and we have undertaken not only the construction of this lock at Fort Francis, but also to deepen the rocky bed of the river a depth of some three feet for a distance of seventy miles. The expense of that work would amount to some millions of dollars and the benefit was to be derived by the Americans. Should they not, therefore, be asked to contribute to the cost of making that improvement? The Americans own the pine forests which this improvement will make valuable, and their profit from this large expenditure will be large, while ours will be small and indirect. It might be of some advantage to introduce lumber into Manitoba but that was very improbable, for the lumber supply of that province could be got elsewhere. This information was important, showing the large expenditure the Government were committing the country to.

The matter was then dropped.

## SECOND READINGS.

The following bills were read a second time:—

To authorize the town of Kincardine to collect tolls at the harbor of said town.

To remove doubts as to the right of shareholders in certain banks to vote.

The amendments made in committee to the bill respecting permanent building societies in Ontario, were concurred in, and the bill was read a third time and passed.

Bills respecting the Union Atlantic Cable Company, and the suppression of gaming houses, were read a third time and passed.

## THE NATIONAL POLICY.

Hon. Mr. DEVER resumed the debate on Mr. Read's motion respecting the national policy. He said he did not wholly blame the present administration for the unfortunate state of affairs in this country. A great part of the depression might be traced to other causes. Owing to the vast accumulation of money in several parts of the world, luxuries had become common, large amounts had been invested in ways that brought no proper return, hence this re-action which has set in, and from which we, in common with other countries, are suffering. This view of the case was supported by a leading writer. Referring to the gold market in another period of history, he says:—

"For the value of gold, like the value of other commodities, is governed by the law of supply and demand; and the fact that this metal has been selected as the general instrument of exchange, while it makes any sudden alteration in its value peculiarly dangerous, does not in any degree remove it from the law. When it suddenly becomes too common, its value—that is to say, its purchasing power—is depreciated; or, in other words, the price of all other articles is raised. After a time things adjust themselves to the new standard, and many political economists considering the sudden stimulus that is given to industry, the particular class of enterprise, the change in the value of money specially favors, and still more, its effect in lightening the pressure of national debts, have regarded it as ultimately a benefit; but, at all events, the confusion, insecurity, and uncertainty of the transition constitute a grave danger to the community, and the loss inflicted on certain classes is extremely serious. In our own day, although the influx of Australian and Californian gold has told very sensibly upon prices, the immense area of enterprise over which it has been diffused, the counteracting influence of machinery in cheapening commodities,

and also a few exceptional cases of demand have materially deadened the shock. But the stream of gold that was directed to Spain after the discovery of America, produced nearly the full measure of evil, while the economical error of the age deprived Spaniards of nearly all the good that might have been expected. The temporary evil of a violent change in prices could only have been abated, and the permanent evil of the decay of national industry could only have been in some degree compensated by the free employment of American gold to purchase the industry of foreign nations; but this would involve the export of the precious metal, which the Government under the severest penalties prohibited. It is true that, as no prohibition can finally arrest the natural flow of affairs, the gold did issue forth, but it was in the manner that was least advantageous to Spain. Charles the V. and Philip II. employed it in their wars; but wars are almost always detrimental to industry; many of these were disastrous in their conclusions, and those of Charles were undertaken much more in the interests of the empire than of Spain. After a few years the full effects of this policy were manifested. *Manufactures had languished. Prices were immensely raised. Confusion and insecurity characterized every financial undertaking.*"

Conceding, then, that the present Administration were not responsible for the prevailing general depression, he believed they should do something to alleviate it. They could do so by adopting a wise fiscal policy, and the country had a right to expect some evidence of statesmanship from them after the professions they had made when in opposition. Had they kept any of the promises of retrenchment which they made before taking office? Had they lightened the burdens of the poor? He contended they had not. The first act of their administration was to add some thirty-three and a third per cent. extra to the tax on tobacco, and some twenty-five per cent. extra on spirits. Recently they had added five cents per pound to the tax on tea, and they had so arranged the wine tariff as to completely make it ridiculous and unjust. On an article of wine costing forty-one cents per gallon they had levied a duty of sixty cents, while on wine costing two, three or four dollars per gallon, the tax was no higher. In other words, a pipe of wine worth sixty dollars would pay a duty as large as a pipe worth five hundred. He admitted he was not a protectionist in principle, but he contended the revenue should be so drawn from the people that it would promote native industries and encourage commerce. In



putting on the present duties the Government had failed in their expectations. The increased tariff had not yielded such a revenue as they had anticipated. Yet, with a falling revenue, they had not exercised that economy which they had led the country to expect from them. The Excise Department, for instance, was an unnecessary expense. It was what he denominated a second Custom House with two sets of officials. In 1876 the revenue collected by the Excise Department was \$5,538,277. Of this amount spirits yielded \$3,099,893, and tobacco \$1,775,450. Taking these two items out of the total receipts of the department there would be a balance of \$662,934. As the tax on spirits and tobacco could be collected by the Customs Department, the cost of collecting this \$662,934 was \$241,200. This Government claimed to be in favor of free trade, yet they protected the manufacture of spirits and tobacco in this country to the extent of 100 per cent., or \$1,056,000 per annum. Why not give a protection of 100 per cent. to sugar? Was it because the Maritime Provinces would receive the most benefit from it? Was whiskey protected because it could only be manufactured at a profit in Ontario from corn purchased in Chicago? He believed that was the sole reason, and he challenged any one to successfully contradict that statement. Why manufacture whiskey and tobacco in this country and not sugar? Why not import our whiskey and tobacco from natural markets and manufacture our own sugar? He wished it to be understood that he had no objection to the manufacture of those articles in Canada, but he called attention to the price which the people of this country had to pay in order to protect those in which Ontario was most interested. Prior to Confederation, the tax on tobacco and whiskey was collected in New Brunswick at the Custom House, and no difficulty was experienced in doing so, and he did not see why this country should maintain an excise department at an expense of \$241,200 and yearly increasing, when that amount could be saved. He held that if whiskey and tobacco must be protected for the benefit of Ontario, sugar should be protected for the benefit of the Lower Provinces. He would ask permission to read a letter from a very large planter in the West Indies to a gentleman in Halifax on the sugar question. It shows clearly the deficiency of the present Government to grapple with this valuable industry. The following is the letter addressed to Mr. Dustan, of Halifax, N. S., by Hon. George Solomon, the leading sugar planter of Jamaica:—

“KINGSTON, JAMAICA,  
25th January, 1877.

DEAR SIR,—I have the honor to bring to your attention the subject now occupying the minds of my fellow-colonists, as to the measures best calculated to open a trade between this island and the Dominion of Canada, the prevailing opinion being that an interchange of commodities produced in either country would be mutually beneficial.

A meeting having this object in view, over which I had the honor of presiding, arrived at the conclusion that no special legislation was needed to amend the customs tariff in favor of the productions of the Dominion, or *vice versa*, under the impression that direct importations to or from either place being more reasonable than they can be made from the United States and other indirect sources, would be sufficient encouragement to develop the object desired.

I am still of this opinion, for if it were necessary to make this proposed commercial intercourse profitable by reducing the custom house exactions below what are chargeable upon commodities from and to other producing centres, the fact would evince itself that the trade had no merit in itself, and required artificial aid for its profit, and under such circumstances there would be no utility or advantage in prosecuting. All that Jamaica could ask of her sister colony in reason would be that her productions should be admitted on the most favored national footing, and which, as a matter of course, would also be conceded to the products of the Dominion.

It must be explained, however, that the chief export from this island is muscovado sugar. We have not the skilled labor or the capital to refine it, and it is, therefore, shipped in a raw state to the United States and to Europe, where it undergoes the necessary manipulation to manufacture it into what is termed refined or loaf sugar.

Upon examination of your Customs tariff it is observable that your duty upon the raw article of sugar is far beyond what it should be as compared with your duty upon the refined article, and until there be a more appreciable difference either by the duty on the refined being increased, or the duty of the raw being reduced, it would prevent the exportation of the raw article to your country, as the only form practicable under the circumstances would be to send it to you in a refined state, and as before brought to your attention, the difficulties in our way cannot be surmounted.

I am aware that in Great Britain, as well as in every British colony, there is a strong prejudice in favor of free trade, and I must

confess to be one of its votaries also, therefore, I would never make the unfair suggestion that the Dominion should even entertain a proposal to charge a less duty upon our products than upon the products of any other part of the globe, but what I would suggest and believe with good reason is; that the Dominion should not afford a protection to a manufactured article, and thus exclude the raw material from coming into competition with it.

The sugar duties are now abolished in Great Britain, but while they were exacted there, there was a low scale for the low quality muscovado; there was a higher scale for the grocery description, and still higher scale for the refined article, and such a system was considered fair and just, not at all encroaching upon free trade principles, for it was allowed that there is a foreign matter in muscovado sugar, and there is also a large percentage of molasses, and when it is manufactured into refined sugar there is a larger percentage deficient in sugar, and it was deemed unfair to charge as high a rate of duty upon impure sugar as upon the pure article.

You might as well charge as high a duty upon a weak spirit as upon a strong spirit that will admit of adulteration, but in this respect there is a fair allowance, and the same principle should be adopted in regard to the weaker sugars.

If the scale of duties were grounded upon the basis of the Dutch Standard above and below, with a fair additional duty upon the refined, I am firmly convinced the revenue derivable from your sugar duties would increase year after year by the large increase of consumption from ordinary causes, as well as extraordinary causes, in the preservation of an abundant fruit crop and divers other accessories which can scarcely be enumerated.

Trusting that this subject will have the careful attention of your Government, and hoping to hear from you soon that the great impediment to a large commercial intercourse between this Island the Dominion has been removed,

I have the honor, dear sir,

To remain, yours faithfully,

GEORGE SOLOMON.

Hon. George Gordon, Dunstan,  
Woodside House,  
Halifax, N.S."

This was a matter calling for the serious consideration of the Government, and he hoped they would see the importance of adopting some measures to revive this valuable business. His honorable col-

league from St. John had opposed protection on the ground that it would have a tendency to increase the cost of labor in this country, but he (Mr. Dever) failed to see how a proper revision of the tariff could have that effect. Yet, supposing that this would really be the result of fostering native industries, was that a matter for regret? In this country, where our winters are so severe and long, labor should be well rewarded. A man cannot live for less than \$1.50 per day, and the circumstances of the country should never be so bad that laboring men could not earn that amount. He would read another extract from a prominent writer's works to show how a man may be a very clever theorist, and yet be unable to frame a practical tariff. The extract was as follows, and clearly shews that the tariff of a country should be adapted to the country, and not the country to it:—

"The object of the politician is expediency, and his duty is to adapt his measures to the often crude, undeveloped, and vacillating conceptions of the nation. The object, on the other hand, of the philosopher, is truth; and his duty is to push every principle which he believes to be true to its legitimate consequences regardless of the results which may follow. Nothing can be more fatal in politics than a preponderance of the philosophical; or in philosophy, than a preponderance of the political spirit. In the first case, the politician will find himself totally incapable of adapting his measures to the exigencies of exceptional circumstances; he will become involved in inextricable difficulties by the complexity of the phenomena he endeavors to reduce to order; and he will be in perpetual collision with public opinion."

Now, what he contended for was this—in re-arranging the tariff it should have been so framed that all sections of the country should be benefited. The tariff of the present administration was giving dissatisfaction to the whole population of the Dominion, and had done so from the beginning. In fact, gentlemen in this House, who had come to Ottawa this very week, and who were friends of the Government, had informed him that the tariff was bringing ruin on the commerce and manufactures of the Dominion; that the warehouses were filled with goods on which the duties could not be realized, and that general bankruptcy would be the result of the present policy of the Government. With reference to another remark which had fallen from an honorable senator opposite, during this debate, he would quote from Lecky to show that the farmer did need protection under certain circumstances:—

"It is, however, an extremely remarkable fact, as showing the tenacity with which the doctrines of the 'economists' clung to the mind, that even Adam Smith thought it necessary, in classifying the sources of wealth, to reserve for agriculture a position of special prominence, as the most abundant of these sources. He arrived at this conclusion, not from any observation of what had actually taken place, but from two general considerations. In manufacture, he contended, wealth is produced by the unaided toil of man, whereas in agriculture nature co-operates with human exertions. Besides this, agriculture, unlike other pursuits, in addition to wages and profit, can furnish a rent. The first of these statements, as has often been observed, is palpably inaccurate, for nature is in many instances extremely serviceable to the manufacturer, as, for example, when steam or water puts his machinery in motion. The second argument lost its force when Ricardo discovered the true cause of rent, proving that it is a sign of the limited productivity of the soil, and not of its superiority to other sources of wealth."

From this it would be seen there was no stereotyped mode to be pursued. The true course for the Government to adopt in the circumstances of the country, was to frame their policy to the wants of the country, and to seek to promote the industries of the land by watchful legislation, and a reduction of all extravagant and unnecessary expenditure.

Hon. Mr. KAULBACH said, being a lawyer, he felt some diffidence in discussing a question of trade of such great importance to the present and future of our country. The honorable gentleman who had last spoken claimed to be a free trader, yet all his arguments showed that a system of protection was required to meet the exigencies of this country. Free trade in a young country like this was a delusion. We have no such system—our system is freedom to buy, but not to sell. If that system were extended further, it would be ruinous to our best interests, draining the country of its wealth and population. In framing the fiscal policy we should follow, to some extent, the course pursued by the United States, whose resources were in many respects similar to ours, and what had benefitted them would benefit us. They had passed through a great struggle. Not more than a year ago two great parties had contended for the Government of the country, yet no question was raised as to whether free trade or protection should be the policy of either party. No free trade ideas could be there entertained. Every branch of industry in that

country had been so carefully considered that they were blended harmoniously together, and no sense of injustice was felt by any. He would go far towards a *quid pro quo* policy—call it a retaliatory policy, or anything else. He did not believe in protecting industries not adapted to our soil and climate, but we should protect whatever we could make to as good advantage as other countries could make for us. This country should profit by the experience, history and teaching of other countries, which have grown and prospered, and which plainly show that protection is the means by which Canada can husband her own resources and compete with the capital, skill and developed industries of other older countries. His honorable friend from Belleville, the mover of the resolution, had clearly shown by his tables of figures and comparisons of imports, free and those paying duty, that in the great majority of cases the producer and not the consumer paid the duties. And he fairly asked it it is not so, why the constant anxiety of the English and American manufacturers, that our tariff should be low? Why does this country desire that the American tariff should be reduced, if the Americans, the consumers, pay the duty on the goods we send them? He contended that our policy should be to keep the money in the country, give employment, and fair wages to the laboring classes, encourage capital and immigration, and stimulate trade and lessen taxes on the consumer. Their home competition would regulate and keep down prices. Such had been the policy of England, of France, and all the other great nations of Europe; and he would ask why it could not be adopted here? It was the only policy adapted to this country under the circumstances. A Government which was only capable of raising the revenue without adjusting the tariff and benefiting the industries of the country, and thus assist the people to pay it, was an instrument of tyranny, instead of being a benefit to the people. Under the late Government we had a balance of trade in our favor, in dealing with the United States, and at the same time there was a reduction of our taxes to the extent of \$2,000,000. That taxation was taken off the laboring classes' tea and molasses, which were not products of this country. Every branch of industry and trade was prosperous, but since the change of Government this prosperity had disappeared. Within the three years since the present Administration had come into power distress and perplexity were manifest everywhere. Our debt had been increased by \$25,000,000, and the expenses of Government were almost equal to

that amount. Bankruptcy everywhere was threatened. There was a deficit in the revenue amounting to nearly \$2,000,000, and the country was asked to bear that amount of additional taxation. While the revenue of the country was falling off, the expense of collecting it was increasing. Such was the position of the country, and yet Parliament was asked by this Government not merely to let this sad state of things continue, but to impose fresh burdens upon the people, in a manner which would not benefit any of their industries, but deprive the industrial classes of harmless yet invigorating drinks. It was proposed to add to the tax on beer and tea, beverages mostly used by the industrial working classes of the country who cannot dispense with them. It appeared to him, a more certain way to oppress and discomfort the industrial classes could not have been devised. He would also call attention to the fact that the poor man's tea had to pay as much as the rich man's, although the wealthy man's tea was generally worth more—and should be taxed more. He did not know whether there were any temperance men in the Government, but whether there were or not their policy was in favor of strong drinks. While a heavy tax was imposed on beer, whiskey had not to pay a similar tax. This Government had made a glass of whiskey cheaper than a glass of beer. In this way the Government, instead of encouraging morality, were discouraging it. It was only by stimulating the industries of the country, protecting them, that the price of the articles which we could produce would be cheapened. He did not desire to raise sectional feelings, but he would call attention to the fact that while certain favored industries were protected by this Government others were discouraged. The country could not help noticing that, and find that petitions and prayers will not move this Government. The sugar refining industry, the coal and iron industries—so important to the Maritime Provinces—were discouraged. Until comparatively late years, England's policy was protective—amounting almost to prohibition, until she had gained such strength that she could crush out all competitors. But this House was told that England had a balance of trade annually against her of hundreds of millions of dollars, and yet was prospering. That was true, but England was; or has, been the general warring house of the world—bought and sold and had the carrying trade for many nations—and had under former protective policy, accumulated such a vast amount of money and loaned it to

other countries, that she received more in interest on these loans every year than covered the balance of trade. Her interest from loans alone is said to be over \$500,000,000. In this way, and other ways, England had resources which, in a new country like ours, we could not have, until such time as our industries were built up, and we were in a position to compete with England herself, if she would let us. So careful was England to guard and protect her manufactures, that at one time her colonies, then called *plantations*, were not allowed to raise flax, or to attempt to manufacture anything; they were merely allowed to be tillers of the soil, and to raise materials for England to manufacture. That policy they carried so far that in this country the people were not allowed to spin yarn or flax, with the common spinning wheel, or make even rough clothes for their domestic necessities. The silk industry was encouraged in England, and foreign silks prohibited until that industry was fully established. Up to near the present century the following was the law in England:—

“To prevent the destruction of our home manufactures by transporting and seducing our artists to settle abroad, it is provided (statute 5, George I. c. 27) that such as do entice or seduce them shall be fined \$100 and be imprisoned three months; and for the second offence shall be fined at discretion and be imprisoned one year; and the artificers going into foreign countries and not returning within six months after warning given them by the British Ambassador where they reside, shall be deemed aliens and forfeit all their land and goods and shall be incapable of any legacy or gift.”

And, in the same way, all other industries were fostered, until she reached her present glorious position, as the butterfly emerges from the chrysalis. But under her free trade system, England was losing part of her glory, and the United States, by the aid of protection, was enabled to compete with her in the markets of the world, even bidding for England's East Indian trade. If he lived in England he would be, at least to some extent, a free-trader, but in this young country, protection was absolutely necessary. We must develop, blend and harmonize our great resources; keep our own markets, and whilst not increasing taxation, hold Canada for Canadians first. He could admit that the United States might possess, owing to variety of climate, more varied resources than Canada. Yet certainly Nova Scotia could claim from her geographical position to be the key to North America, and apart from her soil and her

great fisheries to possess everything that was requisite to build up a great manufacturing country. She possessed iron and coal and other ores and metals in great abundance, and had within herself all the material requisite for manufacturing purposes; yet, every year millions of dollars worth of iron was imported from Great Britain and other countries. Under a protective system the province could be filled with hives of industry capable of consuming all the surplus products of Ontario and our great West. But it was asserted by his honorable friend from Prince Edward Island, to whom he had always listened with interest, that protection would not benefit the farmers, and attributed the prosperity of the United States to the great resources and industry of that country, wholly apart from what he conceived its baneful system of protection, and he read from Hayek, Adam Smith, and other political writers on free trade. He (Hon. Mr. Kaulbach) claimed that we had latent resources as great, and our people in Nova Scotia were as industrious as could be found anywhere; and that the principles of the Cobden Club could not apply here until we had a teeming population, hives of manufacturing industry, and the coffers of the Bank of England and old Lombard street. As his honorable friend had remarked that the farmers were not benefited by protection, he would read from the *Chicago Inter-Ocean* of last year, which refutes the assertion:—

“Whether he (the farmer) does not now enjoy larger comforts, have greater conveniences, realize higher profits, and see, generally, an easier time than he did previous to 1861. If this be so, has not the farmer generally been benefited by our system of protective tariffs? Had the policy of protection to home industry been hostile to the prosperity of the agricultural classes, the result must have made itself felt in the everyday life of the farmer. When we learn that he never was so thrifty and comfortably situated as at this present moment, we are forced to conclude that the policy of protection has been not only unthurtful to his interests, but positively advantageous.

“Our contemporary discusses the wheat tariff of 20 cents a bushel and says:—‘Once repeal that duty, then Canadian wheat would pour into New England and New York, and there supply an annual consumption of some thirty-two millions of bushels. If our farmers were forced every year to throw that additional quantity upon the foreign markets, or forego sale, would prices tend up, or down?’”

The assertion that if their farmers

were deprived of the New England and New York market, prices would suffer, is easily answered, and only shows that the farming class, the most numerous in the States, jealously guard their home market, and are protectionists. Is it not monstrous to suppose that country, with universal suffrage, with equal intelligence as any other country, with free institutions and unbounded powers, to impress its views on legislation, would be so unanimous for protection if the experience of many years had not proved it to be a boon, he might almost say a necessity, to that country. No voice has been raised against that system. And how can it possibly be shown that the Americans are not satisfied with a policy that has wrought so much good on all classes, giving employment alike to the toiling masses and the skilled artizan, stimulating industries which bring cheap goods and immigrants, and money to build up the country, and aid in reducing the burthen of taxation on the people. He had listened with great attention to the very concise remarks of his friend, Hon. Mr. Lewin, but he regretted to find that instead of seeking some way of blending together the varied industries of the Dominion, that honorable gentleman had endeavored to show that the interests of the Maritime Provinces could not be brought in harmony with those of Ontario. In that connection he had referred to the farming, fishing, lumber, coal and shipping interest. Sad would it be for the future of this country if its varied industries and resources should stand up in hostility to each other. He (Mr. Kaulbach) believed that with wise statesmanship every industry could be fostered so as to tend to the benefit of them all. The farmer does not look so much for cheap labor as a reliable market. When farm labor is cheap the farmer is not prosperous. The home market, with increased population and manufactories working to their full power, and a protective policy which means cheap goods, is the state of affairs that suits the farmer. To show that protection cheapens goods, he would ask the attention of his honorable friend from St. John to an article published last year in the *Chicago Evening Journal*, and prove that protection could not work injury to the farmer. It says:—

“Before a single cotton mill existed in the United States, imported cotton cloth of an inferior quality sold for twenty-two cents a yard. When a protective duty of eight cents a yard was imposed and cotton mills built, the competition between the English and American manufacturers soon reduced the price of cloth to seven cents a yard. So, too, before delaine mills were built, import-

ed delaines sold at fifty cents a yard, and under the present protection tariff between the rival interests, has reduced the price of delaines to fifteen cents a yard. In black alpacas the same facts are apparent. In 1857 these goods sold for from seventy five cents to \$1.25 per yard. At that time all the American manufacturers imitated foreign trade marks in order to sell their goods. The tariff of 1851 and succeeding years stimulated the manufacture of alpaca, and to-day it sells at from twenty-five to forty-five cents a yard, the quality being fully equal to the high priced goods of 1857. The prices of cotton goods, coarse woollen goods, boots and shoes, hats and caps, iron and steel rails, and even bar iron and steel, are less to-day in currency than they were in gold in 1857, and it is pretty generally known that in 1857 prices were exceptionally low for partial free trade eras."

They could draw no other inference from this than that the protective system in the United States had not only reduced the price of manufactured goods to the farmer, but had given the farmer a larger home market for his products of the soil. The same, hon. gentlemen, referred to the shipping and shipbuilding interests of the Maritime Provinces and in the United States. True, it was that during, and for some years subsequent to, the civil war in the United States, and the consequent war prices, and the wreck and ruin of the industries of that people, Nova Scotia and New Brunswick built vessels much cheaper than their neighbors; consequently the Maritime Provinces had a large share of their carrying trade. But did the Americans open their home shipping trade to us or allow their people to purchase ships built in our country? Far from it. True to their policy of protection in the building up again of their mercantile marine, they continued to reserve to American built vessels alone the trade between their ports, and further by their navigation laws had prohibited the buying of British ships. What was the result of that protective policy? Why to-day, by that prohibition policy, not only have they regained their own carrying trade, but are the carriers for other nations, and rank as the second or third shipping nation of the world. By their protective policy they developed and cheapened everything that was required in the construction of vessels, and they could and did build vessels cheaper than they could now be constructed in the Maritime Provinces. He disagreed with the same honorable gentleman that low wages were necessary for our ship-building industry. When ship-carpenters were receiving high

wages, ship-builders and ship-owners were enjoying prosperity, and times were good. But the honorable gentleman's policy seemed to be to grind down the poor ship workmen, and to get the greatest possible amount of work out of them for the smallest possible outlay. He believed that no industry would prosper that did not or could not give the workman a fair return for his labor. As to the coal question, it should be treated as all other subjects, from a national point of view. No country in the world presented greater advantages and natural facilities for carrying on the business of refining sugar, and for the production of coal and iron than Nova Scotia. All that is wanted is a properly adjusted tariff and a home market. He felt assured that the people of Ontario are not opposed to a duty on coal, if it forms part of a general system of reform in the tariff. And he felt glad to see that the Board of Trade in Toronto had come to this resolve:—

"That this Board objects to a customs impost upon the importation of coal simply by itself; but in a revision of the tariff in the interest of the general industries of the country, this Board would approve of a customs duty upon such kinds of coal as are produced in the Dominion."

It should not be forgotten that Nova Scotians pay three times as much customs revenue per capita into the Dominion as the people of Ontario, and they had hopes that the millions of dollars expended on the Welland and St. Lawrence canals were to benefit their interest and not simply to carry the products of Ontario to the sea. The Maritime Provinces, he felt sure, would yet receive its share of the benefits of Confederation, although it would appear that this present Government know little and care less as to their resources or the importance of their trade to the rest of the Dominion. The year previous to Confederation Nova Scotia received goods from Canada to the value of \$508,935, and returned goods to Canada to the value of \$438,191. Last year Nova Scotia received from Canada proper, which means Ontario, goods to the value of about \$3,500,000, and Canada only took back to the value of about \$500,000. The articles from Canada to Nova Scotia were about 300,000 barrels of flour, 7,000 barrels of oatmeal, and about 300 barrels of cornmeal, besides kerosene oil, porter and ale, agricultural implements, hardware, spirits, woollen goods, boots and shoes, beef and mutton, butter, seeds, beans, peas, oats, hides and some other products, so that it would be seen miners use almost all the kinds of products of Canada. If only half the coal consumed in Ontario was from

Nova Scotia it would increase the market for Ontario goods, giving a return freight for coal. There are over \$12,000,000 invested in coal mines in Nova Scotia. In 1873, 1,051,467 tons of coal were raised, whilst last year there were but 275,000 tons raised, paying duty. When it is considered thousands of operatives, seamen, and vessels are employed in this industry, and it is estimated to what extent those numbers might be increased if the mines were worked to their full capacity, honorable gentlemen can have some idea of the great importance it is that this great industry should be encouraged. It has been said by persons who seem ready to sacrifice our interests to serve party, that the prayer of petitioners for a tax of fifty cents per ton on coal from Ohio would avail nothing. Coal owners say otherwise—and they have only to see the effect of that duty in 1870 to come to a different conclusion. The miners have not only to contend against the seventy-five cents levied on our coal in the United States, but the combination there of the mines and railways to monopolize the American markets. A duty on flour would not effect prices in Nova Scotia, as the price is ruled by the English market, but it would determine whether Nova Scotia purchased from Ontario or the United States. Coal laborers pay about 100 per cent on tobacco, thirty per cent on oil, butter and cheese, all in favor of Ontario interests, and only ask about ten per cent on the value of coal in the Ontario market, believed coal from Nova Scotia could be sent to Toronto for \$4 50 a ton, of better quality than could be obtained from Ohio, and an interchange of goods could be thereby effected between the provinces, largely in excess of what it now is. The upper provinces should foster and encourage the trade with the Maritime Provinces when they must see how essential that trade is to them. With the advantage of the Intercolonial Railway, Nova Scotia and New Brunswick felt they could procure most of the articles used by the lumbermen, the miners and fishermen from Ontario, as cheaply as from the United States, and the encouragement of that trade would be to the mutual advantage of all these provinces. The sugar refining industry should also be encouraged by a wise patriotic policy, so that our vessels, which carry fish and lumber to the West Indies and South America, could return with cargoes of raw sugar, hides, horns, &c., to be manufactured in Canada. The following figures had great significance. The aggregate imports into Canada from all countries for the three last years were respectively \$128,213,528, \$123,-

075,283 and \$93,210,346, showing a decrease last year of 25 per cent. of the purchasing powers of the country, which means production, for it will not be contended that the home production of any of those articles for consumption in the country was greater last year than the year previous. The imports of manufactured goods from United States for 1875 were \$24,676,406, and for 1876, less by only 12 per cent. viz. \$21,438,758. The imports from Great Britain for the three last years were respectively \$63,076,437, \$60,347,067 and \$40,734,206, being less last year from that country by 32 1/2 per cent., as against 12 per cent. from the United States. The trade of the Dominion last year with all countries shows a balance against us of \$12,243,911. The balance against us in our trade with United States last year was the enormous sum of \$16,153,157 paid in gold. Is there anything to boast of in this? He thought not. It showed that the purchasing power of the people had decreased, and that manufactures had not increased, but the country had come down to such a state of depression that they were not able to order goods to the extent they had formerly done. The imports of manufactured cotton goods from the United States in 1875 and 1876 were \$1,300,000. With a proper tariff this money could be kept in this country—and the goods would not cost the people anything more. Canada had also given the United States about \$2,000,000 for sugar, \$1,000,000 for machinery, \$230,000 for nails, \$400,000 for stoves, \$100,000 for glass-ware, \$300,000 for household furniture. Is it any wonder that our neighbors are jubilant over the policy of this Government—which declares they have nothing to do with the amelioration of the depressed condition existing here? His honorable friend from St. John said that lumber cannot be protected. He (Mr. Kaulbach) believed this country was not dependent on the United States for a market for lumber. Canada exported last year about \$13,200,000 worth of lumber. Of this amount \$3,500,000 of it went to United States—and the very same lumber, to the same amount, was re-shipped, and went from there to South America and the West Indies. The imports here through the United States of products from those countries were last year about \$3,000,000. With a properly adjusted tariff Canadian lumber may be independent of the American market—as it could be carried direct to West Indies and South America—leaving to us not only the carrying trade but the profits both ways which now go into the pockets of our neighbors. Possibly some honorable gentlemen would say that all this

was an indication of the wealth of the country, but in his opinion it showed that Canada had handed over a large amount of everything to the United States to assist them further to develop the industries of that country, and to bankrupt the Dominion.

At this point the debate was adjourned until Wednesday next, Mr. Kaulbach still having the floor.

PACIFIC RAILWAY TERMINUS AT KAMINISTQUIA.

Hon. Mr. AIKINS called attention to the return which had been laid on the table in answer to an address with reference to the terminus of the Canadian Pacific Railway on the Kaministiquia River, and the correspondence between the Government and the municipality of Shunias on that subject. He said it was a very interesting document, and, in his opinion, should be printed for the convenience of the House. He noticed by this return that the sum of \$51,419 had been paid by the Government for the land required for the terminus of the Canadian Pacific Railway at Kaministiquia, or an average of \$471.80 per acre. He found that this money had been paid to three or four different parties—Oliver, Davidson, Lee and Brown & Co.—two of whom had received \$17,720.

Hon. Mr. SCOTT thought it was an extraordinary course for the honorable gentleman to make comments on papers that were not in the hands of all the members. He had insinuated some impropriety as to the manner in which the lands were acquired. The prices had been determined by arbitration.

Hon. Mr. AIKINS said he had insinuated nothing. The papers were in the possession of the House, and he had made his statement from those papers.

Hon. Mr. McLELAN said he noticed that one Joseph Davidson had been paid \$11,095; J. Davidson and Helen E. Lee, \$3,254; Caroline Davidson, \$600; Helen E. Lee, \$2,025; and Mary J. Brown, \$750. Davidson and Lee appeared to be the owners of one lot, but the parties he had named had alone received \$17,720. It appeared to him that if this return was to be printed, in its present shape, it would not give all the information desired. It would appear to anyone on looking over this return, there must have been nearly a whole town expropriated. He noticed the names of streets which had been taken, but singular to say there were no amounts put down for damages to buildings, and he assumed from the amount of damages the Intercolonial Railway Commissioners had to pay for

right of way in New Brunswick, that this purchase at Kaministiquia must have included a whole town.

Hon. Mr. SCOTT said he was not aware there were any buildings on the property. A town had been laid out there some years ago, when the Hudson Bay Company had a post on the Kaministiquia, but he did not know whether it was an ideal town or not, as he had not examined the report.

Hon. Mr. McLELAN said, then! they were to understand that some parties had taken up some wild lands at that place, surveyed it into town lots, named certain streets, sold the property to the Government, and had been paid \$51,000 for it. He had supposed, the price was so high, that a large number of buildings had been taken, and reading the names of the occupants and the streets, that quite a large portion of the town had been expropriated.

The return was ordered to be printed, and the House adjourned at six o'clock.

TUESDAY, April 3rd.

The SPEAKER took the chair at 8 p. m. After routine,

THIRD READING.

Bill "An Act to remove doubts as to the right to vote of shareholders in certain banks," was read a third time and passed.

TRURO AND PICTOU BRANCH RAILWAY.

Hon. Mr. SCOTT introduced a bill "to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway to the person or Company constructing a line of railway from New Glasgow to the Straits of Canso, and providing a proper ferry across the Straits."

Hon. Mr. MACPHERSON called attention to the fact that a large expenditure of money had been made by the Government at Pictou on the railway, wharves and ferry boat last year, after it had been arranged that they were to be transferred to a company. There seemed to have been some \$60,000 expended altogether; thirty odd thousand dollars on the wharves, and \$30,000 on the ferry boat after the arrangement of transfer had been made. He referred to this matter now so that on the second reading of the bill the honorable Secretary of State would be prepared with an explanation of what appeared to be an extraordinary proceeding.

Hon. Mr. MILLER said he thought the honorable gentleman was laboring under a wrong impression, as a large portion of the \$60,000 was expended on the wharf, and the Government were not parting with the



portion of the railway in connection with that wharf. They were merely carrying out the policy of the late Government.

Hon. Mr. CAMPBELL—Then it must be all right.

Honorable gentlemen—Hear, hear.

Hon. Mr. MILLER said the late Government had, before going out of office, agreed to transfer the Pictou Branch to New Glasgow, to any company that would undertake to extend the road eastward to the Straits of Canso and Louisburg. The present Government had carried out that policy, much to the satisfaction of the people of eastern Nova Scotia. A contract had been entered into with a company, by the Government of Nova Scotia, on this understanding, and it was now too late to raise objections to the transfer, except they wished to move a vote of want of confidence in the Government, which would be of no avail in this House, as the bill had passed the lower House by a large majority.

The bill was read a first time.

The House adjourned at 8:45 p.m.

WEDNESDAY, April 4th.

The SPEAKER took the chair at three o'clock p.m.

After routine,

#### THIRD READING.

The bill to incorporate the Dominion Grange of the Patrons of Husbandry of Canada was read a third time and passed.

#### KINCARDINE HARBOR.

Hon. Mr. MILLER, from the Private Bills Committee, reported the bill to authorize the town of Kincardine, in the county of Bruce, to impose and collect certain tolls at the harbor in the said town, with certain amendments. He said the bill had been introduced in the Lower House, and it was intended that a schedule of tolls to be charged and collected on goods landed in that harbor should have been attached; but, through some oversight or mistake on the part of the person who had charge of the bill, the schedule was not added. The omission was not discovered until the bill came into this House. It was now proposed by some gentlemen from the Commons that the committee should strike out one or two words, send the bill so amended to the other House for concurrence, and the Commons could then add the schedule. As chairman of the committee, he did not recommend that course, as it would practically be a waiver of the right of this House to amend the bill. If his memory were not at fault,

the House of Lords had made amendments to such bills, although imposing taxation on the people. He thought that in this case the best way was to amend the bill in the manner required by the promoters, by adding the schedule in this House.

Hon. Mr. WILMOT was of opinion that the course taken by the committee was within the constitution.

Hon. Mr. SCOTT said it was quite clear that the House of Commons, when they passed the bill thought this schedule was attached, and no objection could be raised to its being now inserted.

Hon. Mr. CAMPBELL suggested that the bill should stand over until to-morrow for consideration.

Hon. Mr. ALKINS said the House had a precedent to follow. Two sessions ago the Senate, by its own act, made donations of lands to settlers in Manitoba. An amendment to that effect was made in this House, and the bill was referred back to the House of Commons, where it was passed, with the proviso that it was not to be considered a precedent.

Hon. Mr. WILMOT said an alteration had been made by this House in the Pacific Railway bill, changing the terms of the land grant, and it had not been objected to in the other House.

Hon. Mr. DICKEY said if the object was to test the right of this House to deal with the bill, it might be a question whether this was the best mode to do it. He apprehended that this omission might be corrected by the other House by message from the Senate. He made this suggestion, not because he had any doubt as to the power of this House to amend the bill, but it would be better to avoid coming in conflict with the other House.

Hon. Mr. MACMASTER said the difficulty arose from the circumstance of the schedule having been mislaid. When the omission was discovered, it was suggested by the Law Clerk and members of the other House that all reference to it should be left out, and the bill passed in the shape in which it came to this House, and that when it was sent back to the other House, the schedule could then be attached and returned to the Senate for concurrence. But when it came before the committee the course suggested by the Chairman was adopted in preference.

Hon. Mr. HAVILAND could not see how any other course could be taken than that adopted by the committee. The only place the bill could be amended was in this House—that is, if they had the power to do so; and if they did not amend it it would be cited against them in the future as a

precedent that they had not the power to amend such bills. He did not think the bill could be altered by message to the other House.

Hon. Mr. CAMPBELL suggested that this question ought to be dealt with carefully, in order that no mistakes should be made that might prove to be inconvenient in the future. It would certainly conflict with the rule of the House of Commons relating to money votes, although this House might be quite right in making the amendment.

Hon. Mr. SCOTT said the enacting clause of this bill, which gave the corporation the power to collect tolls, could not be enforced without the authority of the Governor-in-Council.

Hon. Mr. MILLER did not agree with the proposition that this House should accept, without questioning in any way, the rules of the House of Commons as binding on them. When it was suggested by some members of the House of Commons that the Senate should strike out a few words from the bill, in order that it could go back to the Commons to be amended on concurrence, he considered it was practically conceding that the Senate had no power to amend the bill. He was not, without further consideration, inclined to take a step which might afterwards be cited as an important precedent. Therefore, he did not feel disposed, as a member of the committee or as chairman of it, to recommend the adoption of that course—although if it were the sense of the House to do so, it would be a very easy matter to send the bill back, but he would prefer the House would take that responsibility instead of the committee. He could not see that there could be any reasonable objection to this House attaching the schedule to the bill without the other House in any way waiving their rights and privileges, as, by the constitution, the Senate had all the powers of the House of Commons, with the exception of the right of initiating money grants.

Further consideration of the amendment was postponed until to-morrow.

#### REPORTS OF MONETARY INSTITUTIONS.

Hon. Mr. BELLEROSE moved, to resolve that it is the opinion of this House that the Minister of Finance should see to the due execution of our laws in all that relates to the annual or semi-annual reports which the monetary institutions of this Dominion are bound to make to him, and that he should strictly enforce the conditions of those laws against all companies that neglect to fulfil all their obligations in that respect. He said that in moving this resolution he had

no other object than to strengthen the hands of the Government in insisting that our monetary institutions should make their returns in accordance with the statute.

Hon. Mr. SCOTT supposed there was no objection to this motion. It seemed only to affirm the requirement of the statute that the Finance Minister should see that the terms of the law should be carried out. There was considerable delicacy with respect to the Finance Minister exercising a system of keen espionage over the returns of those institutions. The rule hitherto followed had been, where the returns professed on their face to be correct, they were assumed to be so, and it was not for the officers of this department to go beyond them. It was well known, unfortunately, that during the last two or three years there had been some serious cases in which the returns had not been correct. For instance a case had occurred last year—with respect to the Jacques Cartier Bank—and it was conceded on that occasion by this House that the department would not have been justified in questioning a report that seemed, on the face of it, to be in conformity with the requirements of the law.

Hon. Mr. HOWLAN said this resolution appeared to him as a sort of want of confidence in the Government. If the honorable gentleman had any charge to bring against any particular bank or monetary institution, the proper course for him to take would be to move for returns. The business of the Finance Minister was to carry out the law, and there was a fair presumption that he had carried it out. He thought the House should pause before passing a resolution of this nature.

Hon. Mr. BELLEROSE said he had never dreamt of putting this resolution before the House as a want of confidence motion, but he had moved the other day for certain returns, and it was found when they were brought down that they had not been made according to law. It was for that reason he thought it his duty to strengthen the hands of the Government by moving the resolution now before the House. It was very difficult for the Finance Minister to enforce the law respecting those returns, but, if he had a resolution like this to back him up, he would have a very good reason for enforcing the statute. The penalty for fraudulent returns was very severe, as the Finance Minister had power to advise His Excellency to authorize the winding up of the affairs of any company making such false reports.

Hon. Mr. CAMPBELL said to pass a resolution of this kind, affirming that it was the duty of the Finance Minister to do so and so, implied that in the past that Minister had

neglected his duty. Besides, it was an expression of opinion that very rarely came from this House, and he did not recollect any instance where a resolution of so bold a character had ever gone on their minutes, or on the minutes of the British House of Lords. The object which his honorable friend had in view was one which had the support of the House, but from the observations of the Honorable Secretary of State it was evident the Government were anxious to have the matter attended to. As accurate returns, in accordance with the statute, would no doubt be insisted on in the future, he thought it would be better to withdraw the resolution.

Hon. Mr. WILMOT said it was unfortunate that many of the returns made had been irregular, and some of them had been proved, on investigation, to be actually false.

Hon. Mr. BELLEROSE said the reports he referred to were those of *Le Credit Foncier*, which had not been made under oath. However, as the Government had shown a desire to have these matters looked after more strictly, he would withdraw his resolution.

Hon. Mr. RYAN said he had been informed by the directors of *Le Credit Foncier* that the returns of that institution had been properly made and attested by the officers of the Company. He also had the assurance from one of the directors that the company were prepared to come forward and answer any charges that might be brought definitely against them. The affairs of the institution would bear an investigation, and the directors would be happy to give any information that was necessary.

Hon. Mr. BELLEROSE said if the directors of *Le Credit Foncier* considered its position so good why had they not made their report according to law? The first reports laid on the table of the House were not sworn to, and it was only after he had called attention to the fact that the second report was sent in from Montreal, but though the last report appeared on the face of it to be sworn to, there was a portion of it that had not been attested, and it had been shoved into the middle of the report. It was the part in relation to the amalgamation with the Royal Building Society which had been effected by the directors without having been accorded the power to do so, and the shareholders were anxious to obtain some information on the subject. A friend of his had been informed by one of the officers of the institution that the reason why these papers were not attested was because they could not be honorably sworn to. The name of the informant was Mr. Lafleur, who had

since left the institution. The list of shareholders of *Le Credit Foncier* was all right; and the list of shareholders of the Royal Building Society was not. He believed *Le Credit Foncier* was sound, though it had been stated the other day that they had lost a great deal on some of the properties mortgaged to the Company, which had depreciated in value. They had a church for instance, and what were they going to do with such property as that?

Hon. Mr. RYAN said there might have been some returns sent in that were not sworn to, but the last report submitted had been properly attested, and he was quite satisfied the institution was in a prosperous condition now that he had heard his honorable friend say so. He was aware *Le Credit Foncier* had purchased the stock of another society to which his honorable friend had referred, not at par, but at a value that would leave the Company some profit, and it was not as bad an investment as the honorable gentleman would make it appear. He knew that a gentleman had been discharged from *La Credit Foncier* for certain reasons, and possibly the information which his honorable friend had received had come from that quarter.

The resolution was then withdrawn and the question dropped.

THE EMPIRE FIRE AND MARINE INSURANCE COMPANY.

Hon. Mr. REESOR moved for leave to introduce a bill to change the name of the Empire Fire and Marine Assurance Corporation to the British Empire Assurance Corporation, and to move that the 49th rule referring to the same be suspended.

Hon. Mr. MILLER said some reason should be given for suspending the rules of the House respecting the introduction of private bills. It would be establishing a bad precedent and be holding out a premium for negligence to allow this motion to pass. Unless some urgent reasons were given he believed the House would not be justified in taking the extreme course suggested.

Hon. Mr. SCOTT hoped the objection would not be pressed. He had been informed that when the company was incorporated last session, the House had inadvertently given it the name of a company incorporated in 1873, exception having been taken to the name for which the company had applied. Under the circumstances, he thought the company ought to be allowed to change its name.

Hon. Mr. DICKEY asked for further information. When the name was changed by the House last session, he assumed the

promoters of the bill were aware of it, and expressed their assent. The House was now asked, towards the close of the session, to suspend its rules, which were not only for its own protection, but also for the protection of the public. Without further information this should not be done.

Hon. Mr. BOTSFORD suggested that the honorable senator should merely move that the forty-ninth rule be suspended. He would then have a right to introduce the bill, and it could be referred to committee.

Hon. Mr. REESOR explained that during last session a bill had been introduced to incorporate the Canada Assurance Company. While it was before the House a letter was received from the manager of the Canada Life Insurance Company, complaining there was too great similarity in the names. In the hurry towards the close of the session it was suggested that the name should be changed to the Empire Fire and Marine Assurance Company. This was assented to by the gentleman who had charge of the bill in the other House, but before he had an opportunity to consult the provisional board of directors, the change was made, and when they applied to the Finance Minister for license, a caveat was filed by an insurance company incorporated in 1873, and they were prevented from going into operation. The company now applied for a change of name that would not interfere with any other company in existence, to enable them to use the legislation for which they had paid last session.

Hon. Mr. CAMPBELL—When was the mandamus issued?

Hon. Mr. REESOR—I do not know. I suppose six months ago the mistake was discovered.

Hon. Mr. CAMPBELL—Then there was ample time to give proper notice.

Hon. Mr. SMITH called attention to the fact that the name suggested was part of the name of a company already existing.

Hon. Mr. MILLER said no better evidence than this could be furnished to show the necessity of strictly adhering to the rule.

After some further discussion,

Hon. Mr. CAMPBELL said the motion was on the face of it, one that could not be put. The proper course would be to move for a suspension of the rule.

Hon. Mr. REESOR asked for the ruling of Mr. Speaker.

Mr. SPEAKER—I think the motion is irregular. It is not in order, because it proposes to do what can be done without the suspension of the rules, so the suspension of the rules is the first step to be taken.

#### A QUESTION OF PRIVILEGE.

Hon. Mr. CARRALL called attention to an article in the *Montreal Gazette*, casting imputations upon an honorable member of the Senate, every wrinkle on whose brow was a notch in the calendar of a well spent life. He would not read the whole article, but quote the following paragraph:—"The Hon. Mr. MacMaster contributed a thousand dollars to that election." The election referred to was that of Sir Francis Hincks, a political opponent.

#### THE CENTENNIAL EXHIBITION AWARD.

Hon. Mr. PENNY laid upon the table the medals and diplomas from Philadelphia, which had just been received, in order that honorable gentlemen might inspect them.

Hon. Mr. AIKINS moved the adoption of the seventh report of the Joint Committee on Printing.—Carried.

#### EXTRADITION OF FUGITIVE CRIMINALS.

Hon. Mr. SCOTT moved the second reading of the bill respecting the extradition of fugitive criminals. He said the whole purposes of extradition and the mode in which it is enforced have been a good deal confused in consequence of the legislation of this country and of the mother country. The law under which we are now working is the Act of 1868, and the Imperial Act of 1873. The Act passed in this country in 1873 was somewhat similar to the bill now before the House, but although it received the royal assent, it required also an Order-in-Council of the Imperial Government, withdrawing the Imperial statutes and giving it full force and effect. Although a good deal of correspondence had passed between the Imperial and Canadian Governments, the Act had never been formulated. It was in consequence of the confused condition of the mode of procedure this measure was necessary. It set forth that Canada has the right *per se* to deal with this question. In 1833 the Upper Canadian Parliament passed, irrespective of the mother country, an extradition law not only with respect to the United States, but gave power to extradite persons seeking refuge in Canada, under certain circumstances. That Act was repealed many years ago. The next step towards extradition worth referring to was the Ashburton Treaty. Our legislation, subsequent to that, was rather directed to carrying out that treaty, and it did not extend to other countries. Therefore, the extradition of criminals from any other country than the United States would be under Imperial statutes. There had been a good deal of correspondence lately with the Im-

perial Government, with a view to widening the extradition treaty with the United States, and it was to be hoped we would soon have a treaty more in harmony with the ideas of our people than the Ashburton Treaty. If this bill should pass it would simplify very much the provisions for carrying out this or any future extradition treaty.

Hon. Mr. CAMPBELL said he was very glad the bill was of so comprehensive a character as the honorable gentleman had described. No other country was so interested in the treaty as Canada, as no other colony of Great Britain has so long a frontier as the Dominion, and all knew how often the extradition law had been put into force between this country and the United States. No doubt great attention had been paid to this matter, and the country would have a better arrangement under the new treaty than heretofore.

The bill was read a second time.

#### GAMBLING IN PUBLIC CONVEYANCES.

Hon. Mr. PELLETIER moved concurrence in the amendments made by the House of Commons to the amendments of the Senate to the bill for the prevention of gambling in public conveyances.

The amendments were concurred in without debate.

#### STEAMBOAT INSPECTION.

Hon. Mr. PELLETIER moved the second reading of the steamboats inspection law amendments. He said the object of the bill was to amend four different acts respecting steamboats—the acts of 1868, 1869, 1873 and 1874, to provide for the better safety of passengers. The old act provided that each steamboat should carry at least one life preserver for each passenger, but, as it was impossible to say what the number of passengers would be on board, of course, it was impossible to comply with the law. This bill provided that the maximum number of life preservers required on any steamboat shall not exceed 200. The other amendments were slight, and would be considered in committee.

The bill was read a second time.

The bill to incorporate the London and Ontario Investment Company was read a second time.

#### MANITOBA BOUNDARIES

Hon. Mr. SCOTT moved the second reading of the bill respecting the boundaries of the provinces of Manitoba. He said the bill was for the purpose of making the boundaries of Manitoba, on the east and west, agree with the rectangular surveys of townships. The meridian lines, as they ran

north converged, and were narrower at the north than at the 49th parallel.

Hon. Mr. CAMPBELL—How will the proposed alteration affect the neighboring province of Keewatin?

Hon. Mr. SCOTT said the bill provided that the western boundary of Manitoba shall be the eastern boundary of the North West Territories, and the eastern boundary of Manitoba shall be the western boundary of Keewatin.

The bill was read a second time.

#### THE NATIONAL POLICY.

Hon. Mr. KAULBACH resumed the debate on Mr. Read's motion. He said the last point which he had brought before the notice of the House, was the trade in lumber between Canada and the United States. He had then endeavored to show that the lumber interests of Canada could well be protected, that we were not dependent upon the United States for a market for the lumber of the Dominion, and it we encouraged a direct trade with South America and the West Indies our lumbermen would be entirely independent of the United States. This brought him to the next question of importance—the sugar trade with the West Indies. He considered this question was entirely outside that of free trade and protection. It was one affecting the entire trade and commerce of the Dominion, all persons residing in this country, and was of special importance to the Maritime Provinces. At one time Canada had a large trade with the West Indies, but in consequence of the destruction of the sugar trade our vessels had no return cargoes from South America or the West Indies, and were obliged to bring raw sugars from those countries to the United States, there to be manufactured and then sold to Canada. In this way our trade with sugar producing countries was steadily being destroyed. He believed all the productions of Ontario could be sold profitably in the Maritime Provinces. Take flour for instance. The people of Nova Scotia preferred Ontario flour to the flour of the United States, but owing to the fact that their vessels could not bring return cargoes from the West Indies or South America to Nova Scotian ports they had to load for United States ports, discharge there and then take in American flour, &c., for Nova Scotia ports or return in balast. In 1875 Canada imported from South America and the West Indies 46,278,778 pounds of sugar of different grades. Last year the sugar from those countries only amounted to \$14,421,068—whilst our imports last year from United States increased in refined sugar—that is of sugars

over thirteen Dutch standard—to 28,070,726 pounds or 5,171,848 pounds over the imports of the year previous. This was simply transferring the wholesale importing houses and the manufacture of sugar to the Americans—depriving us of the best markets for many of our products—and the benefits of a direct import trade in return for those markets. But what is more important the mad policy of the Government had crushed out of existence our great manufacturing industry of refined sugars and had given the United States a monopoly of the sugar trade. This showed clearly the ruinous, destructive policy of this Government. He believed the loss of the sugar trade could easily have been prevented by a properly adjusted tariff on the raw article, and a proper duty on refined sugar and not effect the revenue, but made the price cheaper by refining in this country. While refined sugar now pays a duty of only 41 per cent.—and this is the injustice done to refiners and this country—the West Indies grocery sugars pay fifty per cent., while the American manufacturers of hard sugar receive a drawback or bounty of fifty-four cents per 100 lbs. on all the sugar they export. It is a serious matter for consideration that our sugar refineries are crushed, and we are now importing annually 28,000,000 pounds of refined sugar from the United States. The Government first loaded our refineries down with the above shameful and absurd discrimination, and then permitted the United States, by the bounty system, to have entire control of our markets. He would ask the Government why could we not get our raw sugars direct from the West Indies, in return for our fish and lumber, and employ our own people in the refining of it, giving us better and cheaper sugar. The manufacture of twenty-eight million pounds of refined sugar in this country is of vast concern to us. It would not only give employment to thousands of workmen, but it would encourage, as he had said, a direct lumber trade between Canada and South America, instead of throwing it into the hands of the United States. Under the present system we were obliged to buy our sugar from American refiners, and pay them whatever price they chose to demand. He regretted to have seen, a short time ago, in an organ of the Government, a suggestion made that the only way to get rid of this sugar refining question was to hunt up all the persons interested in the sugar refining business, and pension them off. He believed this Government liked to pension its friends, and was persistently doing so, but to do this the Government would have to pension off every man, woman and child

in the Dominion, for it was a manufacture in which all were deeply interested. England protected her sugar industries until a few years ago, and only threw open her markets when she considered she was able to compete with the world; but since the Dutch and French Governments had continued a system of drawbacks in connection with the sugar refineries of those countries, English and Scotch refineries became depressed, and the British Government remonstrated and were now endeavoring to get the bounty system abolished—a system so obnoxious to the sugar refiners of England.

Hon. Mr. PENNY—The French have done so.

Hon. Mr. KAULBACH—Yes, he had heard so, and he hoped this Government would act in the same spirit as the Government of England had done and make an effort to have the United States abolish the drawback system also, and if that failed—as he believed it would—Canada should impose such a duty on all refined sugar, as would revive this industry in the Dominion. The United States had so built up their sugar trade by their policy that they were enabled to sell immense quantities in the markets of Great Britain. Last year the shipments of refined sugar from New York only, to England was 22,506,410 pounds; to British West Indies, 392,670 pounds; and to this country 15,757,525 pounds. While Great Britain protected her sugar refineries, the imports of refined sugars were very small, and, then simply for re-shipment, but as soon as the protection was taken away the imports became heavy. In the same way the Americans were forcing their manufactures into Canada, and the Dominion was rapidly becoming a mere commercial dependency of the Republic. The chambers of commerce have besieged this Government to remedy this great injustice, yet they are dead to all concern in the matter. Our present tariff was not only destructive of our prosperity but it was also a discriminating tariff against England in favor of the United States. Last year our free imports from Great Britain were \$8,348,778, while from the United States our free imports were \$24,730,371, whilst over \$11,000,000 more of dutiable goods come from England than from the United States, owing to the unfair adjustment of the tariff. This was not a commendable state of affairs in our relations with Great Britain, and it would seem that the tariff could not be better arranged in every particular to make Canada a commercial dependency of the United States. It was no wonder the New York *Tribune* should refer to it in the most jubilant terms.

The tone of the article was that Canada was to be considered merely as a commercial dependency of the United States, and purchasers of their manufactures. An honorable gentleman seemed to doubt the last figures, but the trade returns show that our dutiable imports from Great Britain last year were \$32,385,482, and from the United States only \$21,324,613, or a discrimination against England and in favor of the United States of over eleven millions of dollars. The geographical position and natural products of a country have much, if not everything to do with the industries which could be established, and made self-sustaining after being fully developed. In no country in the world were there greater facilities for the manufacture of iron than in Nova Scotia where the coal and iron ores are in just a position, of the finest quality, and the largest quantity. Coal and iron ores lay within ten miles of each other, with the Intercolonial Railway intersecting them. If a policy that would develop the manufacture of iron were adopted, he believed Nova Scotia would find a home market in Canada for nearly every ton of coal they could produce, and be independent of foreign markets. The iron ore was of the very best quality, equal to Swedish ore, and it could be lifted from the mine for about 65cts per ton. In 1872 Canada purchased from Great Britain of pig and manufactured iron over \$11,000,000, and in 1873 we purchased from that country alone 80,000 tons of pig iron, at £7 per ton, equal to £560,000 sterling. The quantity of iron required in Canada is largely increasing year by year, and the amount imported last year was very much greater than in 1873. Experienced men, well known to this Parliament and country, had given it as their opinion that iron of a better quality than we import from Great Britain and the United States, can be manufactured in Nova Scotia cheaper than it can be imported, and all they wanted was the Canadian market secured to them. He would quote from the reports of several eminent men. Sir Wm. Fairbairn wrote a treatise on the Nova Scotia iron, in which he gives the following high character of the ores, and the manufactured articles:— "In Nova Scotia some of the richest ores yet discovered occur in exhaustless abundance. The iron manufactured from them is of the very best quality, and is equal to the finest Swedish metal. Several specimens have been submitted to direct experiment, and the results prove its high powers of resistance to strain, its durability and adaptation to all those processes by which the finest descriptions of iron and steel are

manufactured." The report of Professor Dawson, L.L.D., F.R.S. Principal of the University, Montreal, in speaking of the iron ores of Pictou County, says they cover an area of twenty miles square of great variety and richness, easily accessible, and in close proximity to inexhaustible deposits of coal." In 1872, G. M. Dawson Associate of the Royal School of Mines, London, from actual explorations, and analysis of the iron and coal of Pictou, also gives an equally favorable report of the mines, and of fire clays, and limestone and gives it as his opinion that no country is more advantageously situated for the cheap manufacture of iron of the very best quality. Walter Shanley, Civil Engineer, subsequently made a careful examination into the deposits owned by "The Pictou Iron and Coal Company," and reported that the exposition and calculable quantity of the deposits as described in the reports of the gentlemen before named, are in no respects over-stated. Mr. Shanley's concluding remarks are: "It would be hard to find in any part of the world so rich and varied an assortment of iron ore in such convenient association with one another and with coal." Other conditions, such as facilities for getting out the ore, and shipping by sea and rail, are also highly favorable. "The whole, or nearly the whole, of the Pictou deposits," says Dr. Dawson, "are included in this property, and I cannot see any reason to doubt but that New Glasgow is destined to become the centre of a vast iron making district, as it already is of the coal-mining industry of Nova Scotia." For further particulars as to the great extent and quality and quantity of the iron and coal fields of Nova Scotia he would refer honorable gentlemen to the reports of the late Sir William Logan and Mr. Selwyn, directors of the geological survey of Canada. From the great deposits of iron and coal, the harbor of Pictou is distant about twenty miles, and Halifax about eighty miles. Dr. Dawson estimates that nine millions of tons of iron ore can be got at no greater depth than 200 feet. Mr. Prentice, a broker of Montreal, who is largely interested in the Pictou iron mines, says "the highest class of iron can be manufactured there for less than the cost of ordinary English pig iron," and he gives the following as the maximum of the cost of making a ton of pig iron in Pictou, viz:—

2 tons of ore, at \$1.00 per ton .....	\$2 00
30 cwts. of coke .....	4 00
10 cwts. of limestone .....	0 50
Labor .....	1 25
Wear and tear and interest .....	1 00

General management and other charges .....	1 25
	<hr/>
	\$10 00
To which add 50 per cent. for contingencies.....	5 00
	<hr/>
	\$15 00

This one item of pig iron would consume about 200,000 tons of coal a year, leaving out of the question the manufacture of bar iron rails, wheels, &c., which would multiply the consumption of coal to an indefinite amount, to say nothing of the consequent increase of the population and wealth of the country by attracting immigration and retaining the savings of the people in the country, and the millions of dollars yearly sent away to purchase rails and iron articles of every description. Now let this Government only do what England, Russia Germany and the United States have done—that, is, secure the home market to their people—and they would have cheap iron, and the money of the country retained in the country, to develop other industries. His honorable friends from Prince Edward Island, sitting opposite, would be prepared to admit that if the iron and coal mines and sugar refineries of Nova Scotia were thoroughly developed, the farmers of that island would not have to depend on precarious foreign markets for the disposal of their produce, but could sell it to advantage within sight of their own Province. In protecting our Nova Scotia iron industries we would not only be following the example of Great Britain and the United States, but provide a market for the greater portion of the surplus products of Ontario. When England wanted to foster her iron manufactures she imposed a duty of 17s. 6d. sterling per ton, and when she found that was not sufficient she increased it to ten pounds sterling, until she so built up her manufactures that she had command of nearly every market in the world, and it was only since the United States adopted a prohibitory tariff for their own manufactures that they could begin to compete with England. Russia was now adopting the same policy. The importation of locomotives and rolling stock for railways was not only prohibited, as would be seen from the following telegram to the *New York Tribune*, but premiums were given to Russian manufacturers:—

London, Thursday, March 29, 1877.

“A special despatch from Berlin to the *Times* has the following: “By an order of the Russian Government all locomotive and rolling stock purchased by Russian railways must henceforth be manufactured in Russia.

This is another heavy blow to German industry. To enable the railways to obtain locomotives and carriages in Russia the Government will allow the materials to be imported duty free, and will pay premiums and subsidies to Russian manufacturers. The decree, which will be promulgated in a few days, seems at present applicable to new companies only; but to be gradually extended to existing companies as home manufacturers develop their works and can supply the demand.”

No other country in the world had such facilities for manufactures of many kinds as Canada, but they were crushed out of existence from want of a proper tariff which would inspire capitalists with confidence to invest their money in manufacturing industries. The United States are jubilant over the trade policy of this Government, and every day we witness their congratulation at the prospect of their retaining our market for their manufactured goods. The *New York Tribune*, of last Saturday, says:—

“Protection to Canadian industries was badly defeated in the Canadian Legislature on the recent test vote; and this promising and growing market for American manufactures, therefore, still remains open.”

Can men be so blind as not to see that that country in every way is determined to hold us as a commercial dependency? It had been asserted that the United States flourished under a revenue tariff, but last year that country had reduced their taxes \$300,000,000; the national debt had been reduced \$600,000,000, and the balance of trade was \$126,000,000 in their favor. Was all this accomplished under free trade, such as the Government calls free trade here, that is free to purchase only? Of course not. No other policy but their protective tariff would have placed them in such a position. Some honorable gentlemen contend that the balance of trade means nothing, but he contended it means everything. It means, that if the balance of trade continues against a country, financial bankruptcy; they would have to do as any trader would be compelled to, either encroach on their capital or borrow and ultimately fail. This Government had been borrowing ever since they came into power; the balance of trade has been against the country, the capital has been going out of it, and the Finance Minister has had to borrow to meet the deficiency. Last year there was a deficiency in the treasury, and he believed that this year the deficiency would be greater unless a wiser commercial policy is adopted. In 1842 the United States had their highest tariff, and it was noticed that year the influx of immi-



gration was greater than it had ever been before, and every branch of industry and especially the iron trade flourished. In 1846 they came down to a revenue tariff and honorable gentlemen would remember the stagnation that pervaded every branch of industry. Many of the manufactories were closed, immigration ceased and farmers suffered a severe check. This, he considered, was sufficient to show that a protective tariff was the best to benefit the industries of the country. In 1871 the capital invested in manufactures in the United States was \$2,118,208,000; product \$4,232,325,442; wages \$775,584,343; hands employed 2,053,996—in the same year in Canada, capital invested was \$77,964,020; production \$221,617,773; wages paid \$40,851,000; hands employed 187,942. These figures show that the operative in the United States produce per capita \$2,060 and received \$372, whilst in Canada he only produced \$1,179 and received \$212. He took the year 1871 as the fairest from which to make comparison, and result shows the incorrectness of the assertion that the wages and production of each manufacturing hand here was equal to that in the United States. We have now a country comprising more than half the continent of North America, with varied and new industries arising from the incorporation of the Maritime division, and it had been his desire in addressing the House to show that we had industries and resources which any nation might well be proud of, and that they could be fostered, developed and blended together, so as to work no injury but all be in harmony and directed to the prosperity and strength of the country. He failed to see how it was possible to encourage any one of our great natural industries at the expense of the rest, and it was the duty of every lover of his country coming from what province he may, to see that we were not like a bundle of sticks loosely tied together, and the only way to make us one whole, each dependent on the other, was to blend together our diversified interests and resources, feeling ourselves dependent each on the other and ready to help every industry that is natural and adapted to the country. There was no better way of showing the gradual depression of the country since the present Government came in power than by the following figures of immigration to this country the last year the late Government were in power, and since then,

	Immigrants.	Cost.
1873.....	36,901	\$277,368

	Immigrants.	Cost.
1874.....	23,894	318,572
1875.....	16,038	302,770
1876.....	10,901	385,815

Observe the amazing increase of \$108,477 in the outlay for 1876 as compared with that of 1873, and then note the fact that there has been a proportionate decrease in the number of immigrants.

Nothing showed more plainly and forcibly than this the folly of the present Government in attempting in the face of this depression which prevailed, to force immigration to this country, whilst those now here were next to starving. While large sums were being expended to bring people to Canada, our best men were going to the United States. It would take three or four immigrants to supply the place of every native Canadian who left the country. It was therefore, the duty of the Government to adopt some policy which would relieve the Dominion from the depression which prevailed. It might be asked, "Why was not this policy adopted by the late Government?" The circumstances were different then. The civil war in the United States made that nation dependent upon us instead of Canada being dependent upon them. The result was the balance of trade was in our favor. Not only did the late Government reduce taxes by \$2,000,000 but they expended from revenue over \$12,000,000 on the public works of the country. The present Government not only expended the \$700,000 surplus which their predecessors left in the treasury, but increased taxation some \$3,000,000 and had a deficit of \$2,000,000. Thus, at the end of three years, we were worse of by \$5,700,000. They had also increased the public debt from \$37,000,000 to \$124,000,000, or more than the late Government had asked for the construction of the Pacific Railway. The Government had taken the helm of the ship of State, but allowed her to drift, and the commander and officers appeared to know not where they were. If this course should be persisted in, and no change of policy should take place, it must end in bankruptcy. No man can shut his eyes to the fact that our trade is now in the hands of Americans. Our largest factories are shut up and the lists of insolvents are daily increasing. It may well be asked when will the present Government cease to afflict this suffering country? It was greatly to be regretted the change of Government had occurred. The late Administration had carried the country safely through many difficulties and

vicissitudes which had occurred during twenty years, and it was a great misfortune that they had been deprived of office through conspiracy, intrigue, stealth and treachery. He feared the incapacity of this Government would long be felt, and their boasted virtue, honor and integrity were daily trailing in the mud. There was extravagance and corruption everywhere, while the country itself was drifting into bankruptcy.

Hon. Mr. POWER moved the adjournment of the debate.—Carried.

The House adjourned at six o'clock.

THURSDAY, April 5th.

The SPEAKER took the chair at three o'clock.

After routine.

MONTREAL HARBOR TOLLS.

Hon. Mr. PELLETIER moved the second reading of the bill respecting tolls in Montreal Harbor. He said the object of the measure was more to re adjust than to increase the dues.

Hon. Mr. MILLER said if the changes were important the House should have further information on the subject, as this measure would affect the shipping of the whole Dominion, as well as the trade of Montreal.

Hon. Mr. PELLETIER said one of the principal changes was in connection with duties on dry goods. Formerly the duties were 1½ per cent. *ad valorem*. This was changed by substituting a specific duty of 50 cents per ton weight.

The bill was read a second time.

ALBERT RAILWAY.

Hon. Mr. DICKEY, in the absence of Mr. Botsford, moved the second reading of the bill to confer additional powers on the Albert Railway.

Hon. Mr. MILLER asked for explanations with regard to certain clauses of the bill which he indicated. This bill proposed to confer unusual powers on the company, and it was due to the House that some reason should be shown why such exceptional legislation was asked for. The bill should not pass without such explanations.

Hon. Mr. DICKEY said this bill had been subjected to a very severe ordeal, having been, in the first instance, criticised by the learned Minister of Justice, and having afterwards passed through the Railway Committee. With regard to the clause empowering the company to borrow money at eight per cent., the very next bill on the

paper contained a clause to remove even that limit, and in Ontario companies were only limited to eight per cent. The position of the Albert Company was this:—They had built their road, and wanted money to equip it. In order to enable them to borrow capital, this power was asked for. Then, with regard to the clause empowering the board of directors to issue promissory notes, companies in Nova Scotia possessed the same power, and it was extremely well guarded.

Hon. Mr. BOTSFORD said this railway would open up a very fine tract of country, and be an important feeder to the Government railways. The Legislature of New Brunswick had aided the company by a grant, and the municipalities on the line had given them bonuses. They lacked only the capital necessary to equip the road, and he hoped this bill, which would enable them to raise it, would receive the sanction of the House.

Mr. McCLELAN said that this company had been incorporated by local enactment, and the work was approaching completion; but under the provisions of New Brunswick laws only six per cent interest was allowable on bonds; and the company seem to think that it would be advantageous to have power to issue eight per cent bonds. They also ask the right to treat with other railway companies for cars, locomotives, &c. As to the advisability of the 3rd section, authorising issue of promissory notes, different opinions may exist, and the objection of the honorable member from Richmond, so strongly urged, can more properly be raised in committee. He (Mr. McClelan) thought that the last section could be also amended to accord with local legislation, and protect more fully the people's rights; but as the other branch of Parliament had passed the bill, he thought it should be referred to committee.

The bill was read a second time.

SPRINGHILL & PARRSBOROUGH COMPANY.

Hon. Mr. MACFARLANE moved the second reading of the bill to increase the powers of the Springhill & Parrsborough Coal and Railway Company.

Hon. Mr. MILLER said the features of this bill were precisely similar to those of the measure which had just been read a second time, and should be well scrutinized in committee.

Hon. Mr. DICKEY said there was a feature in this bill which placed it above and beyond the other measure. It asked for power to buy and sell, to own and charter ships. That was the result of their geographical position. The railway is twenty-seven miles in length, and is intended to

convey coal from the Springhill mine to the tidal waters of the Basin of Minas. It was very important that the company should have the power to own and charter vessels.

The bill was read a second time.

BRITISH CANADIAN LOAN AND INVESTMENT COMPANY.

Hon. Mr. MACMASTER moved the second reading of the bill to amend the act incorporating the British Canadian Loan and Investment Company.

Hon. Mr. DICKEY said if this bill should pass, it would by implication repeal an act already on the statute books of old Canada. There was in the Consolidated Statutes of Canada an act limiting such corporations to eight per cent. interest on money borrowed. Last year this company was incorporated and empowered to borrow money at the same rate of interest as other companies; now it applied for an amendment to enable it to borrow at the same rate of interest as private individuals. It was well that the House should reflect on the bearing of this measure before sending it to the committee.

Hon. Mr. WILMOT said since he had been a member of the Committee on Banking and Commerce and Railways, he had set his face against those loose measures. In these times of depression, when labor was seeking employment, it appeared to him our legislation was to give the rich all they could get, and increase the burdens of the poor. With regard to the railway companies, they were about playing themselves out as fast as they could. No sane man would invest in railway stocks with their preferential shares and bonds. It seemed to be a general thing that the smartest man grabbed most.

Hon. Mr. MACMASTER said the effect of granting such powers to companies in the west, had been to reduce the rate of interest.

Hon. Mr. MACPHERSON was not prepared to admit the decision of the House last session, on the rate of interest, was truly the sense of the House. On the contrary, it was opposed to the sense of the majority. They were coerced into voting that way by the sub-committee who reported on those bills. They had either to carry the bills as reported or have them all lost. That was the only time he (Mr. Macpherson) had voted by implication for the restriction of the rate of interest, and he had given the House to understand he would not hold himself bound by that vote to support such a principle.

The bill was read a second time.

PICKERING HARBOR AND ROAD CO.

Hon. Mr. HOPE moved the second reading

of the bill, to vest in Joseph Harris McClellan the property of the Pickering Harbor and Road Company.

Hon. Mr. CAMPBELL did not believe a bill of this kind should be brought before this Parliament. It was, on the face of it, an interference with civil rights.

Hon. Mr. HOPE said the company had been chartered by the Parliament of old Canada. They borrowed some £4,000 from the late John Hillyard Cameron, who foreclosed his mortgage and spent large sums of money on the property, and afterwards obtained an act from the Legislature of Ontario vesting the property in him. Last year the property was sold to Joseph Harris McClellan. Doubts having arisen as to the power of the Local Legislature to deal with harbors, Mr. McClellan had applied to the Dominion Parliament to render valid the act of the Local Legislature.

Hon. Mr. CAMPBELL said the facts stated by the honorable gentleman showed this was a matter which came within the jurisdiction of the Ontario Legislature.

Hon. Mr. BUREAU said in this case it might be necessary to have the concurrence of the Ontario Legislature and the Dominion Parliament, since it related to a road and a harbor. The road would come under the jurisdiction of the Local Legislature; the harbor under the jurisdiction of the Federal Parliament.

Hon. Mr. MILLER said this was evidently not a public harbor over which the Dominion had control, but a private pond or harbor, owned by an individual who had absolute control over it. It was, therefore, a question of civil rights altogether. He showed at some length that the owner of the property wished to have his title confirmed by this bill, which was its chief object. This should come before the Local Legislature. If there had been any litigation in the courts rendering this legislation necessary it might be a different matter, but Parliament was asked to pass an act to confirm a man's title to private property in complete ignorance of all the facts. The House did not know whose private rights it might be interfering with by passing this measure. It would be unwise to let the bill go to a second reading.

Hon. Mr. SCOTT said the harbor of Pickering was not different from any other harbor in the Province that this Parliament had legislated on. The harbor company had been incorporated under statute of the Province of Canada, and the same rules respecting tolls and shipping were applied to it as to other harbors of Ontario. Such matters did not belong to the Local Legislature, and on the face of this bill it was clearly

a matter that properly belonged to the jurisdiction of the Parliament of Canada.

Hon. Mr. CAMPBELL—I think it is clearly the other way.

Hon. Mr. SCOTT—I think it has been conceded that all harbors are matters that fall within the purview of the Dominion Parliament.

Hon. Mr. CAMPBELL—Only general harbors.

Hon. Mr. SCOTT—All harbors controlled by the Governor in Council in the regulation of tolls. The original act of incorporation contained the tariff of tolls to be charged. The Local Legislature of Ontario could not have given any such authority or power to collect tolls on shipping, so that it was quite clear that this was a harbor subject to the legislation of the Dominion Parliament.

Hon. Mr. MILLER said the bill asked for an act to confirm the title of an individual, the petitioner, who claims this harbor as his private property. If this harbor was the private property of Joseph McClellan, this Parliament, or any other Parliament, had no right to regulate the tolls for vessels entering it, or say whether vessels should enter it at all or not.

Hon. Mr. CAMPBELL said he did not see that there was any ground at all for the argument that Parliament has jurisdiction in this particular case. Questions pertaining to civil rights, and property, belonged to the Local Legislature and not to this Parliament, and the very object of the bill was to deal with private property and private rights. The Confederation Act gave to this Parliament power to legislate on navigation and shipping, but it did not follow that every little harbor was a public harbor and proper subject for legislation in this House. If this bill were proceeded with the House would find they were not only going beyond their powers, but they were exposing the promoters of the bill to great damage and loss, as this Parliament had not the power to deal with questions of civil rights or property.

Hon. Mr. DICKEY said it was clear if this was not a public harbor this House had no power to legislate for it. The whole scope and enactments of the bill pointed to one conclusion—that it was legislation to settle private rights—which was a matter beyond the power of this Parliament. The ownership of this property was created by the act which incorporated the company, and that act was an act of the old Province of Canada. It gave powers with regard to regulating tolls and other matters respecting this harbor, and if that act was within

the scope of the legislative powers of the Province of Canada it was clearly law to day. If it was law it gave to this company and those who own the property the right to claim such tolls as the statute authorises. But this did not become one of the assets of the Dominion at the time of the union. If it was transferred to a private individual or corporation before the union, it became a private not a public harbor, and it did not come within the purview of this Parliament. If the bill were passed no doubt it would afterwards be found to be *ultra vires*. The honorable gentleman from Montreal had suggested that it might require legislation from both the local and Dominion legislatures, but it must be first shown that the parties had endeavored to obtain an act from the Ontario House.

Hon. Mr. BOTSFORD said it was a question that came within the 54th order of this House, approved of last session, and he would suggest that the honorable gentleman who had charge of the bill should submit it for the consideration of the Supreme Court judges before moving the second reading.

Hon. Mr. MACMASTER said there was much force in the arguments brought forward against some of the provisions of this bill, and he would suggest that the honorable gentleman who had charge of it should eliminate the provisions respecting private rights, and allow those portions respecting the collection of tolls to pass.

Hon. Mr. SCOTT suggested that the bill should be allowed to stand for another day, and the second reading was postponed until to-morrow.

#### KINCARDINE HARBOUR.

Hon. Mr. MACMASTER moved concurrence in the amendments to the Kincardine Harbor tolls bill.

Hon. Mr. CAMPBELL said this matter had been postponed yesterday in order to give an opportunity for honorable gentlemen to look into the power of this branch of the Legislature to impose tolls, it being a right ordinarily attributed to the House of Commons. On looking into that question, as far as his judgment went, the point seemed to turn upon this: if the tolls were to go into the public treasury the House of Commons insist on having exclusive jurisdiction; but if the tolls were to go to a private individual or company, the House of Commons did not insist upon jurisdiction, and the schedule could be enacted in this House.

Hon. Mr. MACMASTER said the tolls went into the hands of the company.

The amendments were then concurred in, the bill was read a third time and passed.

THIRD READINGS.

The following bills were read a third time, and passed without further debate:—

An Act to make provision for the extradition of fugitive criminals.

An Act respecting the boundaries of the Province of Manitoba.

THE NATIONAL POLICY. ♦

Hon. Mr. POWER said the resolution before the House practically asked us to substitute the United States tariff for our own, that is, to adopt a tariff which will average upon all articles, raw as well as manufactured, about forty per cent. He hardly thought that the honorable gentleman who introduced the resolution would himself wish to see such a system in operation. The honorable gentleman from St. John, who sat beside him (Mr. Lewin) made it clear, in the brief, but admirable speech which he delivered upon this question, that protection could not benefit the farmer, the lumberer, the fisherman or the shipbuilder. From his position and business experience that honorable gentleman was familiar with and thoroughly understood the circumstances, not only of his own Province, but of Nova Scotia and Prince Edward Island, and was able to speak with authority upon this subject. An inspection of the trade returns for 1876 would convince any one of the correctness of his honorable friend's views as to the farmer. The total importation into the Dominion of agricultural produce, including under that head animals and their products, was, in round numbers, of the value of \$15,500,000. Of this amount there was reexported to the value of \$5,169,024, leaving for home consumption, in round numbers, \$10,331,000. Of the whole amount imported, \$2,248,563 paid duty, and \$13,193,787 came in free. The total exports, under the same heads, of the produce of Canada, were \$34,657,339. The importations were made up in a great measure of articles for re-exportation; of articles for manufacture, as wheat, wool and hides, and of articles, such as Indian corn, which are consumed by farmers and others, and which can be more profitably imported than raised at home. The total importation of lumber was \$227,749, whereof more than half paid 17½ per cent. duty, and whereof the greater portion was re-exported. The exports, the produce of Canada, were \$20,128,064. There were no ships imported, and under the Washington treaty fish are free. It was clear, therefore,

that none of these interests would be benefitted by any additional protection, even though the protection were limited to itself, and did not extend further. And no reasonable man could, he thought, venture to contradict the statement of his honorable friend (Mr. Lewin) that a general raising of duties would seriously injure those four great interests, by making the cost of production greater, and rendering it more difficult for the Canadian farmers, lumberers, fishermen and shipbuilders to compete with their rivals in the markets of the world. On turning to page 535 of the Trade Returns, honorable gentlemen would find that the exports last year of articles, the produce of Canada, were as follows:—Produce of the mine, \$3,731,827; produce of the fisheries, \$5,500,989; produce of the forest, \$20,128,064; animals and their produce, \$13,517,654; agricultural products, \$21,139,665; manufactures, \$5,353,367; and miscellaneous articles, \$490,283—making a total of \$69,861,849. It would be seen then that notwithstanding that there was last year a remarkable increase in the export of manufactures, they constituted a very small proportion—less than one-thirteenth—of the exported produce of the country. On reference to the second volume of the census of 1871, where the number of persons of all occupations in the four old provinces was given as 1,009,848, he found the farmers set down as numbering 479,512, or nearly one half the whole; fishermen, 18,362; lumbermen, strictly speaking, 9,930; shipbuilders (strictly), 4,250; manufacturers (strictly), 6,202; or embracing all those who could reasonably be called manufacturers, 17,797. The remainder of the occupied population was made up chiefly of mercantile, domestic and professional classes, to whom protection would be dead loss, and of 143,079 non-classified persons. The figures from the statistics of other countries would show how absurd it was to expect an increase of manufactures to lead to any large increase in the home consumption of Canadian produce. The number of persons engaged in manufactures must necessarily be so small in proportion to the whole population of a country as not to appreciably affect the market for farm produce, and other native productions. Looking at all these figures, honorable gentlemen would see that any tariff framed in the interest of the manufacturers was a tariff framed in the interest of the few and not of the many. And, as the true object of governments, as understood now-a-days, was the greatest good of the greatest number, the Government would be guilty of a gross violation of

their duty, if they were to adopt the course recommended by the resolution now before the House. It seemed to have been assumed all through the discussion upon the trade policy, both here and elsewhere, that the increase of manufactures in Canada, under any circumstances, was "a consummation devoutly to be wished." Now, while the natural development of manufactures might be a most desirable thing, he ventured to think that no true lover of Canada should be anxious to see it become a manufacturing country by artificial means. One of the universal and inevitable results of such a consummation, brought about by such means was, that a large proportion of the rural population abandoned their original mode of life and came into the towns and villages to live and work. The physical, moral and social effects of this change were well known and generally recognised. One did not need to go beyond England and the United States to witness them. Let any gentleman go to Lowell, for instance, where much of the cotton was manufactured which now competed in our markets with that of the mother country; let him look at the wretched physical appearance of the operatives, let him look at the delicate, toiling women, who ought to be wives and mothers employed in caring for their households and families; let them look at the puny, cheerless children, who, instead of being at school and at play, were working nine or ten hours a day; let him inquire as to the moral character of the operatives; let him consider the general evidence of poverty and want of comfort among them; and let him look at the neglected and deserted farms of Massachusetts; and it seemed to him that he would feel that the power of manufacturing cotton goods at a low figure, and the enriching a certain number of proprietors of factories had been purchased somewhat dearly. But supposing it to be desirable in itself that Canada should become a greater manufacturing country than she was at present, it did not seem to him that the measure proposed was either necessary or desirable. It was not necessary to increase the duties on manufactures because, when freight, commission and other charges of importation were added to them, they were now practically 25 per cent., and most of the manufactures for which our country was adapted, and for which there was a sufficient demand, were quite able to hold their own against all competitors. For example, Canadian tweeds, agricultural implements and wooden ware. The exhibition at Philadelphia showed this pretty clearly, and went far to prove that what our manufacturers needed

was not so much greater protection as a larger market. While the market was as limited as now, our manufactures could not be very extensive, and could not for that very reason be as cheap as they might otherwise become. But, even under present circumstances, the manufacturers did not seem to be objects of pity. Most of those who were examined before the committee of the House of Commons on depression last year, had admitted that their profits were respectable. The export of domestic manufactures in 1876 was \$3,164,000, while in 1875 it was only \$2,293,000, showing an increase in the midst of a period of general depression, of 33 per cent. It was also noticeable that while the names of many importers were to be found in the *Canada Gazette* during the past two or three years, the manufacturers seemed generally to have escaped. In fact, the manufacturers of this country, with the exception of the sugar refiners, seemed to have suffered less, and to be in less need of legislative help than any other class of the community. Government interference in trade was always to be deprecated, and it seemed clearly not necessary to tinker with the tariff or to re-adjust it at the present time. Nor was it desirable in the interest of the manufacturers themselves that any such measure as that proposed by the honorable mover of the resolution should be adopted by the Legislature. Protection all around was really no protection at all, for the manufacturer who had to pay for protection on the coal, machinery and raw materials which he employed, and had also to pay the higher wages rendered necessary by the greater cost of living to his employees, was, as far as regarded the home market, no better off than if there were no protection, or a moderate degree of it, such as we had at present; while, owing to the increased cost of producing his manufactured articles, he would be in no position to go into foreign markets. Our manufacturers would not be as well able to compete anywhere with foreigners as they were at present. Dear fuel, dear food, dear machinery, and dear labor meant dear goods and unsuccessful manufacturers. Protection, by making everything dearer than at present, reminded him of a man trying to increase his stature by getting upon a platform. As a set off to the adoption by Canada of the course recommended by the mover of this resolution, we should probably find the United States increasing the duties on farm produce, lumber and coal, and our last state would be infinitely worse than the present. Our protectionist friends were very fond of pointing to our American neighbors as the most convincing witnesses in favor of pro-

tection, but to his mind their evidence went in the other direction—called in to curse free trade, they came and cursed protection. When the civil war broke out in 1861, the United States, under a tariff like our own, were probably the most prosperous people in the world. Wages were high, and the necessaries of life reasonable; and, while all classes were well off, the workingman was peculiarly so, as compared with his fellow-workmen in Europe and the colonies. He was far better fed and better clad, and had much more money in his pocket. The country itself was free of debt, and few of the States or municipalities were deeply involved. The war came, and brought with it universal protection, which remained after the four years war was over, and which gentlemen opposite would wish to see extended to Canada. The protection theory had had in the United States a most complete and thorough trial under the most favorable circumstances. There was a country, extensive, it is true, but compact, the various parts of it connected by rivers and canals, and railroads; including within its own limits everything, or almost everything, required for man's existence, comfort and even luxury, and peopled by a population industrious, educated, intelligent and enterprising to a degree not exceeded by any other in the world, and fed by a vast and continuous stream of immigration of the strength and energy of Europe. And how had this most promising experiment succeeded? No one would venture to say that it had fulfilled its promise. America, which once stood second or third on the list of commercial nations, and threatened to rival Britain on the sea, now stood nowhere. Leaving the national debt out of the question, the country was groaning beneath a load of taxation required to pay the interest on the debts of states, municipalities, and he might add, railway and other similar corporations, which were owed not exclusively nor chiefly to American citizens, but to creditors in Europe, and chiefly in that, England, against which there had been, according to gentlemen opposite, so tremendous a balance of trade, but which ignorant seemingly of her loss, went on growing richer every year. The workingman's wages had come down, while the cost of living had gone up until we had seen within the last couple of years the tide of emigration turning eastward, and mechanics returning in hundreds to labor in unprotected Britain. The working classes had been pushed down in the United States until now they didn't stand any higher than in England or Canada. Statistics showed that the farmer had not profited by the change

any more than the mechanic as, while it cost him more to live, his produce brought no more than formerly. And even the manufacturers were beginning to realize that protection, when extended to everything, was worse than useless. In 1860 the exports of domestic manufactures under a tariff resembling our own were, \$39,586,000, and were increasing at a rate that would have made them in 1876, \$81,386,000. Was this rate increased by their protective tariff? The fact was that the exports for 1876 were only \$58,993,000. Much had been said about the export of American cottons. The fact was that in 1860 it amounted under a nineteen per cent. tariff, to \$10,934,000, having increased at a rapid rate under a low tariff; and in 1876, after years of protection, up to forty-four per cent or thereabouts, it was only \$9,818,000. Mr. Wells pointed out last year, in a letter to the Chairman of the Depression Committee of the other House, that the export of cotton to Canada was not a healthy transaction, but was the result of starvation wages and hard times. Even now the soundness of that gentleman's views was being shown, for under the influence of commercial improvement prices were stiffening in the Republic, and American cottons were not likely to continue to undersell the English article. England took cotton across the Atlantic, manufactured it, and then shipped it back to America. Clearly the two countries were not working on even terms. The coal, wool and iron trades of the United States were depressed; 60,000 men were out of employment in Pennsylvania alone; nearly as many more workmen in New York. Rents had fallen, and there was general depression. Were these the results of protection followed out to its logical conclusions under the most favorable circumstances? Was this what we were called upon to admire and imitate? For an example of the good effects of a change in the contrary direction, we could not do better than look at the operation of the commercial treaty between France and England, made in 1860. This treaty did not provide for free trade between those nations but simply for a reduction of duties. What had been its results? Why, in 1858 the total exports from England to France were only £9,000,000, and the imports thence £13,000,000. Last year the commerce between the two countries amounted to £74,000,000. Nor were the benefits arising from this treaty at all one-sided. M. Chevalier said, speaking of its effects upon France, "It may be said without exaggeration that this wholesome policy, followed since 1860, although restricted and timid as it must be

in the outset, has added so much to the resources of France that it has enabled her to bear the heavy burdens arising from the tremendous war of 1870, including the sum amounting to more than two hundred millions sterling, exacted from her by the victor. If, then, free trade has produced such fruits, even when some of its largest roots are wanting, and some of its finest branches cut off, what will it not produce when all its roots and branches are allowed to develop themselves freely and fully?" The experience of Canada under the Reciprocity Treaty of 1854 was similar to that of France under the Cobden Treaty of 1850. Both together go to show that the nearer two neighboring countries approach to free trade, the better it is for both. Honorable gentlemen probably thought the approach should be mutual, and that, no doubt, was most desirable; but if one nation went wrong in its trade policy, that was no reason why another should. He would call the attention of the House to the case of England, which since the change in her policy some thirty years since under Sir Robert Peel, from protection to free trade, had advanced in commerce, prosperity and wealth with a steady and almost uninterrupted progress, that was probably unparalleled in the history of nations; and that certainly compared most favorably with the career of the United States during their sixteen years of protection. England did not insist upon reciprocal tariffs with other nations, nor limit her free trade policy to those who were willing to allow her goods to be free. But, it might be said, if protection all round was a mistake and a delusion, would it not be desirable to give some additional protection to our native manufactures? He thought not. It had already been shown that the industries in question had already a very high rate of protection, and that with the exception, perhaps, of sugar refining, they needed help less than almost any other form of business. Industries that would not flourish under a protection of twenty-five per cent. were clearly not adapted to the country, and we should not fly in the face of nature and Providence by trying to force them into existence or prosperity. It was clear that if we put an additional duty upon any article, as, say boots or shoes, the tendency of that duty would be to take something additional out of the pockets of 10,000 people who use the article in order to put it into the pocket of the owner of the factory where it is made. Then again, undue protection was likely to lead to over-production, and consequent loss, both to the manufacturer and his workmen, who were prone to forget that a comparatively poor country, with a popula-

tion of less than four millions, did not afford an unlimited or inexhaustible market for the products of their capital and labor. But, while it should be the object of a Government so to levy taxes that they might be as light a burden as possible to the community, it must be remembered that the main end of taxation was to raise a revenue in order to pay the interest on the debt, and to pay for carrying on the public works and the general public business of the country. This was a fact which many of our protectionist friends seemed to forget. In their desire to have their own markets to themselves, and logically pursuing their general argument, they would place the tariff so high as to exclude all foreign manufactured goods, and thereby cut off at once all that these goods now supplied to the revenue, being considerably over one-half of the whole amount collected from customs. How would they propose to meet this great deficiency? Would it be by putting enormous duties on tea, coffee, sugar and other comforts of life not produced in Canada, which would thus become luxuries? No, because they had made it a chief ground of attack upon the Government that they had, for the purpose of supplying the deficiency caused by the reduction of the customs duty and the removal of the excise on petroleum, and by the falling off in the receipts from other sources, slightly increased the duty on tea, which happened this year to be exceedingly cheap, and which would yield a considerable and reliable revenue without any very appreciable cost to the consumer. It should then be raised by direct taxation, in which case many people would be disposed to levy the taxes upon the manufacturers in the shape of excise. This excise tax would, on the one hand, counterbalance as to the manufacturers, all the advantage to be derived from high import duties, while on the other, it would still further increase the cost to the unfortunate consumer, who would then be crushed as between the upper and the nether millstone. Gentlemen opposite seemed to think it against the Government policy that it was approved of by the press of the United States and of England. His opinion was different. Those in the United States who were loudest in praise of the course of our Government were our commercial friends—the advocates of a renewal of the Reciprocity Treaty. He was glad to say that the Democratic party, who now had a majority in the Lower House of Congress, were a free trade party. The opinion of the English newspapers he regarded as friendly and honest; and he could fancy that, if the policy of gentlemen opposite met with gen-



eral approval in England and the United States, they would be highly gratified at the endorsement, and disposed to boast of it. He might also call attention to the fact that in England a very large proportion of the duties was collected from tea and coffee. He certainly thought that the example of England was a better one to follow in matters of trade than that of Russia, which had been held up for our admiration by the honorable gentleman from Lunenburg (Mr. Kaulbach).

At 6 p.m. the debate was adjourned, Mr. Power still having the floor.

FRIDAY, April 6th.

The SPEAKER took the chair at 3 o'clock. After routine,

VICTORIA BRIDGE.

Hon. Mr. BUREAU moved:—That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will require the Grand Trunk Railway Company to furnish the following information respecting the freight and passenger traffic over the Victoria Bridge during the years 1875 and 1876, according to the following table:—

RAILWAY COY.	No. of Freight Cars.		No. of Tons Freight.		Average rate per Car.		Total Freight Receipts.		No. of Passenger Cars.		Total Number of Passengers.		Average rate per Passenger.		Total Passenger Receipts.		Total Number Freight and Passenger Cars.	
CARS.																		
Grand Trunk .....																		
Vermont Central.....																		
South-Eastern.....																		
Montreal & Portland.																		
Other Companies.....																		
Totals .....																		

Also the cost of building the Victoria Bridge and the cost of maintenance for 1876.—Carried.

MONTREAL HARBOR.

Hon. Mr. PELLETIER moved the House into Committee of the Whole on bill res-

pecting tolls in the harbor of Montreal. He said the object of the bill was to re-adjust and reduce the tolls in the harbor of Montreal. It had been found that the dues on dry goods, for instance, of one-quarter per cent. *ad valorem* was so high that it forced a great deal of the trade which should come by the St. Lawrence, to take the route by rail from New York.

Hon. Mr. MACPHERSON asked if the House was to understand that the effect of this bill would be to reduce the revenue of the Montreal harbor?

Hon. Mr. PELLETTIER said on the contrary it would increase the revenue by inducing the merchants to bring their goods by the St. Lawrence instead of by rail, as they were now doing to avoid harbor dues.

Hon. Mr. MACPHERSON said unless the harbor yielded sufficient revenue to meet the interest on the cost of the harbor improvements, and the deepening of the channel of Lake St. Peter, the Dominion Government would be compelled to make up the deficiency. He hoped the Government would not pass any legislation that would reduce the harbor revenue below what was necessary to meet the interest on the debt.

On the third clause,

Hon. Mr. MILLEK said if the Harbor Commissioners were given such extensive powers to modify and alter the tolls, duties, and dues as occasion may in their judgment require, he could not see the necessity of passing the schedule of rates at all.

Hon. Mr. PELLETIER said they could only do so with the consent and approval of the Governor in Council.

Hon. Mr. MILLER said the power was too absolute, and he would suggest that the clause should be so amended as to render it necessary that any alteration in the tariff of dues should be submitted to both Houses of Parliament immediately after the first session, and that these conditions shall be liable to be set aside by vote of Parliament.

Hon. Mr. PELLETIER admitted it was perhaps extraordinary power to give to the Commission and the Government, but it was to avoid the trouble of having to ask Parliament to change the tariff whenever any slight alteration in the tolls was necessary.

Hon. Mr. MACPHERSON said the amendment suggested by his honorable friend (Mr. Miller) would not require that every change in the tolls should have to be sanctioned by Parliament, but if there were anything objectionable in the change, then it would be within the power of the House to call attention to it, and alter it by resolution. Otherwise they were giving to an irresponsible body the power of taxing, not only the trade of Mon-

tre, but the entire trade of the Upper Provinces, and while the suggestion of his honorable friend would not interfere with the exercise of their authority in the management of the harbor, it would be a check on them to know that their acts were subject to revision every year by both Houses of Parliament.

Hon. Mr. PELLETIER said as the bill stood any member of Parliament had the power to bring the matter before either House.

Hon. Mr. WILMOT said the objection was well taken, that this bill was giving power to the Harbor Commissioners to legislate or, in fact, to impose taxation.

Hon. Mr. PELLETIER said it would be to the interest of the Commissioners not to increase the duties, as it would decrease the revenue by driving trade from the St. Lawrence.

Hon. Mr. SCOTT said the great object of the Commissioners was to facilitate the trade of the St. Lawrence and the City of Montreal, and this bill was conceived for the very purpose of removing certain duties that were prohibitory. A quarter per cent. *ad valorem* on dry goods was sufficient to divert trade from the harbor to the railways. It may be that the schedule was perfectly correct and the Commissioners might be able to work under it for years to come, but it was possible that one or two articles, or perhaps more, would require to be changed, and these changes could be effected with the approval of the Governor in Council without having to come to Parliament to legislate for a trifling matter of perhaps twenty dollars.

Hon. Mr. WILMOT said he did not think it was proper to give the power to an irresponsible body to impose taxation on the trade of the country.

Hon. Mr. SCOTT said it was simply in harmony with the whole system of our legislation. The tolls on railways, for instance, were subject to the approval of the Governor in Council.

Hon. Mr. MACPHERSON said there was no analogy at all between the two cases.

Hon. Mr. HOWLAN said he was surprised that any member of the Government in this branch of the Legislature should attempt to defend such a bill, as it was giving to the city of Montreal the power to tax the trade of the Dominion. The navigation of the St. Lawrence should be made as free as could be in order to attract as much trade as possible by that route instead of compelling our merchants to bring in their goods from New York by railway.

Hon. Mr. POWER said it seemed to him there could be no better body to make

necessary alterations in the tolls than the Harbor Commissioners, who are supposed to understand the business of the harbor better than any other body. Besides, their regulations were subject to the approval of the Governor in Council, who would see that the interests of the other portions of the Dominion were not sacrificed by the Commissioners. In addition to this, all changes to be made in the schedule of tolls have to be published in the *Canada Gazette*, where they could be seen by the world. The act passed in 1873 was similar to this, and it contained almost the same schedule.

Hon. Mr. MILLER said the act of 1873 gave no power to the Commissioners to alter the tolls at their own discretion.

Hon. Mr. MACPHERSON said it was not from any sectional feeling that he objected to this clause, but the Hon. Minister of Agriculture had informed the House that so burthensome were the harbor dues of Montreal already that merchants in Western Ontario were induced to bring their goods by the Atlantic ports of the United States, and thence by rail via the Suspension Bridge at Niagara. If this was the case now it would be a very dangerous thing to give the Harbor Commissioners the power to increase those dues and drive the trade of the St. Lawrence out of its natural channel. He hoped the Government would agree to the amendment proposed by his honorable friend, or drop the clause altogether.

Hon. Mr. SCOTT said if this clause had been in the Act of 1873 it would not have been necessary to pass this bill. The object of the Commissioners was to keep down the tariff and thereby increase their revenue, as the present schedule was not an equitable one.

Hon. Mr. DICKEY said he objected to the principle of this Parliament delegating its functions to the Government. He considered there had been too much of that already, and it was not the first time he felt it his duty to denounce the principle. For four years no change in this schedule of tolls had been found necessary, and he could see no reason now why the Government could not wait until the next session of Parliament after a revision was found necessary.

Hon. Mr. PENNY said it seemed to him that some honorable gentlemen from a great distance from Montreal looked upon the Harbor Commissioners as ogres who were desirous of destroying the trade of the St. Lawrence by imposing enormous taxation on shipping that came to Montreal:—that for the pleasure of hurting other people they would make grass grow in their

own streets, for they could not destroy the trade of the river without destroying their trade. The Harbor Commission was composed of merchants whose first object was, and must be, to keep down taxation and encourage the trade of the St. Lawrence. One of them was Mr. Allan, of the steamship line, and when honorable gentlemen suppose that members of this House could frame a schedule of tolls more suitable for the trade of the river and harbor than such a gentleman, and the other gentlemen of the Commission, he thought it was assuming a degree of special knowledge; but was contrary to the philosophy of that old maxim, *ne sutor ultra crepidam*.

Hon. Mr. HOWLAN said the policy of the Government should be to make the harbor of Montreal as free as possible to the shipping of the world. The shipping dues of New York were so high that it drove a great deal of the trade from that port, as vessels would take cargoes at five shillings per ton less to Portland or Boston.

Hon. Mr. ARCHIBALD said it was the same tariff as they had at Halifax, which was considered a very fair one.

Hon. Mr. MILLER said the honorable gentleman alluded to the wharfage fees of Halifax. This was not fees, but harbor dues, that any vessel would have to pay if it only anchored in the harbor.

Hon. Mr. READ said there was a very strong objection to the schedule itself. It discriminated unjustly against agricultural produce. While the merchant complained of a toll of one quarter per cent. on dry goods, the farmer had to pay from three to six per cent. on vegetables.

Hon. Mr. WARK said a very large amount of money had been expended on the harbor and channel, to allow ocean steamers to come up the river and discharge at the wharves of Montreal, and he thought the merchants were quite willing to pay for that accommodation. He thought it very singular that there should be objections raised against conferring on the Government now, powers which they had before.

Hon. Mr. SMITH considered, after the experience which the Harbor Commissioners had, they should be prepared to come down with a tariff that would not need to be reconstructed from year to year.

Hon. Mr. CAMPBELL said the provision under discussion was an unusual one, and it was not to be found in any Act of Parliament relative to the harbor of Montreal or Quebec, or as far as he knew, in any other bill relating to harbors; and the reason was plain, it was a tax on the whole trade of the country. It was

unwise to give such powers to the Harbor Commissioners without providing that all changes made in the schedule of tolls by the Commission should be laid before Parliament, and be subject to revision. This would be a sufficient check upon any excesses into which the Commissioners might run, and it would not require legislation whenever a slight change in the tolls was necessary, unless an objection was raised. In the case of railways they only controlled their own business and their tariff did not effect the public in the manner this did. Even with respect to railways the Governor in Council fixed the maximum rate, but in this case there was no maximum rate beyond which the Commissioners could not go.

Hon. Mr. McMASTER said if the bill before the House contemplated an increase in the tolls he could understand the objection, but as he understood it the object was the very opposite, it was for the purpose of reducing the tolls. In his opinion the competition of railways would prevent any danger of an increase in the harbor dues, but he could see no objection to the suggestion of his honorable friend that any changes made in the tariff should be laid on the table of the House within ten days after the meeting of Parliament.

Hon. Mr. MILLER said he would prefer to have the clause struck out altogether, but if he could not get that he would accept the proviso giving power to Parliament to annul or declare void any changes made in the tariff, by resolution of the House. If he could not get that he would accept as a compromise the proviso, a suggestion which had just been made to him by his honorable friend, Mr. Campbell, that the present tariff should be the maximum rate.

Hon. Mr. MACMASTER said honorable gentlemen seemed to have lost sight of the fact that the Government had advanced very largely to this harbor—or had guaranteed their bonds to a large extent—and if the interest on their debt was not raised in the manner proposed, it would have to be provided for by the Government.

Hon. Mr. TRUDEL said there was no doubt there was an inequality in the tariff in favor of manufactures as compared with agricultural produce. The Harbor Commissioners were all mercantile men, and they were not qualified to say what should be the tolls on agricultural products. In order to meet this difficulty he would suggest that there should be maximum and minimum rates, beyond which the Commissioners could not go. Almost every day complaints were made in Montreal that the Harbor Commissioners did not represent the interests of that city as a whole, but the

interests of one portion of the trading community.

Hon. Mr. BOSFORD suggested the clause should stand as it was, with the modification that the tolls should not be increased more than they now are without the consent of Parliament.

Hon. Mr. SCOTT declined to accept it and said the only way would be to move to strike out the clause, as, if the amendment were adopted, the Harbor Commissioners could not increase the tolls, if it became necessary to do so in order to meet their engagements.

Hon. Mr. MACPHERSON said an honorable gentleman (Mr. MacMaster) had stated a few moments ago that the power was not given in this third clause to increase the tolls, and therefore there should be no objection to it, but now it turned out that it was intended to increase the tolls, and the Secretary of State objected to that power being limited.

Hon. Mr. HAVILAND said he was opposed to delegating the powers of Parliament to the Harbor Commissioners to regulate the tolls on the trade of the St. Lawrence as they pleased.

Hon. Mr. READ said if they examined the tariff as it was now, they would find the tolls on hay and straw was 20 cts. per ton, and on manufactures it was only 30 cts. per ton.

Hon. Mr. HAYTHORNE said he was opposed to the principle sought to be established by the third clause, as he considered that all tariffs of this nature should be regulated by Parliament. He agreed with his honorable friend from Belleville that there was a discrimination in the Harbor Commissioners' tariff against farm produce, and it was evident no pains had been taken to assimilate the rates to values.

Hon. Mr. RYAN said he believed the schedule of tolls was a well adjusted tariff as a whole, and with regard to the objections raised as to the rate on agricultural produce it amounted to this; if a high rate of wharfrage was charged on such articles, the citizens of Montreal were the parties who had to pay it in the increased cost to themselves. However, he would have to vote against the clause if the compromise was not accepted by the Government.

Hon. Mr. SCOTT refused to accept the compromise.

The Committee divided on the motion for the adoption of the clause, which was lost. Yeas 21, nays 34.

The Committee then reported the bill, as amended, and at request of Hon. Mr. Scott, it was allowed to stand until Monday for concurrence.

#### TRURO AND PICTOU BRANCH RAILWAY.

Hon. Mr. SCOTT moved the second reading of a bill to transfer the Truro & Pictou Branch Railway. He explained the object of the bill was to modify the arrangement entered into with the contractors for the transfer of the Truro & Pictou Railway. The new arrangement was that the contractors should have the use of the railway as soon as they should have expended \$400,000 on the eastern extension. The honorable senator from Toronto at the first reading of the bill, had drawn attention to the expenditure on the wharf at Pictou. On enquiry at the Public Works Department he had ascertained the amount spent was \$21,000 on the railway wharf.

Hon. Mr. MACPHERSON—It is \$31,000.

Hon. Mr. SCOTT—The Department says it is \$21,000. There are two wharves, one at Pictou, where the custom house is, and the other on the eastern side of the harbor which appertains to the railway.

Hon. Mr. MACPHERSON said he observed that \$30,000 was charged, under the head of renewals, for the ferry boat at Pictou. The entry was so worded as to lead him to the belief that this was not the extent of the expenditure on this ferry, and that the House might expect to see another item in the public accounts for this purpose next year. His object in calling attention to this, on the first reading of the bill, was that the Honorable Secretary of State might be in a position to explain why these expenditures had been incurred in connection with the Truro & Pictou Railway, after it was decided and arranged that the line should be transferred to a company. There was \$21,500 charged for Pictou landing wharf and \$10,800 for Pictou wharf. The latter had nothing to do with the railway, but the other had, and so had the ferry boat, because, he took it, the Government would not keep a ferry at Pictou after having parted with the railway.

Hon. Mr. SCOTT said the Government had at present to keep open communication. Since 1874 the Government had been endeavoring to find a contractor to make better arrangements with than these, but had failed. It was hoped the present contractor would be able to carry out this arrangement. They alleged they were able to do it if the Government would give them this railway in advance.

Hon. Mr. MACPHERSON said it was understood as far back as 1874 that this road was to be transferred to a company, yet as late as 1876 a very large expenditure had taken place on this line and in connection with it. This \$30,000 was so much of an additional bonus.

Hon. Mr. MILLER.—The ferry does not go with the railway.

Hon. Mr. MACPHERSON said he was aware the rolling stock did not go with the railway, but he did not understand the Government to say the ferry boat was not to go.

Hon. Mr. SCOTT said the honorable senator seemed to think the moment the Government began to entertain propositions to transfer the railway, they should allow the whole thing to go down. What would be the effect of such a policy? They would not be able to get a contractor to touch it. If the Government had been perfectly sure they were going to obtain a contractor to construct the extension, and take the branch line off their hands, they might have withheld any further expenditure at Pictou, but it would have been highly injudicious to have allowed the property to deteriorate and depreciate in value, by declining to keep this wharf in order or to keep up this ferry. It would be quite time enough to discuss that when the contractors had actually taken the line off the hands of the Government.

Hon. Mr. MACPHERSON—Surely it need not have taken so large a sum to maintain the wharf and ferry.

Hon. Mr. SCOTT—That is just one of the reasons why the Government want to get rid of it.

Hon. Mr. MACPHERSON said as it now stood it appeared by the report of the Minister of Public Works the Government had expended on the wharf and ferry at Pictou the sum of \$61,543 61, after it was well understood they were to transfer the railway to the company. With respect to the bill itself, he would say very little about it. But he thought the Government should have made some provision to secure connection between the Intercolonial Railway and the chief coal fields of Pictou. This railway was in reality the road which led into the coal fields of Nova Scotia, and by this transfer the Intercolonial would be cut off from supplies of fuel from these mines.

Hon. Mr. MACFARLANE—That is only one of the coal fields of Nova Scotia.

Hon. Mr. MACPHERSON said those were the coal fields most worked and best known.

Hon. Mr. MACFARLANE—Not at all.

Hon. Mr. MACPHERSON thought the Government, in failing to keep this connection with the coal fields, had done what would in future cause much inconvenience. If it was not too late yet, he thought they should make some provision to maintain this connection.

Hon. Mr. AIKINS—Are the Government

able to state what they will do with the wharf and ferry?

Hon. Mr. SCOTT—The wharf will go to the railway company.

Hon. Mr. MACPHERSON—The wharf will go to the contractor. There seems to be some doubt about the ferry, but it is sure to go the same way.

Hon. Mr. SCOTT—I don't say that.

Hon. Mr. AIKINS said there should not have been this large expenditure on the wharf when it was known it was going to the railway. The liberality of the Government in this direction appeared all the more extraordinary since the other day when application was made to the Government for the loan of some rails for six miles of railway at Prince Arthur's Landing, they refused to lend them. There was an extraordinary contrast between their liberality in one instance and their niggardly conduct in the other.

Hon. Mr. MILLER said in order to understand the object of the bill it would be necessary to say a few words with respect to the railway system of Nova Scotia. Over twenty years ago that Province had undertaken to construct a system of railways in the most important sections, at the public expense. A line was built from Halifax to Windsor, and afterwards the line to Truro was constructed. Subsequently the line was extended to Pictou. That system was afterwards enlarged by a subsidy to the line from Windsor to Annapolis. All these public works benefitted the western section of the Province, but not the eastern section which had to bear its share of the expense. The eastern portion of the Province including Cape Breton, thought it only just that this system should be extended to Louisbourg, across the Island of Cape Breton. Since Confederation there had been an agitation with that object in view. After several applications to the Local Legislature a motion was carried providing for a subsidy of \$8,000 per mile in aid of the eastern extension, either to the Strait of Canso, or further eastward across the Island of Cape Breton. This was found insufficient to induce any company to undertake the work, and it was thought by many that the Dominion Government should give some direct assistance. After a great deal of negotiation the most that the late Government of the Dominion could be induced to consent to was to transfer this Truro and Pictou line to any company undertaking to build the eastern extension. At present that road is not worth much to the Government. He did not think it was paying more than 1 per cent. on its cost, if it was paying

anything. As a portion of a longer line that road might yield a better revenue, and therefore it would be of considerable value to a company which would undertake to build the eastern extension. Under the circumstances a company had been induced to undertake the work of building the eastern extension, by the transfer of this road and the subsidy of \$8,000 offered by the local Government. The Government would lose nothing by the transaction, while the company would be enabled to raise capital to carry out their project. The first application for the transfer of the road was made to the late Government and was favorably entertained. After the present Government came into office the same application was made to them, and he was sorry to say that they had not acted as liberally as their predecessors. The late Government it was understood were disposed to give the rolling stock too, but the present Government would not. It was not his place to defend the expenditures on the road by the Government, but he thought they had acted right in maintaining it properly. A wharf is a perishable kind of property, and is continually needing repairs.

Hon. Mr. MACPHERSON said, in addition to what he had shown in connection with the expenditures on this wharf, there was an item of \$9,527 for repairs of wharves.

Hon. Mr. MILLER said part of that was in connection with the wharf at Pictou, which, he understood, was not going with the railway. The keeping up of the ferry was one of the conditions attached to the ownership of the road. The wharf at the eastern side of Pictou harbor was an extensive work, and a couple of thousand dollars would not go far in making repairs to it. With regard to the connection with the coal fields, the Intercolonial Railway Company could procure their supplies of fuel from the Springhill mine, which was one hundred miles nearer than the Pictou mines. But even though the only source of supply was the Pictou mines, the transfer of the road to this company would not cut them off. They could get it by paying the ordinary freight rates. He was sorry to observe there was no provision in the bill against the contingency of this company failing after getting possession of the road, and the line being closed; he thought there should be some provision in the bill to protect the rights of the public by keeping the line open in the contingency of the company breaking down. It should be provided for somewhere.

Hon. Mr. MACPHERSON called attention to page 172 of the report of the Minister of Public Works, where it was stated

that a large sum of money had been expended on this road in ballasting where steel rails had been laid. He wished to know whether this line had been re-laid with steel rails.

Hon. Mr. MILLER said there might have been some portion of the line re-laid.

Hon. Mr. MACPHERSON said the following improvements were referred to in this report:—New sleepers on the Pictou Branch. "The sum of \$17,776.06 was expended in ballasting various portions of the line between Halifax, Truro and Pictou Landing, where steel rail was laid. The contract for the construction of the wharf at Pictou Landing having been forfeited in consequence of the slow rate of progress, the securities were called upon to complete the work. The length of the wharf is 615 feet, its width at the shore end is thirty-five feet, and the outer end seventy-five feet, where there is a depth of twenty-two feet at a low water mark. At Pictou an extension of 180 feet was made to the railway wharf. The width of the extension is fifty-five feet and on it is erected a freight shed seventy-five feet long and twenty-five feet wide. At New Glasgow a new freight shed 150 feet long and thirty feet wide was built and extensive repairs were made to the existing station buildings. Two new platforms were erected on opposite sides of the track, one being 534 feet long and the other 325 feet. There were also two sidings laid at this station of the respective lengths of 500 and 1,500 feet." He hoped the Hon. Secretary of State would be prepared to furnish information on this subject at a future stage of the bill. He was at a loss to understand why these extensive improvements should be undertaken when the Government were making arrangements to transfer the road to a company.

Hon. Mr. SCOTT said these expenditures were made simply because it was so much premium to get people to undertake this extension. In reference to the contingency suggested by the honorable Senator from Richmond, of the road being closed, he thought there need be no apprehension on that score. His experience had been that when a road was once built somebody ran it.

#### After Recess.

Hon. Mr. MACPHERSON resumed the discussion on the Truro & Pictou Transfer Bill. He said he had been informed during the hour of adjournment that the line had actually been re-laid with steel rails. This seemed extraordinary, and, if really the case, gave good ground for supposing that

dian corn, the importation of these articles it was only an excuse to hide away some more of the steel rails.

The bill was read a second time.

Hon. Mr. MILLER asked the Honorable Secretary of State to state the terms of the contract entered into between the company and the Government of Nova Scotia. He would like to see the contract.

Hon. Mr. SCOTT said the information would be supplied if the Government possessed it.

Bill to amend the act respecting the inspection of steamboats was reported from Committee without amendment, read a third time and passed.

#### THE NATIONAL POLICY.

Hon. Mr. POWER resumed the debate on Hon. Mr. Read's motion. He said the honorable mover of the resolution had asked him yesterday, when he spoke of the distress amongst the workmen of the United States, whether they had in any case entered the legislative buildings looking for relief. In reply, he had said he believed not, but that they had sought relief from other public sources. With the permission of the House he would read two extracts from an address delivered by Mr. Shaw Le-fevre, a member of the English House of Commons, at the Social Science Congress, on the 18th of last October. These extracts, kindly furnished by his honorable friend from Prince Edward Island (Haythorne) would show how the American workmen had suffered, and would show also that the depression of trade in Canada was not the result of the Government policy, but was a part of an almost universal depression from which our neighbors had suffered more severely than we.

"We are now suffering, in great part I believe, from the reaction after the prosperity of the years 1871, 1872 and 1873, from the results of the speculative mania induced by it, from concurrent action of the same kind in the United States, and in part also, I doubt not from the repudiation of their debts by so many foreign states, who, while borrowers, were also large consumers of our productions, and who now, having ceased to borrow, ceased to import."

"One thing is clear—that the great variety of our trade, due to the full adoption of free trade, enables us to tide over difficulties and depressions infinitely better, and with less suffering, than is the case with those countries which still cling to protection. In the United States, notwithstanding their boundless wealth in raw material and

food, the present state of trade has been productive of far greater loss and suffering to the working classes than in this country. We have heard from New York of large assemblages of men out of work, demanding employment from the civic authorities, and setting up a claim for national workshops. This year has for the first time shown a greater number of return emigrants from the United States than emigrants to it; and commercial distress is in every respect worse and more widely spread than with us. The reason is, that under a system of protection such as the Americans enforce, native industry is necessarily limited to its home market, and a depression of trade in this one market causes vastly greater suffering than where trade is cosmopolitan and commerce free and open."

Having said so much upon the general question, he might be allowed to deal briefly with the probable effect of the measure proposed in the resolution, or, indeed, of any protectionist measure upon the Province of Nova Scotia. One had only to look at the map to see that she was never intended to be protected by a high tariff. The province is placed as a kind of outports or starting point on the ocean journey between North America and Europe, and between this Dominion and the West Indies and South America. Her shores were so indented with inlets that there were long stretches of coast, in fact nearly the whole Atlantic seaboard, where there was a harbor for almost every mile, and there was probably no point in the province fifty miles distant from navigable water. The province seemed to stretch out its arms to give freely and to receive as freely. It was muffled in no protectionist mantle. Nature evidently destined it for the freest intercourse with other countries. Up to the union, with a tariff of only ten per cent, and with many articles free which now paid duty, she was the most prosperous of all the provinces. The increase in the tariff which had since taken place had been to her an evil with no compensating advantages, and any further increase would injure her still more.

The character of the population was as varied as that of the country. The farming class was the most numerous; and that class had nothing whatever to fear from the farmers of the United States because the products of the latter country did not enter into competition with those of his province. The Nova Scotia farmer sought a market for his poultry, eggs, potatoes, and other vegetables, cordwood and other produce in Boston or New York, and as he consumed and did not raise flour and mess pork or In-

at the lowest possible figures was to his advantage. But while the American farmers did not interfere with those of his province, those of the upper provinces did; and their fresh meat, butter and other produce were now competing in the Nova Scotia market with those of the native farmer.

To the fishermen, the next largest class, increased duties with the consequent increase of prices meant simply so much dead loss. The adoption of a measure like that proposed could do the ship-builders no good, while by increasing the cost of labor and materials it would render them less able than now to compete in the markets of the world with the cheap ships of Norway and other European countries, and would probably end by killing the trade as it has been killed in the United States. If protection were complete there would be no cargoes out or back. The only classes in Nova Scotia to whom protection could for a moment be supposed to be of any service were the coal miners and the manufacturers, the latter being by no means numerous. A general scheme of protection would seriously injure the miners, but a protection limited to the article of coal would have a beneficial result. A duty of 75 cents would probably enable Nova Scotia to supply Quebec with coal and a duty of \$1.75 would be supposed, enable her to supply Ontario. Whether the representatives of these two provinces would, be justified in the interests of their constituents in agreeing to the imposition of a duty upon such a necessary of life as coal might be doubted, perhaps, but there was not much doubt that the existing trade relations between these provinces and Nova Scotia would fully justify such action. The manufactures of Nova Scotia were not numerous or flourishing, but that state of things was not the result of American competition, nor would it be improved by an increased duty upon foreign goods. The state of things referred to was due to the fact that the Nova Scotia market was very small, and that small as it was, the native manufacturers were in many instances shut out from it wholly or partially by those, not of the United States, but of Ontario and Quebec. It was chiefly the leather, the furniture, the hardware, wooden-ware, the cloth and other such goods of the Upper Provinces that were killing out or keeping down our Nova Scotia makers of the same articles. While there had been in Nova Scotia but little slaughtering of American goods, there had been, in his opinion, a very considerable slaughter of articles from the Upper Provinces. As to sugar refining, he might say that he thought the policy of the

Government was not as satisfactory as it might be, and it seemed to him that either the duty on refined sugars should be slightly increased, or those on raw sugar and molasses somewhat reduced—in fact that the tariff should be *ad valorem*. This would be consistent with free trade principles, would give our refiners a chance, would foster trade with the West Indies, and would give cheaper food to the poorer classes in the Lower Provinces, who consumed very considerable quantities of molasses and brown sugar. He knew it was said that the consumers in the larger provinces would object to an increase upon refined sugar; they certainly could not to a reduction upon the raw material, nor would they be justified in objecting to the increase if they considered that the people of Nova Scotia had submitted to an enormous increase of their own tariff, to their loss and advantage of the Upper Provinces. To show that this was the case he would call the attention of the House to some facts brought out before the committee of the House of Commons on the coal interests. In 1865 6 (before the union) the importations into Nova Scotia from the then Province of Canada were \$508,935, and the exports from Nova Scotia to Canada were \$438,191. In 1876, while the exports to the Upper Provinces had not perceptibly increased, the imports thence amounted to \$3,500,000, or more than six times what they had been ten years before. This would help to show where some of the goods entered in the Province of Quebec, and spoken of by the honorable gentleman from Montreal, (Trudel) went to, and by whom they were paid for. It also showed the unfair and one-sided character of the trade between what was old Canada and Nova Scotia. It verified, too, the conclusions that one would naturally draw from seeing the steamers and railcars which came down full and came back to the Upper Provinces empty. What had been said upon this subject of trade and tariff in connection with Nova Scotia was, he believed, almost equally true with regard to New Brunswick and Prince Edward Island, and it seemed to him that if their friends in Ontario and Quebec looked fairly at the existing state of things they would be more disposed than at present to make some little sacrifice for the sake of their brothers by the sea, and a little less disposed to find fault, as had been done by members of the Opposition in this and the other House, with every thousand dollars of public money that went to the public works in the Lower Provinces. In conclusion he would say that, except as to



the article of sugar, he endorsed the policy of the Government. He did not think that now, when trade throughout nearly the whole civilized world was in a most depressed and abnormal state, was the proper time for a permanent readjustment of the tariff which was the only readjustment that would be useful or satisfactory. He thought that the removal of the excise and the diminution of the custom duty on petroleum, while it would be a great boon to the consumer, would not seriously injure the manufacturer, and that there was no way in which a like amount of revenue could be so easily raised with so little inconvenience or loss to any class as by the additional duty on tea, as that article now sold in the British market. The policy proposed by the hon. mover of this resolution would be most pernicious to the whole country, and especially so to the Maritime Provinces. Therefore, unless the resolution were withdrawn, he would certainly record his vote against it.

Hon. Mr. WARK moved the adjournment of the debate until Thursday.—Carried.

The House adjourned at 9.45.

MONDAY, April 9th.

The SPEAKER took the chair at three o'clock.

After routine.

#### A NEW FORM OF PROCEDURE.

Hon. Mr. MACPHERSON said he wished to give a notice in a form which would be new to the House. It was one, however, which, if accepted by the House, would be attended with convenience and economy. Though new to this House, it had been long established in the House of Lords, from which the Senate drew its precedents. According to the practice of this House, in order to bring any subject under debate, it was necessary that a motion should be made, and this was generally in the form of a motion for papers. These returns, which were sometimes very voluminous, had to be copied in the departments, and were frequently printed. This course was pursued because it was not agreeable to move a resolution and then withdraw it after having discussed the subject. The practice in the House of Lords was this:—A lord gives notice that he will, on a certain day, call attention to a subject, always concluding with an enquiry. This brought the subject under debate without a motion for returns or a resolution. He had for some time thought it would be convenient for this House to follow the same practice. He had spoken to several honorable members who had given most at

tention to the rules and practice of the House, and without exception it had met their approval. He had also mentioned the matter to the librarian, who was regarded as an authority upon those subjects, and that gentleman not only thought the change would be unobjectionable, but that it would be attended with great convenience. He (Mr. Macpherson) then cited from the British *Hansard* a precedent for this course, and concluded by giving the following notice:—That he will, on Wednesday next, call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will enquire of the Government how it is proposed to restore the equilibrium between income and expenditure?

Hon. Mr. SCOTI said, in a change of such importance, he would have preferred that notice had been given. However, he was quite prepared to accept it without notice.

After some discussion the change was adopted.

#### THE STEEL RAILS.

Hon. Mr. HOWLAN inquired—

1st. Who ordered the steel rails per barque *William Wilson*, of Whitehaven, which arrived at Halifax on the 1st of March?

2nd. Who authorized the order?

3rd. Through whom were they purchased?

4th. By whom manufactured?

5th. What was the price paid, F.O.B.?

6th. What was the freight? Also, for the same enquiry respecting all shipments now on the way to Prince Edward Island, as well as the name of the ship carrying the same?

He said his reason for making these inquiries was simply this, when the return was brought down by the Government relative to the steel rails, it was presumed that it had covered the entire 50,000 tons. He observed, however, that a cargo had been landed at Halifax, and he wished to know if they were to be placed on the new railway that had been under discussion the other day. Then, with regard to Prince Edward Island, he believed another cargo had been landed there. If the returns brought down the other day covered the entire amount of rails, this must be a new purchase. It might be, for all he knew to the contrary, that some portion of the steel rails mentioned in the report laid on the table had been lost at sea, and these had been subsequently purchased. What he wished to know was—what they were intended for,

why they were purchased, and the prices paid for them?

Hon. Mr. SCOTT said those rails, he understood, were intended for the Island railway. They had been purchased in England, through the agent of the Government there at £8 10s. delivered free on board. Perhaps his hon. friend would allow the question to stand for a day.

The matter was allowed to stand

#### EMPIRE ASSURANCE CO.

Hon. Mr. REESOR moved that the Fortyninth Rule of this House be dispensed with in so far as it relates to the petition of D. B. Chisholm, and others, of the City of Hamilton, in the Province of Ontario, Provisional Directors of the Empire Fire and Marine Assurance Corporation, praying for the passing of an Act changing the name of the said "Empire Fire and Marine Assurance Corporation," and that the time granted for the said Corporation to obtain from the Minister of Finance the License required by section 5 of the Act, 33 Vic. chap. 20, be extended for two years; and further, that the Fifty-first Rule of this House be dispensed with in so far as it interferes with a bill having the foregoing object in view.

Hon. Mr. MILLER said the House should have some reason before it for adopting this motion. The matter had been already debated, and he would not discuss it again. But he would call for the yeas and nays:—

CONTENTS—The Hon. Messrs. Aikins, Alexander, Archibald, Armand, Baillargeon, Bellerose, Benson, Bureau, Chinic, Christie (Speaker), Cormier, Glasier, Grant, Guevrement, Haythorne, Hope, Leonard, Lewin, McDonald (Toronto), McMaster, Macdonald (Victoria), Montgomery, Muirhead, Paquet, Pelletier, Penny, Power, Reesor, Scott, Seymour, Stevens, Sutherland, Vidal.—33.

NON-CONTENTS—The Hon. Messrs. Botsford, Campbell, Chapais, Cornwall, Dever, Dickey, Dumouchel, Hamilton (Inkerman), Hamilton (Kingston), Haviland, Howlan, Kaulbach, McLellan (Londonderry), Macfarlane, Macpherson, Miller, Ryan, Shaw, Smith, Trudel.—20.

Hon. Mr. REESOR presented to the House the said petition of D. B. Chisholm and others, of the City of Hamilton, in the Province of Ontario, aforesaid.

Ordered—That the same do lie on the table.

#### THE CAMPBELL DIVORCE CASE.

Hon. Mr. REESOR moved:—That the report in the Journals of last session of the Select Committee to whom was referred the bill intituled: "An Act for the relief of Robert Campbell," and to whom was also

referred back the petition of Eliza Maria Campbell, with instructions to inquire into the truth of the material allegations contained therein; and if the same are found to be true, then, with instructions to report such amendments to the said bill as will secure to the petitioner and respondent, respectively, the rights and privileges which would be secured to them under a decree for judicial separation in England, be read and considered.

Hon. Mr. CAMPBELL said this was not a convenient way of approaching the subject. There was no definite action proposed. It would be only proper and due to the House that a notice should be given, informing them of the action he proposed the House to take.

Hon. Mr. REESOR said that last session a resolution had been adopted by the House to postpone the consideration of this report until the present session, and it was now several days since he had placed a notice on the paper that he would move the journals be read and that the report be adopted by the House. He would simply ask, as a first step, that the resolutions connected with it be read, and after that he would be prepared to move that it be referred to committee with certain instructions.

Hon. Mr. SCOTT thought the House would feel more satisfied if the honorable gentleman would disclose what he desired to be accomplished by this resolution, as the matter was a very important one.

Hon. Mr. CAMPBELL said the notice had been before the House long enough. All he complained of was, that it was indefinite.

Hon. Mr. DICKEY thought it unfortunate that the honorable gentleman who moved this resolution, had not stated his ground for so doing. The honorable gentleman suggested that he intended to move for the reference of these papers to a committee. He (Mr. Dickey) might not be able to go so far with him. It appeared to him, however, that the motion before the House was perfectly in order. It was the course invariably pursued. If the honorable gentleman had stated that his intention was to move, after the journals were read, that the report be adopted, everyone in the House could understand it. On the tenth of April last a resolution had been adopted to the effect that the report of the committee on this subject be postponed until the following session, and that, in the meantime, the evidence be printed for the use of members. The honorable gentleman, therefore, had a perfect right to move that the report be adopted. Whether he could move that it be referred

back to the committee was quite another matter.

Hon. Mr. REESOR said although the House might be in favour of adopting the principle of the report, they might desire to amend it in some way, and, in that case, it would be better to refer it back to the committee with instructions to amend it in accordance with the views of the House. He had no doubt his notice was quite sufficient for the reading of the journals, and that upon reading the journals the whole question could be taken into consideration—just as it could have been considered and disposed of last session if the House had preferred to proceed with it. There were certain blanks in the report which would have to be filled up with figures, and that could be better done in committee, provided the House instructed them to do it.

Hon. Mr. HAVILAND said that the course suggested by the hon. gentleman was the proper one to pursue. When the report was before the House, it would be time enough for him to say what action he intended to take upon it.

The motion was carried, and the journals were then read.

Hon. Mr. REESOR said it would be remembered that during the last session, a petition was presented on behalf of Robert Campbell, praying for the dissolution of the marriage tie between him and his wife. Upon that petition a bill was introduced. It was referred to a select committee with power to send for persons and papers, and to take evidence on oath. The committee occupied several days in hearing testimony on both sides. There were also placed before it exemplifications of the judgments of three previous cases that had been in the courts between the parties. Able counsel were engaged on both sides. The witnesses received most careful and impartial hearing, and the case was very fully gone into. The committee was presided over by one who had great experience and ability in legal matters, and who would do credit on the bench in any court in the Dominion. The case had, therefore, received as fair and judicial an investigation as if it had been brought before the highest courts in the Dominion. They reported to the House that the allegations of the petitioner against his wife were not true, and that report was adopted unanimously by the House. The committee had been further instructed to report upon the petition of Eliza Maria Campbell, as to whether the bill might not be amended in another direction, by which judicial separation of the parties would be provided, and that

committee reported that Campbell should be compelled to support his wife. The committee reported that the allegations in her petition were true. The question now was, whether it was the duty of Robert Campbell to support his wife, or whether she should be left upon the world to sustain herself as best she could? He knew it was inconvenient for them to discuss the disposition of such cases in a tribunal of this kind, but under British law we are all proud to say "there is no wrong without a remedy." In Ontario, however, there was no Divorce Court, and even in cases of obtaining judicial separation, the only tribunal to which a petitioner could apply was the House. It would be found by the 91st clause of the British North America Act that this Parliament had jurisdiction in matters of divorce. Under such circumstances, therefore, it was the duty of this House, no matter how inconvenient it might be to them, to thoroughly consider this question and dispose of it. It was said there was no precedent for this, but he was not aware that there had ever been a similar case to this brought before the Parliament of Canada, since confederation, or before the union of the Provinces.

Hon. Mr. BELLEROSE—What does the honorable gentleman think of the 13th subsection of the 92nd clause of the British North America Act? This is a question of civil rights.

Hon. Mr. REESOR admitted that all matters involving civil rights were left to the local legislatures, unless it was specially excepted in the Constitution as it was in this case. This was a divorce from bed and board, and should the parties ever become reconciled, the operation of this act would cease. It was said there was no precedent for this measure, but he would like to know whether the most valuable acts on our statute books had any precedent until they were enacted? For instance, the law separating Church and State; the Act introducing municipal institutions into the provinces; the last election law, to prevent bribery and corruption in elections, were without a precedent until they were introduced and passed. It was so with the ballot act, at least in the Province of Ontario, but it had proved a good law, consequently this measure of relief for Mrs. Campbell should not be opposed simply because it was without precedent. The Senate possessed the power to redress grievances, and should, therefore, act upon it. Some honorable gentlemen might say, although the case was not proved against Mrs. Campbell, there was still suspicion that she might have done wrong. In Eng-

land the practice was, even where a case of wrong doing had been proved, to make provision for the support of the wife. This, however, was a case of a different kind. So far as could be ascertained, the petitioner, Mrs. Campbell, was a woman who deserved respect and who was justly and honestly entitled to what she claimed.

Hon. Mr. DICKEY thought it was unfortunate that the honorable gentleman had not considered this matter with a view to relieving the House from any embarrassment in dealing with it. He might have disembarrassed the question very much. Of course the House would not go behind the report of the committee, but they must proceed step by step in this matter. The report of the committee last year was that Mrs. Campbell had made out her case. They decided nothing else. The first step to be taken was to move for the adoption of the report of the Select Committee, and the House could then take such action as seemed best on the clauses in Committee of the Whole. He therefore moved that the report of the select committee be adopted, and that the said report, with the clauses proposed to be substituted for those in the bill, and returned by the committee with their report to this House, be referred to a committee of the whole House for their consideration.

Hon. Mr. REESOR—I have no objection to that.

Hon. Mr. DICKEY said there were precedents for that. In English *Hansard* he found that a similar course had been pursued on a London Corporation bill.

Hon. Mr. SCOTT said the chief embarrassment he saw in the adoption of the motion would be this—it was highly probable the allegations in the petition conflicted with the judgment of Vice Chancellor Blake, who had the subject before him. He would like to hear honorable gentlemen who were conversant with the case say whether that was so or not.

Hon. Mr. DICKEY said if the House was to be ruled by the decision of a court, there was an end of it. The committee, or a majority of it, were of opinion that this lady had not been guilty of the crime of which she was charged; on the contrary, the husband had acted towards her with cruelty, and had deserted her. When her petition was referred back to this same committee for consideration, after a patient hearing, they came to the conclusion the allegations of her petition were proved. When the question came up as to the adoption of those clauses for alimony, it would be a factor in the argument that another court had taken

a different view of it. The report of the committee must first be adopted.

Hon. Mr. CAMPBELL asked whether or not the evidence before the committee was the same evidence which had been before the Vice Chancellor.

Hon. Mr. DICKEY said there was the same evidence, and additional evidence.

Hon. Mr. CAMPBELL said that would remove the objection of the Secretary of State. There could be no objection to the adoption of the report of the committee in the manner suggested, and when the matter came before the House there would be an opportunity of discussing the merits of the proposition which would then be made to them.

Hon. Mr. SCOTT said, with the understanding that no gentleman was committed to the conclusions, it might be allowed to go on a division.

Hon. Mr. CORNWALL said he had been a member of the committee last year, and he had opposed throughout both reports of the committee. He was now opposed to the adoption of the report by the House. This was the time when the report should be considered. He felt he would not be doing justice to himself if he at all consented to the adoption of the report sent in by the committee last year. No one who was opposed to the amendments recommended by the committee in their report could consent to the adoption of it.

Hon. Mr. VIDAL suggested that the report might be received.

Hon. Mr. POWER said it had been received last year.

Hon. Mr. SCOTT said it would be better that the decision of the House should be known whether the Senate was going to be a court of appeal from the Court of Chancery.

Hon. Mr. CAMPBELL said the report might merely be referred to a committee of the whole House to-morrow.

After some further discussion,

Hon. Mr. SCOTT said the principle involved in this measure was that, in defiance of the decision of the Vice Chancellor, whose sympathies evidently had been with Mrs. Campbell, and initiating a new practice in this House, the Senate was competent to deal with questions of alimony. At the outset he would ask the sense of the House upon it.

Hon. Mr. CAMPBELL did not think the House was at all committed to the recommendations of the committee. If it were, he certainly would not assent to this course. As he understood it, the object in view was to keep the members of the Senate free to discuss these very points which the Secretary

of State apprehended would be decided by agreeing to go into committee. It was simply a question of convenience whether or not this course should be pursued.

Hon. Mr. KAULBACH said his difficulty was that raised by the honorable Secretary of State, that the House would be committing itself to the principle that this Legislature had a right to deal with this question of alimony. He believed when the whole question came before the House it would be found a majority would oppose it. He had no objection to the report being referred to a Committee of the Whole House if, by that means, the House were not committed to the principle that they had a right to deal with this matter; and, further, that they did not by this means put themselves in the position of adopting the opinions expressed by the committee.

The motion to refer the report to a Committee of the Whole House to-morrow was carried on a division.

#### MONTREAL HARBOR COMMISSIONERS.

Hon. Mr. TRUDEL moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be placed before this House—

1. Copies of all letters and correspondence between the Government of the Dominion of Canada and the Montreal Harbor Commissioners on the subject of the refusal of the said commissioners to allow cars and locomotive engines for the Quebec, Montreal, Ottawa and Occidental Railway to pass over the wharves in the harbor of Montreal, or over any land over which the said harbor commissioners claim control, from the 1st June to the 1st September, 1876.

2. Copies of all instructions and orders given by the Government of the Dominion of Canada to the Montreal Harbor Commissioners on the subject of the passing of cars and locomotive engines for the said railroad, over the said wharves at Montreal, or over any part of the said harbor over which the said commissioners claim control, during the same period.

3. Copies of all correspondence between the Government of the Dominion of Canada and that of the Province of Quebec on the same subject, during the same period.

4. Copies of all resolutions, letters, complaints, petitions or other documents addressed to the Government of the Dominion of Canada by any citizens of Montreal, or any Aldermen of the City of Montreal, on the same subject, during the same period.

He said in the month of June last several locomotives had been brought to Montreal by the Grand Trunk Railway

for the Quebec, Montreal, Ottawa and Western Railway which belonged to the Government of Quebec. The Grand Trunk had a railway track laid down nearly the whole length of the harbor of Montreal, the part where the principal part of the business of the harbor was done. When the cars referred to were brought to the end of this track, application was made by the railway contractor, Mr. McDonald, to the Harbor Commissioners, to be allowed to lay a temporary track from there down to Hochelaga where the engines were to be used. He met the President of the Commission and spoke to him about it. That gentleman said there could be no difficulty in obtaining the permission asked for. The foreman of the contractor immediately commenced to lay the track, when a countermand came from the Harbor Commissioners and the workmen were obliged to desist, the tracks taken away and confiscated. A parley, continuing over twenty days, took place without any satisfactory result and the contractor was finally obliged to have his engines taken down to Hochelaga on barges at great expense and at the risk of losing them in the river. What were the motives which actuated the Commissioners in their refusal could not be explained. At the time of their refusal to allow the track to be laid down several hundreds of heads of families who were dependent on the arrival of these engines for work were forced to remain idle by this delay. In a correspondence published in the *Montreal Gazette* of the 24th of June, the Harbor Commissioners had given their reasons to justify their refusal. In order to put the question fairly before the House he would read the correspondence. (The honorable gentleman read the correspondence and continued.) There were three principal reasons alleged in the letter, as the House would see, to justify the refusal; first, because there were several vessels unloading near where the cars were to pass; second, the contractor would incur great expense in laying a track on a part of the wharf which was not finished; third, the application for permission to lay the track had not been brought before the Commissioners in a proper manner. It was evident to all who were acquainted with the Harbor of Montreal that the first reason—it might interfere with the business of the harbor—was no excuse at all, as for several years the Grand Trunk Railway had been allowed to have a track along the most important part of the harbor, and they had extended it as far down the wharves as it was their interest to do, that is, as far as there was im-

portant traffic, as very few vessels ever unloaded at that lower point, it being in front of the current; they rather unload below it. Mr. Macdonald, the contractor, in his letter to the Commissioners, informed them that even if the temporary track which he wished to lay down interfered with the business of the harbor it could be laid, the engines past over, and the track again taken up in about six hours, and part of the work could be done at night. so that the first reason was no excuse for the refusal. The second reason, that it would cause the contractor great expense to lay the track, was absurd, because the Commissioners had put him to greater expense in having to take the engines down in barges, and at the same time subjected him to the risk of losing them. The third reason was the only one that could be seen by the public, and that was the Commissioners had not been approached with proper dignity, and the contractor had commenced to lay the track before receiving an official answer: that is, a mere question of *etiquette*. When the facts became known to the citizens of Montreal there was great indignation against the Harbor Commission. A public meeting was held, at which several Aldermen and other gentlemen of high standing were present, including Aldermen Monro and Hood, Mr. Louis Beaubien, M.P.P., and Mr. Tailhon, M.P.P. The following resolution was unanimously adopted, Ald. Monroe in the chair, and Ald. Hood acting as secretary:—

“That the citizens of Montreal have learned with indignation of the refusal of the Harbor Commissioners to permit the use of the wharves of Montreal to the committee appointed by the ‘Montreal, Ottawa and Occidental Railway,’ being of opinion that they are public property, and that the refusal of the said Harbor Commissioners was an act of injustice.”

The *Gazette*, in its report of the proceedings, said, “The meeting was thoroughly representative in its character, and was marked with order and close attention.” By the refusal of the Harbor Commissioners the engines were delayed a whole month within twelve hundred feet of their destination. It was the general impression that the Harbor Commissioners were actuated by political motives and antipathy for Montreal East, as they were not friendly to the Local Government of Quebec, and most of them have their interests in Montreal West. The Harbor Commissioners were now asking this House for an enlargement of their powers; in consequence, it is interesting for the public to know how they use their powers, how they carry their despotism so far as to injure a whole community, for the only pur-

pose to gratify their private feelings, as every body knew they were, to a certain extent, controlled by the Dominion Government. Then, he thought, it was the duty of this House to know how far this Government were responsible for the acts of the Commissioners, and how far they shared the responsibility of their acts before giving them arbitrary powers, when this House had seen that they could act in such a despotic manner.

Hon. Mr. SCOTT said there was no objection to the motion, but he was not aware there was any correspondence on the subject, or that the attention of the Government had been called to it. The Government were not charged with any of the details of the management of the Harbor of Montreal. It was true the Dominion Government had guaranteed a large amount of their bonds, and it was thought proper that they should have the right to representation on the Board to see that their interest was fairly represented, and that proper returns of tolls and rates were made to meet the interest on the bonds; but so far as the duties of the Harbor Commissioners were concerned the Government had never interfered in the management of the harbor.

#### After Recess.

#### NORTH WEST TERRITORIES.

Hon. Mr. SCOTT moved the second reading of the bill to amend the North West Territories Act. He said the object of the bill was to make provision for certain deficiencies in the act of 1875. It authorized the Lieutenant Governor to appoint an administrator in his stead in the event of his illness or absence. It also provided for the Lieutenant Governor and members of the Council taking the oath of allegiance and the oath of office. The principal change in the act was to confer criminal jurisdiction on the North West Stipendary Magistrates.

Hon. Mr. GIRARD said he would like to see some guarantee that in the appointment of the Council the people of the country should not be overlooked. It seemed to him that it would only be justice that the people who had lived in that country for years, and knew its requirements, should have something to say in the administration of the affairs of the Territories. He objected also to the clause of the bill which provided that the Lieut. Governor should sit in Council with the Councillors as an integral part thereof. These Councillors had the power to enact laws, as well as executive power, and it seemed to him that it would be an inconvenient position for the Lieut. Governor to be placed in to have to

sit and he r measures debated which he might afterwards be compelled to disallow. It seemed to him that when legislation was being formed the debates should be open to the public, and responsibility for all measures adopted should rest with the executive, independently of the Lieut. Governor. He also objected to the 9th sub-section of the 6th clause, which provided that no grand jury should be called in the North West Territories. It seemed to him that the great palladium of British liberty was the grand jury, and there was no place in which such an institution was of greater benefit than in a new country like the North West Territories. He would also call attention to the fact that the French language seemed to have been totally ignored in the bill, although the majority of the people of the territories were French, and they had as much right to have their language acknowledged there as they had in Quebec and Manitoba by having a translation of all the ordinances passed for their guidance. If it was possible to do so, he considered it would be wise to delegate the powers of the Federal Government to the North West Council respecting Indian affairs, as it would facilitate the settlement of the country a great deal. He was of the opinion at the time this act was passed that it was unnecessary; that the management of the North West could be directed from Manitoba or Ottawa as well, and more economically than by the establishment of a local government. However, as that law was now in existence, he felt it his duty to do all in his power to make it as perfect as possible; at the same time he relied on the justice of the amendments which he had suggested, and if they were adopted it would give more satisfaction to the people. There certainly was discontent and uneasiness prevailing in the North West as to the management of the affairs of that territory. The whole administration was in the hands of strangers who were sent in there from Ottawa—people who might be competent enough, but it was not just to ignore the claims of the native population, many of whom were men of liberal education, and who were as able and willing to take part in public affairs and do their duty as any that could be sent from other places. He hoped the Government would take this matter into their consideration and see that justice was done.

Hon. Mr. KAULBACH said this act was to extend the powers of the Governor-in-Council of the North West, to enlarge the powers of the stipendiary magistrate to deal with offences, the maximum punishment for which did not exceed seven years in the

penitentiary, and to curtail the rights of appeal to the Court of Queen's Bench in Manitoba. He would endeavor to show what the Act passed by this Government in 1875 cost the Dominion, and enquire whether there was any necessity for imposing such a burthen of taxes upon the country. It would cost by the end of this fiscal year about \$70,000 for the organization of the Government in that territory under that measure. By turning to this act it would be found that provision was made for over \$30,000 of annual salaries and charges. First, there was the Lieutenant Governor with \$7,000 a year; then stipendiary magistrates with salaries of \$3,000; then two members of Council, exclusive of the stipendiary magistrates, at \$1,000 a year; and then the Clerk of the Council and Secretary to the Lieutenant Governor, \$1,800. By this same section five of the act provision was further made that these officers shall be paid by order of the Governor-in-Council, that is, they may pay themselves such sums of money from time to time as they consider adequate to defray their travelling expenses. Then by section 54 there will be a registrar of deeds at \$2,000 a year. Then section 12 seems to empower Lieutenant Governor Laird to appoint a Queen's printer; it recognizes such an officer. The words are "a printer to the Government of the North West Territories." By section 55 the Governor appoints a Sheriff. That section says: "Who shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be named from time to time by the Governor-in-Council." [Nothing is said about the expense of erecting or keeping up the officer, but section 5, regarding travelling expenses, applies to the officer, and he receives a salary of \$1,200 a year. Section 60 authorizes the Governor to appoint clerks for every judicial district; the number is not stated, but they receive under that section \$500 each, and travelling expenses under section five, which also applies to these officers. Lastly, section 70 empowers the governor to create offices enough to carry out the acts of Canada in the North West. It provides that whenever, in any act of Parliament of Canada in force in the North West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officers in the North West Territories, the Lieutenant-Governor and Council may order by what other person or officer such duty shall be performed. This gives large patronage to Lieut.-Governor Laird and Council. He would enumerate and count up what this cost the country:—

Lieutenant-Governor.....	\$7,000
Two members of Council.....	2,000
Clerk of Council.....	1,800
Two stipendiary magistrates.....	6,000
Queen's Printer, say.....	1,200
Registrar of deeds, &c.....	2,000
Sheriff.....	1,200
Clerks of districts, say four, at \$500.	2,000
Peace officers, gaolers, constables, &c., say 12 at \$400 a year.....	4,800
Extra travelling expenses, &c., under section five, say.....	7,000
	<hr/>
	\$36,000

Then the mounted police is, by section 56 of the act, placed at the disposal of the Lieutenant-Governor, and costs yearly about \$280,000. And the Indian bounties for the territories alone were estimated this year at over \$70,000. All this expense was premature and unjustifiable. That vast, and yet undefined, territory might well have been left for to come under the local Government of Manitoba, and the expense of this little army of office holders been saved to the country. Few white men had yet entered that region, and fewer still would venture there unless greater assurance was given that the railway would be built, and so long as there remained more fertile lands in the eastern Province of Manitoba for colonization. Under the policy of the present Government they had no right to expect a teeming colonization in that vast region. The Government were responsible for this great extravagance and waste of money. Compare the cost of Civil Government in 1873, under the Macdonald Government, with last year under this Government, and there would be found an increase even then of over \$61,000—and under the policy of this Government, as now carried, on much greater burdens were imposed on the people. Take immigration and it would tell the same tale of inordinate extravagance and was te of money on the part of these economists and purists. As soon as this Government came into power immigration decreased the very first year over 13,000, the next year over 10,000, and last year 26,000. The 10,000 last year cost \$385,845, whilst those of the last year, under the late Government, numbered 37,000 and only cost \$277,368. In the face of all this—the country had been told that this mock government in the North West must be kept up for the reception of a teeming population. Instead of enlarging the power of the Governor and judiciary in the North West, as this bill proposed, this House ought to consider whether for the present it would not be better to manage matters as they had been under the late Government and

thus save hundreds of thousands of dollars to be appropriated to better purposes.

Hon. Mr. CAMPBELL said he rose to make a remark or two in the sense in which the honorable gentleman who had preceded him had spoken. No one would attempt to reject a bill which was merely to amend an act in existence; at the same time it seemed to him that the expense going on in the North West Territories was unjustified by the population there and the circumstances of the country. For ten or twelve years to come the North West Territories could be governed, as it had been in the past, by the Lieut. Governor of Manitoba.

Hon. Mr. SCOTT said there was no doubt the expense attending the administration of affairs in the North West Territory was very considerable, but it was one of the inevitable results of the acquisition of territory, that it must be looked after. The time had come when it was impossible to govern a country 500 or 1,000 miles in extent, from Winnipeg. The cost would not be materially increased. The cost of transport in that country was enormously high. One trial alone, the year before last, cost between \$13,000 and \$14,000; witnesses had to be brought from the Rocky Mountains to Winnipeg, and it was enormously expensive. Last year there were two persons brought to Winnipeg for trial; one was acquitted, and it cost a very large sum to send him back again. The establishment of a civil government in the North West Territories was rather with a view to diminishing than increasing the expense of government there. With reference to what had fallen from the honorable member from Manitoba, he was sure the Government would keep in view the importance of selecting gentlemen from that portion of the country in the formation of that Government. The honorable gentleman had taken exception to having the Governor sitting with his Council. Where the government was in such a primitive state, and the number of the Council so small, it was thought best that the Lieutenant-Governor should sit with his Council and discuss the various ordinances that might come before them. The Lieutenant-Governor was appointed for the very purpose of aiding in the administration of affairs. With reference to the question of a grand jury, one of the reasons—he supposed the main reason—was the impossibility of getting a sufficient number of jurors for the purpose. It was impossible to get even sufficient for a petit jury. As the population increased no doubt changes would have to be made to meet a new condition of affairs. At present the law was constructed for a primitive state of society,



and was adapted to the scattered population that now exists. For a considerable time to come the population was very likely to be very scant indeed.

Hon. Mr. GIRARD said the North West Council had been in existence for three years and had discharged the duties of their office without remuneration.

Hon. Mr. SCOTT—The Lieut.-Governor and the Clerk were paid.

Hon. Mr. GIRARD said they were, but the councillors were not. At the same time he had observed the inconvenience of the Governor sitting at the same table with the Council.

Hon. Mr. SCOTT—There was a large Council, I think twenty-four.

Hon. Mr. GIRARD said the number did not make a great difference. The effect was to destroy the respect which was due to anyone holding the office of Lieut.-Governor. He remembered one case in which the Council divided and the Governor was left nearly alone. If the Lieut.-Governor was to sit at the same table as his Council it would be as well to leave the administration of affairs in the hands of the Lieut. Governor alone, because if he were a clever man he could mould his Council to his views. From what the Hon. Secretary of State had said it was evident that the Government would treat the North West with justice; at the same time, he believed that for years and years it would be better to govern the North West from Winnipeg, or even from Ottawa, than at any part of the North West beyond Winnipeg.

The bill was read a second time.

Bill to amend the act to impose license duties on compounders of spirits, to amend the act respecting the inland revenue, and to prevent the adulteration of food, drink and drugs, was read a second time.

#### EMPLOYMENT OF PRISONERS IN COMMON JAILS.

Hon. Mr. PELLETIER moved the second reading of bill to provide for the employment without the walls of common jails of prisoners sentenced to imprisonment therein.

Hon. Mr. FLINT thought this bill was a step in the right direction. For many years the County Council of Hastings had endeavored to find employment for prisoners in the county jail. He wished to know what provision there was for the safe-keeping of prisoners. He thought there should be some such provision; for instance, they might be secured with a ball and chain. There was no doubt if this bill could be carried into operation it would save a great deal of expense to the country. The jails were often filled to overflowing, and there

was hardly room for the prisoners to sleep. The consequence was their labor could not be utilized.

Hon. Mr. MILLER agreed in the opinion that this bill was a step in the right direction, but did not see the necessity of such a clause as the honorable Senator had proposed. The object would be fully met by the power that was given to the Lieut.-Governor in Council to make regulations for the safe-keeping of prisoners when at work outside the jails. It would be going beyond the spirit of our legislation to secure the class of prisoners, to whom this bill applied, with a ball and chain.

Hon. Mr. HAYTHORNE said he regarded this bill as a retrograde step. He would have preferred to see the Government prepared to advise the calling of a convention for the purpose of ascertaining what measures could be taken for improving our prison discipline. If our jails were what they should be, there could be employment found within them for all the prisoners confined in them. He thought public opinion would revolt at the sight of enforced labor, especially under such circumstances as the honorable Senator from Belleville had proposed. This subject was occupying the attention of the Imperial Parliament, and they were adopting a more improved system of prison labor. He did not intend to oppose the bill, but he thought it indicated anything but an advance in our legislation.

Hon. Mr. FLINT said something must be done to relieve our jails of the large numbers that fill them. At present they know they are going there to be fed and clothed and kept in idleness, because there cannot be work for them to do. He had been a member of the County Council of Hastings for twenty-four years, and had a pretty good idea of what had been done in that time, and he did not believe that ten per cent. of the work required to be done about the jails had been done by the prisoners. They were careful to get in when there was nothing for them to do. It was not because he wished to be cruel to his fellow-men that he suggested the ball and chain should be used, but because he wished to be merciful to them. If people knew that confinement in jail was attended with such labor and disgrace, they would be more careful about pursuing a course that would send them there. He hoped something would be done to utilize the labor of the prisoners in our common jails.

The bill was read a second time.

#### OBSTRUCTION OF THE MAILS.

Hon. Mr. SCOTT moved the second reading of a bill to amend the Postoffice Act of

1875. He said the necessity of this bill arose from the strike that had occurred last winter. It proposed to amend section 72 of the Postoffice Act so as to make it apply to railways.

Hon. Mr. AIKINS asked what the word "abandoning" meant?

Hon. Mr. SCOTT said he supposed that when a driver left his engine he abandoned it.

Hon. Mr. AIKINS—If a driver leaves his engine in Toronto, for instance, is that abandoning it?

Hon. Mr. SCOTT—That is a legal question. It would depend entirely on the courts.

Hon. Mr. MILLER thought the language of the clause was quite clear. It implied a dereliction of duty, and taken in connection with the whole clause, the meaning was quite clear. He did not know that anything more definite could be substituted for it.

Hon. Mr. MACMASTER said this was intended to meet such cases as had occurred in the West last winter, when engineers had abandoned their engines several miles away from any station. Such a term would scarcely apply to a train abandoned at a station.

Hon. Mr. PENNY said the term was commonly used in reference to ships, and implied the abandonment of a vessel at any other port than the port of destination.

Hon. Mr. AIKINS said there was no analogy between a train and a ship. Suppose a train is destined for Stratford, and the driver leaves it at Toronto, is that abandoning it within the meaning of this act?

Hon. Mr. SCOTT—Then he abandons his train.

Hon. Mr. AIKINS—Then, no matter what his reasons may be, he suffers the penalty of the law?

Hon. Mr. PENNY—If he abandons the train at the wrong station, it is like a sailor abandoning his ship at the wrong port.

Hon. Mr. MILLER said he did not know a clearer term that could be employed than this. A driver leaving his train and placing another in charge of it would not come under this clause. It was leaving a train unprotected.

Hon. Mr. PENNY—It is never used in a good sense.

The bill was read a second time.

Bill to amend the Act to incorporate the Bridge Company of Riviere du Loup, in the County of Maskinonge, was read a second time.

THE DOMINION BUILDING SOCIETY.

Hon. Mr. BELLEROSE moved the second reading of the bill to incorporate the Dominion Building Society under the name of the Dominion Mortgage Loan Company.

Hon. Mr. BUREAU said he had very strong objections to this bill, which he would state in committee.

Hon. Mr. MILLER said if the objections were to the principle of the bill, they should be stated on the second reading.

Hon. Mr. BUREAU said the first objection was, this Company had been incorporated under the 69th chapter of the Consolidated Statutes of Lower Canada. By that statute, the rate of interest was fixed at 6 per cent. and a bonus besides, and certain forms were required for the organization of the corporation. The Society had also made some by-laws, which the Senate was asked to ratify, although they were not before the House. In many instances those by-laws altered the original act, and empowered them to take eight or nine per cent., and some said as high as ten per cent., which was paid in advance, and not in the usual manner. The Company asked this House to approve of their by-laws *en bloc*—by-laws which were not before the House. More than that, they asked the House by another clause to ratify all their claims, whether right or wrong, and saddle on debtors burdens which were perfectly unjust. They also invoked an act which was not yet in existence, but which was under consideration in the other House. This was something new in our legislation. The honorable Senator from Toronto (Mr. Macpherson) had brought in a bill to deal with all such cases in Ontario. But instead of coming under a public act, the promoters of this bill by a side wind asked special rights and privileges to be granted them by private legislation. Another objection to this bill was the fact that the names of the directors did not appear in it. It was a rule that three names, or at least one, should appear in any bill for the incorporation of a private company. Whether this bill passed or not, there were decisions in the English courts to show that such legislation could not affect the rights of parties that would be injured by such private bill. In one instance, while the Committee were proceeding with a private bill they received an injunction from a court of justice. The Committee took into consideration the injunction of the court and stated, as they generally did in such cases, the preamble of the bill had not been proved. This was an important matter, and so far as the Province of Quebec was concerned, he would do what he could to see

that one company did not get powers that were denied to others.

Hon. Mr. BELLEROSE said he would meet those objections in committee.

The Bill was read a second time.

#### MILITIA PAYMENTS.

Hon. Mr. SCOTT moved the second reading of the bill to make further provision for the payment of the active militia when called out in certain cases in aid of the civil power. He said it was to provide that when the militia were called out for active service in aid of the civil power in case of riot, disturbance of the peace, or other emergency, such as the detention of a railway train or a riot beyond the power of the civil authorities to deal with, the payment of the militia force so required, shall be considered to some extent a fair charge on the revenue, and shall be provided for out of the Consolidated Revenue Fund of the Dominion.

The bill was read a second time.

The House adjourned at 9.45.

TUESDAY, April 10th.

The SPEAKER took the chair at three o'clock p.m.

After routine,

#### THE GREAT SEAL OF NOVA SCOTIA.

Hon. Mr. DICKEY moved:—"That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all minutes of the Privy Council of Canada, or of the Province of Nova Scotia communicated to the Government of the Dominion; as also of all despatches to and from the Right Honorable the Secretary of State for the Colonies and the Governor General, or the Lieutenant-Governor of Nova Scotia, or the Provincial Secretary of that Province and the Secretary of State from the 25th May, 1868, to the present time, touching the question of a new Great Seal assigned by Her Majesty for the Province of Nova Scotia, and to include copies of the Royal Warrants for this purpose." He said he need hardly make an apology for asking the attention of the House to a matter of this importance, involving as it did the validity of the legislation of the Province of Nova Scotia, grants from the Crown, and other interests of equally high character. The facts were, shortly, these. Her Majesty the Queen, as the fountain of honor, had, on the 26th May 1868, granted a Royal Warrant, assigning armorial bearings to the Dominion, and to the then four provinces of the Dominion,

with a Great Seal for Canada. A certified copy of this warrant was enclosed to the Governor General, on the 24th October, 1868. On the 8th May, 1869, Lord Granville, then Secretary of State for the Colonies, communicated to His Excellency the Governor General, another order, or Royal Warrant, which was dated on the 7th May, 1869, transmitting five seals, that is, one for the Dominion and for each of the four provinces, and requiring that these seals be used for sealing all acts that were required to be sealed with the seal of the province, and to return the five old seals to be defaced by Her Majesty. The then Minister of Justice, who seemed to have some doubt of the power of Her Majesty to apply these armorial bearings to the different provinces, and who assumed it was rather the office of the Governor General, had expressed these doubts in the Minutes of Council, which were transmitted to Lord Granville on the 20th June, 1869. Lord Granville, after due consideration, on the 25th August wrote as follows:—

"Nor do I entertain any doubt that in Her Majesty alone is vested a like power with respect to the Great Seals of Nova Scotia and New Brunswick," and he concludes with a suggestion as to future seals. There being thus an authoritative decision, the Government of Canada took steps to communicate that decision to the different provinces, and amongst others to Nova Scotia, and published the despatches and Royal Warrant in the *Canada Gazette* of 20th Nov., 1869. On the 24th November, 1869, the Secretary of State for the Provinces communicated this order of Her Majesty to the Lieut.-Governor, and that is the only part of the correspondence which he wished to trouble the House by reading. Mr. Howe, the then Secretary of State, on the 24th November, 1869, wrote as follows:—"Upon the delivery into your hands of the Great Seal, you will have the goodness to take measures to carry out Her Majesty's pleasure as indicated in the accompanying correspondence by adopting the said seal as the Great Seal of the Province of Nova Scotia. You will also be pleased to transmit to me the old seal with a view to its being returned to Her Majesty for purpose of being defaced." Then comes an important document which only lately became public. On the 10th December, 1869, Sir Hastings Doyle acknowledged this letter, adding:—"I have also received at the hands of the President of the Privy Council the new seal of the Province of Nova Scotia. I shall take the first available opportunity of transmitting the old seal to His Excellency the Governor-General, in order that it may be

returned to the Secretary of State for the Colonies."

That brought the matter down to the 10th December, 1869. In February, 1870, the Executive Council of Nova Scotia passed a minute of council expressing their desire that the old seal should be continued. Whether that minute was ever forwarded to Her Majesty, or to the Secretary of State for the Colonies to be laid before Her Majesty, did not appear, so far as he knew, although it might be in the knowledge of the Ministers of the present Government. At all events, nothing was done; therefore the order of Her Majesty, communicated in the regular way to the Lieut. Governor through the Dominion Government, remained in force. Unfortunately, although the seal went to Halifax, and remained in the custody of the proper officer there, and had remained there ever since, it had not been used. Hence all the public acts, except one, which had been performed had been authenticated under the old seal. Therefore a grave question arose whether the proceedings taken under the old seal were illegal; or, if so, what remedy was to be applied? The matter came to an issue in consequence of a question of precedence having arisen between some gentlemen who had been appointed Queen's Counsel—one by the Dominion, the others by Nova Scotia. It was a curious circumstance in connection with this matter, that when the acts of the province were revised some four years ago, there appeared upon the title page of the Revised Statutes of Nova Scotia the impress of this new seal—the legal seal. Since December, 1869, the only seal used in the Province of Nova Scotia, except in this particular instance, was the old seal, and the House could well understand the recent complication of matters. Under the old seal legislative councillors had been appointed, the present House of Assembly had been summoned, grants of land had been issued, and besides the doubt of the validity of these acts, other grave consequences might result unless some means was taken to validate the acts consummated under the old seal. The question arose in the Supreme Court lately, and he would give the decision of the chief justice, who expressed the opinion of three out of the five judges. It was as follows:—

"Upon the evidence in the *Gazette*, were there nothing else, the main question reverts, which of the two seals is the seal of this Province? and, I am of opinion that the new seal, after its delivery to the Lieutenant Governor in 1869, became, and is now, the Great Seal of Nova Scotia, and the only one."

That brought the matter down to where it was at present, and he desired to ask the Secretary of State whether the decision had been communicated to the Government, and what steps they were prepared to take or to advise under the circumstances? His honorable friend would hardly accuse him of any unnecessary curiosity in this matter, as it was one with regard to which the Provincial Secretary in the House of Assembly only a week ago used the following language:—

"He was at liberty to say that the Lieutenant-Governor had sent a full statement of everything that had occurred in reference to the matter, including the decision of the judges of the Supreme Court and the proposed draft of address to the Queen, to Ottawa, immediately after the decisions were given, but he (P. S.) was not aware whether any reply had been received."

It would be seen from this that the whole facts of the case were before the Dominion Government at the present moment. He noticed that the Provincial Government appeared to have altered their mode of procedure, because he had observed that only a few days ago they had introduced, instead of an address to the Queen, a bill in the House of Assembly, elected under the old seal, to validate their own acts, and that the bill was supposed to afford a sufficient remedy. At the first blush it seemed to strike everyone who was cognizant of the facts that it was hardly the regular mode of getting out of the difficulty, because if the old seal were invalid as decided by the court, and the new seal were the only one under which the warrants for election could be issued, the elections would be irregular. To show that he was not alone in that opinion, he would give the opinion of the Attorney-General of Nova Scotia, which had been advanced before the judges had given their decision. It was as follows:—

"In answer to the leader of the Opposition, who asked if it was intended to pass a local act, the Attorney-General pointed out that the difficulty of passing a local act would be, that if the use of the old seal was invalid, the writ by which the local parliament was summoned was also invalid, and a local act would be of no utility whatever."

The House would see exactly what complication this question had, now assumed. He could fancy in what a variety of ways the interests of the Dominion might be indirectly affected, and it was in order to elicit from the Government an expression of opinion as to what was to be done to remedy

this state of affairs, that he had made the motion now before the House.

Hon. Mr. SCOTT said the facts of the case were as the honorable gentleman had stated them. Unfortunately, the minute of 1870, to which the honorable gentleman had made reference, though it had been sent to Ottawa for the purpose of being forwarded to the Imperial Government, was never so transmitted. That minute expressed a wish that the old seal should be retained, and, while acquiescing in the right of Her Majesty to design a new seal for Nova Scotia, it prayed to be allowed to retain the old one. By some extraordinary circumstance it passed into the hands of Mr. Howe, then Secretary of State, and no action was taken on it. The proper course would have been to have transmitted it to the Governor General, who would have transmitted it to the Secretary of State for the Colonies. There was a circumstance which had considerable weight in this question, and it was the fact that in the correspondence both of Sir John Macdonald and Earl Granville, on the subject of the change of seal, they had stated inferentially that Nova Scotia and New Brunswick ought to enjoy the same privilege as that conferred by the British North America Act on Ontario and Quebec. In that act the provinces of Ontario and Quebec were allowed to adopt whatever seals they pleased. He mentioned this as an important fact which would no doubt have its bearing on the case as it developed. It would not be in the public interest to bring down copies of the correspondence which was now going on, or to suggest how the error was to be remedied. The Dominion Government desired to meet the wishes of the Province of Nova Scotia in legalizing, if necessary, any papers, documents, or acts, sealed with the old seal. It would be the desire of this Government and he had no doubt, of the Imperial Government, to confirm the acts of Nova Scotia, performed under the old seal. He was inclined to think, also, it would not involve a very grave question. So far as he could gather from gentlemen who had given this subject consideration, the opinion seemed to be that the warrant of Her Majesty was simply directory, and that it was not of that peremptory character that necessitated the use of the new seal. The old seal was also issued under a royal warrant, and the mere act of continuing to use that seal would hardly invalidate the acts of the legislature. The new seal could scarcely supplant the old one, if the warrant were simply a directory one. It was perhaps unfortunate that the Supreme Court of Nova Scotia had felt it their duty to refer to this matter—it was not

a point in question. The point was, whether the act of 1874 was retroactive or not. The other matter was simply an incident. It would be scarcely fair to say that the Court had given this subject their mature consideration, as they would have done if this seal had been directly in issue. While the correspondence was going on between the Imperial Government and this Government, it would be manifestly improper to bring down the papers.

Hon. Mr. MILLER said the honorable the Secretary of State had assumed, throughout his argument, that the question was undecided, or, rather that the judgment given by the Supreme Court of Nova Scotia was an unsound one; for he had clearly thrown out the opinion entertained by the Government, that the warrant addressed to the Governor General, in 1868, was merely directory, and, therefore, that the old seal was legally in use.

Hon. Mr. SCOTT—I did not go that far.

Hon. Mr. MILLER certainly deduced from the honorable gentleman's remarks, that he spoke for the Government in saying that the warrant was merely directory, and that until it was accepted and carried out by the local authorities it had no force and efficacy whatever. In the face of the facts stated by the honorable gentleman who brought this subject under the consideration of the House, that the whole question had been thoroughly argued, entertained and decided by the Supreme Court of Nova Scotia, and that the old seal was decided not to be the seal of that Province, but that the new seal was the only seal of the Province, he (Mr. Miller) could not refrain from expressing his surprise that a Minister of the Crown would undertake to say that the warrant of 1868 was simply directory.

Hon. Mr. SCOTT denied that he had made such a statement. What he had said was that taking into consideration the correspondence of Earl Granville and of Sir John Macdonald, in which both expressed the opinion that inferentially, under the British North America Act, Nova Scotia and New Brunswick had the same right to select their own seals as Ontario and Quebec, that were specially named, and as the seal in use had its authority in a Royal Warrant, one would scarcely be straining a conclusion in coming to the judgment that the old seal, notwithstanding the sending out of the new seal, was still valid. He had not expressed that opinion absolutely.

Hon. Mr. MILLER said the honorable gentleman had argued by inference that the judgment of the Supreme Court of Nova Scotia was wrong, and if it were wrong it must be set aside by the highest tribunal.

It did not follow because Ontario and Quebec were allowed by the Act of British North America to select their own seals, that Nova Scotia possessed the same power. It was a privilege specially conferred upon these two provinces by the Act of Union. The prerogative of the Crown in regard to these two provinces, in this matter, was expressly surrendered, but not so in the case of Nova Scotia, and, therefore, the latter province occupied a different position from the other two. The judgment of the Supreme Court of Nova Scotia had been delivered in this way:—In 1870 or 1872 the Dominion Government appointed certain Queen's counsel; afterwards, by the legislation of the local parliament, the right of appointing Queen's counsel was transferred to the local government. Under that act several gentlemen were appointed and given precedence over those appointed by the Dominion Government. The question arose as to which had precedence, and it was argued before the Supreme Court. Several points were taken, one being that the patents issued to the provincial Queen's counsel were under the wrong seal; another, that the act was retro-active. It was true the judges decided by a majority of four to one that the act was not retro-active. That decided the question of precedence, but if it had not done so the intention was to take the question to the Privy Council, or the Supreme Court of Canada. Therefore, it became necessary to argue and decide every point upon which the case could turn. The insinuations which had been thrown out against the Supreme Court of Nova Scotia that they had gone beyond their duty were hardly justified by the facts. It was perfectly right and proper for them to consider the question of the legality of the seal, as it was one of the points on which contention arose before that tribunal. But even supposing it were not necessary, it was so intimately connected with the public affairs of that province that it was almost imperative on the highest tribunal of Nova Scotia to adjudicate upon it, if it were at all fairly brought before it and instead of being subject to any reflections for taking that course, the Supreme Court was entitled to the thanks of the country for what they had done. He thought the Dominion Government should not have allowed this matter to have remained in abeyance so long.

Hon. Mr. SCOTT—It is not a matter for the Dominion Government to deal with.

Hon. Mr. MILLER contended it was.

Hon. Mr. SCOTT—In what way?

Hon. Mr. MILLER said the question was in this position. Here was the decision of the highest court of Nova Scotia that the

local parliament was an illegal body, because the seal used in calling that parliament together was wrong, and, consequently, the parliament and all its proceedings were illegal. Whose duty, therefore, was it, constitutionally, to interfere and obtain a legal parliament? Clearly the Lieutenant Governor's, the representative of the Governor General in that Province. The Lieutenant Governor was an officer of this Government, and it was the duty of this Government to advise that officer as to the course he should pursue under the circumstances. There could be no question but that under the old regime—when the governors were appointed from England—the Colonial Secretary would have advised the Governor what course to pursue under such circumstances, especially as the case was one which referred exclusively to the prerogative of the Crown.

Hon. Mr. DICKEY—The Lieutenant Governor did apply to the Dominion Government.

Hon. Mr. MILLER said he had not been aware of that, but it was just the course one would expect that gentleman, from his knowledge of constitutional law, to pursue—that he would come here to this Government, whose officer he was, to ask for instructions under the circumstances. It appeared to him (Mr. Miller) that the course to pursue was plain.

Hon. Mr. SCOTT—Can we legislate?

Hon. Mr. MILLER—No, this Parliament had not the power to legislate. The Legislature of Nova Scotia was just as independent, within the limits of its own functions, as this Parliament. The Imperial Parliament might possess the power, but they certainly had not the right to legislate under the circumstances. The clear course would be to obtain a legal parliament for Nova Scotia by the calling together of a parliament under the new seal of the Province, and to allow that body to ratify the illegal acts of its predecessors. That course would be resorted to at once, he presumed, if it were not the general belief in Nova Scotia that an appeal to the people would send the present Government to the wall. It had been suggested to ask the Imperial Parliament for legislation to confirm irregularities in connection with the seal of Nova Scotia. The right of the Imperial Parliament to do so was very questionable indeed. More than that, would it not be unreasonable to ask the great Parliament of the Empire to go out of its way to legislate on matters of which they must be wholly uninformed, to ask it to confirm the acts of legislation of Nova Scotia during the past nine years—to legislate in the dark, when, by a much more simple process,

the difficulty could be overcome? He hoped the matter would engage the serious attention of the Government, and that no political feeling, either here or in Nova Scotia, would be allowed to prevent the proper course being taken to remedy the unfortunate state of confusion into which this blunder, on the part of the local authorities, had brought the public affairs of Nova Scotia.

Hon. Mr. DICKEY said, in making the motion he had purposely abstained from going outside the terms of it, or recommending any course to be adopted. He had suggested at the time, in sufficiently clear terms, that he would ask the Government what course they would be expected to adopt under the circumstances. At the same time, had he not been restrained by those considerations he would have been prepared to give information, which was in entire accordance with what had been expressed by the honorable senator from Richmond. The honorable Secretary of State had not given quite so satisfactory an answer as the House had a right to expect from him, because the Government had been put in possession of all the facts, and they should state in some way what course they proposed to adopt, or to recommend, or if state reasons prevented them from taking any steps, they should say so. The honorable gentleman had made a mistake in supposing the judgment had not turned on the great seal.

Hon. Mr. SCOTT—1 understood it was not the sole point on which the decision was given.

Hon. Mr. DICKEY said the truth was, the Court was adjourned until the Provincial Secretary and his deputy could be heard on this very point of the Great Seal, and four-fifths of the judgment referred to the seal. The matter had been maturely gone into and with the assent of the Government. The Honorable Secretary of State had referred to the correspondence between Sir John Macdonald and Lord Granville, but the inference drawn by the latter from the privilege granted to Ontario and Quebec was the true one—that the fact of exceptions having been made in favor of Ontario and Quebec excluded the idea that the other provinces were to have the privilege of selecting their own seals. The whole argument was to that effect. This correspondence took place months before the new seal was delivered. He was sorry the Government were not in a position to indicate to the House what course was to be adopted to remedy the state of things which existed in Nova Scotia. If they were not in a position to

bring down the correspondence that had taken place, he did not know that it was in the public interest to ask for the other part of the correspondence, because it was to be found in the *Canada Gazette*. He would therefore ask leave to withdraw his motion.

The motion was withdrawn.

MONTREAL HARBOR COMMISSION.

Hon. Mr. GUEVREMONT moved that a select committee, consisting of the Hon. Messrs. Bellerose, Chaffers, Chapais, Ferrier, Paquet, Penny and the mover, be appointed to inquire into the causes of the dismissal of Pierre Coté and Pierre Charbonneau by the Montreal Harbor Commissioners, or by their employees, with power to send for persons, papers and records, and to report from time to time; the said committee to have power also to examine witnesses on oath, inasmuch as it is desirable that it should be done. He said it was but due to the House that he should give some reasons for moving this resolution. He had received information, which he believed to be quite correct, which made it his duty to ask for the appointment of this committee to enquire into the allegations against the Harbor Commissioners. In 1874 Coté was engaged at \$24 per month to work at Sorel. If the committee should be appointed it could be shown that Coté had refused \$4 a day to go to the United States, preferring to remain in Canada. For three months he received \$24 per month, but after that deductions were made; but he worked on, hoping that his services would be recognized in the future. After a time he was discharged without any reason being assigned. He believed it could be shown that Coté was dismissed for refusing to swear falsely in a case in which the superintendent was personally interested. The other man named in this resolution had been employed in the navigation of the St. Lawrence for thirty years, and had saved several persons from drowning. He had also lost his son, who was drowned while rescuing a fellow-workman from a watery grave. This man had been dismissed without any reason being assigned for his dismissal. This was why he asked for the appointment of this committee, and he believed if it were granted he would be able to show that a grave injustice had been perpetrated.

Hon. Mr. CARRALL hoped this committee would be granted, as others of a similar kind had been granted in the past.

Hon. Mr. PELLETIER said the Government had no objection to this committee, and would give all the information in their possession and do all they could to facilitate

the enquiry. Some time ago a motion had been made in this House asking for information concerning those dismissals. On enquiry it was found there were no documents on the subject in the Departments, and the Government had written to the Harbor Commissioners asking for explanations. The reply was now in the hands of the Government, and was the only return they could lay on the table of the House. He hoped the Senate would not take this as a precedent that the Government acknowledged themselves responsible for the acts of the Harbor Commissioners. It was true a certain number of the Commissioners were appointed by the Government, but it was only to see that the funds were properly expended. They had nothing to do with the internal management of the Commission. If any abuses had been committed, the Government would do all in their power to correct them. He begged to lay before the House the return to which he had referred.

Hon. Mr. CAMPBELL was very glad the Government had assented to this motion. He considered it a case eminently deserving of enquiry. The committee would, no doubt, get at the truth of the allegations which had been made, and if the injustice which was complained of had really been committed, it certainly deserved reprobation.

Hon. Mr. BELLERUSE wished to know if there was no means to hold the Harbor Commissioners responsible for their acts?

Hon. Mr. PELLETIER repeated that the Government had only power to nominate a certain number of the commissioners. He did not think the Government had power to interfere in such matters as the honorable senator had brought under the notice of the House.

Hon. Mr. BELLERUSE said the commissioners should not be in a position to be so very independent. It was well known that for three or four years they had worked against the public interest by helping a certain line of steamers to break down and ruin rival companies. It was only right therefore, that those gentlemen should be answerable to somebody. While steamers belonging to the Richelieu and Ontario company paid \$35 per day for wharfage, steamers with half their capacity paid \$30. Then, when the Union Navigation Company asked for wharves they could not get them except in remote parts where passengers could hardly get to them. They should be answerable to some tribunal and that tribunal was the Government and Parliament of the Dominion.

Hon. Mr. MILLER said the only difficulty he had in this matter was that he did not

see the control this Parliament had over the question in consequence of the independence of the Harbor Commissioners. If, however, a majority of the commissioners were appointed by the Government, those gentlemen, at all events would be responsible to the Government.

Hon. Mr. TRUDEL said the facts which had just been laid before the House, taken in connection with the case he had laid before them yesterday showed the necessity of taking some steps to protect the public interests against this commission. While it had extraordinary powers conferred upon it and had the expenditure of large sums of money, they seemed to be responsible to nobody, occupying, in this respect, a most anomalous position. The Government should feel the necessity of introducing some legislation to restrict the powers of such a tyrannical and irresponsible body. He was under the impression that the mere fact of a majority of the commissioners being appointed by the Government, was sufficient to give the latter power to force them to render an account of their administration.

Hon. Mr. SCOTT said the Harbor Commissioners were a body that should be amenable to public opinion. Four of them represented the public interests of Montreal. One was appointed by the Corn Exchange, one by the Board of Trade, one by the City Council and one by the shipping interest. One would imagine that four gentlemen appointed in this way, with the five appointed by the Government, all respectable men, and all having an interest in Montreal, would not be open to the charges made against them. He would not believe that they could not give a satisfactory explanation of them. Whether they had erred or not, he (Mr. Scott) would not undertake to defend them. Certainly, in the case brought up by the Hon. Senator from Montreal, it seemed extraordinary they should have refused the accommodation asked for.

Hon. Mr. TRUDEL did not question the respectability of the Commissioners, but they were swayed by local and private interests like other men. No doubt they acted in perfect good faith, but personal interest sometimes blinds people so much as to prevent them seeing clearly on which side justice and fair play lie. The Commissioners did not represent the whole community, and that was a reason why they should not have such large powers conferred upon them. It is absolutely necessary, in the public interest that the Government should have control over them.

Hon. Mr. PENNY said it was hardly fair to take it for granted that the statements



made with regard to the Harbor Commissioners were entirely correct. He did not doubt they were made in good faith, but if the other side were heard it might put a very different complexion on them. Of course this body, like all other bodies appointed by the Government, was under the control of the Government, and those representing the Government could be dismissed at any moment if they had done wrong to an extent to merit dismissal. Ever since he had known Montreal, which was more years than he liked to think of, this Board had been composed in this manner, and very few interests in the country had been administered equally well, by the old Board as well as by the new. At the same time such a grave breach of propriety as had been represented here should be enquired into and corrected, if possible. It was equally obvious that a body of gentlemen such as those commissioners should not be hauled over the coals for every petty dismissal of a servant, and treated as if they exercised no control over their employes.

Hon. Mr. TRUDEL reminded the honorable gentleman that, in stating his case the other day, he had given not merely his own statement, but facts that had been made public, and even the explanation of the Commissioners themselves.

The motion was carried.

PICTOU BRANCH RAILWAY.

The House went into Committee of the Whole on the Truro and Pictou Railway transfer bill, Hon. Mr. Girard in the chair.

Hon. Mr. SCOTT said when the bill was up for second reading a day or two ago, the honorable gentleman from Toronto desired some information as to the length of road that had been re-laid with steel rails. He had since then ascertained the road had been all re-laid with steel rails with the exception of ten miles, and there was an entire change of gauge in 1875.

Hon. Mr. MACPHERSON said this was without exception the most extraordinary announcement of the many extraordinary announcements he had heard from the Government. Here was a road which it had been decided by resolution of the House of Commons in 1874 to transfer to a company, yet in 1875 the whole road, with the exception of ten miles, had been re-laid with steel rails by the Government. The road was fifty-two miles in length, so there must have been forty-two miles of steel rails laid. He could hardly find words to express his amazement at the action of the Government in giving away this large amount of money or money's worth. He was sure that even the supporters of

the Government would share in this surprise. The Government had been giving away iron rails in the Maritime Provinces, and the fact that they found companies prepared to take them and lay them down on their roads proved they were of use, and if any part of the Truro and Pictou road was unsafe it could have been repaired with the iron rails they had on hand and were giving away. Truly it was another chapter in the history of this unfortunate steel rail speculation, made by the Government soon after they came into power. The improvements that had been made on the Pictou branch, after Parliament had resolved to transfer it to a company, were, as far as he had an opportunity to glean from the departmental reports, as follow:—

Pictou Landing Wharf.....	\$21,524 81
Pictou Wharf.....	10,018 80
	<hr/>
	\$31,543 61

RENEWALS.

Ferry Boat, Pictou.....	\$30,000 00
Repairs to Wharves.....	9,527 71
Improvements, &c., New Glasgow	6,298 03
	<hr/>
	\$77,369 35

The Government informed the House that they had to make repairs and alterations on this road in order to induce parties to take it off their hands, and that there was not sufficient business to pay running expenses. If there was not sufficient traffic to make the road pay running expenses, why were wharves and platforms extended, new sidings put down and sheds erected? The whole of these expenditures might have been passed over as insignificant, but for the information given to the House to-day by the Hon. Secretary of State, that forty-two miles of the road had been re-laid with steel rails after Parliament had resolved to transfer it to a private company, and without any stipulations that such expenditure should be made.

Hon. Mr. MILLER said he thought his honorable friend was hardly adopting a fair course in the line which he was taking, as he could not see what the action of the Government had to do—even if it was open to censure—with the first clause of the bill under discussion. If the argument of his honorable friend proved anything it afforded the best proof the House could possibly have in favor of the bill, because, if this railway had been such a burthen to the finances of the country it must be evident to every honorable gentleman that the sooner the Government got rid of it the better. It was the only branch railway which the Government owned in the Pro-

vince of Nova Scotia, and after it was parted with they would own no other road there except the trunk line. He was not prepared to admit the justice of the censure which had been passed on the Government respecting the laying of the road with steel rails. Although Parliament had expressed willingness to part with the road, it took two parties to make the bargain, and as negotiations had failed with the company who were expected to extend the road, the Government were bound to maintain it in a good state of repair until some other parties could be induced to take it off their hands on the terms offered. The late Government were willing, in 1873, to hand over this road to any company that would undertake to extend it; although there was no minute of Council to that effect, still it was an understood thing that such was the policy of the Government. A company could have been found to extend it to the Strait of Canso, but a sectional difficulty arose, as the people of Cape Breton would not be satisfied with anything less than its extension to Louisburg. In 1875 the prospects of the road being extended by a company became so doubtful that when the change of gauge was made by the Grand Trunk Railway, the Government were compelled to change the gauge of the Intercolonial and its branches; and there being no immediate prospect of the Pictou branch being taken off their hands, they thought it wise to re-lay it with steel rails, as they had a large quantity of them on hand at the time. They had not acted as generously in this transfer as they might have done. They might have given over the rolling stock with the road; if the late Government had been in power they would have done so.

Hon. Mr. MACPHERSON said if the discussion were out of place at this stage of the bill, it was only brought up now because the information on which it arose had only been obtained within the past few minutes. His honorable friend evidently misapprehended the meaning he (Mr. Macpherson) wished to convey with respect to this road. What he desired to say was this, that a railway which required so large an expenditure for new wharves, sidings, platforms and rails must have a great deal of traffic and a growing traffic, and could not be the worthless property it had been represented. If the information respecting steel rails had been given to Parliament in the proper way it would not have been so suspicious, but the information had been withheld by the Government, although it should have been communicated at the time of the introduction of the bill in the Lower House.

Hon. Mr. READ thought the Government were to be congratulated that they had, apparently, found a way to dispose of another portion of those unfortunate rails, and it was only a pity that Ontario and Quebec could not have a fair share of them too, instead of allowing such a large quantity to rust out. At the ordinary cost of steel rails, the re-laying of forty-two miles of the Pictou branch would be about \$226,800, calculating the cost of the rails and the laying of them at sixty dollars per ton. It was immaterial to the country what became of the rails, as they had to be used, and he was pleased that his friends from the Maritime Provinces were getting some benefit from them. The fact that there had been a change of gauge on the road was no excuse for the relaying with steel rails, as new rails were not necessary for the change.

Hon. Mr. TRUDEL said Quebec would, to a certain extent, approve of the steel rails being utilized on this road, as they were in hopes that they might be able to obtain the old rails for their road from Quebec to St. Johns—so they might view this policy of the Government in a favorable light.

Hon. Mr. MACFARLANE said the Pictou branch had been in operation for twelve years, and he was satisfied it was a road that had a great deal of traffic, and that it was the best paying portion of the Intercolonial Railway. There was a large traffic over it from the Pictou mines, and the rails had been worn out, so that it became absolutely necessary to put it in good repair. The improvements on the Pictou wharves were also necessary to accommodate the Intercolonial Railway, and interprovincial trade by the steamers of the Saint Lawrence. He was of the opinion that the road should have been retained by the Government, as it was the one link that connected the St. Lawrence with the Pictou mines, and he believed the time would not be very distant when it would be in the interest of the Dominion for the Government to extend it to the eastern end of the Province.

Hon. Mr. GRANT said the original wharf at Pictou had been built twelve or fourteen years ago, and it had been damaged a great many times by ice. The trade of the port had grown very rapidly during the last five years,—so much so that it necessitated not only the repairing of the old wharf but the construction of a large extension to accommodate the trade between Montreal and Halifax. The ferry boat which had been in use there for eight or ten years was not adapted for the harbor, and it had been found necessary to have a boat sufficiently powerful to cut

her way through in the fall and spring. The new boat which was built by the Government was admirably adapted for the purpose. She was so powerful that she cut her way through the ice while teams were driving alongside her. The cost of this boat should not be put down to this expenditure, because the old one had been removed to Halifax where it was now doing duty. He considered the Pictou branch was a most valuable property, as far as accommodation to the country was concerned, and the Government were bound to keep it in repair. He thought the road might yet have to be returned to the hands of the Government, as he could not see how any railroad, if it only made one per cent. on the investment could hold out any inducements to capitalists to lend money for the extension of it to the Gut of Canso. It was natural that the people of Cape Breton should be anxious for railway extension. In the western part of Nova Scotia railroads had been built for some time and partly at their expense, but it was not the opinion of the people in other parts of Nova Scotia that the transfer of the Pictou and Truro road, as a free gift to a company, was a judicious measure. It was hoped that the Government would endeavor to subsidize the contractors in some other way. It was no good reason that, because the investment did not yield a money return, it should have been parted with; for the same reason they might dispose of the Intercolonial Railway and many other public works; however, this transfer was settled upon and one of two evils—either a further delay in building eastward, or accepting the gift of the Pictou and Truro road, to assist in its immediate construction—had to be adopted. The people of Cape Breton, the Legislature of Nova Scotia, and the Dominion Government, all seemed to agree to deal with this line as Artemus Ward wished to deal with his wife's relations—sacrifice it for the public good. So far, he agreed with them, that delay was worse than even that sacrifice, and he would support the bill on that ground.

Hon. Mr. MILLER said he always considered the wisest thing for the Government to do would be to retain the road themselves, and extend it east to Louisburg as a portion of the great Transcontinental Railway. He hoped the company that were now getting the road would be successful in extending it as far as the Strait of Canso, and maintaining it afterwards.

At 6 p.m. the Committee rose and reported progress, and asked leave to sit again.

*After Recess*

In Committee the debate on the Truro and

Pictou Branch Railway transfer was resumed.

Hon. Mr. AIKINS thought the House could fairly complain that when a matter of this kind was under discussion, the Government had not acted candidly in withholding the information respecting the large expenditure for re-laying the road with steel rails, which, with other improvements, amounted to \$280,000 in two years. He had always been of the opinion that the Government should retain the road and work it themselves, and he did not consider it wise to hand it over to a company after expending so much money on it. A few days ago a deputation had waited on the Premier and asked for the loan of sufficient rails to lay the branch from Prince Arthur's Landing to Kaministiquia, but they had been refused, although the Government had sufficient rails lying idle at Kaministiquia to lay seventy miles more road than they could build in the next six years. Yet the Government were going to hand over the Pictou branch to a company for nothing, and take it off their hands again if they could not run it, although they had no security that it would be returned in as good a state of repair, or that the net earnings would be returned with the road. He thought this was a subject for a committee of enquiry.

Hon. Mr. PENNY said if the honorable gentleman would move for one he would vote for it.

Hon. Mr. SCOTT said the road was only to be transferred after the company had expended \$400,000 on the extension, and the fair inference was that the railway would be that much better if the company were compelled to return it to the Government. He ventured to say if the road had not been re-laid with the steel rails in 1875 this House would not have this bill under consideration to-day, as no company would have undertaken to extend the railway without its being in its present state of repair. The honorable gentleman from Toronto had insinuated there was something concealed.

Hon. Mr. MACPHERSON—I insinuated nothing; I stated it broadly.

Hon. Mr. AIKINS—I insinuated nothing; I said the information had been withheld by the Government from Parliament.

Hon. Mr. SCOTT—I gave the information as soon as my attention was called to it.

Hon. Mr. MACPHERSON asked if the Honorable Secretary of State justified the action of the Government in expending some \$300,000 on this road without the consent or knowledge of Parliament, and then attempting to carry a bill through this House, without giving information of

that expenditure? What kind of government were we now living under? Was it the Reform Government that was to be *par excellence* a government that would do nothing without the consent of Parliament? Was it this Government that had expended \$300,000 on this road without the consent of Parliament, and then smuggled a bill for its transfer to a private company through the other House? It was an act that might be expected from a high Tory government, but not from a Reform administration. It was evident the honorable gentleman had not changed his Tory principles when he changed his colors.

Hon. Mr. SCOTT—There is a vote for all the expenditure.

Hon. Mr. MACPHERSON—Was there any vote for re-laying this road with steel rails?

Hon. Mr. SCOTT—Certainly, there was. It was part of the Intercolonial expenditure.

Hon. Mr. McLELAN said this road originally cost \$2,000,000, and the fact of its having to be re-laid with steel rails proved that there had been a large amount of traffic over it, and he considered it to be the best paying part of the Intercolonial Railway. The returns for the Intercolonial Railway for last year included this branch, and there was only a deficiency on the whole working expenses of \$27,000. This included 185 miles of new road from Monoton to Campbelltown, which had been opened in the previous fall, and worked through the winter. The returns to the 30th of June were for the worst part of the year, and the deficiency was calculated on the expenses of the whole road. He believed when the deficiency on the 185 miles was only \$27,000, including the working of a new road opened in the worst season of the year, the Pictou branch was worked at a considerable profit. He thought it unfair to the company who were to get this road, to run it down as being worthless, when they had to depend on it in order to float their bonds for the carrying out of the extension.

Hon. Mr. READ said he did not understand the Secretary of State to say it was worthless. On the contrary, the impression made upon his mind was that the property was so valuable that it was given to the company to raise money upon it. He had just been looking at the resolution passed in 1874, and it contained no reference to this expenditure of \$300,000 on this road. He did not see why there should be favoritism when these valuable properties were given away. Ontario should have a share.

Hon. Mr. HAYTHORNE said had it not been for the guarantees this bill afforded to

the people of P. E. I. that this branch would be maintained in an efficient state, he for one would not have given it his support. If the Government had handed the line over to the company in a delapidated state, so as to render travelling to Halifax dangerous or less rapid than it should be, the people of P. E. I. would have good reason to complain. He did not see that the Government were open to the strictures which had been indulged in against them. He believed their intentions had been fair and honorable, and the honorable senators from Toronto were on the wrong scent. If it was an object of national importance to have the eastern extension constructed, it was worth while for the Government to offer some inducement to a company to undertake the work.

The bill was reported without amendment, read a third time and passed.

The following bills, as amended by the Committee on Banking, Commerce and Railways, were read a third time and passed:—

To amend the Act incorporating the British Canadian Loan and Investment Company.

To amend the Act incorporating the London and Ontario Investment Company.

Bill to amend the law respecting appeals from convictions before, or orders by justices of the peace was read a second time and referred to a Committee of the Whole, Mr. Reesor in the chair.

Hon. Mr. HAYTHORNE called attention to the fact that this Act did not apply to the Province of Prince Edward Island.

After a brief discussion, the Committee rose and reported progress.

Bill to incorporate the St. Jacques Permanent Building Society was read a second time.

Hon. Mr. PELLETIER moved the adoption of the amendments made by the Committee of the Whole to the bill respecting tolls in the harbor of Montreal. He said although he was in a position to show that similar powers had been conferred before, and in the harbor of Montreal so far as the taxation of shipping was concerned, he was quite ready to respect the opinion of the House; and as he believed the tariff which already existed would be sufficient for several years, he had no objection to ask that the amendment be concurred in.

The motion was carried, and the bill was read a third time and passed.

Bill to provide for the employment without the walls of jails, of prisoners sentenced to imprisonment therein, was read a third time and passed.

The House adjourned at 9.15.

WEDNESDAY, April 11th.

The SPEAKER took the chair at three o'clock.

After routine,

THE PROHIBITORY LIQUOR LAW.

Hon. Mr. VIDAL moved :—

1st. That wherever under the authority of laws now in force, or that may hereafter be enacted, in any Province of the Dominion, the electors of any municipality or parish may by by-law have prohibited, or may yet prohibit, the issue of licenses for the sale of intoxicating liquors, by retail, within its territorial limits, it is, in the opinion of this House, desirable and expedient that such action should be sustained, and more full effect given to such by-law, by the enactment of a law prohibiting the issue of any license to manufacture such liquors, to take effect within the limits of such municipality or parish, under the authority of the Government of the Dominion.

2nd. That whenever the Legislature of any Province shall enact a law to prohibit the retail traffic in intoxicating liquors, of the issue of any license for such sale, within its territorial limits, it is, in the opinion of this House, desirable and expedient that such legislation should be sustained and aided by the Dominion Parliament enacting a law to prohibit the manufacture and the importation of intoxicating liquors within the territorial limits of such Province, except under such regulations and conditions as may be made by its legislature, in providing for the use of such liquors for mechanical and medical purposes.

3rd. That legislation on this subject to the extent mentioned in the foregoing resolutions being clearly within the powers of this Parliament, and involving no question of jurisdiction requiring to be decided by the Supreme Court,—it is, in the opinion of this House desirable and expedient that an act should be passed to prohibit the manufacture and importation of intoxicating liquors in the cases specified in the foregoing resolutions.

He (Mr. Vidal) said that in 1874 a very large number of petitions had been presented to the Senate praying for the passage of a prohibitory liquor law. These petitions had been carefully examined and reported upon by a committee of this House, and upon its recommendation, and that of a committee of the House of Commons, a commission had been appointed to ascertain the results of similar legislation in the United States. The commission prepared an able and exhaustive report which was presented to Parliament during the session of 1875. The Senate committee that year recommend-

ed that the Government should give attention to this question with the view of introducing a bill to prohibit the manufacture, importation or sale of intoxicating liquors in this country. Very naturally the petitioners, representing in the aggregate some 500,000 of our population, looked to Parliament for some action to be taken, seeing that this House had so clearly and distinctly affirmed the right to propose such legislation, and had, in fact, recommended it. It was then that the advocates of prohibition were met, for the first time, with the question of jurisdiction; a question which had been made a very convenient excuse for laying aside this very important matter, and because this doubt of the extent of jurisdiction could be advanced, the Government, notwithstanding Parliament had called attention to this subject, had not come forward with any proposition whatever to show their desire to repress the evils resulting from the traffic in intoxicating liquors. The Minister of Justice had clearly stated that until this question of jurisdiction should be decided no step could be taken, and the Government were not prepared to make any move towards obtaining that decision; that, in fact, until some private individual or some province would take steps to bring it before the Supreme Court, this Parliament would have to remain in ignorance as to the extent of its powers. He left it to the House to say whether such a position was compatible with the dignity of this House or this Parliament. Having considered the matter very carefully he had tried to find out what course could be pursued to keep within the well defined jurisdiction of the Dominion Parliament, and, at the same time, to afford countenance and encouragement to those who were engaged in the good work of temperance and prohibition. He had therefore introduced the resolutions now before the House. It would be observed they were clearly within the jurisdiction of the Dominion Parliament. He asked nothing new or extraordinary, or beyond the power of this House. The Temperance Act of 1864 was actually in operation in Ontario and Quebec, and there was also an effective license act, almost prohibitory, in Nova Scotia. These resolutions simply recognized the existence of those laws, and proposed to aid municipalities which had decided to restrict the liquor traffic within their borders. Believing there was a widespread desire on the part of the people to have local prohibition, and believing that the provinces possessed the power, under the Confederation Act, to regulate and even to prohibit the retail traffic in intoxicating liquors, he looked for-

ward to the time when each province would have on its statute book an act to prohibit the traffic in intoxicating liquors within its borders, and he now proposed by these resolutions to aid the provinces in carrying out such a policy. In doing this no new powers were conferred at all. If he had asked this House to enact an absolute prohibitory law, it might be open to objection, but he merely desired to encourage the municipalities and provinces which, under the authority of laws actually in force, attempted to prevent the sale of intoxicating liquors within their limits. The Federation Act so clearly placed customs and excise exclusively under the control of the Dominion Legislature, that there could be no doubt of the power of the Parliament to legislate in the direction proposed. He might, perhaps, be met with the statement that no petitions had been presented recently asking for such legislation, but he would say, as a representative of the temperance people, they had been recommended not to petition, as this House had already solemnly declared its approval of the sentiments expressed in the petitions formerly presented, and recommended that their prayer be granted. Consequently, it was unnecessary to again ask the Senate to do what it had admitted should be done and which they were only prevented from doing for constitutional reasons. It had been recommended by leading politicians that the Swedish plan, familiarly known as the Gothenburg system, be tried in this country. He did not believe it would suit the circumstances of Canada, and he thought it would be wiser in touching this matter at all to do it thoroughly and effectively. That system had doubtless accomplished some good, but, as it tolerated the traffic, and only aimed at regulating and limiting it, it would not be acceptable to Canadian temperance men, who were satisfied that prohibition alone would remove intemperance and its consequent evils.

Hon. Mr. SCOTT was sure that every member of this Chamber would fully appreciate the earnestness and spirit with which the honorable gentleman always introduced this subject to the notice of the Senate. While he (Mr. Scott) was quite prepared to admit the conclusions at which the honorable gentlemen had arrived, as to the desirability of improving the moral and temporal well-being of the people, he did not think it could be accomplished by acts of parliament. This reform was growing steadily, and great progress had been made during the last twenty years. He hoped the day was not far distant when the sentiment in favor of temperance would have grown so

much as to justify the Government in passing such a law as the honorable gentleman desired. He (Mr. Scott) failed to see that such legislation as was now proposed would accomplish anything. He would take an illustration, which would render this clearer than by discussing it. In the County of York, the other day, the people had introduced the Dunkin law. If these resolutions were passed, the Government would be called upon to so disturb the trade of this country, as to at once shut up all the breweries and distilleries in the County of York. One of the largest distilleries of the country was within a few hundred yards of the boundaries of that county. What would be the effect of such legislation as this? It would be to increase the trade in the neighboring counties and municipalities, and would not prevent the consumption of a single gill or a single glass of liquor. The people would buy from establishments just across the line, while their own were closed. The next paragraph in the resolutions carried out the same principle. He did not think it would be wise or proper legislation, because it would merely stimulate the trade in liquor in the province adjoining the one in which such legislation would take effect. For these reasons he thought the honorable gentleman was not moving with his usual wisdom and excellent judgment in the proposition he had submitted for the consideration of this Chamber. He did not go the length of proposing a prohibitory liquor law, but imagined by obtaining these concessions the country would be better prepared for the larger measure, which he hoped some day to present for the acceptance of Parliament. He (Mr. Scott) did not agree in the opinion. While he felt an anxious desire to see the temperance cause prevail in Canada, he did not believe that a policy of coercion would be the most successful in the end. He believed it would lead to deceit and chicanery in the country. When the people were educated up to the proper plane he would be glad to look forward to the day when the liquor traffic would be entirely suppressed, because in this nineteenth century no one could deny it would be for the benefit of society that the drinking customs of the age should be abolished. Unless the intellectual sense of the people were convinced, it would be utterly idle to attempt to achieve success by statutory enactments. In other countries where such legislation had been attempted in advance of the sentiment of the people who were to be affected by it, the result had not been at all satisfactory.

Hon. Mr. AIKINS said the same line of argument as the honorable the Secretary of State had advanced would apply to the Dunkin Act. If it were wrong to stop the manufacture of liquor in the County of York because the neighboring counties would have increased traffic in it, it was equally wrong to close up the taverns.

Hon. Mr. BOISFORD sympathized with the honorable mover of these resolutions in the efforts he was making, in the right direction no doubt, but in a manner which could not command the support of the House. It would be found, on examining the records of Parliament, these resolutions were without a precedent. Any resolution which pledged Parliament to a particular course to be adopted upon a hypothetical case was not one to be sustained by this House. This resolution, on the face of it, was one that, when certain circumstances were to arise, this Senate pledged itself to pass a law in a certain direction. They could not pledge the House to any course of action in the future. When the circumstances detailed in the resolutions should arise, then honorable gentlemen would be prepared to act as they deemed best, without being pledged by any resolution to a certain course. He fully concurred in the general views expressed by the honorable Secretary of State with respect to the impossibility of carrying out this principle of temperance by legislative enactment. He regretted that he was obliged to object to the resolutions of the honorable Senator, but he could not support them under the circumstances.

Hon. Mr. VIDAL thought the honorable Senator entirely misapprehended the object of these resolutions. They did not propose to pledge this House to any particular course of action at any future time. The House was simply asked to express its opinion. As to the hypothetical nature of these resolutions, he would ask if the Temperance Act of 1864 was not precisely of the same character, its coming into force depending on conditions to arise in the future. He denied that this was moving in advance of public opinion; the very words of the resolution showed the reverse. It was merely proposed, where public sentiment had already manifested itself in favor of prohibition, by legally adopting a by-law to that effect, to assist the people in preventing the sale of intoxicating liquors in that particular place.

Hon. Mr. CAMPBELL joined the honorable Senator from New Brunswick in expressing his regret that he could not support his resolution. The objections taken by the honorable gentleman were perfectly sound and valid. Before any circumstances

had arisen at all calling for legislation, this House was asked to pledge itself to a certain line of action. It was a dangerous course, and contrary to the practice of Parliament. The objection of the Secretary of State was also a strong one. Supposing the Dunkin Act should be carried in any municipality, all the breweries and distilleries within its limits would have to be closed up, under the legislation this resolution proposed. Suppose, for instance, the distillery of Gooderham & Worts, worth millions of dollars, and yielding to the revenue of the country about a million dollars a year, were closed up under the operation of such a law as this, and the year after the city should change its mind and repeal the Dunkin by-law, in the meantime a very large establishment would be ruined and the treasury would lose a considerable amount of revenue. Would that be prudent legislation? Would it be wise to pledge this House to a line of action which might lead to such a result as that? A question of this kind should really be dealt with by the Government, and not by a private member of the House. He hoped the resolutions would be withdrawn, or if not, that the House would refuse to commit itself in the manner proposed.

Hon. Mr. FLINT said it seemed that whenever the friends of temperance brought this question before this House, it mattered but little in what shape it was done, they were met with opposition. At one time it was the matter of jurisdiction that prevented them from getting an expression of opinion from the House; at another, the Government should deal with it, or there was something objectionable in the form in which the resolutions were framed. There seemed to be no prospect that the Government would do anything. The late Government had done nothing, and the present Government had refused to deal with it, notwithstanding their professed desire to prohibit the liquor traffic. Then what was to be done? If neither the Government nor private members could do anything, how long would it be before prohibition would be secured? A great deal had been said about educating public opinion on this subject. He believed throughout the length and breadth of the land the people were only waiting for the action of the Government. He did not think it was much use in sending in petitions. Sometimes the opponents of prohibition prepared petitions against such legislation. One of them came from Ottawa signed by a few individuals, and the rest of the names were those of men who had been dead for some time, and of persons in the United States. In the

County of Prince Edward a similar petition had been presented, praying for the repeal of the Dunkin by-law. It was evident, therefore, that there could be little done by petitioning. In reply to the argument of the Secretary of State that this law could be evaded by persons buying liquor in neighboring municipalities, the same objection would apply equally well to all our laws for the suppression of crime. When they are passed, no one expects that they will entirely prevent criminal practices, but would it be wise to do without such legislation on that account? In the same way, if we had a prohibitory law, it could not be expected to entirely prevent drinking, but it would go a long way towards putting a stop to drunkenness. He could see no reason why these resolutions should not be adopted. They asked this Parliament to do nothing beyond its power. For fifty years he had been advocating prohibition, and at every turn he had been met by just such objections as had been urged against this motion. He did not know whether he would live to see a prohibitory law on our statute books, but it would be a glorious day for Canada when such a law could be carried and enforced. He regretted that there seemed to be a disposition on the part of the leaders of the House, on both sides, to oppose these resolutions.

Hon. Mr. BELLEROSE said he was always of the opinion that the country did not require a prohibitory liquor law. If the laws already on the statute book were carried into effect they would reach the point aimed at. It was only a few months ago that a man in the vicinity of Montreal was sued for retailing liquor without license, and convicted by a justice of peace. The conviction was appealed to the Superior Court, and it was quashed on the slight technicality that the conviction stated that the penalty would be paid to the revenue inspector, while by the license act it was to be paid to the magistrates themselves for distribution. In appeal the court refused to dismiss the appeal, through the copy of the writ having been served upon the magistrate, instead of the original document. If the local laws were thoroughly enforced he believed there would be no necessity for the extreme legislation asked for by these resolutions.

Hon. Mr. HAYTHORNE said he wished to testify as to the respect which he felt for the zeal and earnestness of the honorable mover and seconder of these resolutions in the cause of temperance. He considered they were actuated by motives of philanthropy; but he could not support the resolutions, as they seemed to him to be devoid of that practical character

which leads to success. Temperance people, though full of zeal, were as a whole impracticable on matters of legislation. The honorable gentleman from Sarnia seemed to lose sight of one fatal objection to his measure, that is there would be but few municipalities in which this law would go into operation and across an imaginary boundary the sale and manufacture of liquor would continue in full blast. The remarks of the Hon. Secretary of State should have considerable effect on the minds of the leaders of the temperance movement, and they must see that the only way to promote temperance principles was by elevating the moral standard of the people. Compare the French and English sides of the British Channel and it would be found that the French could enjoy themselves in public gardens, picture galleries and with intellectual amusements in a rational way, without a single instance of intemperance being observed, but cross the channel and mingle with a crowd of our own countrymen and it would be found that instances of gross intemperance were mixed up with their social amusements. He believed some of the greatest evils of intemperance were produced from the adulteration of liquors—especially the adulteration of alcohol by essential oil and other drugs. He believed if the temperance people devoted themselves more to seeing that the laws respecting the adulteration of food and drink were carried out, they would do a great deal towards putting down the vice of intemperance. The only thing legislation could do was to encourage the importation of light wines, lager beer, and such comparatively harmless liquors, and discourage the manufacture and sale of alcohol.

Hon. Mr. McCLELAN said the honorable gentleman had taken exception to the resolutions on the ground that legislation should be uniform throughout the Dominion. That uniformity was already destroyed, however, under the operation of the Dunkin Act, and in some parts of New Brunswick, also under the local Act, there was virtual prohibition where the sessions or councils had for many years refused licenses, and he could see nothing objectionable in these resolutions, in so far as they called upon the Government to sustain all such local action. The objections of the Secretary of State to these resolutions were very frankly taken, as the honorable gentleman took issue with the abstract question of prohibition, on the ground that a compulsory law of this nature was not conducive to the interests of the people, owing to the



impracticability of its enforcement. He thought there was much more force in that line of argument than there was in the remarks of honorable gentlemen opposite, that the resolutions were irregular, and contrary to precedent in Canadian or British parliamentary practice, and it would be wrong to enact any law on a question which had not arisen, or on a question which was hypothecated, but had not actually come into force. It appeared to him that the British North America Act, with respect to the admission of provinces into the confederation, was based on just such an hypothecated question, and he did not think the honorable gentleman's argument was conclusive. In New Brunswick the right of the Local Legislature to prohibit the issuing of licenses in any of the municipalities or counties had been questioned, and the result was that liquor was now being sold in many places in that Province without any restriction, and the worst excesses were committed, because, through the quibbles of the law, no final definite conclusion had been arrived at as to where the right of jurisdiction lay. He hoped these resolutions would have the support of this House, and thereby strengthen the hands of those who were so zealously laboring to suppress one of the worst of evils—the traffic in intoxicating liquors.

Hon. Mr. WILMOT said, if it was entirely a matter of sympathy with the mover and seconder of these resolutions he would vote for them, but the question had to be looked at in another light. In the counties of New Brunswick where licenses had been refused they were selling liquor without law, and it seemed to him to be a step in the wrong direction to impose a statute which public opinion would not sustain. He had once voted for a prohibitory liquor law, although he had stated his opinion distinctly at the time that it would not be beneficial to the interests of the country, and the statement of his honorable friend from Belleville (Mr. Flint) that, notwithstanding all the efforts of the friends of temperance, the use of intoxicating liquors was on the increase, was a proof that public opinion was not educated up to prohibition. No doubt intemperance was a very great evil, but he believed that one of the greatest evils of our civilization was debt. He had a perfect horror of debt, as he believed it led to a vast amount of wretchedness, misery and perjury. Unfortunately the state of society was such that those evils did exist from the natural depravity of human nature, and all the legislature could do would not prohibit it, though they might endeavor to mitigate it. He believed where a man became a con-

firmed drunkard to the injury of his family and his property, he should be treated as a lunatic, and the management of his affairs should be taken out of his hands. There were, perhaps, no persons who felt the bad effects of intemperance worse than the better half of creation, and no doubt their sympathies were largely in favor of prohibition.

Hon. Mr. McCLELAN differed from the last speaker entirely, in the remark that contraband sales in New Brunswick indicated the state of public opinion. For two years there had been virtually no law, owing to legal action on the question of jurisdiction, and, of course, the result was that liquors of the vilest kind were sold without restraint.

Hon. Mr. WARK said he could not support the resolutions before the House, because he believed they were impracticable and could not be carried into effect. If the sale and manufacture of liquor was stopped in one district it would be carried on in another, and if it was stopped in a whole province even, the next province would go on and increase their manufacture and supply them, as there would be no law to prevent a man taking his keg or jar and purchasing what he required. A great deal had been done by lectures and meetings to promote temperance principles, but to his mind they should go further back; the education should begin with youth, and he believed that the day was not far distant when temperance principles would form a part of the course of education taught in our public schools. When children were educated from their infancy to see the evils of intemperance, then he believed temperance principles would make more progress in ten years than they had done in the last twenty.

Hon. Mr. TRUDEL said it appeared, no matter how the prohibition question was brought up in this Parliament, it was always met with the negative opposition that the remedy proposed was not a good one. It was evident the feeling of the House was that the technical objections raised by the Secretary of State and the leader of the Opposition could not be got rid of, and he would not advise his hon. friend to press his motion in its present shape, though, if he did press it, he would vote for it. Some encouragement should be given to the local legislatures so that in the event of any of them adopting prohibitory legislation it would not be worthless. It was a very strong argument against the resolutions that this House should not legislate for hypothetical cases, or commit themselves to follow a certain course in the event of certain circumstances arising, but he

thought it was possible to so frame the resolutions that they would be acceptable to the House, and he would suggest that they should be referred to a special committee, the same previously appointed on this question, to amend or modify them. It would not be wise to allow the impression to go abroad that the first legislative body of the country could not say there was anything to be done on this question. If the prohibition of the sale of liquor in municipalities would not have the effect of preventing drunkards from getting drunk, it would prevent others in the locality from acquiring the same habit, and he thought the local authorities should be encouraged by every means to carry out prohibition. Moreover, it was not fair to meet always the laudable efforts of their honorable colleagues who have devoted themselves for years to the temperance cause, with such refusal to come to their help one way or the other.

Hon. Mr. REESOR regretted that the honorable gentleman would not consent to withdraw his resolutions. As he was of the opinion the public sentiment had not reached that point that would sustain Parliament in passing a prohibitory liquor law. He recollected when the Dunkin Act was passed it was brought into operation in a municipality in his own district by a small majority. The result was there was more liquor sold there in a month or two afterwards than there had ever been before.

Hon. Mr. FLINT—Is there any proof of that?

Hon. Mr. REESOR—It was not sold so openly, but it was sold clandestinely by persons who were not responsible to any extent, and public opinion was not strong enough to prevent it. The result was, the friends of temperance, after a year's experience of the Dunkin Act, were satisfied that the liquor traffic could not be suppressed, and they could do no better than reenact the old liquor license law, so as to regulate the sale and derive a revenue from it. He was personally in favor of a prohibitory liquor law if it could be carried out, but the crime of manufacturing and selling liquor—if it could be called a crime—was different from the ordinary crimes in the calendar. The fact stared them in the face that a large majority of the community were in favor of continuing the manufacture and sale of liquor, and their duty, under the circumstances, was to educate public opinion up to such a standard that they would favor prohibition and see that it was carried out.

Hon. Mr. VIDAL said he had to thank honorable gentlemen who differed from him on this question, for the courteous

manner in which they had criticized his motives and action, but it was rather a questionable compliment to eulogise his integrity and zeal at the expense of his judgment and common sense. The arguments of honorable gentlemen in opposition to his views had failed to convince him of the impropriety of urging the adoption of these resolutions. What better arguments could be advanced to prove that public sentiment was in favor of a prohibitory liquor law than the fact of the Dunkin Act being adopted in the municipalities to which these resolutions would apply. He did not propose to take any action for prohibition, under these resolutions, until public sentiment had expressed itself at the polls, and yet he was told when he wished to tack up the expressed wishes of the people that he was anxious to legislate in advance of public opinion. His honorable friend from Prince Edward Island had asserted that temperance people were impracticable, and did nothing else but try to obtain legislation to prevent people from drinking to excess; the fact was that they were laboring unceasingly to educate the people in the principles of temperance and to show that it was the chief cause of poverty, disease and crime, but those who enriched themselves by the traffic, always kept away from meetings, lectures and other educating influences, and could only be reached and restrained from tempting men to intemperance by the strong arm of the law—hence the obvious necessity of legislative prohibition. The day was fast approaching when this House would have to bow to public sentiment and grant the legislation that was demanded. This House had always stood forth as the champion of public rights, and he hoped the people would not appeal to it in vain in this most important matter. He would not withdraw the resolutions for any consideration; even though the mover and seconder were to stand alone in the vote, it should go on record in the journals of the House. He felt that he occupied a similar position to that of Wilberforce in the British Parliament, when he first moved his anti-slavery resolutions. They were ridiculed, and obtained but small support at the time, but the day came when his views prevailed, and the legislature at last adopted and carried them out, abolishing slavery at a cost of \$100,000,000, and that act immortalized the great philanthropist and secured him unfading glory. Yet, the slavery of intemperance is a far greater curse to the nation. The interests of the country demanded these resolutions, and he trusted honorable members would so far yield—although there

might be some divergence of opinion on the subject—and let them pass, simply affirming as they did, that it was the opinion of this House that when local prohibition was in force, it is desirable to aid and give more full effect to the legally expressed will of the electors, by the enactment of a law prohibiting the manufacture of intoxicating liquors in such localities.

Hon. Mr. HAYTHORNE denied that he had spoken with rudeness of the temperance people; he had simply offered suggestions for the promotion of the cause.

Hon. Mr. VIDAL, referring to those suggestions, said that the experience of England in encouraging the manufacture of beer and the importation of light wines, in order to diminish intemperance, was that it had the very opposite effect. As to the proposal to diminish intemperance by securing pure liquors free from adulterations, it was not the business of the temperance reformers, if poison, in the form of alcoholic liquors, were allowed to be sold, to see that it was a pure poison, free from admixture with other deleterious drugs, more potent, perhaps, but not more certainly destructive of life.

A vote was then taken on the resolution, with the following result:—

CONTENTS.—The Hon. Messieurs Aikens, Armand, Benson, Bournot, Bureau, Chapais, Christie (Speaker), Cormier, Dumouchel, Ferrier, Flint, Guevremont, Howlan, McClelan (Hopewell), McDonald (Toronto), McClelan (Londonderry), McMaster, Macdonald (Victoria), Muirhead, Read, Shaw, Skead, Stevens, Trudel, Vidal.—25.

NON-CONTENTS.—The Hon. Messieurs Archibald, Baillargeon, Bellerose, Botsford, Campbell, Chaffers, Chmiec, Cornwall, Dever, Dickey, Fabre, Girard, Glasier, Grant, Hamblton (Inkerman), Hamilton (Kingston), Haviland, Haythorne, Hope, Kaulbach, Lewin, Macfarlane, Macpherson, Miller, Montgomery, Odell, Paquet, Palletier, Penny, Power, Reesor, Ryan, Scott, Seymour, Wark, Wilmot.—36.

The resolution was declared lost.

#### THE KAMINISTQUIA TERMINUS.

Hon. Mr. AIKINS moved that an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a copy of the report of Mr. Michaud, C.E. to the Government, on the subject of dredging the shoal at the mouth of the river Kaministiquia, and the shoals in that river to Fort William; also, a copy of all tenders received for doing said dredging; also, a copy of the contract under which the work is to be performed. He said an appropriation of

\$22,000, he believed, had been made by the Ontario Government for the dredging of the shoal at the mouth of the Kaministiquia. Unfortunately for the navigation of that river, notwithstanding this expenditure, there was only eight or nine feet of water on the shoal last summer, at a time when the lake was nearly three feet higher than at low water mark. There was, therefore, only six feet of water on the shoal at low water. In a report submitted to the House, it was stated it would be necessary to get a channel of thirteen feet. It would, therefore, be necessary to dredge the channel through the shoal, for three-quarters of a mile, seven feet deeper. This would be exceedingly difficult, as the soil in the shoal was in the nature of soft mud and quicksand. It was formed by the silts carried down the river which were deposited there in consequence of the sluggish stream of the Kaministiquia meeting the current of the lake. He was informed and believed that it would be a much more expensive work than it was expected to be. He had heard it said it would cost as much as \$200,000. Owing to the nature of the soil, the channel could only be kept open by constructing crib work or piling. Even then, it would be difficult to keep the channel from filling up. He would also like to know what the cost of removing the shoals up the river would be. It struck him a mistake had been made in selecting Fort William as the terminus of the Pacific Railway. There was no necessity for it, or for the purchase of such a large amount of land there at such excessive prices. The town plot of Fort William had been laid out some years ago by the Government of old Canada, and the lots were sold for \$4, of about half an acre each, a few years ago, just about the time the agitation was commenced as to where the terminus should be. In looking at the return submitted to the House, it would be seen that something like \$300 per lot had been paid by the Government for this property which had been sold such a short time before for \$4 per lot. He had learned since these returns were brought down, that valuers had been appointed to fix a value on these lands. Mr. Wilson, of Mount Forest, was one, and Mr. Read, of London, was another. There was also a third.

Hon. Mr. SCOTT said the third must have been the solicitor appointed to examine the titles.

Hon. Mr. AIKINS said the solicitor then must have been Mr. Brown. These lands were principally held by a few individuals, and it seemed somewhat extraordinary that

two or three ladies and a few gentlemen should take so deep an interest in this particular town plot. They realized some 500 or 600 per cent. on their investment, which must have been satisfactory. A lady who took a deep interest in this section of country was a Mary J. Brown, who was of the same name, but who might not be in any way connected with the solicitor who reported upon the titles; but she might be a relative. There was another statement made outside of this House worthy of notice—that this Mr. Brown was the "Co." of the firm of Oliver, Davidson & Co. If that was so, he was examining the titles of the company's land with which he was identified, and in which, it might be presumed, he had a very material interest. By the return it appeared there was a hotel on this property for which the sum of \$5,029 had been paid. This was a hotel without guests. It was not even occupied with the exception of two rooms. He understood it was not even so much as shingled, with the exception of the portion covering the two rooms referred to. The joiner work was not done. It had been boarded on the outside, the boards being put on horizontally. He understood it was a frame building, put up on posts about eight or ten inches in diameter, and that the frame was so flimsy that although it was up but a short time, it was all awry. In short, it was represented to him as not worth \$500; and for this structure the Government had paid \$5,029. When he summed up the total purchase of property at Fort William, he found that the amount paid, so far as this town plot was concerned, for lots, was \$45,573, out of a total of \$51,700; and this large amount was paid for seventy-five acres, not including the streets, as they had not to be paid for. The Government purchased some lots on No. 6 Township Nubing, but they did not bring quite so large a price per lot as the town lots, but that was due to the fact that they were much smaller. They paid \$5,207 for 10<sup>2</sup>/<sub>100</sub> acres, or at the rate of \$506 per acre. So far as the property owners were concerned, they had made a pretty good thing out of Fort William and out of the Government, at the expense of the country. Now, as to the value of lands in the immediate vicinity, the Reeve of Shunia, who required lands for the short railway from Prince Arthur's Landing to Fort William, purchased land adjoining the town plot for \$40 per acre, and it was taken lengthwise, one chain wide and ten chains long. A little distance from the town plot he got all he wanted for \$18 per acre. One might suppose that this was the highest value of those lands under the

most favorable circumstances, and how the Government came to pay \$500 per acre for property in the same locality, it was not easy to understand. The country might be justified in supposing that the Government found they were dealing with friends, and gave them all the advantage of the increased value given to their lands by the railway. He presumed, as soon as the statement for which he now moved was brought down, it would be found that so far as the eastern terminus of the Canadian Pacific Railway was concerned, it would cost the country \$200,000, if not more, before the works were all completed.

Hon. Mr. SCOTT said there was no objection to the information asked for by the honorable gentleman, coming down. The appropriation last year for dredging was \$6,000, and \$5,000 was taken out of the Pacific Railway money to complete what was then considered sufficient. The total amount was, therefore, \$11,000. Dredging considerably in excess of that would be required, but not to the extent the honorable gentleman supposed. It would bring it up to \$20,000. He did not think it was quite fair for the honorable Senator to bring up such matters as he had referred to on a motion of this kind. The statement that these lands had been purchased at \$4 per acre and sold to the Government shortly afterwards at \$500 per acre was not true to the extent the honorable gentleman supposed. Some of these lands might have been purchased from the Ontario Government years ago at low prices, but in many instances they had changed hands frequently, and at prices quite as high as the valuers had placed upon them. He suggested that this matter might be investigated by the same committee that was now engaged in enquiring into the best route for the Pacific Railway. It was a duty the honorable gentleman owed to the country, if he believed the valuers to be guilty of fraud, to have them examined and this matter thoroughly investigated.

Hon. Mr. AIKINS—I did not say they had committed fraud.

Hon. Mr. SCOTT said if the charges against them were true they had committed fraud. Both the gentlemen were respectable men, and had been selected, not because of their political opinions, but because one of them was the gentleman who had surveyed the town plot. That gentleman was opposed in politics to the Government. In reference to the time those lands had been sold by the Ontario Government he was unable to give the precise date, but it was before he had been connected with the Ontario Gov-

ernment, and that was over three years ago. When he became Commissioner of Crown Lands, all the lots in the town plot had been exhausted, and it could not have been known then where the terminus of the Pacific Railway was to be. When the mines sprung up the value of property in that neighborhood increased greatly, and in many instances he was satisfied there were intermediate purchasers as between the Crown and the parties who sold to the Dominion Government. With reference to this hotel, the amount had struck him as being large, and he asked a gentleman who had been in that neighborhood about it, and was informed it was purchased at the fair marketable value of it. The land was put down at \$500, and the balance was paid for the hotel. In reference to the whole purchase, he was also informed that if the Government wished to sell a part of their property, they could realize as much from the sale of half of it as they had paid for the whole. If these were facts—and he had them as the honorable gentleman had his information—the honorable Senator was not justified in drawing such conclusions as he had stated, from the returns.

Hon. Mr. MACPHERSON hoped the honorable Senator from Toronto (Mr. Aikins) would accept the suggestion of the honorable Secretary of State. All the House could desire to learn with respect to the matter was the truth, and the committee which was now sitting could inquire into it. It might be questionable whether witnesses could be got this session who could give full information on the subject. He thought the honorable Secretary of State had acted properly in referring the matter to a committee, because it would be a very great scandal if the facts alleged were true. He suggested that power should be given the committee to examine witnesses under oath. His information with respect to the deepening of the shoal at the mouth of the Kaminstiquia corresponded with that of the honorable Senator from Toronto. He found it would be exceedingly costly to dredge it, and that the channel could not be kept open without expensive permanent works at the mouth of the river. The river itself, he understood, was very narrow, and near the spot fixed for the terminus of the railway, it was so narrow that a loaded steamer 200 feet in length would not be able to turn. It would require to be widened and deepened to allow even small sized steamers to turn in the channel. He understood that the large expenditure for lands there was accounted for in another place by the statement that the banks of the river had been secured at a high price for a considerable

distance down. However, this would be brought out by the committee if the witnesses could be had.

Hon. Mr. READ suggested that any other witnesses besides the valuers, who could throw any light upon this subject, should be called and examined by the committee. It must strike the House as a most extraordinary proceeding to purchase 100 acres of land as a terminus at such prices. It would give gentlemen from the lower provinces an exalted idea of the value of lands in the West. Every day he became more and more convinced that he might expect almost anything in this direction from the present Government.

Hon. Mr. MILLER was very glad this matter was to be referred to a committee. The subject should have the fullest investigation, because if anything on the face of it ever presented the appearance of a gigantic job, this did. Therefore, it was highly desirable that not only the gentlemen whose honor had been impugned as arbitrators, but other disinterested parties who could give information on the subject should be examined before the committee. He was not at all disposed to have an *ex parte* examination into this question. The case itself on the face of it was one which would startle the country, and be looked on as one of the most extraordinary among the many huge jobs which had recently been brought to light in connection with the present Government. It was astonishing the amount of jobbery that was cropping out every day in connection with the administration of public affairs under the men now in power. No public work seemed to be free from the contamination. It was too bad at a time when distress prevailed, when trade was languishing throughout the country, and the people were perhaps less able to bear taxation than at any time within the last twenty years, to find the public money squandered in this way, to find so much money going in jobbery and swindling, apparently to reward political favorites and supporters of the Government. This job might be fairly taken as a specimen of what this Administration was capable of. A town plot is laid out in the wilderness; this town plot is supposed to be likely to form the terminus of the Pacific Railway and is immediately secured by known friends of the Administration. A portion of it is afterwards purchased by the Government at an enormous price. In the first place—as to the quantity, why are 100 acres bought? One-fourth of that quantity would be enough for the terminus, for years and years to come, nay forever. Why then is so much purchased? Is it because the exchequer is

overflowing? Then as to the price—a few years ago these lots were purchased for \$4 each, or \$8 per acre. The Secretary of State said they had changed hands and had thus increased in value. The mere fact of changing hands could not have so greatly enhanced their value, as to make them as much as town lots in the suburbs of cities like Halifax or St. John. There was never such a suspicious bargain made by any Government. He understood from the honorable Senator from Colchester that the right of way for the Intercolonial through the Province of Nova Scotia, a distance of seventy miles, and passing through the old towns of Amherst and Truro, cost only about the same amount of money. It would be considered a most extraordinary transaction if the country were not accustomed to such jobbery within the last few years. It could be easily understood how arbitrators could be got to give exorbitant values to property required by the Government, but the Government could not shelter themselves behind partial arbitrators appointed by themselves. He had never heard of such a case as had been revealed to the House by these returns, and the facts mentioned by the honorable Senator from Toronto. It did not involve so large an amount as the steel rails or the Fort Francis lock jobs, but it fully equalled them in iniquity, and it involved fifty thousand dollars which was at the present time a large amount of money to be thrown away by the Government. The bargain was so suspicious that it required to be investigated thoroughly. He hoped the matter would be referred to the committee and receive a full and careful examination.

Hon. Mr. PENNY said if honorable senators were to make up their minds as the honorable gentleman who had last spoken had evidently done, it would be useless to send the matter to a committee to investigate it. The terms of jobbery and swindling would have been much better spared until the committee had enquired into the subject and reported upon it to the House. He was not going to defend the transaction. It looked a large amount of money, but it might be reasonably accounted for. Nothing could be more straightforward and fair than the proposition of the honorable Secretary of State, to send the matter to the committee to investigate the allegations made by the honorable Senator from Toronto. All this fury about jobbery to-day came from a gentleman who, when there was a charge of jobbery the other day, was quite ready to defend it. He mentioned the steel rails to-day as a job, but was quite

prepared to see them used on a line in his own Province, without supposing that there was anything wrong in the Government possessing them.

Hon. Mr. MILLER—Does my honorable friend condemn this as a job?

Hon. Mr. PENNY—I don't think either was a job. But it all depends on the locality whether the honorable Senator thinks a transaction is a job or not. Steel rails laid in one place is a patriotic thing, but laid in another, a job.

At six o'clock the House rose for recess.

#### After Recess

Hon. Mr. McLELAN resumed the debate. He said it appeared to him that the committee to whom it was proposed to refer this matter, had as much as they could accomplish in the limited time at their disposal, and it would be unfair to impose this additional duty on them, and ask them to report to the House this session. It did not appear to him that a committee was necessary, as they had the facts before them that the land had been purchased and this \$51,000 had been paid for it, as detailed in the statement before the House. Any investigation that could be made would not bring back the money to the treasury. The facts were, there was a little village containing 1,000 or 1,200 inhabitants, called Prince Arthur's Landing, situated at Thunder Bay; that there was a river running into this bay which was described by the Public Works report as having a number of shoals at its mouth. It was proposed to have the terminus for the Pacific Railway four miles up this river, away from civilization. A few years ago, for speculative purposes, a town was surveyed—what might be called "a paper town,"—and the lots had passed into the hands of speculators at four dollars per lot. The present Government determined to locate the railway terminus at that point, and they paid for a certain number of these lots \$51,700. These facts, as detailed by the mover of the resolution, appeared so monstrous to the honorable Secretary of State himself that he at once admitted it was a huge fraud.

Hon. Mr. SCOTT said he had admitted nothing of the kind. He said it was a fraud if the lots were only worth \$4 each, and were sold to the Government at \$300 to \$500.

Hon. Mr. McLELAN said the lots were bought a few years ago at \$4 per lot and sold to the Government two years later at \$400 to \$500 each. Why did the Government permit such a fraud to be perpetrated on the country? The plain duty of the Government was to protect the country from such frauds, and not to pay without

questioning it, whatever price speculators might ask for their lands. If the Intercolonial Railway Commissioners had followed the course of this Government, the right of way through New Brunswick and Nova Scotia would have cost more than the whole road had cost for construction and equipment. The right of way for eighty miles through the old settled districts of Nova Scotia, through the towns of Amherst and Truro, where valuable buildings had to be destroyed, with ground for fourteen station houses, a number of ballast pits, &c., only cost, all told, for those eighty miles \$52,704, only \$1,004 more than was paid for these lots in the wilderness six miles up the Kaminstiquia River. Had they paid for the right of way over the Intercolonial at the same rates it would have cost over sixteen millions of dollars. The total amount paid for right of way over the whole five hundred miles was only \$272,420 up to 30th November, 1876, and there were only a very few small claims yet to be settled. If the Government continued in the same way they had done at Kaminstiquia it would cost \$272,000,000 for the right of way for the Canada Pacific, as there was nothing to prevent speculators from going out west taking up land in advance of the railway and then sell it to the Government for whatever sum they chose to ask for it. With respect to the subject matter of the motion it appeared in the report of the Minister of Public Works that it would cost \$30,000 to dredge the shoal at the mouth of the Kaminstiquia and improve the channel, and the object for doing so was to allow vessels to go up to the terminus and discharge rails. It appeared to him it would be a much less expensive way to get the rails to the Kaminstiquia terminus if the Government would build the short branch down from Prince Arthur's Landing, and take their rails down over land, as there was an excellent harbor at the Landing. By this means they would avoid the enormous expense for dredging, and the rails would be better, properly laid down and used, than if they were lying in piles and rusting out.

Hon. Mr. SCOTT said the Government were willing to have the most searching enquiry made into this matter, and he thought in one hour the committee could obtain all the information they required, by examining Mr. Read, the surveyor, Mr. Wilson and Mr. Fleming. Kaminstiquia was selected by the latter gentleman as the terminus for the railway, and no doubt he would be able to give satisfactory reasons for doing so. There had always been a rivalry between the people of Prince Arthur's Landing and the

people of Fort William, as to the comparative advantages of the two places for the Lake Superior terminus of the railway. The latter had been selected by the Hudson Bay Company, who always selected the best places for their forts.

Hon. Mr. MACPHERSON—The harbor they required was only for a fleet of canoes.

Hon. Mr. SCOTT said he had gone up the Kaminstiquia to Fort William in a steamer himself, and he could therefore speak with some knowledge of the facts. He did not hesitate to say the Government had saved to the country a quarter of a million of dollars in adopting the Kaminstiquia as the terminus instead of Prince Arthur's Landing, where the lots would have been three times the price they were at the terminus. He had in 1871 or 1872 held a sale of town lots in Prince Arthur's Landing, and if the prices had increased in the same ratio as they had done up to that time they must be very valuable now. There was a great deal of valuable mining property in that region.

Hon. Mr. MILLER said the Kaminstiquia was all swamp.

Hon. Mr. SCOTT said there was a great deal of it beautiful land, under cultivation. When he was there he had gone through Mr. McIntyre's garden himself. The quantity of dry land could not be very large, and he did not know how far it extended, but it was very good. He quoted from a report made to him some years ago, when he was Commissioner of Crown Lands, by Mr. Borron, who was then inspector of mines, in confirmation of his remarks as to the navigation of the river and as to the difficulty of making a safe harbor at Prince Arthur's Landing. Mr. Fleming was entirely responsible for the selection of the terminus and the amount of land that was purchased. The Government could not dictate to a gentleman at the head of such an enterprise as the Pacific Railway, unless the Ministry felt that he had committed a grave error. At all events the Government had nothing to gain in the selection of the terminus. They had no political object to serve in either one place or the other, and if they had, it would have been served better by selecting Prince Arthur's Landing as the terminus than Kaminstiquia.

Hon. Mr. McLELAN said he saw in the report of the Assistant Commissioner of Public Works, No. 88, that the dates of the opening and closing of these two harbors were given. The Kaminstiquia remained closed fifty-six days longer than the harbor at Prince Arthur's Landing. Prince Arthur's Landing opened on the 6th May, the Kaminstiquia River on the 25th; Prince Arthur's

Landing closed on the 26th November, Kaminstiquia on the 20th October.

Hon. Mr. SCOTT said he had seen the statements on both sides, and they were very conflicting.

Hon. Mr. McLELAN inquired of the Secretary of State how it was the people of Prince Arthur's Landing obtained the right of way for their six miles from Prince Arthur's Landing to Kaminstiquia?

Hon. Mr. SCOTT said the right of way outside the settlement would of course be *nil*. The chief expense at Prince Arthur's Landing would be in acquiring the grounds necessary for a depot.

Hon. Mr. McLELAN said the people of Prince Arthur's Landing would require a depot and landing wharf at Kaminstiquia for their railway also.

Hon. Mr. AIKINS said he presumed the Secretary of State had satisfied himself, if not the House, that the course of the Government in this matter was the correct one; consequently, the country should be satisfied with the selection of Kaminstiquia for the terminus of the Pacific Railway, and the payment of \$51,000 for seventy-five acres of land there. Previous to recess, the honorable the Secretary of State said he was satisfied the course of the Government would meet with public approval, and he would be willing to second the motion for the appointment of a committee. He understood at that time that if the committee were appointed it would be in consequence of statements he had made, and he would have the right of bringing witnesses to see if he could substantiate them. The Secretary of State should not be the one to say who were the witnesses to be brought before the Committee.

Hon. Mr. MACPHERSON said it was the Secretary of State who suggested to refer it to the Keewatin Committee.

Hon. Mr. AIKINS said the honorable the Secretary of State had said the country had been saved a quarter of a million of dollars by selecting Kaminstiquia as the terminus in preference to Prince Arthur's Landing, but he had not answered the question, how were the people of Prince Arthur's Landing to get a right of way at Kaminstiquia, as they had not \$51,000 to spend on it. The Secretary of State had also said that Fort William was one of the oldest settlements in that country, that the land there was cultivated and valuable, but the honorable gentleman must know that Fort William was two miles from the terminus, and that there were no gardens or houses there. He also seemed to be unaware of the fact that the whole of the frontage on the Bay at Prince Arthur's

Landing had been retained by the Government—a reserve of one hundred feet from high water mark—and none of the water lots had been sold.

Hon. Mr. MILLER—What Government reserved it?

Hon. Mr. AIKINS said this Government had reserved it after communicating with the Ontario Government. The honorable gentleman had told the House that the Government would have to purchase a right of way at that place, when he ought to have known that the land had been reserved for that very purpose.

Hon. Mr. SCOTT was not aware that this land had been reserved at the instance of the Dominion Government. He remembered when he was Commissioner of Crown Lands in the Ontario Government, several petitions had been made to him to purchase these water lots, and his reply was that he would sell to no parties that would not bind themselves to build wharves on them. He had sold lots at Prince Arthur's Landing, not as large as Fort William lots, in 1872, and he thought they averaged from \$80 to \$100 each.

Hon. Mr. AIKINS knew a gentleman who purchased a three-quarters acre lot, fronting on the bay there, for \$60. With regard to Prince Arthur's Landing having a better harbor than Kaminstiquia, they had the authority of the report of the Government engineers to that effect.

Hon. Mr. HOPE said he could not find it in the report.

Hon. Mr. AIKINS referred him to the report of Mr. Baillairge.

Hon. Mr. HOPE said he did not consider \$51,000 too much to pay for land required for a deep water terminus on Lake Superior, for such a road as the Pacific Railway.

Hon. Mr. MACPHERSON—It is not on the shore of Lake Superior at all.

Hon. Mr. HOPE said it was the deep water terminus in the Kaminstiquia. He had it on the authority of the most experienced lake captains that Kaminstiquia River had the best harbor on Lake Superior, and that Prince Arthur's Landing was utterly unfit for a harbor. The late Government had paid for two and a half acres of land for a deep water terminus on the Intercolonial Railway, \$26,000, and he did not think \$1,000 per acre was too much for the terminus at Kaminstiquia.

Hon. Mr. AIKINS—It only cost half that.  
Hon. Mr. HOPE said it was much better than he thought, and he was perfectly amazed that honorable gentlemen should object to paying \$500 per acre for land at such an important point, and he was sur-



prised that such an excitement had been got up in this matter.

Hon. Mr. McLELLAN explained that the purchase at Newcastle of a deep water terminus for the Intercolonial Railway, referred to by the honorable gentleman from Hamilton, included the right of way for a branch road two and a half miles in length, and a wharf 320 feet long, already built, with twenty feet of water, and at which vessels could discharge their cargoes. The Commissioners had only paid that price after taking every precaution against paying more than its value. The cost of the deep water terminus and wharf was \$16,000, and the day after it was purchased there were five vessels at the wharf discharging rails for the road. The honorable gentleman from Hamilton referred to Kaminiſtiquia as a deep water terminus, but it would not be a deep water terminus at all, until a channel fifty feet wide and three-quarters of a mile long had been dredged through the shoals at the mouth of the river. It was not a deep water terminus, but an ice terminus that would be closed longer in the year than Prince Arthur's Landing.

Hon. Mr. MACPHERSON said he was surprised that a man of business, and a successful one, as the honorable Senator from Hamilton was, should consider \$1,000 an acre a low price to pay for land for a terminus, no matter where it was. The honorable gentleman had drawn a red herring across the trail—he had tried to change the whole discussion. The point was not whether a deep water terminus would be valuable or not, but whether the Government had paid a proper price for the land they had purchased. There was information that this identical 100 acres of land had cost between \$800 and \$1,000 a few years ago after parties had a very good idea where the Pacific Railway terminus was to be. That was what was alleged. If it were true, he would certainly not expect the Honorable Senator from Toronto would give \$50,000 for what he should get for five or six thousand dollars.

Hon. Mr. PENNY said the question whether this land was cheap or dear was really the question before the House, and that could only be determined by the committee. He had before him the statement of one of the parties interested who gave names and figures which might be true or not, but were certainly as deserving of consideration as some of the statements that had been made to the House. Although coming from an interested party, statements made with these minute particulars carried with them a *prima facie* presumption of truth. The letter had been sent to the Toronto

Mail for publication, but having been refused insertion in that journal, was published in the *Globe*. It was as follows:--

(To the Editor of The Mail.)

TORONTO, April 9, 1877.

SIR,—I see that you are asking for information as to the value of lots at the town plot of Fort William, and that you are endeavouring to make the public believe that the Government had paid too much for the land required for Canadian Pacific Railway station grounds. Now, the facts are that the Government has not made more than one-half the value of the lots they bought, and I am dissatisfied with the amount I received for my lots, and could get double the price from private parties. Lot No. 25, south side Frederica street, was sold by public auction, and brought \$430. Caroline Davidson had three lots on the same street which the Government took at \$200 each. The price lists of lots given in the *Mail* from \$90 to \$160 are one-quarter acre lots. I have sold lots on the same street near the lots taken by the Government to private parties at prices that far exceed those paid by the Government. I have sold to Andrew O'Connor one lot of one quarter acre for \$250; to Edmund Ingalls three one-quarter acre lots for \$300 each; to Frank Drainville one one-quarter acre lot for \$200; and to Thomas Marks, of Prince Arthur's Landing, one lot of one-quarter acre for \$300; while the Government paid only from \$90 to \$160 for lots of the same size as those sold to the above named parties. The lots referred to in the *Mail* at \$300 per lot are three-quarter acre lots, and those at \$250 per lot are one-half acre lots. Parties requiring information as to the value of the lots taken by the Government will find they have taken all the water front through the whole town plot, and these are by far the most valuable lots. Street & Brothers have offered me \$300 per lot for eleven one-half acre lots back from the river. I have also been offered for choice corner lots \$500. For the correctness of my statement of sales of lots mentioned, I refer you to the registry office at Prince Arthur's Landing, where you will find deeds recorded. I sold Thomas Marks a lot in the town plot back from the river, north of station ground, at a great sacrifice, price one hundred and seventy-five dollars, and so anxious was the Reeve of Shrunia to get this back lot at a reduced price that he bound himself in the deed to erect a good building on the lot. I have no doubt but that the Government could sell one-half the lands purchased for station grounds and get

all their money back and have the other half for nothing.

I am, &c.,  
JOSEPH DAVIDSON.

Hon. Mr. MACMASTER said he had the pleasure of knowing Mr. Davidson, and any statements that gentleman might make could be relied upon. While in Toronto recently he (Mr. Macmaster) had made enquiries from a reliable source, and learned that some of those very lots in question had been sold at auction in Toronto and realized \$400 a piece. He had been informed, and had reason to believe his information to be correct, that the Government had made this large purchase on the recommendation of the Engineer-in-Chief of the Pacific Railway, and that after taking as much as was absolutely required for station purposes, the remainder could be sold for as much as had been paid for the whole. He had no idea at all that anything improper had been done, and was surprised that the honorable Senator from Toronto, who knew Mr. Davidson to be a respectable man, should believe him to be guilty of any such impropriety as he had been charged with.

Hon. Mr. AIKINS said he had made no charge against Mr. Davidson for selling his property, but he blamed the Government for having paid such prices for it. If the terminus had not been placed there, this same property would not have brought \$30 per lot.

Hon. Mr. READ said no doubt since the Government had selected this place for the terminus, property had gone up there. If it cost \$50,000 at the very outset for a terminus the country would pause before proceeding with the railway at all. No wonder the honorable Senator from Hamilton felt uneasy when he heard such charges brought against the Government, of which he was a follower. The honorable gentleman had defended them nobly, and after his speech of to-day no one would be surprised to find him defending any act the Government might commit.

Hon. Mr. McCLELAN said it looked like reversing the usual order of things to discuss conclusions, before the committee investigated the facts. The Government seemed entirely willing to send the papers to a committee, in order to elicit the fullest enquiry, but their occupation would be gone, like Othello's, if honorable gentlemen decide so prematurely. Honorable gentlemen in the Opposition had on frequent occasions during the session, taken a similar course, and endeavored to startle the House and the people with what they appeared to con-

ceive were most astounding developments, which, after very little enquiry, were found to be baseless. And at the outset of this discussion the most vehement denunciations were made of the jobbery, dishonesty and extravagance of the Government in this particular matter, while the facts already elicited clearly showed *prima facie*, that those charges were without the slightest foundation. One could not help sympathizing with such an expression of virtuous indignation as had been manifested; especially as the honorable gentlemen felt doubtless that this was their only opportunity. When the facts were proven nothing might remain at which to be indignant.

Hon. Mr. KAULBACH said the Government should not have allowed this land to get into the hands of speculators. They had taken time by the forelock in purchasing three million dollars worth of steel rails in anticipation of the construction of the railway, and they were now rusting away in piles from one end of the country to the other. When the Government decided upon having a deep water terminus on Lake Superior, they should have secured the necessary property for it before it was bought up by speculators. If it was a justifiable policy to buy steel rails in advance of the work of construction, they should have bought the land for this terminus in the same way.

The motion was carried.

Hon. Mr. AIKINS moved that the Committee appointed to enquire into and report to this House:—1st. As to the difference in length between the line of the Canadian Pacific Railway from Keewatin westward, and a more southern line by Winnipeg and south of Lake Manitoba to the nearest point common to both lines; 2nd. As to the cost of construction of each line; also, the fitness of land for settlement along each line respectively; and also, the greater chance of an immediate remunerative line, with power to send for persons, papers and records, be authorized to examine into all questions relating to the purchase of the property at Fort William for a terminus of the Canadian Pacific Railway, and to send for persons, papers and records, to examine witnesses under oath, and to report thereon to the Senate with all convenient speed this session.—Carried.

BEAVER AND TORONTO MUTUAL FIRE INSURANCE COMPANY.

Hon. Mr. AIKINS moved the third reading of the bill respecting the Beaver and Toronto Mutual Fire Insurance Co.

After some discussion, the motion was carried, and the bill passed.

The following bills were read a second time:—

To consolidate customs laws.

To amend the act incorporating the Union Life and Accident Assurance Company of Canada.

#### NEWFOUNDLAND FISH AND OILS.

Hon. Mr. SCOTT moved that the bill respecting the admission of Newfoundland inspected fish and oil into Canada, be discharged. He explained that the attention of the Government had been drawn to the fact that the inspection in Newfoundland was very deficient, and it was not expedient to pass this bill.

Hon. Mr. MILLER expressed his pleasure at the decision of the Government to withdraw the bill.

The motion was carried.

#### APPEALS FROM JUSTICES' CONVICTIONS.

The House resumed in committee the consideration of the bill respecting appeals from justices' convictions.

Hon. Mr. PELLLETIER said the reason why Prince Edward Island was not included in this bill, was the fact that the provision was made in another measure passed this session, extending the criminal laws to that Province.

The bill was reported without amendment, read a third time and passed.

Bill to provide for the payment of the Militia when called out to aid the civil power, was reported from Committee without amendment, read a third time, and passed.

The House adjourned at 10:30 p. m.

THURSDAY, April 12th.

The SPEAKER took the chair at three o'clock p. m.

After routine,

#### THE CAMPBELL DIVORCE CASE.

Hon. Mr. REESOR moved that the House go into Committee of the Whole on the report of the Select Committee presented to the Senate on the 8th April, 1876, on the bill intitled "An Act for the relief of Robert Campbell," with the clauses proposed by counsel to be substituted for those in the bill and returned by the committee with the report.

Hon. Mr. CAMPBELL said he proposed to move an amendment postponing the consideration of this matter indefinitely, in order to bring fully before the House the facts of the case, and if he could, to persuade hon. gentlemen that it was inexpedient to proceed further with a bill which seemed to him so objectionable, and so fraught with

what was embarrassing to the jurisdiction and future action of the House. He hardly believed that there ever had been a bill in Parliament—certainly not at any time in this House—which stood in the position in which this did, and he thought that honorable gentlemen had lost sight of the facts of the case and of the position in which the House stood in reference to the bill. When first it was heard of in the Senate it was a bill of divorce asked for by one Robert Campbell to dissolve a *vinculo* his marriage with Eliza Maria, his wife. It had been preceded by the usual notice and petition. All the usual proceedings took place and the subject was referred to a special committee. That committee, after full consideration, reported the preamble of the bill not to be proved, and on the presentation of this report, according to all usage and precedent in the House, the bill should have been, and really was, disposed of; but whilst it was still upon the table a petition was presented on behalf of the wife, claiming that she was entitled, for different reasons, to another kind of divorce bill. Her husband had asked for a divorce *a vinculo* from her on the ground of her adultery. That was the bill that was presented for the consideration to the House, and which was disposed of by the report of the committee that the preamble was not proved. Her petition was for separation from her husband from bed and board, on the ground of his cruelty and desertion. Unfortunately, and against the remonstrances of himself and many other members of the House, this petition had been referred to the committee which had charge of the original bill, and they, after giving the subject many days' consideration, reported a new and different bill, granting the wife the separation from the bed and board of her husband, and with suggestions made by her counsel, of a series of clauses providing for alimony to the wife, and for her having the custody of the children. This was the bill which it was now proposed to refer to a Committee of the whole House. He would state here that the question of alimony had already been brought by the wife before a court of competent jurisdiction in Ontario, the province in which the parties resided, and it had been decided by one of the most eminent judges in the country against her. The question before the House now was whether, under all these circumstances, it was proper and expedient for them to proceed further in this matter. He thought he certainly was justified in saying that no bill had ever come before this House in a position resembling that which this oc-

cupied. To take another step with it they must reverse each enacting clause of the original bill; they must reverse the preamble, they must reverse the title, and how it could possibly be considered that such a course of action could, by any sort of logic, be held to be an amendment of the original bill he was unable to see, and the reasons given for the demand made upon the House for this unusual action seemed to him entirely unconvincing. It had been asserted in general terms, that because there was no provision in Ontario by which a separation from bed and board, or as it was termed in the Province of Quebec, *separation de corps et de biens*, could be obtained, therefore, it was not only open to Parliament, but was their duty to pass a bill of this kind, accompanied as it was by provisions granting to the wife an alimony already refused by the proper court in Ontario, and the custody of the children, with a money provision for their maintenance. Now, this assertion or reason was incorrect and untrue, in the sense and to the extent in which it was put by those who favored the passage of this bill in its present shape. There was not, it was true, any court in Ontario by which such a separation, as was in this bill contemplated, could be obtained, but there were courts where questions of alimony and questions regarding the custody of children could be heard and disposed of; in fact, it was in evidence in this case that the first of these questions had already been before one of such courts, and disposed of adversely to the wife. He would ask the honorable gentlemen from Quebec, who had been specially appealed to in this matter, if they would sanction a departure from the ordinary course of jurisprudence, and adopt a bill which would reverse the decision of a court of competent jurisdiction upon a question of civil rights and of property. (Cries of "No.") To pass a bill of this kind was distinctly an interference with these rights: with property, because here was a proposition to compel a man to pay a sum of money per annum to his wife, and to punish him as for a contempt of court if he did not do so; with civil rights, because it proposed to take from him the custody of his children and give it to the wife. These were matters which were entirely within the jurisdiction of the local legislature. They were told, however, that these were questions merely corollary to the granting of the separation from bed and board. For his part he did not think so; they were distinct provisions which did not necessarily accompany the granting of the separation. Such a separation was not a divorce in the sense in which that word was ordinarily used. The

parties might come together again, and he thought it did not at all follow that because in any province of the Dominion such a separation as was now sought for by this woman could not be granted, and that she was obliged to come to Parliament for it, that, therefore, the ordinary jurisdiction of the courts of that province, with reference to alimony, and with reference to the custody of the children, could be over-ruled or taken from them by a special act of parliament. It would be borne in mind in this case that with reference to one of these subjects, that of alimony, a court of competent jurisdiction had already spoken, and if this House passed a bill in the shape in which it was now asked, they should directly, by an act of parliament, over-rule the decision of a court of competent jurisdiction. No such interference with the administration of our courts had been asked for at the hands of Parliament, he would undertake to say, within the last 200 years, and juris-consults in other countries, and particularly in England, would look with wonder at an effort being made to do so. He should be astonished if the House would adopt such a course. A provision in the bill regarding the allowance to the wife and the custody of the children, was wholly novel, and not in the least justifiable by the authority of the cases which had been referred to in this case. A bill before the House of Lords was invariably one for the granting of a divorce *a vinculo*, and in such a bill a provision was often introduced granting the wife an allowance, generally where the wife had brought a fortune to the husband; occasionally, where that had not been the case; but in all instances the provision was only introduced as a condition upon which the relief sought by the husband was granted. Here, and so far as this bill was concerned in its present aspect, no relief was asked for by the husband, or granted to him, and no condition, therefore, could possibly hang upon that, but the relief was asked for; and should the bill pass would be granted to the wife, and the liability to pay one-third of his income (as seemed to be contemplated) would be imposed upon the husband, not as a condition to anything he had asked for of Parliament, but as a strange and novel and wholly unprecedented liability into which he would be legislated by act of parliament. It would stand in no other light than that parliament, by special act decreed that a man was in debt to another, and should pay him so much during his life. In addition, therefore, to an unheard of interference with the ordinary administration of justice in the courts of Ontario, the

bill proposed the imposition of a parliamentary liability in an extraordinary and most unjust way, distinguishing this man from his fellow subjects and placing upon him a liability which the ordinary laws of his country had not yet imposed upon him. It was said of the decision of the Court of Chancery of Ontario that the House of Lords never considered itself bound by the evidence in the courts below. This was perfectly true as regards the question of adultery, which was the very subject upon which the decision of the House of Lords in such cases was asked, but it was not true with reference to other subjects which by possibility such bills might touch upon. In all questions of appeal did not the House of Lords consider themselves bound by the evidence given in the courts below? Would any lawyer ever imagine that the House of Lords would reverse a decision of a competent court, not upon a question of law, but upon a question of fact? Such a thing was never heard of. Could any honorable gentleman who had a knowledge of legal reports point out any case since the time of Henry VIII. where the decision of a court of competent jurisdiction had been overruled by act of parliament? If this decision was to be thus overruled, where was the safety in any other decision rendered by our courts of justice? He would not enter into the question of the guilt or innocence of this woman. A committee of this House had thought from the evidence before them that she was innocent. Two courts in Ontario—one that with which the Hon. Vice-Chancellor Blake was connected, the other a Court of Common law—had arrived at different conclusions; but whatever might be the truth, was Parliament to be asked to interfere in this extraordinary manner? What could be more dangerous and unlike the prudent course which the country had a right to expect from the Legislature, and more particularly from the Senate? It must be borne in mind, too, that this woman could have the question of her rights as against her husband tried again and again, if she pleased before the ordinary courts of the country. There was nothing in the world to hinder her from doing so as often as she pleased. She might run up an account with A, B & C in any town of Ontario for the necessaries of life, and each of them could bring an action against her husband, and if the truth be as she contends, recover the amounts of their demands, and so drive the husband into a settlement with her; but to embark in the kind of legislation sought by this bill at

their hands would be attended with embarrassment so great, and be so objectionable in every way, that he trusted most earnestly the House would proceed no further with it. The learned judge who disposed of the question of alimony was one of the most eminent in the country. In his court, and happily in all the courts of the Dominion, cases were heard with all the advantages which eminence in the profession, and the assistance of counsel and long experience, both of the bench and bar, could possibly give. He would ask if members of this House had had these advantages, or was it not true that many of them had been lobbied and buttonholed and sought to be interested by sympathy for this unfortunate woman, and solicited for their votes? The whole bill had, by a sort of perverted ingenuity, been reversed and changed from one of relief to the husband to one of separation from him, and the imposition upon him of liabilities in an unheard of way. He knew that honorable gentlemen were not in as good a position, and he admitted for himself that he was not in as good a position as the judges of the land to decide upon such questions as those which were embraced in the bill, and no jurisdiction as regards divorce forced them upon the House. If they interfered in this case with the ordinary administration of justice, they might be asked to do it in any number of cases. They were asked to set aside a portion of this man's income, to whose relief they had refused to come, for his wife's benefit; but not only to do so, but if it were not paid, to enact that he should be considered guilty of contempt of court, from which it followed that he would be imprisoned until he made the payment. Could anything be more objectionable than the proposition to take this question out of the ordinary jurisdiction of the law courts and impose upon him by act of parliament a liability of this kind? and yet they were asked to do this and without evidence to say what this portion of his income should be. The whole of the suggested provisions were arbitrary and novel, and showed on their face, he thought, that they were not the productions of a mind accustomed to deal with legal rights and difficulties. No one, he was confident, who had had experience in such matters would have conceived the possibility of an act of parliament being passed with such provisions in it. He believed the only proper way to dispose of the bill was to allow it to drop where it was. He regretted very much that the petition of the wife had ever been sent to the committee, and had done what he

could at the time to hinder that step being taken. It would have been far better and wiser, he ventured to think, for the House to have disposed of the original bill the moment the committee had reported that the preamble was not proved, and not to have suffered any further step to have been taken with it. It would then, and properly, have rested with the wife if she was advised and thought it necessary to come to Parliament for any measure of relief to herself to have taken the usual steps of notice and petition, and to have presented a distinct and reasonable proposition of her own, and he felt that the only safe course now was for the House to go back to the position in which it stood when the preamble of the first bill was reported as not proved. To accomplish this at this stage no other plan suggested itself to him than that of moving a motion which he held in his hand. He was confident that even if such a bill passed as that which was now pressed upon their attention, every legal gentleman connected with the Government, either in this country or Great Britain, would feel that a great mistake had been made, and that such a bill could not be allowed to become law. He would move that the "Bill be not now referred to the Committee of the whole House, but be referred to such committee this day six months.

Hon. Mr. DICKEY said the honorable gentleman had certainly been consistent in this matter, as last year he had voted against the reference of the petition to the committee, and he had now sustained the position he had then taken, but in a tone of vehement invective which he (Mr. Dickey) had no desire to imitate. In approaching this question he (Mr. Dickey) desired to do so in the same judicial spirit which he believed animated the committee last year. Speaking for himself, he had not, up to the present moment, given any opinion on the merits of this unpleasant question on one side or the other. (The honorable gentleman here gave a brief sketch of the various stages of the measure to the date of the adoption of the first report of the Committee by the House.) By the adoption of that report the House had declared that there was no truth in the allegations set forth in the preamble of the husband's bill for divorce. The House, thus taking for granted that the husband was not entitled to the relief sought for, and that the wife was innocent, apart from the question of jurisdiction altogether, it followed as the inevitable, the logical conclusion, that the wife being innocent, it relief could be given to her legally, was entitled to that relief from this House. This was the conclusion that

had been forced on his mind. Even if he disagreed with the conclusions of the majority of the committee, the House having adopted their report, he would feel himself precluded from going behind that report to enquire into the merits of the case. Upon these merits he, as chairman, had given no opinion, and desired to give no opinion, but he took the record and finding of that committee as it stood, and now being obliged to deal with the question as a member of the House, he felt that the wife was entitled to relief if it could be legally given to her by this House. That brought him to the question of jurisdiction. His honorable friend from Kingston had placed his views on this question before the House, and he begged to assure him he (Mr. Dickey) approached it with the greatest possible respect, not only on account of the importance of the question, but on account of the quarter from which the objections came. His honorable friend's opinion on the constitutional point, that of not merely an accomplished lawyer, but an eminent statesman, was entitled to the respect of this House, and it was with the greatest diffidence he ventured to dissent from it. His honorable friend had stated there was no necessity for this woman to come before Parliament, for relief, because the courts of Ontario were open to her. The difficulty on that point was just this: having once obtained a decision upon the question of alimony in one of the courts of Ontario, the technical objection would prevail against her, if she ever went to any other court, that an adverse decision had already been given by the Vice-Chancellor. She had come to this House for relief. Was this House in a position to give it? His honorable friend suggested that it would be an interference with civil rights, but if this objection was to apply to questions of marriage and divorce, which clearly were assigned to the Federal Parliament by the British North America Act, it applied to all other legislation within the purview of this Parliament. Take for example the question of interest, on which their legislation incidentally affected civil rights only so far as interest came within their jurisdiction. In the same way their legislation on questions of trade, navigation, &c., of necessity affected civil rights, although they were peculiarly federal, like marriage and divorce. The honorable gentleman had spoken of the powers of the Parliament in England, and had expressed strong opinions that no such provisions as these with regard to alimony and the custody of children could be found in any bill originating in the House of Lords. When this question

was before the committee last year he had looked into the precedents and satisfied himself that it was within the power of this House to grant this relief if they thought fit to do so, and so far as he could he advised the House to take the same course as had been taken by the House of Lords anterior to the establishment of the Divorce Court, in the celebrated Tyrrel case, when the parties were in the same position. The husband and wife had quarreled, there was a charge of adultery, and the wife claimed alimony. The House of Lords stated almost in the words of the report which he had the honor to submit to the House last session, that it was advisable to postpone the matter with a view of seeing if the parties would not be reconciled, or come to some arrangement between themselves about alimony, thus showing that they recognized the power of granting alimony. The result of the Tyrrel case was, the parties did come to an arrangement. The husband granted the alimony, the wife withdrew her opposition, and the bill passed. Unfortunately, it was not so in this case, and they were obliged to deal with the matter as they found it. Last session the House was told it would be a monstrous thing to postpone this question, as they would have no power to deal with it this session. This ground had been abandoned, and they were now told that there was no precedent for granting relief of this kind. He contended there were precedents in which the bill of the husband was amended in such a way as to grant relief in the shape of alimony to the wife. The honorable gentleman had stated there was no precedent for the legislature interfering in the custody of children. He would quote as a precedent the case of Addison, reported in M. Queen's work, where the House actually made an order for the custody of children, and the bill of the husband for a divorce from his wife, *a vinculo*, on the ground of adultery was passed with this clause. Then there was the case of Loveden, where the question of alimony did not arise in the House of Lords, but in the House of Commons who amended the bill and sent it up again with a clause in it, providing alimony of four hundred pounds a year to the wife for life. A difference of opinion having arisen between the two Houses, the bill was abandoned. He mentioned this case to show that not only the House of Lords, but the House of Commons, had exercised the power of inserting such a clause in a divorce bill for adultery, if the circumstances required it. Then, in the celebrated Dundas case, the husband brought in a bill asking for separation from

his wife *a vinculo* on the ground of adultery, and notwithstanding that there was a clause added to the bill providing a hundred and fifty pounds a year alimony. The bill was strongly opposed on account of the clause, but it was such an extreme case that the House felt compelled to separate the parties on the ground of adultery on the part of the wife. The principle of alimony was this—where the husband prevents the wife from living with him he was obliged to maintain her, and it had gone so far that even in cases where adultery had been proven, the House had ordered that the wife was entitled not only to her fortune, but to alimony. Sir George Bantlow's case was to this effect: Where it did not appear that the husband derived any property from the wife he was, notwithstanding, required by the House of Lords to give a bond for a hundred pounds a year, payable for life, before he could get his divorce. If that was the case where the suggestion was the wife was guilty of adultery, surely where the wife had been declared innocent, it required no great ingenuity of argument, or stretch of imagination, to show that the wife was in a better position to claim alimony than if she were guilty of adultery. His honorable friend had said there had been already a decision in this case in the court below, refusing the alimony now asked for. At first sight there was a great deal of force in that argument, but it required only to be looked at carefully in order to show how far it should apply. The standing orders of this House required that the exemplifications of all judgments in the case should be brought before the committee, not for the purpose of binding them by these judgments, but for the purpose of showing to the House whether there was any collusion or connivance between the two parties. These exemplifications had been brought in. Take the case of Campbell vs. Gordon. Supposing in that case the judgment had been against Campbell instead of the defendant, would the argument of the honorable gentleman be of any force? And would the judgment against the petitioner in the court below prevent him from coming to the High Court of Parliament for relief? He thought not. If Parliament was bound by the proceedings of the courts below, of course that was an end of the matter, but he would show to the House by precedent that that contention was an entirely mistaken one, that there was no precedent to show that the House of Lords was bound by the decision of the courts in cases that came constitutionally before them. He would quote the London case, for instance, in which there had been a verdict against

the petitioner, but the evidence before the House disclosed a strong case in favour of relief, as some circumstances were brought out that had not been before the courts below, and the bill accordingly passed the House of Lords. He understood the honorable gentleman who was in charge of this bill was in possession of certain facts in testimony that had not been before the Vice Chancellor when he delivered his judgment, and which were now before this House. It was for this House to say whether they should go into that evidence and see if Mrs. Campbell was entitled to the relief which she claimed.

Hon. Mr. CAMPBELL said the House of Lords did not consider themselves concluded by the evidence taken in the courts in reference to the charge of adultery, because it was on the very question of adultery that the divorce was either granted or refused, and it was only common sense that when such a case came before the House that they should make an enquiry by their own committee as to the facts. But there was no case in which the decision of the courts of law, respecting alimony or civil rights, was set aside by the House of Lords.

Hon. Mr. DICKEY said the House of Lords would not grant a divorce *a vinculo* twenty-five years ago, until they had shown that the parties had obtained a divorce *a mensa et thoro* from the ecclesiastical courts, and although alimony had not been given by the courts below it was granted by the House of Lords. If that body did not feel themselves concluded by the judgment upon the grave question of adultery, which was the very essence of the whole thing, surely they ought not to consider themselves concluded by any judgment on the question of alimony, and the precedents showed that they had not so felt concluded.

Hon. Mr. CAMPBELL said he repeated it—there was no precedent where alimony had been refused in the courts below and granted by the House of Lords.

Hon. Mr. DICKEY said if the alimony had been granted in the ecclesiastical courts below there would be no necessity for appealing to the House of Lords for a provision of that kind. It was only when it was not granted by the ecclesiastical courts that they resorted to the House of Lords for it.

Hon. Mr. CAMPBELL—No.

Hon. Mr. DICKEY said the precedents cited showed that the power of the English Parliament was not any more than this Parliament—limited in this matter as his honorable friend had asserted. His honorable friend's observations on

that point were entitled to all due respect, but it seemed to him the question was before the House already; the House had decided that the wife was entitled to relief if the facts set forth in her petition were true, and the committee had reported they were true. It was for the House to say whether they believed the report of the committee was correct or whether its facts were proved or not. If they were true it disclosed this unfortunate state of affairs: here was the wife, charged with adultery which the husband had failed to prove, turned out of doors and deserted, and it was for this House to consider whether she was entitled to relief.

Hon. Mr. REESOR said the honorable gentleman who had opened the debate complained that the bill had been introduced to grant relief to Robert Campbell, and that subsequently it had been reversed to grant relief to Mrs. Campbell, and to give her alimony. It was due to the House he should state, that when Robert Campbell handed him (Mr. Reesor) the petition and bill, he (Mr. Reesor) said frankly and distinctly, that from what he had heard outside he had doubts as to whether the petitioner was entitled to the relief asked for, but he would present the petition and give him an opportunity to prove his case if he could. If the case should be established to his (Mr. Reesor's) satisfaction he would support it, and, if not, he would reserve his right to oppose it. Mr. Campbell thanked him, and said he could ask nothing more. The honorable gentleman who had opened the debate was unfortunate, and a little hasty, in stating that there was a sort of perverted ingenuity displayed by those who had charge of the bill, in the course they had taken. Very soon after Robert Campbell's petition was presented Mrs. Campbell gave notice of her opposition to it, and sent in a petition declaring the charge against her was false, and that she had been treated with cruelty and neglect by her husband. The matter was fairly investigated by the committee to which it was referred, and they reported that Mr. Campbell had not made out his case; that he failed to prove adultery against his wife. In the second report they declared that Mrs. Campbell's allegations were true, according to the evidence presented to the committee. The honorable Senator from Kingston had taken the ground that it was something unprecedented for a bill presented by a petitioner for redress to be reversed. He begged to refer that honorable gentleman to the English law upon the subject. It would be found 29 Vic., chap. 22 provided for precisely such a course as had been pursued



by this committee. So that it was no unusual ingenuity which had been exercised by the committee? They had simply aimed at following English precedent, and in recommending a judicial separation and alimony to the wife, although the husband had applied for a divorce of the bonds of matrimony. But this report was objected to on the ground that it was an interference with civil rights. He was somewhat surprised that so able a lawyer and statesman as the hon. Senator from Kingston should have taken that ground. He had heard eminent lawyers in Ontario declare there could be no doubt as to the jurisdiction of this Parliament on this point, and furthermore, he was authorized to say, in behalf of one of the ablest lawyers in Ontario, that there was no relief for this woman except through Parliament. The British North America Act, in the 91st section, gives to the Dominion Parliament exclusive legislative authority in all matters coming under that section. Among them were trade and commerce, the postal service, census and statistics, savings banks, copyrights, Indian lands, naturalization of aliens, and marriage and divorce. Every one of these subjects in some manner, directly or indirectly, affected the civil rights of the people. Nevertheless, the Dominion Parliament had exclusive jurisdiction over all of them. He claimed it was the duty of this House to afford the relief which the law clearly and distinctly pointed out they had the power to grant to the petitioner, Mrs. Campbell. If the question of jurisdiction were regarded as of very great importance, the bill would in any case have to go before the Privy Council. If unconstitutional, the royal assent would be withheld, so that the question of jurisdiction would be determined by the highest authority before it became law.

Hon. Mr. DICKEY said the royal instructions expressly provided that such bills must go before Her Majesty for examination by the law officers of the Crown.

Hon. Mr. SCOTT said the president of this committee had detailed the various steps taken last year, and he (Mr. Scott) felt somewhat startled to find that the House had been remiss in its duty in allowing the proceedings to go so far. However, the subject had never been fully discussed in this Chamber until the present time, although each step which had been taken had been tacitly opposed. If honorable gentlemen had been told last year, when the committee first reported to the House, that the ultimate result of their proceedings would be the introduction of an act of par-

liament to award Mrs. Campbell alimony, and make arrangements as to the custody of her children, he asked would there not have been a repellant feeling on the part of nine-tenths of the honorable gentlemen in this Chamber which would have led them to refuse to support it? He unhesitatingly asserted that would have been the feeling of the House. It was his own feeling. He never for a moment imagined that such a result would have followed their trifling with this question and allowing honorable gentlemen to press it unduly and improperly on the attention of the House. It had never occurred to him that there was any possibility it could be advanced to the position in which it stood to-day. Had he thought so he would have asked the sense of the House on it long ago. It was very well known that a large number of gentlemen in this Chamber believed this Legislature ought not to be vested at all with the consideration of divorce. They did not believe it was a principle which should be recognized, or that a deliberative body should be called upon to adjudicate between man and wife. He would not reply to the argument that this House had jurisdiction. He would take the broader ground that such legislation was a novelty in this country, and that the committee, in reporting upon it, had called attention very properly to the fact that there was no precedent for it. Would not the proper course, at the incipient stage of this matter, have been to have declared it was not a question which this House should be asked to adjudicate or legislate upon? There was the simple ground of expediency which appealed most strongly to this Chamber to reject this bill. He entirely concurred in the views expressed by the honorable gentleman who had moved the amendment. He would not refer to the consequences that might ensue if that motion was rejected. It would not add to the honor or respect of the Senate if it were known that a deliberative body of gentlemen entertained a bill for the granting of alimony in a case which had already been before the courts of this country. If this precedent should be established to-day, how could the Senate close its doors against any application for alimony under similar circumstances? He felt it would be a most unwarrantable act on the part of honorable gentlemen, who had not the advantages that Vice-Chancellor Blake had of seeing and hearing witnesses in this matter, to set themselves up as a higher tribunal in the adjudication of a case which had been so fully analyzed by the courts before. Did anybody believe

that if the bill passed in this Chamber to-day, the other branch of the Legislature would so stultify itself as not to reject it? He did not believe that one-fourth of the honorable gentlemen in the other House would be found to sanction it. He trusted the Senate would not be placed in a false position, and that the amendment would not be allowed to prevail.

Hon. Mr. PENNY said the jurisdiction of this Parliament, as in all its other rights, was derived from the Constitution. It was said the high court of parliament was the highest court in the country, and that must be admitted with a certain reservation. It was not the highest court of appeal. It was not a court of appeal from any other court, and there was where the difficulty of a toping this bill came in. Parliament rarely acts judicially. He did not know there was any other case in which it acted judicially, except this one of divorce, which was specially committed to it by statute. Even in divorce this Parliament did not really act judicially, but legislatively, though on judicial grounds. What the statute conferred upon it was the right or privilege of granting divorce, but simply of granting that—simply of separating the parties *a vinculo*, and not *de corps et biens*. It was merely a separation of the parties, and did not necessarily affect in any way the rights of the parties to money grants. Possibly there might be some cases where a money arrangement accompanied the separation as a necessary circumstance of the separation, but the separation must be the first and leading thing, and he believed it should be only separation *a vinculo* that this Parliament should grant. It had been stated that the constitutional Act by which this House was bound confined this question of divorce exclusively to this Parliament. It was obvious, then, that no court in the country could interfere with it; therefore, he held, as other courts could deal with alimony, alimony was not committed, as asserted, exclusively to this Parliament, He could imagine it to be said plausibly that alimony was one of the contingencies of the main question of divorce, and if the question before; the Senate had never been decided before, it might possibly be that they were seized of it in that way; but it had been decided by another and perfectly competent tribunal. Therefore, at all events, it was quite evident there must be concurrent jurisdiction, at least on the part of that tribunal. This lady had been before the court of her own choice, and had got a judgment there. She was not satisfied with it, and now applied to this House, which had only concur-

rent jurisdiction at the most, to upset the judgment of the other court. He would put this question: Suppose the Court of Chancery instead of refusing alimony had allowed it, would this House have taken it away from her? He thought not. If the House then could not have reversed the decision if it were in her favor, how was it going to reverse it when it was against her?

Hon. Mr. REESOR—There was more evidence in the trial here.

Hon. Mr. PENNY said when a case was decided by a competent tribunal, it must be presumed it was decided on sufficient evidence. There was no getting over a *chose jugée*. This brought up another part of the subject. The honorable Senator from Nova Scotia had said, and said justly, if in the crim. con. case the court had decided in one direction that did not at all preclude this House from deciding in another. That was admitted on all hands, but although the jurisdiction in both cases arose out of the same matter, the conclusions to be reached in the two courts were entirely different. The conclusion in the crim. con. case was for damages; in the other for divorce. True, the same evidence was required in both, but the two things did not clash. This House could not grant damages; the Court of Common Law could not grant divorce. So it was with alimony: the Chancery Court could give alimony; this House could not. It had been contended that there was a necessity for this measure because while there was judicial separation in Quebec there was none in Ontario, and therefore there being no judicial separation there, this Parliament should step in and supply the deficiency. It must be remembered, however, again, that this Legislature was acting under a written constitution, and that constitution did not make any difference between its powers in the different provinces in this respect. Whatever powers it conferred, it conferred them for all the provinces alike, so that the conclusion was irrisistable that if they could grant separation *de corps et biens* in Ontario, they could do it in Quebec, and should thus make the Senate a court of appeal for reversing judgments in a very numerous class of cases in Quebec. No one could, however, contend for that. He admitted, technically, the House was bound by the report of the committee, which it had adopted, exonerating the lady, but as far as he was personally concerned, he did not hold himself morally bound by it. The reason why it had been adopted without objection was simply this—the subject was a painful one, which the House would gladly avoid, and when it was evident that the conclu-

sions of the committee would be carried out, he had no disposition to resist and bring on a useless discussion on the subject. He did not want now to enter on the merits, but there had already been three decisions on this case—two adverse to Mrs. Campbell, one in her favor—and it was but natural that some honorable gentlemen should suppose that the courts had decided more correctly than this House. He had no idea that there would be any sequel to the first report, or he should have voted against its adoption. The case, however, now came before the House in a different shape from what it had assumed before, and he felt bound to act, if it were necessary to deal with the merits at all, as he would have acted before if he had known what the Senate were to be brought to at last.

Hon. Mr. TRUDEL said it was not usual for members of his religious faith to take any part in divorce bills. He was opposed to divorce, not only in a religious, but also in a social point of view. In the matter before the House, he was of opinion that the report of the committee, declaring that the petition of the husband was not proved, put an end to the question, and the Dominion Legislature, under the Constitution, had no right to deal any further with it. He was willing to do all in his power for this lady. She had been accused of a crime and declared innocent by a committee of this House. True, there was a decision of a competent court to the contrary, but this House should accept the report of its Committee in preference to the decision of any court. The question to be decided by the House was whether it had the power to grant this lady relief. It was quite true, it was said that under British institutions, there was no wrong without a remedy, but it did not necessarily follow that this legislature should supply it. The precedents cited by the honorable Senator from Nova Scotia were presented to the House under the assumption that the powers of the Senate were the same as those of the House of Lords. In this country the powers of legislation were divided between the Dominion and the local legislatures, jurisdiction in matters relating to civil rights being given to the latter. In England, however, the House of Lords had undivided jurisdiction. Under sub-section 26 of sec. 91 of the British North America Act, power is given to this legislature to grant divorce, but by reference to sub-section 12 of 92, it would be seen that the solemnization of marriages is left to the exclusive jurisdiction of the local legislatures. The reason

why this subject was thus divided was plain to those who took part in the framing of the Constitution. It was to furnish a safeguard to the Protestant minority in the Province of Quebec. Knowing the objection which all Roman Catholics have to divorce, they feared that if this matter were left to the jurisdiction of the Local Legislature, no bill of divorce could be obtained from that body, the large majority in which were, of course, of the Catholic faith. It was clear, therefore, that the jurisdiction of the Dominion Parliament extended no further than to pronounce upon the marriage tie. That was the extent of their power. If the Protestants of Quebec had not been placed in an exceptional position, nobody would have thought of giving this Legislature power over divorce. What was known as judicial separation in the Province of Quebec, had no similarity to divorce. It was an ordinary action for civil redress to obtain leave for the wife to have another domicile, to put her out of the marital power, grant her an annuity for her maintenance, and to provide for the maintenance and education of children. In Ontario, it was true, there was no such remedy, but there was the same power in the Local Legislature to grant it as in Quebec, and there was a remedy as to alimony as well as it exists in Quebec. Under the laws of Quebec, the wife is bound to live in the same domicile as her husband, and the husband has a right to prosecute anyone who harbors her and to compel her to live in his house. The judicial separation is simply to absolve her from this, and allow her to live apart from him, but she does not cease to be his wife. So clearly is this recognized that after such a separation she cannot enter a real action in the courts, nor sell real estate without the consent of her husband, or if he should refuse, the consent of the court. The bill before the House was a private bill—a claim for alimony—of which proper notice had not been given, and on which the Private Bills committee had not reported. Did it follow that because this House had adopted a report declaring that this lady had been cruelly treated, it must infringe upon the rights of the local legislatures to give her relief? He thought not, and he could not conceive how any eminent lawyer could express the opinion that the matter came within the jurisdiction of this Parliament. He defied anyone to find an eminent lawyer in the Province of Quebec to say this bill was within the jurisdiction of the Dominion Parliament.

Hon. Mr. BOISFORD said he had listened attentively to the arguments on both sides, and to the authorities which had been cited, and had looked at the clauses of the British

North America Act, and had come to the conclusion that this Senate had a right to deal with alimony. He assumed it for this reason: The Parliament of Canada had a right to pass a divorce law, and it followed that it had the right to deal with alimony and the custody of children. He differed in opinion from the honorable Senator from Cumberland, who had contended that this House was pledged by the adoption of the report of the committee to carry it out in its entirety. If that were the case, why was the evidence reported? Was it not that each senator could judge the case for himself? If it were a clear and unquestionable case where alimony should be awarded, he considered the House would have a right to grant it, but on looking at the evidence he had a doubt in his mind as to whether, under the circumstances, alimony should be granted, and he would therefore vote for the amendment.

Hon. Mr. WILMOT thought it was unfortunate that this question of marriage and divorce should come before this Parliament at all. His own opinion was that this question of alimony should be decided by the courts. But, since the committee had reported that this woman was innocent, and had no redress in the courts of Ontario, which had already decided against her, she should be granted alimony. Therefore, very much against his judgment, he had come to the conclusion to vote for the bill.

The House then divided on the amendment with the following result:—

CONTENTS.—The Hon. Messrs. Alexander, Armand, Baillargeon, Bellerose, Botsford, Bureau, Campbell, Chapais, Chinic, Cornwall, Dumouchel, Girard, Guevremont, Hamilton (Kingston), Kaulbach, McClelan (Hopewell), McLelan (Londonderry) Macdonald (Victoria), Macfarlane, Macpherson, Miller, Odell, Paquet, Pelletier, Penny, Power, Ryan, Scott, Skead, Trudel, Vidal.—31

NON-CONTENTS.—The Hon. Messrs. Aikins, Archibald, Benson, Chaffers, Christie (Speaker), Cormier, Dever, Dickey, Dickson, Fabre, Ferguson, Ferrier, Flint, Glasier, Grant, Haviland, Haythorne, Hope, Howlan, Leonard, McDonald (Toronto), McMaster, Montgomery, Muirhead, Price, Reesor, Seymour, Stevens, Sutherland, Wark, Wilmot.—31.

So it passed in the negative.

The question was then put on the main motion, and the House divided, with the following result:—

CONTENTS.—The Hon. Messrs. Aikins, Archibald, Benson, Christie (Speaker), Chaffers, Cormier, Dever, Dickey, Dickson, Fabre, Ferguson, Ferrier, Flint, Glasier, Grant, Hav-

iland, Haythorne, Hope, Howlan, Leonard, McDonald (Toronto), McMaster, Montgomery, Muirhead, Price, Reesor, Seymour, Stephens, Sutherland, Wark, Wilmot.—31.

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The motion was declared lost.

Hon. Mr. REESOR—Does this throw the motion out altogether?

Mr. SPEAKER—The question was that the House do now go into Committee of the Whole. It was decided that that should not be done now, but it may be done at a future day.

#### THE STEEL RAILS.

Hon. Mr. HOWLAN enquired:—1st. Who ordered the steel rails per barque *William Wilson*, of Whitehaven, which arrived at Halifax on the 1st of March?

2nd. Who authorized the order?

3rd. Through whom were they purchased?

4th. By whom manufactured?

5th. What was the price paid f.o.b.?

6th. What was the freight? Also, for the same enquiry respecting all shipments now on the way to Prince Edward Island, as well as the name of the ship carrying the same?

Hon. Mr. SCOTI—In reference to the first, the rails are part of the 10,000 transferred from the Pacific to the Intercolonial Railway, and part of the original 50,000 tons. They were purchased through Cox & Green. The manufacturers were the West Cumberland Company. The price, delivered at Halifax, was eleven pounds sterling. Therefore, there was no freight.

#### SECOND READINGS.

Bill to vest the property and powers of the Pickering Harbor and Road Joint Stock Company.

Bill to incorporate the Canadian Securities Company.

The House adjourned at six p.m.

FRIDAY, April 13th.

The SPEAKER took the chair at three o'clock.

After routine.

The bill to amend the Act to incorporate the Bridge Company of Riviere du Loup, in the County of Maskinonge, was read a third time and passed.

## PRIVATE BILLS.

Hon. Mr. HOPE moved that the time for receiving private bills be extended until Thursday next.

Hon. Mr. CAMPBELL said he considered this duty should rest with the Chairman of the Private Bills Committee, and it would be an inconvenient precedent to establish to allow a private member of the committee to put such a motion on record.

Hon. Mr. MILLER said during the incumbency of the late Government, the responsibility of extending the time for the reception of private bills, at such a late period of the session, rested with the leader of the House.

Hon. Mr. SCOTT then moved for the resolution instead of Mr. Hope, and it was carried.

## THE STEEL RAILS.

Hon. Mr. READ moved the enquiry of which he had given notice, that he would call the attention of the Government to the purchase of large quantities of steel rails and the freighting of the same, without asking for tenders; also, whether it is the intention of the Government hereafter to invite tenders for Government supplies before making purchases thereof? He said he had been led to give this notice from the evidence which he had seen around him that the public service was not conducted in a manner conducive to the best interests of the country. In this one transaction of the steel rails no less a sum than half a million of dollars had been paid away out of the public chest, for services awarded to political favorites without tenders being called for. That statement might appear to be a strong one, but he had obtained his information from the returns which had been submitted to the House by the Government. From the very inception of this steel rails transaction, it was surrounded with suspicious circumstances. In the first place the notice calling for tenders appeared in only one paper—the *Montreal Herald*—and the tenders were to be sent in to the Department within five days from the date of its publication. It was not until public attention had been directed to what looked like a job that an extension of the time for receiving the tenders was given, and the notice was published in other papers. The first advertisement appeared in the *Herald*, on the 2nd of October, 1874, and the tenders were to be received and opened at Ottawa on or before the eighth of the same month. The Government claimed that they had sent the advertisement to thirteen papers to be inserted five times in each paper, but there was a contradiction on the face of it, for, if the tenders were to be sent

in within eight days, how was the advertisement to appear for a month in the *New York Scotsman*, *The Coal and Iron Record*, the *Toronto Nation*, *The Trade Review*, all weekly papers? To put the most charitable construction on it, it was an unbusinesslike proceeding. About 300,000 tons of rails were tendered for, and he had no doubt the tenders selected by the Government were the lowest, but after the Government had given contracts for 45,000 tons, and notified contractors that they would not require any more rails, they gave another contract to Cooper, Fairman & Co., for 5,000 tons, on a direct offer, which was acknowledged by Jas. Cooper in the following telegram to the Public Works Department:—"Accept your offer made by telegraph on the 7th. Rails, £10 10s.; freight, 40s.; insurance not included." There could be no doubt from the correspondence that Cooper, Fairman & Co., had the offer on their hands for some time, to accept it or reject it, according to whether they could make terms with the manufacturers advantageous to themselves or not, long after the Government had informed other contractors, who were willing to tender, that no more rails or tenders for freight were required. Wherever this steel rail transaction was touched there seemed to be some jobbery cropping up.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. READ said the honorable gentleman would support the Government in a good many things, even the payment of \$1,000 per acre for land for a railway terminus in a wilderness on Lake Superior, but he would like to ask the honorable gentleman if he sent one of his clerks out to buy a barrel of flour, the market price of which was six dollars, and the clerk gave nine dollars for it, would he be satisfied with the transaction?

Hon. Mr. HOPE—Certainly not, but all those steel rails were bought by tender.

Hon. Mr. READ said he was not much acquainted with the City of Hamilton, but on looking over the correspondence before the House he found the name of Adam Hope as the President of a steamboat company that had something to do with those rails.

Hon. Mr. HOPE—And they tendered for the work.

Hon. Mr. READ said the tenders called for originally were for the freighting of 5,000 tons of steel rails from Montreal to Duluth, but a contract for four times that amount was given out without tender, through Cooper, Fairman & Co., though a Mr. E. Samuel was the lowest bidder, the excuse offered being that Samuel was not a steam-

boat owner. But neither were Cooper & Fairman steamboat owners; they were acting for the company of which Mr. Hope was president, and were awarded the contract for \$6.20 per ton, while another firm, Perkins, Livingston & Post, were offering to do the same work for \$4 per ton to Fort William, or \$4.75 to Duluth. The agents of Guest & Co. offered to deliver 10,000 tons at £11 per ton delivered in Montreal, as the Government would not receive their tender for rails to be delivered at Lake Superior.

Hon. Mr. HOPE said that was all the distance they were prepared to go. He had seen the manufacturers at home, himself, and they told him they were not prepared to deliver them further than Montreal.

Hon. Mr. READ said, in their correspondence they had stated they were prepared to deliver them at Duluth, but if the Government had accepted their offer, this nice little ring would not have been formed. And there were rings within rings in this transaction to take money out of the people's pockets. Had the offer of Perkins, Livingston & Post been accepted, it would have saved the \$25,000 which it cost in Montreal, as well as over \$2 per ton extra from Montreal to Lake Superior. It had been asserted that the reason why Cooper, Fairman & Co. were awarded this contract was, Samuel had withdrawn his tender, but it would be seen from the returns submitted to the House that Samuel only withdrew his tender on the 12th of May, after the Premier had informed him by a letter, dated 5th of May, that he had made other arrangements for the service, although Cooper, Fairman & Co. were not awarded that contract until the 13th of May. After this Samuel was taken into the ring, and there was a private arrangement made by which Cooper, Fairman & Co. were allowed to freight about 25,000 tons more rails under their contract by the Merchants' Lake and River Line, of which Mr. Hope was President. The rails got up to Duluth in this way, and then no less a sum than \$200,000 was paid away for transporting them from there to Red River without tender. Kittson & Co. made an offer to do the work for \$15 per ton, and another Company offered to do it for \$13.50, but Kittson & Co. were awarded the contract, and he saw their names down in the Public Accounts for \$200,000. He supposed the reason why they got the contract was because one of the parties interested in it was a member of the other House. There was no public tenders asked for this service. He spoke strongly on this subject because he felt strongly that the public chest was being used to influence members of Parlia-

ment, and because it was beyond doubt the principal man in this company was a member of the other House. He did not know it for a fact, but he had it on good authority, that such was the case, and it looked a great deal like rewarding political favorites at the public expense, as \$1.50 per ton on 13,000 tons was a nice little item. He thought he had shown pretty clearly that the Government had purchased a large quantity of these rails without tenders; that they had given out a contract for transporting a large quantity of them from Montreal to Duluth, and from Duluth to Red River, without tender, to political favorites at a much higher price than others were prepared to do the work for, and he thought the circumstances were such as warranted him in making the enquiry of the Government, of which he had given notice.

Hon. Mr. SCOTT did not propose to follow the honorable Senator from Belleville through his rambling discourse. The honorable gentleman had gone over again the question which had been so much debated during the last eighteen months or two years, and had repeated statements which had been refuted over and over again. The honorable gentleman had attempted to deny statements which he knew were incapable of contradiction. It was well known when it was contemplated to purchase the rails, tenders were invited through the newspapers in this country and the United States, and the best firms in England had sent in tenders. The honorable gentleman could not name a single house of any repute in England which had not responded to the advertisement. In March, 1874, Mr. Fleming had called the attention of the Government to the low price of steel rails in the market, and advised the purchase of a quantity for the Pacific Railway. No action was taken upon this report, and Mr. Fleming later on again called attention to this matter, which he considered was of very great importance. He would remind the House of the fact that when the Intercolonial Railway was undertaken, several years before the rails could possibly be used, when it was believed the purchase could be successfully made, 40,000 tons were purchased by the late Government. In that case, as in this, they were purchased before they were required, on Mr. Fleming's advice to the Minister of Public Works, that gentleman believing, no doubt, that he was acting in the public interest in so doing. The action of the present Government had been endorsed by Mr. Workman, of Montreal, who, in his place in the other House, had confirmed the opinion that the rails were purchased at a time when it was believed that

'bottom had been reached in the price of steel rails.

Hon. Mr. CAMPBELL—The Government need not have acted without the authority of Parliament.

Hon. Mr. SCOTT said there had been a large vote for the construction of the Pacific Railway, out of which sum these rails were purchased; just as in 1870, 40,000 tons of rails for the Intercolonial Railway had been purchased out of money voted for the construction of that road. The two cases were exactly parallel, but in the case of the Intercolonial a much larger sum was paid; and what did Mr. Fleming say? If the late Government had deferred the purchase of these rails until the time they were absolutely wanted, they would have been obliged to buy after the period of inflation had come when the cost would have been a million dollars more. The precaution taken at that time saved the country \$1,000,000. No doubt if the construction of the Intercolonial Railway had been suspended until the present time the rails could have been purchased a good deal cheaper, but the late Government thought they had acted prudently in purchasing in advance. It was not unreasonable to conclude that the Minister of Public Works was justified in believing, at the time he made the purchase of the steel rails for the Pacific Railway, that they had reached their lowest figure in the market. That the result did not confirm that anticipation was not the point at issue—the Government at the time believed they were acting in the best interests of the people. Then, with regard to the removal of the steel rails. When it was determined the following year to transfer them to the west, tenders were invited, and were received from a considerable number of people. It so happened, in the former year, when the rails were being delivered, that Cooper, Fairman & Co. had undertaken to deliver rails for \$5.60 per ton. When the Minister of Public Works saw the figures in the tenders sent in, he naturally looked about to see whether he could get the rails moved for a less sum. Cooper, Fairman & Co. replied they would be willing to deliver the rails, and pay all charges for duty, insurance, etc., for \$6.20. The Minister was further informed that Mr. Samuels was not in a position to accept this contract, and the next lowest tender was that of Cooper, Fairman & Co. For the reasons stated in the Minute of Council, their tender had been accepted, and there was a difference of only twenty cents per ton on the whole quantity removed. With reference to the removal of the rails from Duluth to Red River, the Minister felt it

would be wiser to get a fair rate from the only parties who were really in a position to tender, than to invite tenders in the open market, where a corner would be likely to be formed, as the competitors were limited to one or two. The Minister, no doubt, was satisfied that Kittson & Co.'s tender was a reasonable and fair one, and, under the circumstances, he had accepted it.

Hon. Mr. MACPHERSON said he was not surprised that the Hon. Secretary of State should have manifested considerable feeling on this subject, but he would have to hear a good deal more about this steel rail speculation.

Hon. Mr. SCOTT—It was no speculation.

Hon. Mr. MACPHERSON said it was a speculation, and a most unprofitable one to the country, however profitable it might have been to some individuals. The Government had manifested very little discretion in purchasing 50,000 tons of rails so long before any of them were required—purchasing rails for 550 miles of Pacific Railway before one mile of it was located or surveyed.

Hon. Mr. SCOTT—10,000 tons went to the Intercolonial Railway.

Hon. Mr. MACPHERSON said that was an after thought. The money which had been applied for the purchase of them had been charged to the Pacific Railway. That was just one of the evils of this kind of speculation. The Government finding they had committed a great blunder, had assigned 10,000 tons of the rails to railroads in Nova Scotia and New Brunswick, involving an expenditure which would not otherwise have been made. If those Government railways in the Maritime Provinces had remained in the hands of the provincial authorities, did any one believe that those provinces would have laid 10,000 tons of steel rails upon them?

Hon. Mr. SCOTT.—Mr. Brydges reported that they were necessary.

Hon. Mr. MACPHERSON said the rails had been bought, and when it had been found they could not be used for the purpose for which they were obtained, they were diverted to the railways in the Maritime Provinces. Two years had passed since the Government purchased steel rails for 550 miles of railway, and yet not one mile of the road was in operation. The honorable Senator from Belleville had stated enough, with what was previously known, to render a committee of inquiry into this whole matter an absolute necessity. There was not time this session, but it should be undertaken as early as possible after the next meeting of Parliament. If there had been no partiality in the purchase and

transportation of these steel rails, there had been a most unfortunate combination of circumstances calculated to excite suspicion against the Government, and it was necessary that the whole transaction should be cleared up. Cooper, Fairman & Co.'s name had again been brought before the notice of the House, as agents for the contractors, and were, no doubt, interested in the contract for transporting the rails; and a member of this House was one of the partners in that contract. The Independence of Parliament Act did not reach this Chamber, but the honorable Senator from Hamilton should read the opinions expressed by the Minister of Justice upon members of the Senate being in any way engaged in transactions with the Government. The House would remember the attacks that had been made upon a member of the Senate who had to discharge the duties of an important office, and who was sent to this Chamber for the purpose of giving information to the public with respect to the Intercolonial Railway. If the Minister of Justice would censure that, what would he not say to the gentleman if he had a lucrative contract with the Government, while holding a seat in this House? He would now bring to the notice of the House the actual cost of this steel rail speculation, so far as he could ascertain it, though he had not by any means all the facts before him. It was no easy matter to find the items; some were in the Public Accounts, some in the report of the Minister of Public Works, and a large number, he apprehended, had not yet been brought into the accounts. The sum paid in England on account of the rails was £600,800, equal to \$2,923,900; freight to Montreal on 10,000 tons, \$30,000; making a total of \$2,953,900 as the cost of the rails delivered at Montreal. The average cost per ton was, therefore, \$59.08. Then there was a freight to Vancouver Island, \$48,666; inland transport charges and insurance, \$222,884. Then there was the interest on \$2,953,900 at five per cent., for an average period of two years, amounting to \$295,390. He estimated the time at two years, because on the average it would be found to be a great deal more than that, though it was a little less to-day; but before the cost ceased to bear interest it would be twice that sum. This interest, added to the other figures he had given, brought the total cost of these rails to the present time, to \$3,520,840. Now, these figures were perfectly appalling.

Hon. Mr. DICKEY—How much is that per ton?

Hon. Mr. MACPHERSON—\$70.41 per ton. And the country had this enormous quan-

tity of steel rails deteriorating at a rate which he could not, and would not, venture to estimate, but which he knew would be most serious. He was informed on undoubted authority, by parties who had purchased steel rails of the very best quality from the best makers, that they could be laid down at Montreal at \$36 per ton.

Hon. Mr. McLELAN—I think the hon. gentleman must be in error. I notice the Government have paid at the rate of \$48 per ton this year for iron rails.

Hon. Mr. MACPHERSON said that was no proof that he was in error.

Hon. Mr. HOPE—Who agreed to lay down the best steel rails in Montreal at that rate?

Hon. Mr. MACPHERSON—One of the best makers in England.

Hon. Mr. SCOTT said he was informed that the Great Western Railway Company, at the same time as the Government purchased the 50,000 tons, had paid £11 sterling per ton.

Hon. Mr. MACPHERSON said the honorable Senator from Toronto (Mr. McMaster) had stated that last year—no doubt for the purpose of sustaining the Government in their great speculation. But if the statement were correct, and the company were not in immediate need of rails, they had exhibited as little foresight as the Government had done. The Ebbw Vale Company was regarded as a first-class house, and they had sold steel rails, deliverable at Prescott, at £7-15 per ton.

Hon. Mr. SCOTT—Iron rails?

Hon. Mr. MACPHERSON—No; steel rails of the very best quality.

Hon. Mr. CAMPBELL—Steel rails—I have seen the invoice.

Hon. Mr. MACPHERSON said he had allowed \$1.71 per ton for transport from Montreal to Prescott.

Hon. Mr. McLELAN said this same company had furnished steel rails for the Intercolonial Railway, and they were the very best that had been laid on that road.

Hon. Mr. SCOTT—The company went into liquidation not long ago.

Hon. Mr. MACPHERSON said they had changed from a partnership to a corporation; but the company was one of the largest in England. At no time had they fewer than 7,000 persons in their employment, and no iron masters in England had a better reputation for furnishing rails of the very best quality than this same company.

Hon. Mr. SCOTT—But their rails are not all of the same quality and pattern?

Hon. Mr. MACPHERSON said the quality was warranted to be the very best. Now,



the 50,000 tons purchased by the Government had cost \$2,953,900, but if they had awaited until the present time—and even now, they only required a small quantity—they could have been bought and delivered at Montreal for \$1,800,000, showing a loss to the country by the speculation purchase, prematurely and imprudently made by the Government, to amount to \$1,153,000. Adding to this, interest \$295,300, and freight to Vancouver Island \$48,666, the actual loss to-day would be found to reach \$1,497,866, or say one and a half million of dollars, to the present time. In addition to that there was the inland freight and insurance, amounting to \$222,884, which had been incurred and paid before the rails were wanted. This enormous blunder would be a lasting charge upon the consolidated revenue fund of \$75,000 a year, at least. And in addition to all this, he understood there was a small army of care-takers and laborers employed about the rails, and the rails were deteriorating every day; altogether it was a most serious affair, entailing a loss upon the country of \$1,500,000, at least. The proper course for the Government to have pursued would have been to wait until the rails were required, and then buy them, whatever they cost. As a matter of fact, had they done this they would have saved one and a half millions of dollars to the country. The present Government did not claim to be more than simple administrators, because they had over and over again said they could not introduce any new legislation which in their opinion would benefit the country in its present state of great depression. In other words, there is nothing in the science of government known to them by which they can by legislation assist the industries and promote the progress of the country. From the information which was being gained from day to day, this transaction was a very fair average specimen of the administration of the Government. The honorable gentleman from Toronto (Mr. MacMaster) in defending the Government last year, was really condemning the company with which he had been connected. He had also thrown the whole blame on the Engineer for the error which had been committed, which was not just. In the debate on the question last year, the honorable gentleman had declared it was ridiculous to say a loss of \$300,000 had been sustained by the country in this transaction; and that if the allegation were correct the Government could not have his support. The case was very much worse to-day, but the hon. gentleman would go on supporting them, no matter what they would do. The

information before the country with respect to this steel rail transaction was such that the Senate would fail to discharge its duty if it allowed another session to pass without appointing a committee to thoroughly investigate the whole matter.

Hon. Mr. HOPE desired to make a few remarks in reply to the observations that had fallen from the hon. Senator from Toronto. There was an incorporated steamboat company in Hamilton in which he (Mr. Hope) was a shareholder, and which had been in operation for the last five years. In 1875 the agent of this company in Montreal.

Hon. Mr. MACPHERSON—Cooper, Fairman & Co.

Hon. Mr. HOPE—No.

Hon. Mr. MACPHERSON said he had seen the power of attorney from the company to Cooper, Fairman & Co., from the steamboat company.

Hon. Mr. HOPE said he would explain that. Jacques & Co. advised the steamboat company that there was a certain quantity of rails to be transported from Montreal to Lake Superior, and asked if any of their steamers could be had to carry them at a given rate. With others, Jacques was authorized to tender for the transportation of those rail and at first he (Mr. Hope) supposed the tender was direct to the Government. It was only when he, as president of the company, enquired who was to pay for the work that he learned Cooper, Fairman & Co. were the contractors, and not Jacques & Co. It was found necessary, in order to collect the money, that the company should give Cooper, Fairman & Co. a power of attorney, signed by him as president of the steamboat company. In 1876 Jacques again said he was about to tender for the transportation of rails to Thunder Bay, and wished the company to name a price for which they would do the work. The tender sent in was lower than that of 1875, and he believed two of the steamers of the company were engaged in carrying a portion of the rails to Fort William and Duluth. The thing was all fair and square and above board. So far as he was concerned he would have considered himself at liberty, as a private individual to have tendered for that or any other work open to public competition, but in this case, instead of a private individual, it was an incorporated company that tendered. This was in 1876, before he had the honor of holding a seat in this House, but he supposed that company would be free to tender now for such work without compromising him as regards the Independence of Parliament Act.

Hon. Mr. MACPHERSON—The honorable

gentleman could not do that without morally compromising the independence of this House. He would do what probably would not be contrary to the letter of the law as applied to this House, but what would be contrary to the letter of the law in the other House.

Hon. Mr. HOPE said an incorporated company, whose president was a senator, had as good a right to tender for Government work as a bank had to receive millions of dollars on deposit without interest from the Government, while one of its directors held a seat in this House. With regard to Samuel's contract, he did not know how that firm could expect to carry out the contract, as it had no steamers under its control that he was aware of. That was all he knew with regard to the carrying of the rails. Then, as to the price of steel rails in England; he had been in England in 1874, when the contract for the 50,000 tons was given out, and visited the largest establishment in South Wales, where he had an interview with an old school-fellow, now the manager of the Dowlais Steel and Iron Works, the largest of the kind in England, and that gentleman remarked that the Government of Canada were asking for tenders direct for steel rails; that the Dowlais Co. were about to tender, and never before had there been such a favorable time for purchasing steel rails as at that time, and it was a question with them (the Dowlais Co.), whether they should close up their works or manufacture on such low terms as they were doing. The rails had been purchased on tender, they had been transported to Fort William on tender, and he hoped the Government would see their way to build the road as fast as possible, and use the rails for the same. He did not think the Government were at all too soon in purchasing those rails. If they were sincere in their desire to build the railway, as he believed they were, they ought to have the rails to lay down as soon as the track was prepared for them. A great deal had been said about what the Government would have saved if they had waited, but the honorable Senator from Toronto would have had good reason to charge them with being speculators if they had not purchased till the rails could be procured at the lowest rates—till, in fact, they had touched bottom figures, and he believed that time had not yet arrived. What would the honorable Senator think if the late Government were to be condemned for buying 50,000 tons of rails for the Intercolonial some years ago, when the same rails could now be got much cheaper? It was all very well to be wise after the event, but at the time the Government

made the contract for 50,000 tons of rails, there was not a manufacturing establishment in England that would not have said it was an excellent transaction for the Canadian Government. The honorable Senator from Toronto seemed to think the rails should not have been bought until the moment they were wanted, but when would that be if the honorable gentleman's views were to prevail? The honorable Senator had always contended that there should be no railway from Fort William to Red River at all. No doubt, great improvements had been made in the manufacture of steel rails, and the price had been reduced, but he doubted very much if they could be delivered at Prescott for £7 15s. per ton as stated by the honorable Senator from Toronto. That was lower than crown bar iron could be laid down at.

Hon. Mr. MACPHERSON—I will show the invoice.

Hon. Mr. HOPE said he would like to know the quality and specification of the rails before he would believe that the best kind could be delivered at such a price.

Hon. Mr. McLELAN said the honorable gentleman had given what might appear to himself a very lucid explanation of his connection with the matter under discussion. The excuse was that he had been under the impression that his agents, Messrs. Jaques & Co., were in communication with the Government. It seemed, however, that his agents very naturally came to the conclusion that, in the matter of steel rails, Cooper, Fairman & Co. are the Government, and applied to them with the success stated. The honorable member objected to having this purchase spoken of as a speculation, but he must admit this was the mildest term that could be applied to it. There was no pretence that the rails were actually required for use, and all that appeared on the papers was the simple statement that the Government thought it a very favorable time to purchase, and in haste they proceeded to do so. The honorable member had contended it was a favorable time, because a number of the large manufacturers of rails had so told him. Of course, the men who had rails to sell would use this argument, but the men who accepted it were those who got their arguments against protection to home manufactures from interested Americans who desired to supply our market. When this question was before the House last session, he (Mr. McLelan) proved conclusively from the market reports running over a long period, that it was the worst possible time for a speculative purchase, and also gave from the public records the certificate of their own officer, Mr. Brydges,

"that no prudent man would purchase," at that time, "except for immediate use." A very small number of them had been used; the rest were scattered over the Dominion rusting in piles, and deteriorating more rapidly than if in actual use. He quite agreed with the Secretary of State that the country is sick of the transaction, and he thought, with the honorable Senator from Toronto, that we should have at next session a thorough investigation by a committee, and the whole question buried from further discussion, with a fitting memorial placed on record in the report. The honorable member for Belleville proposed to ask the Government if it is intended to call for tenders in letting all contracts. It seemed to him (Mr. McLelan) hardly worth while to put this question without following it by another—if they intend hereafter to have contracts carried out? He was led to this remark by looking over a return distributed since this discussion had commenced. In this return he found that A. B. Foster contracted with the Government to construct the Georgian Bay Branch Railway. A general line to be followed was indicated in the contract, and the grades fixed at 52 feet per mile, ascending West, and 26 feet ascending East. This latter, it will be understood by railway men, was remarkably low. The grade on the Intercolonial was fifty-two feet each way, and in several cases much heavier was used. Mr. Foster in his survey found difficulties in obtaining so very light a maximum grade. He appeared to have consulted Mr. W. Shanley, who, in a letter dated 26th October, 1875, expressed the opinion that more favorable gradients could be found between the line marked on the plan of contract and the Ottawa River, and counseled him to seek from the Government permission to lay down the best possible line there. He appeared to have done so, and on the 17th November Mr. Fleming writes Mr. Braun that his information is such that he is "not by any means satisfied that a line coming up to the conditions of the contract cannot be secured on the general route shown on the contract plan," and he adds in another paragraph, "There is no necessity for adhering rigidly to the exact line drawn on the contract plan; this was never intended; that line was simply to show the general direction of the intended railway." On December 20th, 1875, Mr. Foster submits to the Minister of Public Works a formal application for this modification, and also the substitution of 26 miles of navigation on French River, for 26 miles of road, and also for an extension of time and modification of terms of payment. On December

23rd, Mr. Fleming reports on this practically granting everything asked for in connection with the Georgian Bay Branch, and extending the time one year. This appears to have satisfied Mr. Foster, for on the 3rd of Feb., 1876, he writes Mr. Fleming that he is arranging to go on with the contract at once. On the 8th of the same month, Mr. Foster applies to the Minister of Public Works for a payment on account of Georgian Bay and Canada Central of \$63,000, and says that he is "arranging to put 80 miles of grading under contract immediately." This account amounting to \$63,489.80 is sent to Mr. Fleming for his approval. Mr. Fleming reports, 9th February, 1876, that assuming the items are correct, and he has only vouchers for about \$6,000, the proportion of the whole account expended on Georgian Bay Branch would be \$38,864, and on this expenditure under the terms of the contract, he would be entitled to \$9,716, less 15 per cent. Mr. Foster thinks so small a sum beneath his notice. He fails to get Mr. Fleming to certify his account for \$63,000 and then applies to the Minister of Public Works, and on the 26th February he recommends to Council that the contract be cancelled, Mr. Foster repaid his security deposit of \$85,000, and that he be paid for his expenditure; on the 28th there is an Order-in-Council confirming this and ordering \$20,000 to be paid on account, which sum is paid; on the 28th April Mr. Fleming has Mr. Foster's accounts for the Georgian Bay Branch under consideration, and he advises the Department that there are vouchers for only about \$20,000, and suggests that Mr. Foster be "called upon to furnish complete vouchers, and that the whole be placed in the Audit Department for examination." In this final account it was curious to note that the cost of survey, which on the 9th of February included everything to date, was put by Mr. Foster at \$24,532, and when the contract was cancelled on the 26th of the same month, when no work was being done, suddenly jumps up to \$31,838, but as Mr. Fleming says, on the 28th April, without vouchers. On the 12th of May there is another Order-in-Council, settling the whole question of vouchers, and ordering payment for the whole claim for surveys and office expenses \$36,838, and the Minister of Public Works to settle such further claim for work at French River as can be verified not to exceed in the whole \$50,966. This authority for payment is on the 12th May. Now, turning to the memorandum of payments on page 26 of the return, it would be found that the sum named in the first Order-in-Council of the 28th of February was paid the 13th of

March, and also that on the 6th of May there was paid \$4,000, on the 9th \$4,000, and on the 10th \$8,000, making \$16,000 paid before the Order-in-Council was given, and for which there is nothing to lead us to suppose the proper vouchers were produced. Subsequent to the second Order-in-Council there is a payment of \$5,000; of this, \$4,162 are on a claim on two items over \$14,000, and on which items alone the Order-in-Council of the 12th of May asked for vouchers. The other charges on which Mr. Fleming twice reported a want of vouchers were paid in full, \$36,838.

Hon. Mr. SCOTT—The honorable gentleman has not found much in all that.

Hon. Mr. McLELAN said the honorable Secretary of State might not think it much, but the House would conclude, he was sure, from the hasty review of the history of this transaction now given (he having only had a few minutes study of the papers), that the Government had given their friend Mr. A. B. Foster a contract; that every facility, in an engineering point of view, was given him; that the conditions of the contract were modified largely in his favor, and the time extended a year; that there was no obstacle in the way of carrying out the contract, with the extension of time; that up to the 9th of February, 1876, there had been every indication furnished by Mr. Foster himself that he was going on, and he applies for a payment on account of \$63,000. But whenever the engineer in charge, Mr. Fleming, reports that on this claim he is only entitled, under the contract, to \$9,716—then Mr. Foster and the Minister of Public Works come to an agreement to cancel the contract and pay his claim, and when Mr. Fleming reported he was only entitled to the small sum named, the Government pay him at once \$20,000, and eventually \$41,000, without, as indicated by the papers, proper vouchers of the expenditure. Such had been the course pursued by the Government in this case, and he thought the honorable member for Belleville need scarcely trouble himself asking the Government if they intend to call for tenders in contracts unless he also asked if they intend hereafter to have them carried out, especially in cases such as this of Mr. Foster's, in which there were no reasons for cancelling apparent, except to accommodate the contractor.

Hon. Mr. McMASTER said the honorable gentleman opposite (Mr. Macpherson) had quoted and commented on some remarks of his delivered last year on this subject, and had pronounced the purchase of steel rails by the Great Western Railway Co. an error of judgment. Anyone who is acquainted

with the buying of rails on a large scale must know that an extensive order cannot be executed in a short time, and that the usual practice is to order a year, and sometimes longer, in advance.

Hon. Mr. MACPHERSON—How many tons did the Great Western Railway Co. order?

Hon. Mr. McMASTER.—I don't remember, but it was a large order.

Hon. Mr. MACPHERSON.—They were not building and it could only have been for renewals.

Hon. Mr. McMASTER said the company was building the Loop Line, and the quantity purchased was large. The price paid was £11 per ton, and it was regarded at the time as an exceedingly low price. The low rates quoted now were mainly attributable to the dreadful depression existing in the iron trade in England. He was quite free to admit it would have been better if the Government had not ordered such a large quantity, but there was nothing corrupt in the transaction. If there had been anything of that kind—anything approaching the transaction entered; into by the late Government in purchasing rails and railway stores, at high prices, through a brother-in-law of a member of the late administration, who, when an investigation of his purchases was about to be instituted, could not be found, he would be the first to condemn them. With reference to the statement that the country had lost a million and a-half of dollars by this transaction, he asked was it fair to make a calculation of interest on a basis of two years when the last of the 50,000 tons of rails had only been delivered a few weeks ago, and when 10,000 tons had been reported by Mr. Brydges as being absolutely necessary for the inter-colonial railway.

Hon. Mr. READ.—Part of them were given away.

Hon. Mr. McMASTER said it was most unfair to make such statements. As to his votes in this House he was prepared to justify them, and he might say, the only thing he regretted in connection with the discharge of his duties in the House was that he, at the instigation of the honorable member for Toronto, allowed his name to be used as a provisional director of the Inter-oceanic Railway Co. He could say this, however, in connection with his conduct on that occasion, it was distinctly understood it was merely to assist with the charter, and as soon as the company should be organized he was to withdraw. He attended the first meeting of directors, reminded the honorable gentleman of his promise and withdrew because he thought it

was highly improper for any member in this House to take an active part in the formation of that company.

At six o'clock the House rose for recess.

*After Recess.*

Hon. Mr. MACPHERSON resumed the debate. He said it was true that 10,000 tons had been sent to the Maritime Provinces for the Government railways there, but as he had stated before, if they had not been on hand they would not have been used for that purpose, and the Government would not have been led into making a present of 4,000 tons of them to a private company. As to the Intercoastal Co., it was never in existence for any practical purpose, and he believed the honorable senator (Mr. McMaster) was the gentleman who proposed that he (Mr. Macpherson) should be president of it. The honorable gentleman regretted his connection with the company. It was a very light matter, but he (Mr. Macpherson) promised him that he would never again ask his co-operation in anything.

Hon. Mr. McMASTER said, were he disposed to make a point against the late Government, he might refer to the million dollars which were lost in changing the gauge of the Intercolonial Railway. If he were to go into matters referred to in Mr. Brydges' report, he might startle the House with the iniquities it revealed.

Hon. Mr. READ—I cannot understand where those rails came from that arrived only recently.

Hon. Mr. SCOTT—Some of them only arrived the other day.

Hon. Mr. READ said they must be additional, because he held in his hand a return brought down by the Government on the 26th of February, showing in detail where all the rails in the original purchase of 50,000 tons were at that date.

Hon. Mr. SCOTT drew attention to a return from Mr. Brydges with reference to old rails in the Lower Provinces. The quantity at the date of that return was 3,230 tons, and of that quantity there was available for sidings and branch lines only 1,457 tons, the balance being only fit for scrap iron. That proved very conclusively if 11,000 tons had not been withdrawn from the original order for the Pacific Railway for the Intercolonial, it would have been necessary to order that quantity for the Intercolonial.

Hon. Mr. MACPHERSON said any one who knew anything about railroads understood how tracks were maintained. It depended on the circumstances of the company whether they were renewed in an expensive manner or not. A company that

had no money to waste would cut the ends off worn rails and renew in that way. But, of course, a Government rolling in wealth would at once import enough rails to re-lay the track from one end to the other, which a company would not do.

Hon. Mr. MOLELAN said the Hon. Secretary of State was right in saying Mr. Brydges had recommended the re-laying of the Intercolonial with steel rails. That was in August, 1875, and the recommendation was made in consequence of the low rate of rails at that time. He had reported it would be decided economy to make the purchase and re-lay the track in 1876-7, and that the cost would not exceed \$600,000. It was evident, therefore, that Mr. Brydges at that date had no knowledge the Government were going to utilize the rail purchased for the Pacific Railway on the Intercolonial, and it also appeared that he estimated the cost at less than \$50 per ton.

Hon. Mr. PENNY said the honorable Senator from Toronto had said that a Government swimming in money, of course, had re-laid the whole track, and that a company would have patched it where renewal was necessary. He believed that any company having the means would re-lay the whole, as a piece of economy. He would remind the honorable gentleman that the Grand Trunk Railway Company had laid out a large sum in re-laying their track with steel rails, although they were far from rolling in wealth, and those who were familiar with railroading knew that the step was considered a wise one, and one that saved much money. The honorable Senator from Belleville had asserted that the first advertisement for tenders for the supply of the steel rails had appeared in only one paper. The returns submitted to Parliament showed that it had appeared in several papers. And at all events what became of the insinuation that this was a hole and corner transaction, when every great iron firm in Europe had tendered for it? There was no doubt, however, that the purchase had resulted in a loss, just as a transaction in which a private individual might engage might entail loss upon him. He was not at all afraid of the word speculation in connection with this purchase. It might have a good as well as a bad meaning. When a man knows he will require certain materials in a certain time, and that the market price is very low, and believes it is likely to rise, the best thing he can do is to take advantage of the state of the market. It was admitted the late Government had purchased 40,000 tons of rails before they were actually needed; and in proportion to the length of the roads then in contemplation this was

a much larger purchase than the 50,000 tons bought by the present Government for the Pacific Railway. But the question which he wanted to put to the House was, what was there to justify the purchase of the 40,000 tons of rails which there was not to justify the purchase of the 50,000 tons? If low prices made the occasion suitable for buying the 40,000, still lower prices suggested the propriety of taking advantage of them to buy the 50,000. He thought, though it had turned out badly, the Government would have neglected its duty if it had not.

Hon. Mr. MACPHERSON said this purchase had been made before a mile of the Pacific Railway was located. It was different in the case of the Intercolonial.

Hon. Mr. MILLER said the Intercolonial Commissioners had only done what railway companies usually do when they give a large order—given it a year in advance.

Hon. Mr. PENNY said the distance to which the rails for the Pacific Railway had to be carried made it necessary to purchase a considerable time before the track was ready for them. However he did not put it on that ground. He contended that the circumstances of the market justified the Government in pursuing the course they had followed. They had lost money, it was true, and any Government that should lose a million dollars might expect to hear of it at the hustings. That was the place for claptraps, not the Senate, where honorable gentlemen pretended to be above party considerations. This was not an isolated mistake. There had been mistakes in connection with the Intercolonial as well as with the Pacific Railway. They were inseparable from great undertakings like these. The late Government lost about a million by the change of gauge of the Intercolonial Railway, and in connection with the Dawson route nearly a million—about half a million in one year. How many passengers had been carried over that route? So few that it would have been better to give them \$500 each and close up the Dawson route altogether. Still he would not say this was a job, although the country had spent over a million of dollars on that route. He was quite satisfied whatever Government might be in power, during the construction of this Pacific Railway, would have a great many mistakes to repent of, but that was very different from the expenditure of money for improper purposes. In looking at the returns brought down no one could say that the manufacturers of steel rails had not been well informed of the intention of the Government to purchase this quantity of 50,000, and it was, therefore, evident that the advertising had been sufficient to ac-

complish what was desired. As to the loss on freightage, the tender accepted for the transportation of rails to Thunder Bay was only twenty cents higher than the lowest tender which was withdrawn, and the loss could not therefore be over \$4,000. With regard to the payment to Mr. Foster, in connection with the Georgian Bay Branch, his honorable friend (McLelan) was mistaken. The Order-in-Council of the 12th May recognized \$36,836 as then due, and it was not till May the 30th, that more than \$36,000 was paid, the amount paid to the 10th of May was only \$36,000, and there were then vouchers for \$36,838, leaving a balance to be paid, for which there were vouchers.

Hon. Mr. McLELAN explained the change of gauge on the Intercolonial Railway. When the construction of that line was commenced there were 300 miles of Government Railways in the Maritime Provinces, all broad gauge track, and the Grand Trunk line was also a broad gauge road. At that time there was no intimation from the Grand Trunk Railway that they intended to change their gauge, and therefore it was decided to lay a continuous gauge all through the Dominion. The first track built was eighty miles, to connect the Government Railways in Nova Scotia and New Brunswick, and was of course built on the broad gauge. Before that was completed the Commissioners found that the question of railway gauge was being discussed, and they gave orders accordingly that their rolling stock should be so constructed that it could be adapted to the narrow gauge without difficulty. Then, when they found that the Grand Trunk Railway was to be narrowed to the four feet eight and one half inch gauge, they commenced to lay the track of the Intercolonial to correspond with that gauge. The principal part of the expense of changing the gauge was on that eighty miles and on the 300 miles of track constructed before Confederation.

Hon. Mr. PENNY—That is a very good excuse for the honorable gentleman; but it was exactly that which justified the Government in purchasing the steel rails. His honorable friend purchased in one set of circumstances, and was unexpectedly confronted with others.

Hon. Mr. McCLELAN said there was a great difference between the two cases, which he would presently explain. Last session this had been spoken of as a crime, because, in addition to the assumed loss to the public in the price paid for the rails, it was also insinuated it was a "hole and corner" affair, and that favoritism had been shown to certain parties. There was no-

thing of that brought out in this discussion, and it had narrowed down to this—that the Government in giving an order for 50,000 tons of steel rails had committed a blunder in speculating on the possible rise of the market; or in other words, in doing what their predecessors had done, only in the present case the market had fallen instead of advancing as before. It was simply an error of judgment and no crime. There was no pretence now that anything had been done in an illegitimate way, or from a corrupt intent, or that there was in this transaction anything at all comparable with many things that had transpired within the past decade. There was this difference between the change of gauge of the Intercolonial Railway and the purchase of the steel rails in advance of requirements, that while the Government had entered into the latter transaction with the best possible intention and with an earnest desire to carry out the great work which had been left a legacy on their hands by their predecessors, and which is destined to cripple the resources of Canada, the late Administration had gone on with the Intercolonial, building it on the broad gauge, with a full foreknowledge that the tendency of the world was in favor of the narrow gauge, as now admitted by the honorable member from Londonderry himself. They had a knowledge of the popular feeling in Canada as well by the vote in the other House when so strong a Government were sustained in their decision to adopt the broad gauge by only the small majority of seven or less. In the face of these facts the late Administration had gone on with the work and the result was they had eventually to narrow the track at a large expense to the country. The amount of the money wasted by that mistake had not been properly represented to this House, because no mention had been made of the unnecessary expense, in addition to the 80 miles actually finished, in grading, building bridges, culverts, &c. broader than necessary. The position of this question now was very suggestive, as showing the straits to which the Opposition were driven. After the virtuous indignation of the Opposition, as to the alleged corruption, jobbery and swindling on the part of the Government, upon investigation it turned out there was nothing whatever upon which to base such charges. After all the accusations that had been made against the Government in connection with this purchase, the Opposition had been obliged to admit it was a mere error in judgment which any individual or company might be readily drawn into under circumstances much less mitigating.

Hon. Mr. MILLER said he had not addressed the House on this subject hitherto, preferring to leave it to gentlemen whose business habits and special knowledge qualified them to discuss it. He would not have taken part in this debate if honorable senators opposite had not endeavored to meet the strong arguments against the Government by charging the late Administration with having been no better than themselves. What had they to do with the faults of the late Government? It was evident the Government and their supporters felt the weakness of their position when they resorted to that kind of defence. He was not at all surprised that they exhibited a remarkable degree of sensitiveness whenever this unfortunate steel rails speculation was brought before the House. They had good reason to fear public opinion in regard to it. There was an impression abroad that the public money had been wasted by the Government and a still further impression that the transaction had an ugly aspect—that it was a transaction in which corruption in its most objectionable form appeared at every point. From beginning to end, from the hour the first advertisement appeared in the *Montreal Herald* down to the latest phase of it, whereby the Independence of Parliament Act had been violated, the same influences that had marked its inception were manifest. It deserved not only to be characterized as an unfortunate speculation, but it was marked by peculiarities such as few public acts in this country were more indelibly stained with. Did honorable gentlemen opposite think the country had already forgotten the origin of the unlucky transaction? The Government had concluded to purchase a large quantity of steel rails when there was no use or necessity for them. Admitting the contention of the honorable gentlemen opposite to be correct as urged by them last year—but abandoned this year—that it was not an unwise act to purchase such a large quantity of rails at the time, the course pursued by the Government was wrong and calculated to excite suspicion in giving such short notice in calling for tenders. Would any one venture to deny this before the people of this country? The first advertisement calling for tenders, involving millions of dollars, was published only five days, and appeared in but one paper, the *Herald*. This appeared undeniable, although it had been denied, only five days were given when the tenders asked for could only be filed by firms in England, and when the amount was very large, involving millions of money. That was the inception of the mat-

ter, and any man who could say that did not bear a suspicious character, taken in connection with subsequent developments, was completely blinded by party zeal. What made it more suspicious was, this firm of Cooper, Fairman & Co., was in a position, either from information it had improperly received or otherwise, which no other firm in this country occupied, to tender for those rails, and then it unfortunately happened a brother of the Premier of this country was at that time a legal partner in this firm, and pecuniarily interested in its success. Yet the House was told, notwithstanding the way in which that firm was interwoven in the business from beginning to end, that the circumstances did not justify honorable Senators in calling this a job which bore the aspect of nepotism at the expense of the public interest. When the first short notice was given, at once an expression of indignation went up from all the great iron houses in this country, and delegations were sent to Ottawa to procure an extension of time to send in tenders. Upon the representation of those people the Premier was obliged to postpone the reception of those tenders for one month. But the interests of Cooper, Fairman & Co. were not endangered, for in the end a large portion of the contract was awarded to them. From the outset down to the latest revelations in regard to this transaction, this firm appeared to be favored above all others. They had been favored in the purchasing of the rails, and in the transportation of them. The giving of the contract for the carrying of those rails to this same firm, when there was a lower tender, was another feature so tainted with wrong and suspicion that all the water of Lake Superior could not wash it out. Yet honorable gentlemen opposite were put forward to say there was no jobbery in all this.

Hon. Mr. SCOTT—Where was the job?

Hon. Mr. MILLER said in the first place, it was in trying to steal a march on the public apparently to hand over a contract to Cooper, Fairman & Co.; and in the second place, in giving the same firm the contract for the carrying of the rails when there was a lower tender. That there was a lower tender could not be denied. The transaction was tainted with jobbery and nepotism from beginning to end, and although the Government had cleverly attempted to cover up their tracks, there was enough exposed to reveal the true character of the transaction to the country. The honorable Senator from Hopewell had asserted that the Opposition were backing down from their first position, and were now ready to admit that it was merely a mistake, an error of judgment on the part of the Government,

and that there was nothing corrupt in the steel rails purchase. If there was any backing down it was on the part of the honorable gentlemen opposite who now, for the first time, changed their tone, and instead of calling it an excellent bargain, as they had done last session, admitted it was a mistake. Though the country had sunk over three millions of dollars by this transaction in useless stock, the honorable member for Hamilton, and other blind partisans of the Government, thought it was all right, because in their estimation this was the best Government in the world and could not possibly make a mistake; and besides the honorable Senator from Hamilton, as president of the Steamboat Company, had in his pockets the best of arguments why he should consider that the Government could make no mistake. He (Mr. Miller) did not wonder the honorable gentleman was prepared to justify this job after he had justified the extraordinary purchase of lands at Fort William as a wise business transaction. Honorable gentlemen opposite were advancing to right conclusions on this matter, although they had not got quite far enough yet. Last session they were not prepared to admit this steel rails purchase was a mistake; now they were ready to admit it was a blunder—a costly and reckless blunder; in another year they would be prepared, in all probability, to admit it was a most unfortunate transaction which tainted their friends in the Government in a manner which they could not relieve themselves from by any exercise of ingenuity and sophistry. Instead of endeavoring to meet the unanswerable figures of the honorable Senator from Toronto, showing a cost to the country of over three millions of dollars, honorable gentlemen opposite sought to lead the House away from the point at issue, by charges against the late Government, and by representing as a mistake an act that the country would view in a much graver light, and justly so. If no money had been lost by this unfortunate transaction, it would have been a suspicious matter, but already over a million of dollars of the people's money had been thrown away by depreciation of the property, and he feared before the end was reached it would amount to two millions. Fortunately a hole was found for 11,000 tons on the Intercolonial.

Hon. Mr. PENNY—Given away; but the honorable Senator sees no job in that.

Hon. Mr. MILLER said as the honorable gentleman appeared to be in the secrets of the Government, perhaps he would tell the House to whom they had been given. He had some sympathy with honorable gentlemen who were called upon to defend this



transaction, and he did not feel disposed to visit their flimsy arguments with too much severity, but when he saw honorable gentlemen opposite attempting to lead the House away from the point at issue by commenting on the sins of the late Government, he could not listen in silence. It was simply puerile for honorable gentlemen in a discussion of this kind to endeavor to justify a transaction which to say the least was a grave mistake, by talking of the sins of the late Government. The day had gone by when that sort of defence would meet with anything but contempt and derision from the electors of this country, who had a right to expect better things from the advocates of Purity and Reform than the plea that they were no worse than their predecessors.

Hon. M. PELLETIER said no honorable member would be surprised to see him rise to answer to the bitter accusation of the honorable gentleman who had just sat down. If the Government was as corrupt a body as they had been so unjustly accused of, he, being one of its members, felt personally attacked.

Hon. Mr. MILLER said that the accusation brought against the Government in that matter did not apply to the Hon. Minister of Agriculture because he was not in the Government at the time of the transaction. The worst accusation of jobbery that had been made during his debate was by an honorable gentleman opposite, against a member of the late Government—an accusation he would not have dared to make if the gentleman he had referred to had been in the House to defend himself.

Hon. Mr. McMASTER—Yes I would.

Hon. Mr. PELLETIER said, although he was not in the Government at the time of the steel rails transaction, now that he was a member of the Cabinet he was responsible for their acts, and was quite willing to endorse all they had done. He was surprised that honorable gentlemen had introduced such bitterness into their criticisms of the actions of the Government—matters which, in this House, should be debated with calmness and deliberation. It appeared to him the argument of an honorable gentleman who had preceded him was a good one, that, if the purchase of steel rails by the late Government, for the Intercolonial Railway, in advance of their being required, was a sound policy, the present Government should not be blamed for following the same course; it might have turned out to be a bad one, but at the time it was considered to be a good one, and he saw no ground for accusing the Government of jobbery and speculation in this transaction. He was a member of the Lower House when

the Intercolonial Railway question was under discussion, and though the acts of the late Government were severely criticized, no charges of corruption were made against them, but simply charges of want of judgment. He was sure the honorable the leader of the Opposition in this House would not rise from his place to say there had been corruption and jobbery in the steel rails purchase. He believed public opinion would not approve such a manner of treating public questions in this House.

Hon. Mr. HAYTHORNE said he rose with reluctance to take part in this debate, because nearly every argument which could be adduced had been worn threadbare. He remembered, when this question was before the Senate last session, he had alluded particularly to the evil consequences of fastening upon ministers blame because they accepted the proper responsibility of their position. It was his opinion then, as it was now, that a ministry to be a ministry in reality, must accept all responsibility that fell upon their shoulders as such; and any Government that would not accept such responsibility were not worthy of the name. The honorable gentleman from Toronto had gone deeply into figures in this matter, and, no doubt, his calculations were arithmetically correct; but what did they amount to? Simply to this—that there was a large sum spent in the purchase of steel rails which were dead stock on their hands. He (Mr. Haythorne) maintained that if this country was ever to be a nation; if they were to accept the responsibilities of a nation, they must have dead stock of some kind or other on their hands. For so far the Dominion had escaped the expense of standing armies, fleets, and other such things that had run up the national debt of England, but they had not escaped the cost of national railways, and, so long as they had national railways, they would necessarily have unprofitable railway plant. The Government could no more go into the markets on a moment's notice, and renew railway plant just when they required it, than they could extemporize an ironclad in an emergency. They would be liable to interruptions by trade combinations, workmen's strikes, and other things, over which they had no control, and the country might suffer far heavier losses by the interruption of transport, or by delays in the completion of railways, than by having a few thousand tons of unused rails on their hands. The Government, when they purchased these rails, had a fair prospect of being able to utilize them in a very short time after they were delivered, and transported to the places of their ultimate destination. For instance, there was the

Pembina Branch to Winnipeg, which presented no insuperable obstacles to railway construction. But no one could have anticipated that the American line, with which that branch was to be connected would have stopped short at the point where it now was, instead of being pushed forward to the Canadian boundary. That was one point where the fair anticipations of the Government were defeated, without any fault of their own. Then there was the Esquimalt and Nanaimo Railway which the Government believed at the time they ordered those rails, would have been under construction immediately, but which was frustrated by the action of this House; and if the Government had also met with insuperable difficulties in locating their line through British Columbia, as well as in some portions west of Lake Superior, it was unreasonably to charge them with delay in consequence. The late Government, when in office, undertook to build a railway across the continent in ten years; but, how grievously the honorable gentlemen had also been mistaken in their calculations. From the high standing and experience of the honorable gentleman from Toronto, his remarks were likely to produce some effect upon the country; nevertheless, it might be profitable to refer to the experience learned by other great national experiments, for the sake of comparison. Take, for instance, the dock-yards of Great Britain, in which all sorts of unprofitable experiments were made, and where vessels of all classes and ages, and of every variety of material, were lying unused, yet members of the British Parliament were not heard summing up the first cost and interest of all these experiments, and denouncing the Government as being guilty of jobbery in consequence. Everyone knew that the national safety was maintained by such experiments, and everyone was aware that enormous sums of money had been spent upon experiments in shipping and war materials. He recollected, when a young man, a notable experiment of the kind at Plymouth, where he had been taken over a first-class man-of-war, then in course of construction. It was only when his hair was turning grey that he saw that ship completed and bearing an Admiral's flag, sail into Charlottetown harbor. Why, if the cost of that vessel from the time her keel was laid till her completion, together with the cost of lengthening her, converting her into a screw steamship, and interest with compound interest charged thereon, the sum might prove sufficient to plate her with gold. He maintained it was

as necessary for Canada to have dead railway stock on hand as it was for Great Britain to have dead naval stock; and he hoped it would be the last time honorable gentlemen would be found advocating a policy such as they had now been doing. The worst charge that could be brought against the Government in this matter was, they had committed an error of judgment; and even that he only admitted to a qualified extent, for if blame attached anywhere it was to the late Government, who had so recklessly bound them to the construction of this railway, without any consideration of the financial, engineering and other difficulties it might entail on the country. Canada did not now enjoy the great prosperity she had enjoyed in 1873, for instance. At that time we enjoyed a prosperity resulting from the civil war in the United States, which caused a depletion of stocks of goods there, and created such a demand for our products that our industries were all employed. The lumber mills then turned out immense quantities of material, which met with a ready sale, and fortunes were rapidly made. But notwithstanding the great change in the condition of trade, the country was still bound by the bargain of the late Government with respect to the Pacific Railway. He considered, therefore, that the blame, if blame attached anywhere, should attach rather to the Government which incurred so serious a responsibility, than to the present Administration, which incurred the responsibility necessary to carry into effect the obligations left them by their predecessors.

Hon. Mr. HOWLAN said the honorable gentleman and himself had been two of the deputation that visited this city, a few years ago, to make terms for the admission of Prince Edward Island into the Union. If he were not mistaken, amongst the figures calculated on that occasion was the cost of the Pacific Railway, as one of the items of Confederation.

Hon. Mr. HAYTHORNE—I will recall to the honorable gentleman's memory, the cost we calculated was that which became a failure, and not what is calculated now.

Hon. Mr. HOWLAN said every Government were called upon to meet the responsibilities of the day and the hour, for the time they ruled the destinies of the country, but this Government had failed to do so. There was no necessity for the Government having unprofitable plant on their hands; on the contrary, it was their duty to have no unprofitable stock. The honorable gentleman had tried to excuse the purchase of the 50,000 tons of steel rails, by saying a large quantity of them were required for

the railways in the Maritime Provinces, but at the time they were ordered the Government did not contemplate the building of the Prince Edward Island Railway, nor the relaying of the track of the Intercolonial, and its branches. The Government could not have contemplated anything of the kind as it was well known that the Intercolonial Railway was at the time one of the best equipped roads on the continent. The honorable gentleman claimed credit for the Government for having these rails on hand when they were not needed, but how were they to take care of them, were they to store them up and paint them until the country was ready to use them? It was a perfect farce to make such an excuse, and it was no wonder the Government was condemned in this matter throughout the country. The sum lost on this steel rails transaction would have been sufficient to have opened up, not only the iron mines in this section, but in other parts of the country, and to start up charcoal fires sufficient to make rails for all the railways in the Dominion. No one would believe that if this purchase had to be made to-day, with the experience the Government now had that it would be repeated, but they would have waited until the rails were required before ordering them. His honorable friend had alluded to the Pacific Railway scheme of the late Government, and he (Mr. Howlan) had been hounded through the length and breadth of the Island because he had supported that policy, but he believed the public mind to-day was convinced that that scheme was the only correct solution of this question. The country was bound to carry out the agreement with British Columbia. There was no use in telling the country that there were only ten thousand people in that Province, and that the people of Canada must not be overburdened with taxes to carry out that "mid-summer madness." A little further down the Gulf from Prince Edward Island, there was another island called Newfoundland, which had yet to be brought into the Union; the only thing keeping her out to-day was the reputation of the terms of agreement with British Columbia; and until a more statesmanlike policy was inaugurated the Confederation would not be completed.

Hon. Mr. POWER said this subject had been talked to death last session, and written to death through the press of the country before and since, and he would not have troubled the House with any remarks on it if the honorable gentleman from Richmond had not requested him to do so. He had the other day, when delivering a speech containing a great many figures occasionally

referred to a manuscript, but he hoped that, when he should have talked as much in this House as that honorable gentleman had—if that day would ever come—he could speak without reference to manuscript. He should now endeavor, in his humble way, to answer some points in the speech of the honorable gentleman. The honorable Senator had stated that the supporters of the Government, by the temper they had displayed, showed they were in a tight place, but he considered if every honorable gentleman who had spoken in an excited manner was logically in a "corner," and had a weak case, then the honorable gentleman from Richmond had habitually the weakest cases in this House; because no other member had shown greater manifestations of temper. He found nothing new in his speech on the steel rails; it was the same thing over and over again that honorable gentleman had stated twelve months ago, and that had been ventilated in the newspapers eighteen months ago. It had been asserted that insufficient notice had been given for these tenders, but the fact that tenders were received, on that notice, from nearly all the great iron houses in England, was sufficient to disprove the statement, and it would be pretended by no honorable gentleman of business opposite, that these rails could at that time have been purchased at a lower figure. The charge had also been made that the brother of the Premier was a member of the firm of Cooper, Fairman & Co., at the time this transaction took place. But the honorable gentleman from Richmond qualified his statement by saying he was a legal member of the firm, because some little technicality had been omitted in the dissolution of partnership. This firm, however, did not supply the rails, they simply acted as agents for the manufacturers on the other side of the water, who furnished the rails, and the Government could not have made a better bargain at the time. Honorable gentlemen made strong assertions which they were bound in honor to prove, but they had never done so. Some hon. gentlemen had talked of a committee but if they had been in earnest the committee should have been asked for last session, when the matter was brought before the notice of Parliament, if they thought there had been any corruption on the part of the Government. But they had gone on the assumption that the Government were guilty, trusting that the truth would not come out afterwards. He considered that the Government were entitled to the right of all Englishmen, to be considered innocent until they were proven guilty. The honorable

gentleman from Toronto (Macpherson) had taken the ground that the spirit of the Independence of Parliament Act had been violated by the honorable member from Hamilton; but if he understood it aright that honorable gentleman was a member of an incorporated company which had the contract for the shipment of these rails from Montreal, but owing to the conduct of the late Government there was no Independence of Parliament Act with reference to the Senate.

Hon. Mr. MILLER said the Parliament of Canada had no power to extend that Act to this House.

Hon. Mr. POWER.—It the honorable gentleman can produce evidence of that fact I will believe him.

Hon. Mr. MILLER.—This Parliament has not the power to pass an Independence of Parliament Act, such as that in the House of Commons, to apply to this branch of the Legislature; but Parliament might pass a law to render Senators ineligible to accept contracts or office under the Government.

Hon. Mr. POWER said the work done by the company of which the honorable gentleman from Hamilton was a member had been performed before that gentleman became a member of this Chamber; consequently there had been no violation even of the spirit of the Independence of Parliament Act. He might be allowed, before closing, to say a word as to the charge made by the honorable gentleman from Toronto (Macpherson) against the Government, of having given away four thousand tons of steel rails to a private company who are to build a railroad from New Glasgow to the straits of Canso. In 1875, when the rails in question were laid on the Pictou Branch of the Intercolonial, there was no arrangement for the transfer of that branch to any company, nor even any definite prospect or probability that any such arrangement would be made. In fact, neither the legislation of the Province of Nova Scotia under which the extension to the strait was being made, nor the company by which it was undertaken were in existence in 1875. The road had been ten years in use, and the iron rails were becoming worn out, and, in view of the heavy traffic over the road, the Government were only doing their duty in renewing the rails. They certainly did not give them away to a company which was not then in existence, nor did he think the transfer of the Pictou Branch with the steel rails was so wrongful an act as the honorable gentleman had represented. The road was built in the first instance for the use and benefit of the people of Nova Scotia, and was held by the Government in

the interest of the people of the Dominion, and more particularly of that Province. The extension of the road to the Strait of Canso was a most desirable thing; and as, to secure that extension, the representatives of Nova Scotia in the Local and Dominion Legislatures had declared that the Pictou Branch should be transferred, under certain conditions, to any company building the extension, he failed to see what other course the Government could have pursued. The branch road was to be used for the public good, and its transfer would inflict no loss upon the Dominion treasury; for, although in the hands of a private company, it would probably pay more than its working expenses. As a Government road it hardly did.

Hon. Mr. AIKINS denied that the change of gauge on the Intercolonial Railway proper had cost the country a million of dollars; it did not cost one-quarter of that. In that calculation there would have to be taken into account the purchase of engines and rolling stock. The rolling stock of the road had been kept very low in anticipation of the change of gauge on the Grand Trunk, which subsequently necessitated the change of gauge on the Intercolonial. He found on looking over the returns made by the Commission that this million of dollars which honorable gentlemen said the country had to pay for this change of gauge included no less than thirty-eight new locomotives and two hundred new coal cars, which amounted to \$586,000.

Hon. Mr. McMASTER—The great expense was in changing the engines.

Hon. Mr. AIKINS said it was not, from the fact that the rolling stock was kept very low until the change of gauge was effected.

Hon. Mr. WARK—Were the engines not used before the change of gauge.

Hon. Mr. AIKINS—Some of them were, but the fire boxes had been so arranged that they could be changed to narrow gauge without much expense. Then the Hon. Secretary of State had asserted that the Dawson road had cost a million of dollars.

Hon. Mr. SCOTT—I said the expenditure to keep the Dawson route open for one year was over \$400,000.

Hon. Mr. AIKINS—The honorable gentleman from Montreal (Mr. Penny) had stated it would have been better for the Government to have paid each immigrant \$500 than to send them to Manitoba by the Dawson route, but he (Mr. Aikin-) happened to have in his hands a statement of the total expense of constructing and maintaining the Dawson route under the late Government, and it was as follows:—Gross ex-

penditure from 1867-8, when the work on the road first commenced to 1873-4, was \$1,291,887. The working expenses included in this amount was \$496,074. Expended on construction, plant, building, &c. was \$798,812. The revenue receipts from the road and accounts received was \$233,615, showing that the actual cost of working expenses over revenue to the time named was \$262,459. The year 1873-4 in which the Secretary of State said the expenditure was so very large—he found that the working expenses for that year was \$195,299; the revenue was \$108,239; working expenses over revenue was \$87,060. It would be seen from this that the late Government derived a revenue from the road that year of \$108,239.

Hon. Mr. PENNY—How many immigrants went over the road that year?

Hon. Mr. AIKINS said he did not know, but the present economical Government when they came into power, not only handed the road over to a company to run it, but gave them a bonus of \$80,000. The consequence was, it was to the interest of the contractors to carry as few passengers as possible, and the Government were at last compelled to close it up. The cost of locating the line from Fort William to Red River under the present Government would be nearly as much as the total cost of constructing the Dawson road, notwithstanding the fact that up to the time Mr. Dawson took hold of that work in 1868, the country had been an unexplored wilderness, and the present Government had the advantage of all Mr. Dawson's experience, and the expenditures of the late Government in opening up the country by means of roads, buildings and steamers.

Hon. Mr. MACPHERSON considered the money expended by the late Government in permanent works on the Dawson route was of much greater advantage to the country than the giving of \$500 to each emigrant as suggested by the honorable gentleman from Montreal.

Hon. Mr. READ said he supposed the expenditure included the cost of taking up the troops to Manitoba.

Hon. Mr. AIKINS said the Government had just as much right to pay for the transportation of troops over the road as private individuals.

Hon. Mr. READ said he had not yet received an answer from the Government respecting the latter part of his enquiry.

Hon. Mr. SCOTL said in reply to the honorable gentleman he would say when it was to the interest of the public that tenders should be invited for public works the Government would call for tenders. When-

ever it was a large item the Government always did invite tenders—that was when it was large enough to pay for the cost of advertising.

#### DISMISSAL OF PUBLIC OFFICIALS.

Hon. Mr. TRUDEL moved—That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House,—

1st. Copies of all letters and documents relating to the dismissal of Omer Allard, formerly employed in the collection of Her Majesty's Customs in the City of Montreal as Superintendent of tide-waiters and lockers.

2nd. Copies of all accusations and complaints made against any Customs officer at Montreal from the 1st September, 1875, to this date.

3rd. Copies of all informations and of all preliminary investigations and examinations which have taken place before the police magistrates at Montreal on the subjects of such complaints.

4th. Copies of all reports made to the Government on this subject, either by the said police magistrates or by the collector of Customs at the port of Montreal.

5th. Copies of all Orders in Council passed and all orders given by the Government on this subject.

He said Omer Allard was in 1875 Superintendent of tide waiters and lockers in the City of Montreal, and had been an officer in that department for 15 years. In the summer of 1875 he had been accused of malfeasance in office, in favoring, unduly, one Mr. Stewart, who had a bonded warehouse attached to his store. Up to this time Allard had borne a very high character, and had the confidence and esteem of his fellow-citizens. The accusation against him had been pressed very actively by able counsel, assisted by officers of the Government, who did their best to incriminate him, but after an enquiry of 20 days, during which a large number of witnesses had been examined, he had been honorably acquitted. Notwithstanding this fact, the Government suspended him for eight months, and at the end of that time, dismissed him, allowing him only four months salary out of the eight, which he was obliged to accept, as his family of nine children were in a starving condition. It might happen that the Government had the power if not the right in justice to dismiss him without assigning any reason, but they had no right to retain the balance of his salary, and the money which had been deducted from his salary and applied to the superannuation fund. Dur-

ing the investigation, in the cross examination of the witnesses that had been brought against Mr. Allard, the fact had been elicited that some of the public officers who were pushing the accusation, had given sums of money to witnesses to appear against him. One witness admitted that he had received \$100, and another that he had received \$60, in order to testify against him, and they admitted that they had been told by the officer that the more they could swear against Allard, the more money they would receive, a fact which could be easily ascertained by referring to the record that had been sent to the Government. Stewart, who was accused of taking the goods from the bonded warehouse, was induced by one of the officers who had a grudge against Allard, to say that he had received the keys from Allard, the agreement being that if he would accuse Allard of this, the charge against himself would be withdrawn. Stewart subsequently admitted this fact in the court, and more, that Allard having obtained his formal leave of absence for fifteen days, was away in the country several hundred miles at the time the goods were removed. Some of the witnesses who had sworn to the removal of the goods mentioned the name of a warehouse that was not established till six months after the goods were taken. It had been proved in the defence that Allard had called the attention of the department to the fact that the warehouses were not safe, but they had taken no action upon it, and he was not empowered to interfere himself, as after the present Government came into power he had received orders which tied his hands, and that part of his duties had been assigned to another. A petition in favor of Allard, signed by seventy-seven of the leading wholesale merchants of Montreal, of both sides of politics, had been sent to the Government, praying that he be reinstated, as they had faith in his ability and integrity, but the Government had refused to grant the prayer of the petition. There was reason to believe that the dismissal was due to political reasons, Allard being opposed to the present Government.

Hon. Mr. SCOTT said he supposed, as the honorable gentleman had directed his observations to the first paragraph of his motion he would only require the papers connected with that case. It would be obviously unfair to bring down copies of charges against other officers.

After some discussion the motion was amended by adding to the second paragraph the words "in any way relating to said Allard's dismissal."

The motion was then carried.

#### CONSOLIDATION OF THE CUSTOMS LAWS.

Hon. Mr. SCOTT moved the House into Committee of the Whole on the bill "to amend and consolidate the acts respecting the Customs."

Hon. Mr. HOWLAN having raised objections to several of the provisions of the bill, it was decided, in consequence of the hour being late and many of the members absent, that the committee should rise and report progress and ask leave to sit again on Monday.

#### CONCURRENCE.

The amendments made by the Commons to the following bills were concurred in:—

"An Act to amend the Act to incorporate the National Investment Company (limited.)"

"An Act to amend the Act respecting the Canadian Engine and Machinery Company."

#### IMPROPER USE OF FIREARMS.

In committee on the bill to make provision against the improper use of firearms.

Hon. Mr. PELLÉTIER moved as an amendment that "Nothing in this Act contained shall be held to affect any right of any soldier, sailor, or volunteer in Her Majesty's service, constable or policeman, to carry loaded pistols in the discharge of his duty."

The amendment was agreed to; the committee reported the bill as amended and it was read a third time and passed.

The address of the House of Commons to Her Majesty the Queen, respecting the extradition of fugitive offenders, was agreed to.

The House adjourned at 12.30 a.m.

MONDAY, April 16th.

The SPEAKER took the chair at three o'clock.

After routine,

#### INCREASE OF PUBLIC EXPENDITURE.

Hon. Mr. MACPHERSON called attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and inquired of the Government how it is proposed to restore the equilibrium between income and expenditure? He said when he brought this matter before the Senate early in the session, he had intended it should be the only occasion on which he would trespass on the patience of the House on this subject. But as his statement had been received with a simple denial of its correctness by the Government, and the

friends of the Government, he felt called upon to go more thoroughly into the question of public expenditure than he had previously done—not to satisfy himself as to the correctness of the figures he had produced, but to bring conclusive proof of their accuracy before the House. But before entering on that branch of the subject, he had a few words to say on, perhaps, a more important matter, and if the statement to which he was about to refer could be substantiated it would be gratifying to him, and he was sure to the House also. The statement to which he referred would be found in the speech of the Prime Minister, delivered on the budget, on the 20th February, 1877, on page 176 of the *Hansard* of the House of Commons. It was as follows:—"I have shown that when they left office the expenditure was at twenty-four millions. When they entered office the public expenditure stood at thirteen millions, and in the course of six years they increased the expenditure by eleven millions. We have been in office three years, and have decreased the expenditure by one million and a half. That is the difference between the two Governments. We have, moreover, made the most ample provision to have all the public wants attended to. We have erected public buildings in different places, the buildings at Montreal, Toronto, and in this city having been almost entirely constructed during that period; and, further, we have effected the reduction of the estimates which were left us when the honorable gentlemen opposite resigned office. This is a true statement. Anyone who chooses to examine the Public Accounts will see for himself the real state of affairs." He (Mr. Macpherson) had examined the Public Accounts and did not find the statement borne out by them; but, on the contrary, that there were several inaccuracies in it. The first was, that the public expenditure in 1873 was twenty-four millions. The late Government left office on the 7th November, 1873 so that the present Government had the administration of affairs, as nearly as possible, for two-thirds of that financial year, and their predecessors for one-third. It would have been but fair if the Premier, in making his statement, had explained that, and it would have been fairer to have compared the expenditure of the year preceding the last year of their incumbency of office, 1872-1873, with the year the honorable gentleman referred to, 1868. If he had done that, the expenditure for the year ending the 30th June, 1873 would have been found to be \$19,174,647, and for the year ending the 30th June, 1868, \$13,486,092—the difference between them being \$5,688,555. But even

if he had taken the next year—which he (Mr. Macpherson) thought was straining the comparison very far—there was a great inaccuracy, considering the lips from which it fell. The year ending the 30th June, 1874, the expenditure was \$23,316,316—being a difference between the expenditure of that year and of the year ending the 30th of June, 1863, of \$9,830,224, instead of eleven millions of dollars, as the Premier had stated—an error of \$1,170,000. That was a very important inaccuracy in dealing with figures. It was true we had late got into the habit of dealing with large sums, but the honorable gentleman, in making a statement as the basis of an argument against his predecessors, ought to have been as nearly as possible accurate. The statement of the Premier was, therefore, unfair, unjust to his predecessors, and calculated also to mislead the country. The other inaccuracy in the statement of the Prime Minister was that his Government during the three years they had been in office had reduced the expenditure by a million and a half, and the honorable gentleman had referred to the Public Accounts to sustain that statement. He (Mr. Macpherson) had referred to the public accounts also, but they did not support the statement of the Prime Minister: on the contrary, the public accounts showed that the expenditure had increased year by year. The expenditure of 1876 was larger than that of 1875, and the expenditure of 1875 was larger than that of 1874. In referring to the public expenditure the Premier ought to have been accurate. Such statements as he (Mr. Macpherson) called attention to led the people of the country to believe they were better off than they really were; and that was not a worthy or proper thing for a Government to do. He (Mr. Macpherson) hoped the statement could be explained, for he could not doubt the error was unintentional. In referring to the expenditures of previous years, especially 1868, the Prime Minister should have remembered that Confederation was only in its infancy then, that the foundation of the Dominion had to be laid, and a large abnormal expenditure incurred. The Intercolonial Railway had to be undertaken and large amounts to be expended in the various provinces. That was perfectly indispensable. If the statement of the Prime Minister meant anything at all, it meant it to be understood that the burdens of the people had been reduced by his Government, in the three years they had been in office, to the sum of a million and a half, and yet this was not possible, for the estimates for next year were larger even than those for last year. It would not be

worthy of the Prime Minister to say that he only meant that the expenditure from revenue upon the construction of certain public works was diminishing. Notwithstanding any reduction there the interest upon increasing expenditure from capital would still maintain the expenditure of the country out of income at its former point, or a higher one. It would not be fair to the country to represent a mere transfer from one account to another, as a real diminution of the burdens of the people, and unless this statement meant that there had been a diminution, it was misleading—not intentionally so, he felt sure, but necessarily misleading. So soon as the construction of certain buildings was finished, as a matter of course, the expenditure on them would stop, and unless other buildings or works, payable out of revenue, were commenced, the expenditure under that head must decrease; but it did not follow that would show a decrease in the expenditure, because it might be only a transfer from one column to another. The Government had been engaged in the construction of public works, all very desirable of their kind, but in course of time they became finished, and unless the Government entered upon similar expenditure elsewhere, the outlay under that head must decrease; but they were going on with a very large expenditure from capital, and the interest upon that was charged to the Consolidated Revenue Fund; therefore, the gross expenditure of the country from income did not decrease, and he was afraid would increase very rapidly. The Prime Minister should remember the railway now building between the head of Lake Superior and the Red River would cost not less than twenty millions of dollars: the interest on that would be one million a year in round figures, to say nothing of a heavy loss from working the railway. It had been asserted very confidently by the present Government that they had been committed by their predecessors to the large expenditure from revenue which was being carried on increasingly, and therefore that it was not within their control. He believed the contrary was susceptible of proof, and he would endeavor to throw some light on that subject. To do this he must take a retrospect of the financial affairs of the Dominion since 1870. It would be attended with some pleasure to review the prosperity of the country from 1870 to 1874, even if by contrast it made the present gloom seem darker than it otherwise would do. He would first refer to the budget speech of Sir Francis Hincks, delivered on the 7th April, 1870. Sir Francis said:—“I believe

the country is in a state of prosperity, perfectly able to meet all its obligations, and there is no cause of complaint of excessive taxation.” Sir Francis then proceeded to speak of the debt, per head, of the population:—“I find, Sir, if we take Great Britain, that the debt of that country is about \$135 per head of the population. The debt of the United States is about \$60 per head. I may here observe that although the ratio of debt is lower in the case of the United States than in that of Great Britain, it would be unfair to estimate the burdens of the people according to the same ratio, for it is perfectly well known that the debt of England carries a very small rate of interest, while the debt of the United States carries a large rate. Now, Sir, while the debt of those countries is what I have stated, the debt of Canada is about \$22.50 per head of the population. Then, again, taxation in Great Britain is at the rate of \$10 per head, and in the United States \$9.25, while in Canada it is only about \$3.50. I do not think, bearing these figures in mind, that we need be afraid of any slight increase of taxation which it may be necessary to impose upon the people, that there shall not be the least cause to apprehend deficits in the future.” Sir Francis then proceeded to say the surplus on the transactions of the year ending June 30th, 1870, would be about \$1,000,000; yet, notwithstanding the sound state in which the finances of the country then were, Sir Francis considered it prudent to increase the tariff five per cent. on the duty of fifteen per cent. In that year was also introduced what was known as the national policy, under which duties were imposed upon agricultural products, coal, and so forth, which, as a matter of course, added materially to the revenue. He would next refer to the budget speech of Sir Francis Hincks in 1871. In that year the finances of the country were in an exceedingly satisfactory condition. Sir Francis had estimated the surplus at \$1,892,000; it actually amounted to \$3,712,479, for the financial year ending June 30th, 1871. He would read the opinion of Sir Alexander Galt, who was then not a supporter of the Administration, and who, while he made the following remarks, attacked several points of the Finance Minister's policy:—“With a redundant revenue, abundant means, and low taxation, nothing but ordinary prudence and economy were necessary to insure the future progress of the country.” On the same occasion Mr. Cartwright pointed out that people when in easy circumstances were very apt to make engagements which they would not otherwise, and maintained there was great danger in



such a course. "A very considerable portion of our future surplus would be taken up for interest on the cost of the Intercolonial Railway, and which he thought would probably cost much more than was estimated. For all these reasons he considered it a fit and proper time to warn the Government and the country of the possible results of the course they were, now pursuing." As early as 1871 the present Finance Minister foresaw the difficulties which have since overtaken us. He was the first to predict the crisis and called attention to it every succeeding session until he became Finance Minister himself, when he seemed to regard but lightly the danger he had warned his predecessors against. Such was the state of revenue that year that Sir Francis modified the tariff by taking off the five per cent. imposed the previous session, and although he did not wish it, and it was not a part of his policy, the duties upon agricultural products and coal were also taken off. At that time there was nothing said about the equilibrium between revenue and expenditure, the revenue greatly exceeding the expenditure. He now came to Sir Francis Hincks' budget speech of 1872. Notwithstanding the repeal of the duties imposed in 1870, involving a loss to the revenue of \$800,000, there was a surplus of \$3,712,479 for the year ending the 30th June, 1871. For the year ending 30th June, 1872, the surplus was estimated at \$3,115,465; the actual surplus was \$3,125,345. Sir Francis Hincks estimated the surplus for the year ending 30th June, 1873, at one million; the actual surplus was \$1,638,822. These were unquestionably years of plenty, and it was at that time and, under the circumstances he described, that the late Government recommended the construction of certain public works, such as piers, harbors, light-houses, marine hospitals, custom-houses, post-offices, &c., to be paid for out of the surplus revenue. It would be admitted that the state of the revenue in those years was such as to justify this expenditure. He now came to the budget speech of Mr. Tilley, which contained a very interesting resume of the financial history of the country. The duties on tea and coffee had been repealed in 1872, and the loss to the revenue from that source was \$1,200,000. Notwithstanding that, the surplus for the year ending the 30th June, 1873, was \$1,638,822. There was no additional taxation proposed that year. During that session of 1873 there were enactments passed which increased the expenditure of the country very considerably, and which it would not be fair to lay at the door of the present

Government. These were increased subsidies to the Provinces resulting from the re-adjustment of the provincial debts; expenses connected with the admission of Prince Edward Island to the Union, and increased salaries to the civil servants. These, altogether, as estimated by Mr. Cartwright in his budget speech of 1874, imposed on the country an additional burden of \$1,500,000. Mr. Tilley's estimates for that year, as introduced, amounted to \$20,941,183. Then the legislation to which he had just referred was passed, and the Government, through acts of Parliament and supplementary estimates, provided for the additional statutory expenditure and the items included in the supplementary estimates, amounting in all to \$1,542,000, making the total estimates for that year \$22,483,183. The House would thus see that the Government of that day provided for the additional expenditure ordered by Parliament in the session of 1873. Mr. Tilley supposed he was making ample provision for all the requirements of the year ending 30th June, 1874, including the statutory expenditure which had been enacted in the session of 1873. The late Government went out of office on the 7th November, and Mr. Tilley was succeeded by the present Finance Minister. Mr. Cartwright, in his budget speech of 1874, took a very gloomy view of the affairs and prospects of the country, and his speech was replete with words of warning, but instead of decreasing the expenditure, as would have been reasonable and prudent, he increased it very largely. That was the first and a very grievous error on the part of the Administration. They saw the impending crisis—it was then to some extent upon us—but they went on increasing the expenditure very largely. The Finance minister had been warning the country; he had up storm signals in all directions, but, notwithstanding all, he did not act upon the opinions he professed, and did not take the precautions which a prudent Minister would have adopted under the circumstances. The statutory increases were referred to by Mr. Tilley; and honorable gentlemen would also observe that Mr. Tilley and Mr. Cartwright, the Finance Ministers of the late and present administrations, agreed substantially as to the amount of the statutory increase of expenditure in the session of 1873. This was very important. Mr. Tilley is reported to have said that, "notwithstanding the additional charges imposed upon the revenue of the present year (1873), the surplus would reach \$700,000. The surplus next year he estimated at \$913,000; but the supplementary estimates and propositions before the

House would require \$1,542,000, which would leave a deficiency of about \$628,000. But owing to the surplus in the present year no deficiency would arise." That was the state in which Mr. Tilly left the finances of the country. The revenue balanced the expenditure, and he indicated clearly that there would be no deficit. But the moment the new Government came into office they appeared to have largely increased the expenditure. In the following year Mr. Cartwright included \$2,400,286, in the schedule "A" of his supply bill. That might be called the Supplementary Supply bill. Whoever was in the habit of looking at supply bills would be aware that they consisted of two schedules— "A" and "B," the former consisting of items for the current financial year, which had not been voted in the preceding session. A schedule 'A' was found in every supply bill, but there was no schedule "A" to compare in amount with that of 1874. Mr. Cartwright's first supply bill. In 1873 schedule "A" was \$792,864, but in 1874 it was \$2,400,286.

Hon. Mr. SCOTT—To make up Mr. Tilly's deficiency.

Hon. Mr. MACPHERSON—Mr. Tilly left no deficiency. Of this \$2,400,286 the sum of \$425,000 was on capital account, so that the items in schedule "A," charged against the revenue, amounted in round numbers to two millions. The Government desiring, apparently, and not unnaturally, to proceed with extensive works chargeable to income, wanted additional revenue and a larger surplus. To obtain these the Minister of Finance increased the tariff from 15 per cent. to 17½ per cent., and in other respects, making additions to taxation, which he estimated would add \$3,000,000 to the revenue. He may have been sanguine enough to hope that his additions would yield even a larger sum, probably \$4,000,000; at all events he counted upon an increased revenue of \$3,000,000, and upon that basis the Government pitched their scale of public expenditure. Honorable gentlemen knew how disappointing the result had been. The new taxes, instead of coming up to the estimate of \$3,000,000, yielded only \$1,700,000, not enough to meet the expenditure. It was then that the difficulties of the country began. It was then that the deficit commenced, which at the end of the last financial year—30th of June last—amounted to \$2,090,000, and is still increasing. The Minister of Finance, in his Budget Speech of 1874, laid the responsibility of the expenditure upon his predecessors, but he (Mr. Macpherson) did not think the facts warranted his doing so. The expenditure

from revenues now under the control of an Administration pledged to retrenchment and economy as the new Government was, and supported by an enormous majority, should have been retrenched. Some of the works might have been stopped, the expenditure upon others reduced, and a deficit avoided. But the Minister of Finance and the Prime Minister thought it best to proceed with them, and with new works, and increase the expenditure, which caused the difficulties that now pressed upon the country. While doing this they endeavored to fasten the responsibility of their policy upon their predecessors. The present Government would have been at a great loss if they had not had predecessors. Everything done which should not have been done, and everything left undone which should have been done, they charged against those predecessors. When he heard the utterances of honorable gentlemen opposite, and read the speeches delivered in another place, he often wondered what would have been the result if those gentlemen had been in office when Confederation was undertaken. But he need not speculate on the subject, Confederation would never have been carried out in that case. Mr. Cartwright's estimate of the revenue for 1874-5 was \$25,000,000; it yielded only \$24,648,715, leaving a deficiency as compared with the estimate—the first since Confederation—of \$351,000. Now, what the Finance Minister should have done—because he could not plead ignorance of the state of the country—was to diminish the expenditure. A great many works could have been cut off and the expenditure thus diminished, and above all new works should not have been commenced. He proposed to show that a great many new and costly works were undertaken by the present Administration which were not thought of by their predecessors in 1873. But before doing so, he would quote from Sir John Rose's Budget Speech in 1869 to show what had been done by the late Administration when they were threatened with a deficit. Sir John Rose said:—

"Well, Mr. Speaker, when the Government found the revenue was falling short, that in did not come up to anticipation, that the receipts of one month after another were below those of the corresponding month of the previous year, they certainly felt that a very serious and difficult task might be entailed upon them, for I believe, if there is any sentiment stronger than another in the minds of the people in this country, as represented not only by supporters of the Government, but by honorable gentlemen on that side, it is that we shall not permit any deficits to arise, but if the ordinary

revenue falls short of the expenditure, we must manfully look the difficulty in the face, and be prepared, by exceptional taxation, if need be, to supplement the deficiency. We cannot but feel it to be one of our first duties so to equalize the revenue and expenditure that our credit abroad shall not be injured by its being supposed that we are willing to allow deficiencies to arise, without being ready to impose upon ourselves a sufficient burden to meet them. \* \* \* The present Government would, however, be very recreant to its duty, if, strong in the majority in this House, and strong, I believe, in the confidence which the country reposes in us, we should permit it to go abroad, that we would allow a deficit to arise in any year, without being prepared for that year to submit to the House such further measures of taxation, exceptional and special, if need be, as would enable us to supply the void. I make these remarks, in order to show the House what were the considerations which necessarily forced themselves on the attention of the Government, and the conclusion to which they were driven, that any real deficiency must be supplemented by fresh sources of revenue. They believed, indeed, that, no matter who occupied the position, any body of men enjoying the confidence of the people of this country, would be prepared to propose such measures, in the belief that they would be sustained by the House and the country. But, while entertaining these views, the Government of course felt it their duty to exhaust every means by which a deficiency could be avoided. They saw month by month that the revenue was falling short, that there had been excessive importations in previous years, and that these were being followed by a corresponding contraction, and they felt it to be their duty from the outset, at all events to try whether by practising the most rigid economy it was not possible to avoid the threatened deficit. The House will remember the votes which were placed at the disposal of the Government last year, and the results which are to be found in the statement I have just placed in the hands of honorable members will shew, I think, that wherever it was possible to practice economy, wherever it was possible, without undue damage to the public interest, to forego the performance of a service for which provision had been made in the votes for the year, the Government have endeavoured to do it. We contracted no new obligations—we entered upon no new works—we did exactly as any individual would do who saw that his income was falling short—

we took stock, and determined that while the public service should be efficiently performed, we would not incur any new obligations with respect to public works, which might be very much needed and very desirable, but which, at all events, it was not for the interest of the country to undertake at a moment when the actual revenue would not enable us to provide for them. It will be found by reference to that statement, that in every one of the items which were voted to us last year, there is a saving in the actual expenditure, as compared with the estimate—except only in the interest on the public debt, which is augmented by reason of our having borrowed half of the Inter-colonial loan. On every one of the other items of expenditure, there is a saving on the charges of management of the public debt—premium and discount, civil government, administration of justice, police, penitentiaries, legislation, marine hospital and mariners' fund, militia and enrolled force, arts, agriculture and statistics, public works, ocean and river steam service, light-houses and coast service. So too with the items of fisheries, miscellaneous, collection of revenue, &c., and the result is, that by the exercise of economy—by forbearing to undertake new works, by cutting down expenditure wherever we could cut it down—shows a balance in favor of the year's operations of \$274,031. (Hear, hear, and cheers.) Now, sir, I wish to state that in arriving at this result, while exaggerating nothing, have concealed nothing. There has been no manipulation of accounts, no postponement of payments." Sir John Rose saw the danger and exercised the influence which a gentleman charged with the finances and credit of the country should possess with his colleagues, and the result was, instead of a deficit, a surplus. The course pursued by the present Finance Minister seemed to have been the very opposite. It was surprising that a gentleman with so much force of character as the present Finance Minister should have failed to impress on his colleagues his views and opinions of the depression impending when they succeeded to office. He could only account for it by supposing that the Finance Minister took a more sanguine view of the revenue, after he had increased the taxation, than was justified by the facts. No doubt he had a great deal to contend with. His colleagues desired to have handsome amounts placed at the disposal of their departments for expenditure. The Finance Minister had remarked in his budget speech of 1874:—"I am aware that some of my honorable friends think this enormous outlay need not be gone on with, but I desire

to say that these public works that are in process of construction must be completed in a short time. I see no purpose to be served by 'cooking' our estimates and apparently reducing the amount chargeable this year in order that it may be swollen the next. My honorable friend (the Minister of Public Works) has preferred—and I think he was perfectly right in so doing—to bring down those estimate to show the obligation placed on him by the action of the late Government. \* \* \* I must again repeat that it would be in the last degree unjust to my honorable friend the Minister of Public Works to hold him responsible for this state of things, or to ask him to stop works already commenced, and to put a reduced sum in the estimates; but when the works now engaged in are completed, which I expect will be the case in eighteen months, a considerable saving will be effected in the annual expenditure, though for this a considerable period of time is necessarily required." Could there be anything more absurd or unbusiness-like? Suppose a private individual entered upon an expenditure under the impression that his income would enable him to complete some improvement, but in a short time he found that his income was falling, would he be justified in incurring a debt to carry out his plans? Could anything be more imprudent? What was the use of a change of Government unless there could be a change of policy, unless to retrench and economise? Engagements had been entered into by the late Government of a nature which could be suspended at any moment, yet they were proceeded with by the present Government recklessly, without any regard to the fact that the revenue upon which they depended for their execution was falling short month by month. Mr. Cartwright found the taxation which he had imposed yielded only \$1,700,000, instead of the three millions which he had anticipated, but instead of decreasing expenditure he went on with it and increased it, throwing all the responsibility on the shoulders of the late Administration. The present Government seemed to be perfectly helpless. The only reform, or rather financial change, which they gave to the country was to increase taxation and change surpluses into deficits. Since Confederation to the time of the change of Government in 1873, the total surpluses amounted to \$11,150,844. An Administration with such a flowing revenue was surely justified in undertaking public works and paying for them out of the revenue, but when the present Finance Minister anticipated a deficit, and stated so in his budget speech, there was no

excuse for continuing to expend money as lavishly as in the years of plenty. The Government had placed this country in an unfortunate position by the course it had pursued. There was a large deficit, and we were now paying the interest on our debt out of borrowed money. A more unsound and perilous condition for any country to be placed in it was impossible to conceive. The taxation of the country had been seriously increased, yet the expenditures had gone on at an accelerated rate. In the budget speech of 1876 Mr. Cartwright was still hopeful, as he had been from his accession to office—but less sanguine, on the whole, the hues are not exactly roseate, but they are still hopeful. Mr. Cartwright began excusing the Government for not having retrenched, as they were pledged to do. He then had to acknowledge the existence of a large deficit, but still blamed the late Government. In his budget speech the Finance Minister estimated the revenue for the current year, 1877, at \$23,250,000, and the expenditure at something less. It is usual, as the House was aware, for the Finance Minister, in his budget speech of the following session, to revise the estimates of the preceding one, but Mr. Cartwright omitted to do that in his speech of February, 1877, though between seven and eight months of the current year had then elapsed. Parliament was, therefore, left in ignorance of his revised estimate of the revenue and expenditure, whether in his opinion, there was to be a deficit or a surplus at the end of the current financial year. The want of the official revised statement was a serious want, and in fact, it was impossible to complete comparisons without it. He (Mr. Macpherson) had obtained statements of the revenue up to the 10th of February, for the years 1876 and 1877. The revenue up to the 10th of February, 1876, was \$12,820,875, and for the same period of the current year it was only \$12,494,279, showing a deficit as compared with the preceding year of \$326,526. Mr. Cartwright had estimated the revenue from customs for the current year at \$13,500,000; up to the 10th of February it had only reached \$7,082,227, which was at a rate of about \$11,500,000 for the year, instead of \$13,500,000. It was quite true the spring importations were coming in and that the duties upon them would increase the average revenue for the remaining months of the financial year very considerably, but whether they would increase it sufficiently to bring it up to Mr. Cartwright's estimate was very doubtful. Notwithstanding all that had been said about retrenchment and economy, the esti-

mates for the ensuing year showed an increase over those of the current year. The estimates for the current year—and that was without supplementary estimates—amounted to \$23,031,699; for next year they amounted to \$23,167,686, not a large increase, but they were without supplementary estimates also, which had yet to be brought down, and which he feared must be very considerable. It was therefore probable that we would have to face a deficit for the ensuing year as well as for the current year. He would now turn to another branch of the subject, and show the extent and manner in which the controllable expenditure had been increased since 1873. He would not have gone into this again this session if it had not been for the manner in which the Government and its friends treated the subject when he brought it before the Senate early in the session:—"The honorable Senator opposite then said that he (Mr. McMaster) thought the course followed by the honorable gentleman from Toronto was unusual and unfair. He had taken many members by surprise, and they could have met several points successfully had proper time been given them to prepare for the debate. The comparison instituted between 1873, and 1875 and 1876, was entirely unfair and unreasonable. In the first place the late Government went out of office in November, 1873, and their successors were acting upon their estimates. He did not want it to be understood he was either defending or finding fault with any government, but he liked to see what was fair. •• With regard to the increased expenditure in the departments, he knew that it was partly due to appointments made by the late Government. He knew large establishments in which parties were appointed who had nothing whatever to do, and if they had to work, were utterly incompetent to do it.

With regard to the matters alluded to, if time had been given to go into figures and make fair comparison, it would not appear so unfavorable to this Government as the honorable gentleman had sought to make the House believe. He concurred in the opinion that it was absolutely necessary, in the present state of the country, for the Government and everyone to be as economical as possible, but it must be borne in mind the Dominion is pledged to build the Pacific Railway." Now, that was a very broad denial of his statement, and the honorable Senator should be in a position to prove what he said. There had been ample time since then to prepare a reply. The honorable Senator having denied the correctness of his (Mr. Macpherson's) statement, should

have taken the earliest opportunity to show wherein it was inaccurate, because if inaccurate it should have been corrected. It was not desirable that an error in such an important matter should go uncorrected. But his statement contained no error. He would now submit a statement of the details of increases of expenditure charged to consolidated revenue fund and largely within the control of the Government of the day, for 1875 and 1876 over 1873, and of 1876 over 1875. In this comparative statement he excluded all items connected with the public debt—interest, management of the debt and sinking fund. He also excluded items that might not be considered fairly within the control of the administration, such as militia, and throughout these statements he would compare the last complete year of Sir John Macdonald's Administration, with 1875 and 1876. The following statement showed the details of increases in expenditure charged to Consolidated Fund for 1875 and 1876 over 1873, and 1876 over 1875, under the following heads, and largely within the control of the Government. (Public debt charges not included):—

	Increase 1875 over 1873.	Increase 1876 over 1873.	Increase 1876 over 1875.
Civil Government.....	\$148,381	\$16,986	\$91,121
Administration of Justice.....	98,439	4,988	145,023
Police and Penitentiaries.....	71,882	12,748	4,988
Legislation.....	29,189	51,957	12,748
Geological Survey.....	.....	3,285	32,425
Arts, Agriculture, &c.....	.....	47,416	9,488
Immigration and Quarantine.....	15,402	88,075	98,477
Marine Hospitals.....	10,871	1,950	12,821
Pensions and Superannuations.....	38,724	70,874	109,578
Ocean and Packet Service.....	.....	93,657	90,353
Fisheries.....	.....	41,889	10,395
Light-houses.....	9,881	58,592	57,473
Inspection Insurance Cos., &c.....	.....	8,114	8,082
Subsidies to Provinces.....	627,362	.....	708,956
Public Works.....	159,462	191,866	351,338
Miscellaneous.....	18,229	91,857	109,866
Indian Affairs.....	131,513	81,028	212,539
Indian Grants.....	.....	27,418	.....
Surveys, Manitoba.....	633,583	35,935	368,518
Mounted Police.....	121,711	12,863	134,105
Boundary Surveys.....	114,908	38,835	153,213
Excise.....	27,549	19,106	46,656
Weights and Measures.....	69,969	29,316	69,786
Public Works including Railways	633,888	.....	618,912
Post Office.....	452,995	101,968	554,961
Minor Revenues.....	.....	8,111	2,778
<b>Total</b> .....	<b>\$2,960,336</b>	<b>717,062</b>	<b>8,677,393</b>
Increase of 1875 over 1873.....	\$2,960,336		
Increase of 1876 over 1875.....		717,062	
Increase of 1876 over 1873.....			8,677,393

This statement showed that the expenditure of 1876 exceeded that of 1873 by the large sum of \$3,677,393; that the expendi-

ture of 1875 exceeded that of 1873 by the sum of \$2,960,336. while that of 1876 exceeded that of 1875 by the sum of \$717,062. These net increases were enormous—he said net increases because all the decreases had been deducted. But he was not going to hold the Government responsible for the full amount of the increase of 1876 over 1873—\$3,677,398—for, as he had already shown, the statutory increases of expenditure had been made in 1873, and provided for by Mr. Tilley, which Mr. Cartwright stated at \$1,500,000. The increases fairly chargeable against the present Government were as follows:—

Net increase of annual expenditure (largely within the control of the Administration) in 1876 over 1873, statement.....	\$3,677,398
Expenditure authorized by statute in session of 1873, viz:—	
Increased subsidies to provinces; Expense connected with the admission of Prince Edward Island into the Confederation;	
Increased allowance to the Civil Service, and other statutory increases stated by the present Minister of Finance in his budget speech of 1874, at about .....	\$1,500,000
Allowed for unforeseen but assumed necessary increases from 1873 to 1876, inclusive.....	377,393
	1,877,393
Increase of expenditure largely within the control of the administration, as above in 1876 over 1873 .....	1,960,000
Capitalized at 5 per cent. and equal to a loan of .....	36,000,000
Increase in 1876 over 1875, \$717,062, capitalized at 5 per cent., and equal to a loan of .....	11,311,240

This last amount was, of course, included in the \$36,000,000. He was particular in emphasizing the increase of 1876 over 1875, because there could be no question as to which Government was responsible for it. The Government had a much larger responsibility than they wished to admit for the increased expenditure of the financial year ending 30th June, 1874. He would now call attention to the expenditure on public works in each province in the same years:—

Public Works charged to Consolidated Fund, shewing expenditure in each Province.

ONTARIO.	1873.	1875.	1876.
Custom Houses, Post-offices, &c.....	103,133	204,923	239,691
Marine Hospitals, Quarantine and Immigration Stations .....	2,012	2,461	2,000
Penitentiaries, Barracks, &c.....			58,962
Harbours and Piers.....	209,887	208,436	262,413
Total Ontario .....	315,032	415,878	582,976

QUEBEC.			
Custom Houses, Post-offices.....	162,975	146,439	116,626
Marine Hospitals.....	11,083	16,767	12,665
Penitentiaries, Barracks, &c.....			15,359
Harbours and Piers.....	9,634	10,753	23,373
Total Quebec .....	183,742	178,959	203,053
NEW BRUNSWICK.			
Custom Houses.....	28,332	83,195	21,324
Marine Hospitals.....	3,674	1,642	.....
Penitentiaries.....			10,869
Harbours and Piers.....	23,000	56,376	92,609
Total New Brunswick	60,006	141,121	132,793
NOVA SCOTIA.			
Custom Houses, &c.....	3,330	11,066	13,200
Marine Hospitals .....	11,429	7,173	11,000
Penitentiaries.....			145,965
Harbours and Piers.....	100,246	123,497	170,251
Total Nova Scotia.....	111,677	131,035	170,251
BRITISH COLUMBIA.			
Custom Houses.....		22,347	.....
Marine Hospitals.....	6,611	2,978	73,114
Penitentiaries.....		1,571	.....
Total B. Columbia .....	6,611	26,896	73,114
MANITOBA.			
Custom House, Postoffice	109	27,503	40,092
Immigrant Shed .....	6,742		.....
Penitentiary, Barracks, &c.....			65,072
Total Manitoba.....	6,851	92,575	142,653
P. E. ISLAND.			
Harbours and Piers.....		5,829	25,611
Public Buildings.....			3,574
Public Buildings, general account.....			14,773
Canals, including surveys and inspection .....	143,015	25,006	44,314
Improvements of Rivers .....	18,149	62,737	40,255
Dredging & Dredge Vessels .....	79,436	193,782	123,100
Telegraphs .....	9,041		4,000
Lighthouse Repairs .....	12,208		.....
Slides and Booms .....	47,621	29,986	25,438
Roads and Bridges .....	13,651	4,000	.....
Red River Route .....	210,374	176,959	38,294
Arbitration and Awards .....	9,899	5,258	11,680
Kents, Repairs and Furniture .....	131,345	188,324	169,177
Ottawa Buildings .....	39,808	53,000	63,500
	1,597,613	1,767,075	1,948,941

The following table gives expenditures on piers, harbors and breakwaters for the same years:—

PIERS AND HARBORS.						
	1873.	1875.	1876.	Increase 1876 over 1875.	Increase 1876 over 1873.	
Ontario .....	\$ 209,887	\$ 208,486	\$ 262,413	\$ 53,927	\$ 52,524	
Quebec .....	9,631	10,753	23,373	17,620	18,689	
N. B. ....	28,000	56,376	92,609	36,233	64,609	
Nova Scotia .....	109,216	123,497	145,965	22,468	45,719	
P. E. I. ....			25,061			
Total.....	347,817	399,112	554,421	130,218	181,543	

This was not the only expenditure under this head, and he was of opinion many works of the kind had been proceeded with for party considerations. There were three harbors on Lake Huron very near each other—Goderich, Bayfield and Chantry Island—on which there had been very large expenditures. On Goderich harbor, in 1876, the enormous sum of \$127,000 had been expended, and he was told, very unfortunately expended.

Hon. Mr. SCOTT said the contract was given out by the late Administration.

Hon. Mr. MACPHERSON said he did not care what administration had given it out the work was under the supervision of the present Government.

Hon. Mr. CAMPBELL—The contractor's name is McEwen, and he is a friend of the present Administration.

Hon. Mr. MACPHERSON said in addition to Goderich, \$41,624 had been expended last year on Chantry Island, and \$18,938 on Bayfield, which was only distant about twelve miles from Goderich.

Hon. Mr. SCOTT said Chantry Island, as well as Goderich Harbor improvements had been commenced by the late Administration. The contracts were given out the last year they were in office, and the work had been going on ever since.

Hon. Mr. MACPHERSON said it was the expenditure he complained of, and the amount of new expenditures upon works of this class, commenced under the auspices of the present Government, would be seen by the following statement:—

*Works charged to Consolidated Fund in 1875 and 1876, not commenced in 1874—Piers, Harbors, River Works, Custom Houses, Penitentiaries, Marine Hospitals, &c. :—*

	1875.	1876.
Owen Sound .. .. .	\$3,740	\$5,500
Bayfield .. .. .	1,917	18,398
Port Huntley .. .. .	31	4,732
Port Hope .. .. .	6,945	14,372
Toronto .. .. .	1,019	2,824
Point du Chene .. .. .	7,354	7,228
Shippegan .. .. .	16	6,312
Tignish .. .. .	2,010	4,447
Souris .. .. .	5,829	.....
Port Albert .. .. .	6,000	.....
Shannonville .. .. .	6,992	.....
Kingston .. .. .	4,407	.....
Picton .. .. .	6,000	.....
Coteau .. .. .	1,603	.....
Bathurst .. .. .	3,876	.....
Tynemouth .. .. .	2,500	.....
Tracadie .. .. .	6,690	.....
Port Medway .. .. .	4,513	.....
Sisseton .. .. .	2,500	.....
Plympton .. .. .	1,200	.....

Port Darlington .. .. .	.....	5,000
Port Burwell .. .. .	.....	3,442
Oshawa .. .. .	.....	5,000
Bagotville .. .. .	.....	2,000
Malbaie .. .. .	.....	8,000
Eboulements, ext'n of break-water .. .. .	.....	7,500
Riviere Blanche .. .. .	.....	873
Baie des Chaleurs .. .. .	.....	3,000
Campobello .. .. .	.....	600
Jordan Bay .. .. .	.....	17,465
Trout Cove .. .. .	.....	4,000
Margaree .. .. .	.....	3,000
Harbourville .. .. .	.....	2,000
Broadcove .. .. .	.....	3,000
Margaretville .. .. .	.....	5,000
Oyster Pond .. .. .	.....	2,000
Michaud and Mark Ports .. .. .	.....	97
Cranberry Head .. .. .	.....	2,000
Church Point .. .. .	.....	2,000
Saulinerville .. .. .	.....	2,000
New London .. .. .	.....	503
Colville Bay .. .. .	.....	20,000
St. John N. B. Custom House .. .. .	3,217	2,081
Montreal .. .. .	3,426	.....
Montreal Examining Warehouse .. .. .	203	.....
Chatham and Newcastle Custom House .. .. .	1,393	.....
London Postoffice .. .. .	3,500	.....
Lifting barge, for removing chains and anchors .. .. .	25,000	.....
Work Napanee River .. .. .	.....	12,211
Work Detroit River .. .. .	.....	1,346
Increase of general work on river improvements over 1874 .. .. .	40,811	18,329
Toronto immigration station .. .. .	475	.....
Quebec Marine Hospital .. .. .	6,008	.....
Yarmouth " .. .. .	6,180	152
Sydney " .. .. .	157	6,998
St. Catharines " .. .. .	.....	2,000
Levis " .. .. .	.....	2,003
Souris " .. .. .	.....	3,579
Quebec Observatory .. .. .	1,798	.....
Military School, Kingston .. .. .	.....	55,659
Fortifications, Kingston .. .. .	.....	3,303
" " Levis .. .. .	.....	15,357
Penitentiary, Kingston .. .. .	.....	3,213
" " Maritime Prov's .. .. .	.....	21,860
" " *Manitoba .. .. .	.....	60,597
" " *B. Columbia .. .. .	.....	78,114
St. Vincent de Paul Penitentiary .. .. .	.....	4,076
Totals .. .. .	\$168,413	\$453,256
Add 1875 to 1876 .. .. .	.....	168,413
Gross amount expended in 1875-1876 in works not in 1874 accounts .. .. .	.....	\$621,669

\*N. B.—A sum is charged in 1874 for advertising and for plans for these works

Hon. Mr. SCOTT—The cost of management of penitentiaries has been declining since 1874.

Hon. Mr. MACPHERSON said he was glad to hear it. He had another list for 1874, 1875 and 1876 not commenced in 1873, which was as follows:—List of works charged to

consolidated fund—harbors, piers, breakwaters, canal works, river improvements, slides and booms, bridges, hospitals, buildings, &c., not commenced in 1873:—

Harbors, Piers and Breakwaters.	1874.	1875.	1876.
Napanee.....	4,999		
Belleville.....	10,000		
Meaford.....	4,396		
Inverburon.....	1,000		
Port Greville.....	6,000		
Breakwater Joggings.....	10,000		
Gaberous Bay.....	2,000		
Ports George & Williams.....	3,500	5,000	
Salmon River.....	5,000		
Chedabucto.....	5,000		
Green Cove.....	2,500		
Pictou Island.....	2,000		
Digby Pier.....	2,500		
Big Pond, C. B.....	2,000		
Morden Pier.....	5,000		
Wilson Beach.....	1,000		
Dipper Harbor.....	10,000		
St. John, N. B.....	3,500		
Hillsbro Pier.....	1,500		
Tracadie.....	6,690		
Big Tracadies.....	6,000		
Collingwood.....	28,932	267	
Port Albert.....		6,000	
Tynemouth.....		2,500	
Port Stanley.....		31	4,732
Shannonville.....		2,992	
Pictou Harbor.....		6,000	
Plympton.....		1,200	
Bathurst.....		3,876	
Sissiboo River.....		2,500	
Sackville.....		500	
Port Medway.....		4,513	
Souris, P. E. I.....		5,829	
Cobourg.....	203	15,861	23,403
Saguenay.....	6,000		2,000
Baie St. Paul.....	122		8,009
Cow Bay.....	10,000	25,000	46,458
Owen Sound.....		3,740	5,500
Bayfield.....		1,917	18,398
Port Hope.....		6,945	14,372
Jordan Bay.....		5,103	17,465
Shippegan.....		16	6,312
Port Burwell.....			3,422
Port Darlington.....			5,000
Toronto Harbor.....		1,019	2,824
Oshawa.....			5,000
Malbaie Pier.....			8,000
Eboulements Extensions of Breakwater.....			7,500
Riviere Blanche.....			873
Point du Chene.....		7,354	7,228
Campobello.....			600
Bay des Chaleurs.....			3,000
Margaret.....			3,000
Bagotville.....			2,000
Harborville.....			2,000
Trout Cove.....			4,000
Broad Cove.....			3,000
Margaretville.....			5,000
Oyster Pond.....			2,000
Cranberry Head.....			2,000

Michaud and Mark points.....			97
Church Point.....			2,000
Tignish.....	2,010		4,557
Saulierville.....			2,000
Colville Bay.....			20,000
New London.....			503
Canal Basin, Ottawa.....	4,443		
Lock, Culbute Rapids.....	38,388		
River St. John improvements.....	7,480		
River Detroit.....		200	1,346
Richelieu River.....		21,119	
Fraser River.....		5,739	
Napanee River.....			12,211
Bridge, Fort Garry.....	2,967		
do. Portage du Fort.....	3,547		
Fenelon River.....	3,090		
Gatineau River.....	28,716		
Newcastle Dist. Works.....	1,000		
Petawawa River.....	7,713		
Telegraph Cable, B. C.....		9,044	
Hamilton P. O.....	9,295		
Montreal Custom H.....		3,426	
Three Rivers do.....	2,552		
St. John, N. B.....		3,217	2,081
Miscellaneous, P. E. I.....	69,000		
Military School, Kingston.....			55,659
Observatory, Quebec.....		1,798	
Marine Hospital, N. B.....	7,765		
do. Quebec.....	6,008		
do. Yarmouth.....		6,180	
do. Sydney.....		157	6,995
do. St. Catharines.....			2,000
do. Lewis.....			2,003
do. Souris.....			3,574
Toronto Immigration Station.....		475	
Penitentiary, B. C.....	136		78,114
do. Maritime Provinces.....			21,860
do. Manitoba.....			60,597
do. St. Vincent de Paul.....			4,076
do. Kingston.....			3,213
Government House, Fort Garry.....	8,308		
Barracks, Battle River.....			8,000
do. Fort Pelly.....		29,320	33,966
Fortifications, Kingston.....			3,300
do. Lewis.....			15,357
Totals.....	\$327,552	\$203,546	\$552,337

He now came to an important and interesting statement—public works, charges on revenue for the same years, namely, canals and improvement of rivers, railways, &c. In the case of the canals he had separated the salaries of the staff from the cost of labor, maintaining the works. It would be seen that the increase of expenditure in this direction had been large, but he would not trespass upon the patience of the Senate by dwelling upon it. The statement was as follows:—



Public Works—Charges on Revenue:—

	1873		1875		1876	
	Salaries	Labour.	Salaries	Labour.	Salaries	Labour.
Welland Canal	52925	66552	58334	85540	61243	81376
Lachine Canal	32458	34301	37898	30057	43015	2904
Beauharnois	13108	9883	15400	12158	15600	17171
Cornwall	13946	12468	14219	7098	14262	6424
Williamsburg	7600	7547	7722	4110	8595	11690
Burlington Bay	3 0	0	669	0	300	1190
Chambly	12810	11790	14560	16300	12946	13273
Ottawa & Rideau	24300	26075	28782	19700	28520	14428
Carillon & Grenville	10 67	8781	11424	18521	122 8	11477
St. Anne's Lock	3117	1261	2754	4506	2 79	4034
St. Our's Lock	2620	1575	1885	1245	1926	1601
St Peter's Canal	3 8	6539	660	889	611	0
Miscellaneous	1637	5273	0	0	0	0
Ottawa River Works	14654	18394	22770	59117	29101	333 0
St Maurice Wks	16356	7092	17051	9237	11851	4490
Saguenay "	694	541	863	1412	1126	4025
N'castle District Works	1272	4811	2250	2716	2300	2302
Sundries	0	440	0	1090	0	2185
Inspection of Canals	0	0	1649	0	1506	0
Piers below Quebec	0	947	0	1339	0	18871
Agent & Contingencies B.C.	0	0	0	0	245	161
	208230	224073	239859	273059	250952	257142
Total Salaries	2082 0	224073	239859	273059	250952	257142
Total Labour	432338	517918	508094			
Railways and Telegraph	1063882	1621654	1536401			
	1,496,185	2,139,573	2,044,497			

He now came to the details of expenditure on Civil Government. He had separated salaries from contingencies, and the table was as follows:—

Details of Expenditure on account of Civil Government.

	1873		1875		1876	
	Salaries	Conting'n cics.	Salaries	Conting'n cics.	Salaries	Conting'n cics.
Gov. Gen'l and Lt. Governors	99444	0	110496	11075	112655	0
Secretary's office	8240	8140	11345	5496	10971	15822
Privy Council	15876	6033	22850	10852	20732	4554
Dept. of Justice	17369	9470	21844	11971	22983	4996
Militia and Def'ce	37475	5764	43545	12793	44071	5971
Sec'y of State	37094	9394	34493	10345	38702	7650
Min. of Interior	23382	3072	49344	5644	48063	6138
Receiver Gen'l.	24318	3224	28839	8715	28445	3669
Inland Revenue	24778	9451	30191	16611	31565	6907
Min. of Finance	52382	9226	56304	706	54199	14398
Treasury Board	3257	813	8600	19375	1859	709
Customs	32267	26811	36137	17453	35743	17234
Public Works	46624	13192	60526	0	56940	11320
do office British Columbia	5589	0	2576	0	0	0
Post Office	74643	38850	88936	40872	92460	31820
Dept. of Agriculture	31340	12723	37674	11059	35655	13500
Mar. and Fish'ies	25336	10048	31326	11569	32789	11911
Sundry Depts	0	11998	0	17851	0	16003
Agencies	0	0	15442	0	0	0
	559392	176709	685166	212327	670142	171632

Total Salaries	559,392	685,166	670,142
Total Contingencies	176,709	212,327	171,602
Lands Office, Manitoba	3,973	11,098	0
Dominion Office, Nova Scotia	3,269	0	0
Dominion Office, New Brunswick	4,693	0	0
Stationery and Sundries	2,833	47	251
Civil Service	5	627	0
	750,874	909,265	841,995

He had also dissected the contingencies, separating the charge for extra clerks from the other items. It had been stated very positively by the honorable Senator from Toronto (Mr. McMaster) that the public offices were filled with supernumeraries, and a similar statement had been made by the honorable Senator from Hamilton, when the subject was before the House a few weeks ago, and the honorable Prime Minister himself had also said something to the same effect, adding that many of the appointments made by the late Administration just before retiring from office, had been cancelled by the new Government. If appointments had been improperly made he would not defend them. He presumed none, except such as there was work for, were retained by the new Government. There could be no doubt employment was found for them very soon; but if it was true that many supernumeraries were appointed by the late Government, and remained unemployed, how was it that so many extra clerks were required in the departments? It was impossible to believe that, even extravagant as the present Government was, it would have employed extra clerks while supernumeraries remained idle about the departments. The following statement was a complete refutation of this charge against the late Administration.

Departmental Contingencies at Ottawa, with amount paid for Extra Clerks, which items form part of total Contingencies.

Department.	1873		1875		1876	
	Total Contingencies	Extra Clerks	Total Contingencies	Extra Clerks	Total Contingencies	Extra Clerks
Secretary's Office	8140	991	11075	1856	15822	2673
Privy Council	5033	0	5496	0	4554	0
Justice	9470	0	10852	1100	4996	325
Militia and Def'ce	5764	956	11971	1900	5971	932
Sec'y of State, including Queen's Printer in 1875	9334	0	12743	0	7650	0
Interior	3072	0	10345	720	6138	2162
Receiver General	3224	0	5644	1370	3669	9
Inland Revenue	9451	2142	8715	3400	5907	1820

Finance.....	9226	1209	18611	5838	14398	8287
Treasury Board...	313		704		709	
Customs.....	28861	911	19375	1697	17234	1438
Public Works....	13192	2414	17453	3541	11320	1578
Post Office.....	38850	4677	40872	14183	31820	6890
Agriculture.....	12723	651	11059	2717	13500	3785
Marine and Fish's	10048	453	11559	499	11911	1757
Sundry Depart's..	11998		17851		16003	
Departmental Totals	176709	13704	212327	36821	171602	81651
Contingencies of Senate (these not added in).....	41118		48868		48923	
Do. House of Commons.....	104008		90000		130000	
	280717		302237		301602	

The payments to extra clerks in 1875 were all but three times as much as in 1873, and nearly two and one-half times as much in 1876 as in 1873. It had been alleged throughout the length and breadth of the land that the increased expenditures in the departments was due to the supernumeraries appointed by the late Government before they retired, but the foregoing statement told a different tale. The next statement he would submit was one which he, as a layman, felt some diffidence in criticizing—the Administration of Justice. He must, however, call attention to it, for the increased expenditure under this head was enormous:—

DETAILS OF EXPENDITURE—ADMINISTRATION OF JUSTICE.

Ontario.	1873	1875.	1876.
Court of Error and Appeal	2,166	20,999	20,999
do Queen's Bench....	14,500	15,999	15,999
do Chancery.....	14,104	15,999	15,999
do Common Pleas....	14,500	15,999	15,999
County Judges.....	104,521	117,877	117,896
Circuit allowances.....	11,900	11,800	11,600
Total Ontario.....	\$161,686	\$198,676	\$198,496
Court of Queen's Bench...	24,152	25,999	25,998
Superior Court.....	72,774	112,743	113,201
Court of Vice-Admiralty..	3,031	3,031	3,036
Circuit allowances.....	13,826	11,632	9,210
Total Quebec.....	\$119,781	\$153,406	\$151,445
Total Nova Scotia.....	32,500	32,449	34,099
“ New Brunswick.....	33,649	36,699	36,788
“ Manitoba & North W	6,350	13,949	16,884
“ British Columbia....	37,318	42,991	40,527
“ Miscellaneous.....	7,668	4,150	14,991
“ Prince E.I. Island....		15,077	15,199
“ Supreme Court.....			35,657
	\$393,986	\$497,405	\$544,091

The Court of Error and appeal for Ontario down to 1875 was composed of the nine judges of the Superior Courts of the Province, and was presided over by a retired chief judge, whose pension was three-fifths of his former salary, and the sum paid him as Chief Justice in Appeal—\$2,000—made up his salary to what it had been before he retired from the Chief Justiceship of one of the Superior Courts. That was the condi-

tion of affairs down to 1875, and the cost of the Court to the country was only \$2,166 a year. Hon. gentlemen who were not aware of the facts might imagine that this Court of Appeal did its work inefficiently and unsatisfactorily. But the truth was the very reverse of this. So satisfied were suitors, as a rule, that but few of its decisions were appealed from to the Judicial Committee of the Privy Council, and no one of its judgments had ever been reversed. The judiciary of Ontario occupied a proud pre-eminence among the Judiciary of the colonies of the British Empire, as no one of the judgment of the Court of Appeal of that Province had been reversed.

Hon. Mr. SCOTT said the Court of Error and Appeal was constituted under a statute of the Ontario Legislature.

Hon. Mr. MACPHERSON said he was quite aware of that, but Ontario did not appoint the judges or assign the salaries. He did not believe the Minister of Justice would attempt to evade any of his responsibility in this matter.

Hon. Mr. SCOTT—We could not have controlled it in the slightest degree.

Hon. Mr. MACPHERSON was aware the present Minister of Justice was not in office when the Court was constituted and the judges were appointed, but would the Secretary of State say that Court was constituted without the express sanction of Mr. Blake.

Hon. Mr. SCOTT said, on the same principle the Minister of Justice would be held responsible for the appointment of additional judges in Quebec the following year, and for the appointment of County Court judges in Nova Scotia.

Hon. Mr. MACPHERSON said there was no analogy between the cases. The Minister of Justice did not possess the same influence in Quebec or Nova Scotia that he did in Ontario. He was not the leading member of the bars of those provinces as he was of the Bar of Ontario. No legislature in Ontario would have ventured to constitute a court for that province without the express sanction of the present Minister of Justice; and no judges would have been appointed without consulting him. One of the charges against the late Hon. Sandfield Macdonald's Government in Ontario was, that it held too intimate relations with the Dominion Government of that day. He was not aware that any fact had ever been brought to light to prove that those relations had been prejudicial to the public interest. Could as much be said for the present Government of Ontario and the Mackenzie Administration? The cost of Sir John Macdonald's Court of Appeal for Ontario was \$2,100 a year, the cost of the

new court is \$21,000 a year, and thus did not by any means represent the enormous increase to the cost of litigation, caused by the establishment of this tribunal. When the Government of the day intended to create a Supreme Court for the Dominion, at a cost of \$35,657, they should not have created that Court of Appeal in Ontario, but should have appointed more judges, if necessary, in the existing courts. He believed there never was such an opening for law reformers in Ontario as at present. In saying this, he did not want to detract in any way from the Minister of Justice, who stands at the head of his profession, and is a great lawyer, but history tells us that all great lawyers are not successful law reformers. He now came to the expenditure in the Customs Department, and would read the following statement:—

*Customs—Details of Expenditure for 1873, 1875, and 1876.*

	1873	1875	1876
Ontario .....	\$183,505	\$217,051	\$226,874
Quebec.....	176,985	196,592	211,285
New Brunswick.....	73,353	94,716	93,457
Nova Scotia.....	93,970	100,712	105,098
Manitoba .....	8,352	12,039	12,989
British Columbia.....	24,477	19,056	23,323
Prince Edward Island .....		22,727	25,548
Totals .....	\$567,765	\$682,673	\$721,008

It would be observed that while the revenue from Customs had very greatly decreased, the cost of collecting it had steadily increased. The cost of collecting this branch of the revenue in 1876 was \$38,335—more than in 1875, while the revenue for the same period fell off \$2,527,174. The new Government was of course alone responsible for the expenditure of last year, and he would like to hear a reasonable explanation of the increased cost of collecting the Customs revenue. He would take the Excise Department next. In it the expenditure had been as follows:—

*Excise—Details of Expenditure for 1873, 1875 and 1876.*

	1873.	1875.	1876.
<b>ONTARIO.</b>			
Salaries.....	\$76,791	\$94,066	\$92,119
Contingencies .....	12,005	16,891	24,030
Total Ontario .....	88,796	110,957	116,149
<b>QUEBEC.</b>			
Salaries .....	25,299	30,968	31,349
Contingencies .....	4,752	6,651	7,901
Total Quebec.....	30,051	37,619	39,250
<b>NOVA SCOTIA.</b>			
Salaries .....	6,203	7,900	7,275
Contingencies .....	535	2,724	3,455
Total N. S.....	6,738	10,624	10,730
<b>NEW BRUNSWICK.</b>			
Salaries .....	5,139	7,150	6,885
Contingencies .....	871	1,399	1,380
Total N. B.....	6,010	8,549	8,265
Total Salaries .....	113,432	140,084	137,628
Total Contingencies..	18,163	27,665	36,766
Manitoba .....	1,924	3,998	4,253
British Columbia.....	1,285	5,318	6,208
Prince Edward Island .....		3,056	3,829
General Expenses.....	36,900	19,132	29,675
Total .....	171,704	199,253	218,359

It would be seen the expenditure in this department had largely increased since 1873; the contingencies actually had more than doubled. It was incredible that the necessities of the service called for so large an increase in expenditure. He now came to the Department of Immigration and Quarantine. He believed no money was spent by this Government from which the country got so small a return. He hoped the Minister at the head of that Department would tell the House why it was so.

Hon. Mr. AIKINS—Jenkins!  
 Hon. Mr. MACPHERSON said the following letter, from the then Agent General of Canada, published in the London Times of 12th July, 1875, when the Premier was in England, must have checked emigration to Canada:—

## EMIGRATION TO CANADA.

To the Editor of the *Times* :

SIR—Will you permit me to make, through the columns of the *Times*, an intimation which may serve to prevent a great deal of disappointment and trouble? The advices which I have from Canada, both privately and in the press, as well as from gentlemen who have lately arrived from there, show that in the present state of commerce and trade in the Dominion, and especially at so late a period of the emigration season, it is not advisable to encourage the emigration from this country of artisans, mechanics, clerks and general laborers to Canada. These persons arriving in the middle of July or in the beginning of August, will find a depressed state of trade and a lack of general employment, and, unless they have extraordinary energy and self-reliance, or sufficient means to contain themselves for a considerable time, they may find themselves forced to face a Canadian winter with no prospect of employment. To encourage emigration of such persons in such circumstances would be almost criminal, and equally disastrous to the emigrants themselves and to the interests of Canada. I am, however, advised that there is still one interest which continues to flourish, and that there is still a healthy demand for agricultural labourers. I do not, therefore, desire to discourage the emigration of these classes, provided that they do not take out with them large families. But still, I deem it advisable to announce that the Canadian Government will not press during the approaching autumn for a large exodus even of these classes. For female domestic servants there is always a demand, at good wages, in Canada, and it would be safe for them to go at any time. I am assured that in a few months the unsatisfactory condition of the labour market in Canada will have been greatly altered, and I hope soon, in view of the public works which are projected, and the increasing prosperity of the Dominion, to be able again to recommend to English labourers of all classes the selection of Canada as their home. In the meantime, the efforts of the Canadian agents will be devoted, during the autumn and winter, to preparation for a large emigration in the Spring, and I shall cause registers to be opened by the Government agents in all parts of the country, to which labourers of all kinds may send their names, descriptions, and copies of testimonials, which will be forwarded to the Government agents in Canada, with a view to enabling them to transmit to this office any offers that may be made by the local employers to secure

the services of such persons. The details of this arrangement, however, will be otherwise announced.

I am, Sir, your obedient servant,

EDWARD JENKINS,

Agent General.

Canada Government Buildings,  
Westminster, July 9.

In the face of such a circular as that, how could we expect immigration to flow to this country? Could anything be more ill-advised, or exhibit greater ignorance of the field which Canada offered to immigrants? This country was specially adapted for workmen with large families. The following statement showed the expenditure of the Department, and the cost of the immigrant per capita :—

*Details of Immigration and Quarantine for 1873, 1875 and 1876.*

	1873	1875	1876
Total expenditure .....	\$277,368	302,770	385,845
Quarantine items .....	11,871	13,768	12,233
Total in 1876 on account of Mennonites—			
Transport .....			38,761
Loan .....			57,670
			\$96,431
Total number of Immigrants by St. Lawrence route.....	36,901	16,038	10,901
Cost per head .....	\$7.76	18.00	26.55

N. B.—This is based on expenditure, less the amount paid to the Mennonites. Adding cost of transport of Mennonites, but excluding the loan, the cost per head of all immigrants for 1876 was \$30.10.

In this statement he had not included the immigrants who entered Canada by the Suspension Bridge, who were people passing through from New York to the Western States, or people who were coming to reside temporarily in Canada, and whose effects were admitted duty free when they described themselves as settlers.

At six o'clock the House rose for recess.

*After Recess.*

Hon. Mr. MACPHERSON resumed the debate. He said the appointment of Mr. Jenkins as Agent-General had been an unfortunate step. The immigration now was almost nominal while the expenditure continued enormous, and why it was allowed to continue so he hoped the Minister of Agriculture would be able to explain. Not only had large sums been paid to promote immigration, but a large amount had also been paid for emigration, or what was called euphronically "repatriation." When repatriation was first spoken of in this country, he understood it to be encouragement which was to be offered to French Canadians who had left Canada under a misapprehen-

sion and had gone to the United States, to assist those who desired to return and settle in their own country, but had not the means of doing so. But if there was a willingness to do this, he did not suppose that Canada was going to assist people to return to Europe.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. MACPHERSON—The expenditure was voted by Parliament for the purpose of bringing people into the country, and not for sending them out of it, but he found in the public accounts that the sum of \$5,464.49 had been expended in aiding foreigners to return to their native land. He considered such expenditure most unwarrantable, because there were ample opportunities afforded to industrious people to make a comfortable living for themselves and their families in this country. The expenditure was unwise and was a misapplication of the money of the tax payers of this country. The next matter of detail to which he would call attention was the expenditure under the Weights and Measures Act. This measure had been passed by the late Government, and the then Finance Minister, Sir Francis Hincks, estimated the expenditure at \$50,000, but it cost \$30,000 or \$100,000 a year since it had been put into operation.

Hon. Mr. SCOTT—The fees are not credited in that account; they are paid into the Consolidated Fund.

Hon. Mr. MACPHERSON—The Government had been premature in putting that act into operation. There was nothing in the act requiring that it should go into operation until the country was prepared for it. He thought the Government would find it a difficult matter to justify this expenditure. The truth was that wherever it could be done, or under whatever act it was possible to dispense patronage, it was dispensed, and every plausible excuse was advanced to justify it. The consequence was the enormous increase in the public expenditures under the auspices of the present Government.

Hon. Mr. SCOTT said there were certain limitations in the act as to the kind of weights and measures to be enforced after 1874.

Hon. Mr. MACPHERSON said it was not obligatory on the Government to enforce the new act until the circumstances of the country render it desirable. The next statement which he proposed to submit would be interesting in itself rather than in the way it would reflect upon any government. It was a comparative statement of the public debt and the interest thereon since 1873:—

*Comparative Statement, Public Debt and Interest.*

PUBLIC DEBT.	Increases.	INTEREST ON DEBT.	Increases.	Increases.	
				Total interest, 1873.	Total interest, 1874.
Total debt, 1873, .....	\$129,743,432	Total interest, 1873, .....	\$5,549,374	Total interest, 1873, .....	\$573,470
Increase, '73 to '74, .....	.....	Increase, '73 to '74, .....	.....	Increase, '73 to '74, .....	.....
Total debt, 1874, .....	141,163,551	Total interest, 1874, .....	6,122,844	Total interest, 1874, .....	2,7212
Increase, '74 to '75, .....	.....	Increase, '74 to '75, .....	.....	Increase, '74 to '75, .....	.....
Total debt, 1875, .....	151,663,401	Total interest, 1875, .....	6,340,056	Total interest, 1875, .....	413,115
Increase, '75 to '76, .....	.....	Increase, '75 to '76, .....	.....	Increase, '75 to '76, .....	.....
Total debt, .....	161,204,887	Total interest, 1876, .....	6,753,171	Total interest, 1876, .....	.....
Increase of debt in 1874, '75, and '76, .....	.....	Total increase of interest in 1874, '75, '76, .....	.....	Total increase of interest in 1874, '75, '76, .....	\$1,203,797

Honorable gentlemen knew that interest was charged against the consolidated fund, and since the 30th of June, 1873, the increased amount of interest charged to that fund was \$1,203,797. He did not wish this to be understood as the annual increase; it was the total increase of interest during those three years. Honorable gentlemen would here find a confirmation of what he had stated, that the burthens of the people were not being lightened. His next statement would show the annual expenditure on account of public debt since 1873.

*Annual Expenditure on account of Public Debt compared since 1873:—*

	1873.	1874.	1875.	1876.
Interest paid on account of Public Debt.....	\$520,9205	\$724,438	\$590,790	\$490,902
Management and Exchange.....	178,644	261,683	227,200	208,147
Sinking Fund.....	407,826	518,920	555,773	822,958
	579,5675	650,3889	737,3763	743,2004

Hon. Mr. WILMOT—I should like to know whether the amount paid into the sinking fund is an asset?

Hon. Mr. MACPHERSON said it was an asset in a certain sense, but could not be expended or touched. It was so much paid in and accumulating to pay the debt. As it was chargeable against income the interest and sinking fund amounted to \$7,432,002 on the 30th of June last, being an increase of \$1,636,327 since 1873.

Hon. Mr. SCOTT—Chargeable to this Government?

Hon. Mr. MACPHERSON said the loans were negotiated and the expenditure was made under this Government. He did not intend this statement as a reflection on any government, though the expenditure had been incurred by the present Administration. His object in submitting the statement was to call the attention of Parliament and of the country to the enormous rate at which the burthens of the people were being increased. He did so in the hope that the Government, Parliament and the people would see that they would have to be prudent, and that they should hesitate before they expended \$20,000,000 between Lake Superior and Red River, which would entail an addition to the annual taxation for interest alone of \$1,000,000, to say nothing of the enormous annual loss that would result from working the railway.

Hon. Mr. PENNY—What will it be between Red River and the Pacific?

Hon. Mr. MACPHERSON said he was

surprised the hon. gentleman should try to divert the attention of the House from a matter so serious as this. His (Mr. Macpherson's) object was not to reflect on any government in particular, but to warn the country against going on with unprofitable, unwise and ruinous expenditures. The following table would show the increase of annual expenditure on account of public debt since 1873:—

	Increase 1874.	Increase 1875.	Increase 1876.	Increase 1876 over 1873.
Interest paid on public debt.....	515,201	866,354	189,188 decrease	1,191,697
Management & Exchange	87,049	37,483 decrease	19,653 decrease	30,503
Sinking Fund	106,094	41,853	267,186	415,127
Total increases.....	708,374	908,207	267,186	1,637,327
Less decreases.....				
Net increases	708,374	870,724	53,239	1,637,327

He would ask honorable gentlemen opposite if such an increase as that was not a serious matter, and if it should not be treated seriously by this House.

Hon. Mr. WILMOT—Hear, hear.

Hon. Mr. MACPHERSON said he would also submit a comparative statement of expenditure chargeable to capital account in the years 1873-74-75 and 76—a statement interesting in itself:—

Items of Expenditure charged to Capital in Public Accounts, 1873, 1874, 1875, 1876.

TOTALS.		1873	1874	1875	1876	
Canals .....	\$3,445,299	\$ 82,282	\$ 746,420	\$ 1,047,119	\$ 1,569,478	
	691,631	7,824	153,618	197,420	327,769	
	82,173	33,241	26,541	22,391		
	794,365	132,822	190,323	249,512	221,708	
	9,448	4,877	4,018	443	110	
	250,157	376	54,935	90,352	104,494	
	70,315		12,753	32,627	24,935	
	11,473			9,310	2,163	
	140,501			63,659	76,842	
	2,415			2,415		
	11,145			20	11,125	
	50,215				50,215	
	<u>\$5,559,137</u>					
Parliament Buildings.. }	\$692,792	{ Library .....	35,931	49,604	42,941	40,067
		{ Tower and grounds .....	63,585	86,359	47,858	78,088
		{ Walls and workshops .....			48,070	12,670
		{ Extension West Block .....			27,254	100,000
		{ Fire walls, and water service .....			23,358	37,013

Pacific Rail- way.....	\$2,137,692	Survey .....	561,818	310,224	474,529	791,121
	83,940	Fort Francis Locks .....			7,411	76,529
	2,724,201	Steel Rails .....				
	3,544	Sundries .....			3,544	
	215,844	Telegraph line .....			28,560	187,284
	113,055	Lake of Woods and Rainy River .....				113,055
	195,370	Fort Garry and Pembina.....			19,405	175,965
	179,804	Fort William to Shebandowan.....				179,804
	111,394	Georgian Bay Branch .....				111,394
	<b>\$5,764,844</b>					
		N. W. Territories .....	63,238			
Intercolonial.	11,889,295	Intercolonial .....	4,827,183	3,417,661	2,645,460	998,991
	88,632	P. E. Island Railway .....			46,086	42,546
Govt. Rwys..	1,279,309	Nova Scotia & New Brunswick.	192,055	197,236	780,638	109,330
Total spent 1873 to 1876. }	<b>25,337,241</b>	Totals.....	<b>6,005,240</b>	<b>5,254,698</b>	<b>6,923,185</b>	<b>7,154,118</b>

GENERAL SUMMARY.		1873	1874	1875	1876
\$5,559,137	Canal Works .....	261,422	1,193,608	1,715,268	2,388,839
5,828,082	Pacific Railway .....	625,056	310,224	1,546,238	3,346,564
11,889,295	Intercolonial Railway .....	4,827,183	3,417,661	2,645,460	998,991
1,279,259	Govt. Railways N. S. & N. B. ..	192,055	197,236	780,638	109,330
88,632	P. E. Island Ry .....			46,086	42,546
38	Sundries .....	8	6	14	10
692,798	Parliament Buildings.....	99,516	135,963	189,481	267,838
<b>\$25,337,241</b>	Totals.....	<b>6,005,240</b>	<b>5,254,698</b>	<b>6,923,185</b>	<b>7,154,118</b>

N. B.—Total for Intercolonial to 30th June 1876, \$21,582,188

He thought this was a useful statement and would be interesting to the country. It was not exhibited with the intention of blaming any government, as the works had been carried on under acts of parliament, and the Government were only bound to see that they were conducted in an economical manner. Whether the Government had done that or not was best known to themselves, but from all that had been discovered of the wasteful expenditures of the present Government, he thought the House could not be blamed if it inclined strongly to the opinion that the whole might have been done much more economically. Many items of expenditure were wholly indefensible, such as that upon Fort Francis lock. He believed he had proved that the statement made by the Prime Minister in another place was not correct. A portion of the public burdens might be changed from one column to another of the public accounts, but the burdens would remain undiminished and would increase. If the hon. Secretary of State could prove the

facts to be otherwise, he (Mr. Macpherson) would be very glad. He had not the advantage of the Finance Minister's revision this session of the estimate of revenue, brought down by him last session. He had proved that down to 1873 the finances of the country were in a sound and easy condition, that the Government of that day was perfectly justified in undertaking the expenditure upon works, payable out of income, which they proceeded with; that the surpluses during the six years they were in office amounted to the enormous sum of \$11,150,000; that they not only paid out of income for the work properly chargeable to income, but paid the cost of some out of income which they might fairly have charged to capital, and thus avoided *pro tanto* the expenditure of capital; that Mr. Tilley made provision in the estimates—supplementary estimates—and by Acts of Parliament for the increased statutory and other expenditure of the session of 1873. The increased statutory expenditure and supplementary

estimates amounted to \$1,542,000; that the surpluses of that year and the following years were ample to cover the expenditure and leave no deficit; that at that time income and expenditure were pretty evenly balanced, but there was no deficit; that the new Government, when it succeeded to office, apparently desiring to increase the expenditure, imposed new taxation, which the Minister of Finance estimated would yield \$3,000,000, but which only yielded \$1,700,000; that that was the beginning and the cause of the financial difficulty which resulted in a deficit of \$2,000,000 on the 30th June last.

Hon. Mr. SCOTT—Where will I find the supplementary estimates of Mr. Tilley for 1874?

Hon. Mr. MACPHERSON said they were not to be found in the usual place, but there were supplementary estimates that year.

Hon. Mr. SCOTT said there was nothing but what appeared in the ordinary estimates. Schedule B and schedule A were for amounts expended from the former year.

Hon. Mr. MACPHERSON—Mr. Tilley mentions both the expenditure embodied in Acts of Parliament and supplementary estimates as quoted before recess.

This showed that Mr. Tilley had brought down supplementary estimates. The items in them and in acts made the increased expenditure of the session of 1873 amount to \$1,542,000, according to Mr. Tilley, and to show that that amount was substantially correct, he would quote the following words of Mr. Cartwright, from his budget speech of 1874:—

“The legislation of last session added over \$1,500,000 to the fixed charges of the country.”

The sum of \$2,000,000 in schedule A of the Supply Bill of 1874, charged against revenue, he (Mr. Macpherson) believed represented, altogether, increased expenditure of the new Government, which the revenue did not cover.

Hon. Mr. SCOTT—No, no! Our contention is that we entered upon no new expenditures, and that it required two millions to meet Mr. Tilley's deficiencies.

Hon. Mr. MACPHERSON said the Public Accounts did not bear out that statement. There was a large expenditure in 1875 and 1876 upon works which had not been commenced in 1873 or 1874. The Government had, unquestionably, been extravagant and reckless in their expenditure. They disregarded the pledges of retrenchment and economy upon which they came into power, and placed the country in financial peril by not providing for the deficit when they dis-

covered it. The expenditure of 1876 over 1875, for which they alone were responsible, amount to \$717,062. He hoped the Secretary of State would be able to show that the equilibrium between income and expenditure was being restored, but he feared he could not do so. He would refer to one other matter. In the Speech from the Throne, delivered at the opening of the session, the following paragraph found a place:—

“Notwithstanding the loss of revenue consequent chiefly on the diminution of our importations, the reductions effected during the current year have gone far to restore the equilibrium between income and expenditure, thought great economy will still be needful to attain that object.” He hoped this would prove to be the case. This session was opened in the beginning of February, at a time when the Government knew that the revenue of the country was falling off; when they knew that it was then less by \$326,506 than it was at the same time last year. They were aware that large additional amounts would have to be charged against the consolidated fund for the increased public debt, that at least \$600,000 per annum had been added to it for interest on the new loan negotiated at the end of last year; they knew it was being added to otherwise, and that, too, in the face of a decreasing revenue which rendered it almost certain that the end of the next financial year would show another deficit instead of any restoration of the equilibrium between revenue and expenditure. He was not, however, going to charge the Ministry with having put words in the Speech from the Throne they did not believe to be strictly true. To do so would be to charge them with a very grave offence, as grave an offence as the advisers of the Crown could commit, for it would be first deceiving the Crown and then employing the Crown as their medium for deceiving and misleading the people. He would not accuse the Government of this offence, but would hope, for the sake of the country, that the result would prove the correctness of the words placed in the Speech from the Throne. He would, no doubt, be charged with partizanship, as he had been before, when he had called attention to the shortcomings of the Government, but the only partizanship he had in this matter was in favour of efficient administration. This was his only motive, and he thought his course in this House since the time he had a seat in it, had entitled him to expect that his statement would be accepted. He had expected an efficient and able administration of the public affairs



from the present Government. He had put faith in their pledges of political purity, and financial retrenchment, but he had been sadly disappointed, as the country had been.

Hon. Mr. SCOTT said this was the first occasion in the history of the Senate that the finances of the country had been discussed so minutely. He did not think there had ever been in the British House of Lords, or in this Chamber, an occasion when anything like so minute a discussion of the financial policy of the Government had been entered upon. Certainly, the honorable gentleman who had lately become the censor over the acts of the Government had not risen in his place to call the attention of the late Finance Minister to the extraordinary expenses that had been entered into by the late Government.

Hon. Mr. MACPHERSON—There were no deficits then.

Hon. Mr. SCOTT—But when the chains were fastened around the feet and arms of the incoming Administration; when they were bound to action that the honor of the country would not justify them in breaking, the honorable gentleman stood up in his place and said "it was the duty of the Government to curtail all this expenditure." He had a pretty minute recollection of the first and present sessions of this Parliament when the Administration were taunted with a want of candor, and when, in relation to the British Columbia question, they were told they were doing nothing; that they had no intention of going on with the Pacific Railway; that the surveys were not being pushed vigorously, and that there should be some expenditure commenced in the construction of the work. Not only had there been a pressure brought to bear here, but the people were captivated by the recital of the immense advantages that were to flow from the iron bond between the Atlantic and Pacific. Appeals had been made to the other side of the Atlantic for the people of British Columbia; pressure had been brought to bear even from the other side of the water, to induce this Government to prosecute this work, and they were told if they were sincere in their policy with British Columbia they would have to go on with the expenditure. Honorable gentlemen would recollect that not only the present, but the future action of the Government was embarrassed. But the late Government had also entered into other engagements quite as embarrassing. They had acquired the North West Territories, and the incoming Administration had been obliged to make treaties with the Indians, to organize a government, to

take charge of and control that vast territory. These were general questions that for the moment had arisen in his mind, as showing the embarrassing position of the present Administration when they took office, and that their lines of action in the future had been clearly defined from the 8th of November, 1873. The honorable gentleman on all occasions, except to-day, when he had brought this subject before the House, had carefully excluded the expenditure of 1873-74 from his comparisons. Apparently with a great deal of frankness and ingenuity, he said one-third of the expenditure of that fiscal year belonged to the late Government, and two-thirds to this, and it was better to sink that year altogether, and make comparisons between the years 1872-73 and 1874-75. On the face of it there was some degree of fairness in the proposal, but he thought he could show very conclusively that the increased expenditure of 1873-74 was entirely beyond the control of the present Administration, and that the expenditure was not begun by them; that a large portion of it was blocked out in acts of parliament, and that a very large part of it was carried out under the immediate sanction of the outgoing Administration, and for which they supposed they had made ample provision. But he proposed to show that they had failed to make provision for those \$2,000,000 that were voted in the supplementary estimates for 1874. He had before him the expenditures his honorable friend had been reading from, with reference to the various years from 1867-68 to 1875-76. He would take the items that stood first—they were those which the honorable gentleman had alluded to last—the charges for debts and subsidies to provinces, interest on the public debt, and charges of management. He (Mr. Macpherson) had stated, apparently that the year 1873-74 was the year of the present Administration. He noticed on one or two occasions when the honorable gentleman commenced to make his observations that he (Mr. Macpherson) seemed to have recollected that the legislation of 1873 had entailed very considerable burdens on the people of this country, which he knew the Government could not overlook, or in any way control, but still the old system of comparison seemed to have come back upon him, and he had again charged the present Administration with the expenditure of 1873-74, and with the increase of the charges for the public debt and subsidies of that year. The increase was from \$8,717,000 in 1872-73 to \$10,255,798 in 1873-74, the increase being \$1,538,798. This arose partly from Mr. Tilley's loan of that year in connection

with the Intercolonial Railway. The charges of management, sinking fund, premium, discount and exchange, all followed, as a natural consequence, from that loan. Then a very large increase took place in subsidies to the provinces, which sprung from \$2,921,399 to \$3,752,757. The honorable gentlemen had adverted to the supplementary estimates, which he supposed Mr. Tilley had passed to meet these new demands on the public exchequer, but Mr. Tilley had passed no regular supplementary estimates. He had engrafted by an act of parliament those charges on the Dominion for all time to come, and added a sum of no less than \$13,574,327 to the public debt of Canada. Did his hon. friend, when that heavy debt of \$13,000,000 was incurred by a single act of parliament when it was passing through this Chamber, get up in his place and remonstrate, and say the Government were largely increasing the public debt of the Dominion? More than that, a large amount of that money went to the Province of Ontario that they did not require, and they had not since known what to do with it; but it was simply taken from the public exchequer because a few members of the Province of Quebec brought pressure to bear upon the Government in order that they should be enabled to make additional grants to their railways. The re-adjustment took place and the \$13,000,000 were added to the public debt of this country. At that time he (Mr. Scott) was a member of the Ontario Government, and no pressure had been brought to bear upon the Dominion Government for it, as it was not expected, or asked for, and it was simply so much more money added to the Ontario exchequer, when it was then overflowing.

Hon. Mr. MILLER—How about the other Provinces?

Hon. Mr. SCOTT said they got their share, but there was the fact that it had added \$13,500,000 to the public debt, for which this Government was held responsible. The first item was the million and a half loan of Mr. Tilley; next was the thirteen and a half millions of dollars added to the public debt of the country. He thought it had been a very unfortunate thing for the Province of Quebec, as it had stimulated them into the construction of an expensive railway system, by which they had added the sum of \$13,000,000 to the public debt of that province. The next item he came to was that of ordinary expenditure, and there was a jump from the former year of from \$750,874 to \$883,685, under the head of Civil Government. That was an item that belonged specially to the administration of Government of which they ought

specially to be the guardians, and in which, if they were expected to use any economy or any good management it was there it could be effected. It was an expenditure over which they had personal supervision in the several departments, and one wherein they could, at all events, save the money to the people of this country, if they so desired. In the period between 1867 and 1873-4 it rose from \$594,441 to \$883,685, and \$133,000 had been added to the item of civil government in the latter year in excess of the previous year. Now he thought he could show the honorable gentleman that that item was in no sense controllable by the present Government. If he turned to the regular estimate—he would not ask them to look at the supplementary estimates, but the regular estimate of Mr. Tilley for 1873-4—he would find that the supply bill for civil government was \$570,192, from which, after deducting for stationery \$15,000, for contingencies \$150,000, and for Dominion officers in provinces \$24,000, there would be left to pay departmental salaries \$381,192. The amount actually paid for salaries in that year was \$375,609, leaving \$5,583 less than the sum voted by Parliament. In confirmation of this statement, he held in his hand a schedule of the amounts actually paid for salaries for the four months from July to October, inclusive, in the year 1873, showing the expenditure for those four months' salaries to be \$127,467. Multiply that by three to get the aggregate for the year, and it would produce the sum of \$382,401, which would have been the expenditure of the late Government had they made no new increases during the remaining eight months of that year. This statement was from the pay lists of the departments, and certified to as being correct by Mr. Langton, Auditor General. He had proved what he had stated by the sum voted by Parliament; and by the salaries actually paid, as set forth in the pay lists. In addition to this an act of parliament had been passed under which the sum of \$75,000 had been voted to re-adjust the salaries of the Civil Service. Now, the late Government could only pay one-half of that, and they did pay exactly one-half the sum of \$37,000. Had they paid the whole \$75,000—that added to the \$382,000 for departmental salaries would make a gross sum of \$457,401. But the present Government had declined to pay the whole \$75,000; in their year they paid in bonuses only \$55,641—making a total of \$431,250, as against what the late Government would have paid if they had given the bonuses voted by them, showing a saving of \$24,942. The whole expen-

dition for civil government was \$883,000. The honorable gentleman from Toronto well knew that certain of these salaries were not voted in the estimates, but that they were crystalized in an act of parliament, such as salaries of the lieutenant governors and judges. The honorable gentleman forgot that the salaries of all the lieutenant governors, cabinet ministers, and Governor General's secretary, were raised that year. Hon. Mr. MACPHERSON—I stated all the salaries.

Hon. Mr. SCOTT said they were not put into the estimates, but they were embodied in an act of parliament, so that they were in such a shape that they could not very well be disturbed.

Hon. Mr. MACPHERSON—They are all in the Public Accounts.

Hon. Mr. SCOTT said these increases were under act of parliament; they were not introduced into the estimates in the ordinary way, and to repeal them it would have to be done by act of parliament, as they were a charge on the consolidated fund by statute. After Mr. Tilley had introduced his estimate for \$381,000 for salaries, the Government did not change the pay lists of any department during that year, but took them as they were, and the only sum added to that was the distribution of the bonus on the reduced scale. What he desired to establish was that the increase from \$750,000 in 1872-3 to \$883,000 in 1873-4, was clearly an act of the late Administration over which the present Government had no control whatever. The honorable gentleman from Toronto had stated they need not have expended all the money, but he (Mr. Scott) had shown clearly that that honorable gentleman would have been the first to condemn any interference with this vote of Parliament, or any attempt to redistribute it. This disposed of that item, and showed, at all events, that so much of the expenditure of 1873-4 as affected Civil Government, the late Administration were entirely responsible for. He had shown, in the first instance, that the increase in the debt that year was attributable to Mr. Tilley's loan and the subsidies, and that the next item, under ordinary expenditure in Civil Government, was attributable to the same cause. His contention was that the expenditure for the year 1873-4 was beyond the control of the present Administration, and that the amounts of the expenditures were so marked out and so fixed, that unless by a very high handed act the present Government could not have disturbed it. Before proceeding with the next item, he would run over the various appointments to the

Civil Service, made by the late Government, between the 1st of January and the 8th of November, 1873:—

Appointments (other than to fill vacancies) and increases of salaries, between 1st of January and 8th November, 1873:—

Department.	No.	Appoint-ments.	No.	Increase.
Gov.-Gen.'s Office.		\$		\$
Privy Council.....	1	Nil.		Nil.
		700 00		
JUSTICE DEPT.				
Judges.....	11	} 75900 00	6	810 00
Penitentiaries.....	50			
Mounted Police.....	12			
Militia.....	2	2200 00	14	1700 00
Agriculture, Inside	2	800 00	9	1570 00
“ Outside	30	30000 00	7	1258 00
Marine & Fisheries	126	55460 00	38	8420 00
Customs.....	111	58076 25	635	66585 75
Receiver General.....	2	1600 00	4	1425 00
Inl'd Rev., Inside..	2	1100 00	12	1340 00
“ Outside	30	19800 00	67	9500 00
Secretary of State	8	4950 00	3	800 00
Interior.....	7	5050 00	14	3610 00
Finance.....	17	15400 00	10	1070 00
Pub. Works, Inside	7	6900 00	5	2200 00
“ Outside	16	8190 75	182	21464 20
Postoffice.....	68	32840 00	241	17820 00
	502	318967 00	1247	139572 95
				318967 00
Total addition to expenditure for salaries.....				458539 95

It was a matter of notoriety that this Government felt themselves constrained, after coming into office, to considerably reduce the number of appointments made in the Customs Department, and they had held in suspense salaries amounting to some \$30,000; others had been entirely cancelled, while more were allowed to go on at a later date at reduced salaries. In that one department there were \$112,000 added to the expenses of Government.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—Did the honorable gentleman from Toronto rise in his place at that time and say how much this, if capitalized, would add to the public debt?

Hon. Mr. CAMPBELL—There was no legislation on it.

Hon. Mr. SCOTT—It was to the extent that there had been an additional sum placed in the estimates for a certain amount of increase, but nothing like that amount. The honorable gentleman had stated that in the following year the supplementary estimates, which Mr. Cartwright introduced, was to cover the expenditure of this Government.

Hon. Mr. MACPHERSON—The honorable gentleman has misunderstood me, I did not say what estimates, I said schedule "A" of the supply bill. Mr. Tilley introduced in his supplementary estimates a sum which he thought sufficient to cover all the increases by the statute, amounting to \$1,542,000; then in the following year the present Government introduced in schedule "A" of the supply bill, which was intended for the purpose of covering expenditures unprovided for in the former year, \$2,400,000 of which \$425,000 was against capital, leaving in round numbers \$2,000,000 against consolidated revenue.

Hon. Mr. SCOTT—The balance was to pay expenditures which were similar in character to those they had now been discussing, for it happened in the schedule there was \$40,000 to pay those salaries for the additional appointments in the Customs Department, and that sum was in that particular schedule. That was one of the evidences he had given in proof, that schedule "A" became necessary in consequence of the large expenditure proposed in the former year, for which no provision whatever had been made. He would state again that Mr. Tilley had introduced no supplementary estimates; that he had simply introduced some acts of parliament, which, if capitalized, would make a debt of \$25,000,000. Then there was an increase of the salaries of all the judges that year.

Hon. Mr. MACPHERSON—I gave credit for that.

Hon. Mr. SCOTT—The honorable gentleman had not quoted the figures he (Mr. Scott) had given to the House. He had said nothing about the statutory enactments, and the manner in which the judges' salaries had been increased. The honorable gentleman had left it to be inferred from his observations that the present Administration was in some great measure responsible for the expenditure of that particular year.

At this point Mr. Scott moved an adjournment of the debate which was carried, Mr. Scott still having the floor.

#### THE GREAT SEAL OF NOVA SCOTIA.

Hon. Mr. DICKEY called the attention of the Secretary of State to the fact that he (Mr. Dickey) had a few days previous withdrawn the motion which he had made respecting the Great Seal of Nova Scotia on the honorable gentleman's assurance that it was not in the public interest to bring down the correspondence; but strange to say within 48 hours afterwards the Minister of Justice had informed the other House that the correspondence would be submitted to Parliament. His object now was to enquire

why it was that this House had been treated in such a manner.

Hon. Mr. SCOTT said it was only the day after the honorable gentleman had brought the subject before the notice of the House that the Government had received a despatch from the Imperial Government, which decided the question as to whether the correspondence should be laid before Parliament or not.

#### THIRD READING.

Bill, "An Act to amend the Postoffice Act, 1875," was read a third time and passed.

#### SECOND READINGS.

The following bills were read a second time without debate:

Bill, "An Act to transfer the management of certain harbors, piers and breakwaters from the Department of Public Works to the Department of Marine and Fisheries."

Bill respecting Permanent Building Societies in Ontario.

Hon. Mr. SCOTT moved the House into committee on bill, "An Act to amend and consolidate the Act respecting the Customs."

Hon. Mr. MILLER gave notice that he would, on concurrence, take the sense of the House on the substitution of the affidavit for the solemn declaration.

Hon. Mr. SCOTT said the change had been introduced into this bill on the advice of the Customs Department.

The bill passed through committee, and concurrence was postponed until to-morrow.

#### BREACHES OF CONTRACT.

Hon. Mr. SCOTT moved the second reading of bill "An Act to repeal certain laws making breaches of contracts of service, criminal, and to provide for the punishment of certain breaches of contract."

Hon. Mr. MILLER called the attention of the House to what he considered to be an extraordinary feature in the bill. They had had considerable discussion this session with regard to reducing the penalties for crime, especially with reference to crime involving attempts at taking human life, and a warm appeal had been made by Government supporters against reducing the penalties for such crimes, yet here was a bill which provided that any person who wilfully and maliciously breaks any contract made by him, the probable consequences of which would endanger human life, should only be liable to a fine not exceeding \$100, or imprisonment for three months with or without hard labor. He could not see on what principle this bill was framed, that a crime of such

an aggravated character should be met by punishment so light and trivial.

Hon. Mr. SCOTT said if the intent came under the ordinary criminal law there was nothing to prevent such cases from being prosecuted under it.

Hon. Mr. MILLER said they had a bill before them in which the fine for the simple offence of pool-selling was \$1,000, and yet here was a crime involving bodily injury, destruction of property and human life, and yet the maximum penalty was a fine of \$100 or three months' imprisonment. He considered such crimes should be punishable by imprisonment in the penitentiary.

Hon. Mr. HOPE said the second subsection of the second clause provided for the punishment of persons who would cut off the supply of gas or water in a municipality that had gas or water works. He had never heard of such a thing being done in any city in which he had resided, and he thought it was very unwise to pass acts of parliament discriminating against certain classes. He supposed this was panic legislation in consequence of the strike on the Grand Trunk Railway last fall. As far as locomotive engineers were concerned he did not believe there was a more peaceable or respectable class in the community in which he lived, and with regard to breaches of contract he believed if these men were well paid and well treated they would be the last men in the world to break their contracts. Besides, they were generally men who were pretty well to do, and if they did so they were liable to prosecution under the civil statute. This legislation was levelled at a particular class of the community, and he entirely disapproved of it.

Hon. Mr. CAMPBELL said he entirely approved of this legislation, as there were ample reasons for it. Surely the honorable gentleman had not forgotten the difficulties that occurred last fall, the delay of mails and passengers and the obstruction of traffic, and it seemed to be impossible to control those men who were on strike. The engineers seemed to be open to influences which did not bear out the professions which the honorable member from Hamilton had made as to their character. They had allowed themselves to be influenced to pursue a course which was utterly unjustifiable and attended with very great danger to the convenience and life of passengers, to the disturbance of business, and destruction of property. He believed the feeling of the country was in favor of this legislation. Maine and Massachusetts had enacted laws on this question more stringent than the bill now before the House, and it was not to be supposed that the Parliament of

Canada were less earnest in the suppression of crime than they were in the United States. He believed this proposed amendment to the law was as simple and as merciful as it could possibly be to meet the cases for which it was intended—if it would meet the difficulty. The information which he held in his hand led him to take a very strong view of the matter, and to make amendments in a very different direction from the tone of the remarks of the honorable gentleman from Hamilton. There was nothing in the bill which called for the remarks of the honorable Senator. These men were responsible men, no doubt, but they were capable of being led astray, and had been led astray, to the great inconvenience and danger of passengers and the disturbance of business. As the Government had amended the militia and postal laws so as to enable them to meet a difficulty of this kind, if it arose again, he would not propose any amendment to this bill.

Hon. Mr. DICKEY said the honorable gentleman from Hamilton seemed to think that this legislation was on account of a panic of the Government, but he (Mr. Dickey) thought it was from a panic in another direction, as they found they had to submit to public opinion and legislate on this question. In a previous debate he had pointed out that the Government already had power, under existing laws, to have stopped this scandalous and disgraceful interruption of business and traffic that occurred last December. He thought the penalty provided in this bill was too low, but as there were other laws in the country which would reach this subject, and as they were beginning in this legislation, it would be well to do so on a moderate scale, which would not result in arousing such sympathy as had been given expression to by the honorable member from Hamilton.

Hon. Mr. MILLER—There is a big vote of those people at Hamilton.

Hon. Mr. DICKEY said he had no doubt there were some such powerful reasons which prompted the objections to the bill.

Hon. Mr. HAYTHORNE said he thought it was a matter for congratulation that this bill had been approached without party spirit. For his part, he was rather disposed to take the view of it which was taken by honorable gentlemen on the other side. No well disposed railway employee would have reason to be offended at this measure, as he would not be implicated in such offences as the bill proposed to deal with. In the United States they were dealing with this evil in a more decisive manner than this

House appeared to be disposed to deal with it now. He held in his hand an act that had been passed in New Jersey, in March last, in which the penalty provided for minor cases of this kind was from \$100 to \$500, and the more serious offences were punished as misdemeanors and fine of not less than \$1,000. He thought the bill now before the House was treating the matter very lightly.

Hon. Mr. MACFARLANE said this bill would not interfere with any honest employee who was doing his duty. If his honorable friend from Hamilton had found himself stopped on board a railway train on a bitterly cold night away from a station and delayed on his journey, he would not have so much sympathy for engineers on strike. He was sure the bill would meet with the approbation of the country.

Hon. Mr. HAVILAND said the bill was not levelled at the employees of the railway companies altogether, but also against the proprietors of railways and of gas and water-works. It was not a one-sided act, but it was to protect the public from the wilful or malicious acts of employees and the misconduct of companies. He considered it was a move in the right direction.

Hon. Mr. MILLER said he was surprised at the honorable member from Hamilton charging the Government with legislating under the influence of panic against the railway employees and the employees connected with water and gas companies of the country, legislating against them unfairly and unjustly. He did not think it was possible for a member of this House to bring a more serious charge against the Government than this, and if the honorable gentleman really believed what he had stated, his duty was to withdraw his support from the Ministry. If not he could only suppose that the opposition had been given with a view to obtain influence amongst the electors. He could understand that while supporting the Government on their general policy, some friends of the Administration, both here and elsewhere, were desirous of making whatever popularity they could by opposing the Government on these questions. The locomotive engineers were, as the honorable gentleman had said, an intelligent class of men—too intelligent to be hoodwinked by such a transparent sham as this.

Hon. Mr. BOTSFORD said there could be no doubt at all this bill was necessary. Though he disapproved of some of the details, he would throw nothing in the way of its passage, inasmuch as it was the sense of the other House.

Hon. Mr. HOPE said, in reply to the re-

marks of the honorable Senator from Richmond, the best evidence that this bill originated in a panic was the fact that it was supported by the Opposition as well as the Government.

The bill was read a second time.

#### THE ALBERT RAILWAY.

Hon. Mr. BOTSFORD moved concurrence in the amendments made by the Committee on Banking and Commerce to the bill to grant additional powers to the Albert Railway Company.

Hon. Mr. McCLELAN said he had intended to make some remarks on this bill before it passed the House, inasmuch as it extended new privileges to this company which were not possessed by other railway corporations in the Lower Provinces. He would content himself, however, with expressing his regret that closer attention had not been given to the bill and allow it to pass without opposing it.

The amendments were concurred in, and the bill was read a third time and passed.

The House adjourned at 11.15 p.m.

TUESDAY, April 17th.

The SPEAKER took the chair at three o'clock p.m.

After routine.

#### INCREASE IN THE PUBLIC EXPENDITURE.

Hon. Mr. SCOTT resumed the debate on Mr. Macpherson's notice of enquiry. He said in the observations he had the honor to make in this House, on Monday evening, he had laid down the proposition that the expenditure of 1873-74 could not have been controlled by the incoming Administration. They took office in November, 1873, and the Ministers went to their election immediately. Soon after their return it was decided to have a general election, which took place in January and February. The House met in March, and sat during March and April. So that, practically, the Ministers had not that opportunity of devoting themselves to the mere details of the expenditure of 1873-74, that might very fairly have been charged against them had the circumstances been different. He did not propose in any way invoking that as a shield and protection against the obvious and proper duties of the Administration, but he proposed to submit to the House, evidence that would prove conclusively their line of expenditure had been so clearly defined it would have been practically impossible for the new Administration to have curtailed or checked it. Would honorable gentlemen have justified the Government in arbitrarily checking work which had been undertaken?

He had shown that a very considerable charge in the consolidated fund had taken place on 1873-4, having increased from \$8,700,000 in the former year to \$10,255,000. This was attributable to Mr. Tilley's loan for the construction of the Intercolonial Railway, the charges of management, increased subsidies to provinces, and other incidentals that flowed as a matter of course from it. The next item was that of civil government. He had given the House Mr. Tilley's estimate for departmental salaries, and had proved conclusively by the pay lists, certified to by Mr. Langton, for the four months previous to the change of Government, and multiplying that by three, that it had given precisely the same results as Mr. Tilley had estimated for. He had also shown that in 1873-4 the salaries of the Civil Service had been re-adjusted, and the salaries of judges, lieutenant-governors, speakers, and of the members of both Houses, had been increased; it might fairly be called a "salaries *omnibus*" measure, which was crystalized in the shape of an Act of Parliament, that made it much more unalterable than if it had been brought down in the ordinary way. He would go on with the column for 1873-4, and would turn to the expenditure for 1872-3 to prove that whatever excess there was in the former year over the latter, was entirely due to the legislation of the previous Government. The next item was police, in which the increase had not been considerable. The next item was penitentiaries, in which there had been a very large increase. It honorable gentlemen would turn to Mr. Tilley's estimate they would find the expenditure was exactly the amount that had been estimated for it. The increase was due to the taking over of the Saint Vincent de Paul penitentiary from the Province of Quebec. The next item was the increase in legislation, over which they had very little control. The geological survey also showed an increase. He found on looking over Mr. Tilley's estimates that this was due to the new meteorological reports which had then, for the first time, been adopted in Canada. The estimate for the geological survey, including the reports, was \$111,107, while the actual expenditure was only \$97,814. The arts, agricultural and statistics item was small, and the only increase was a subsidy for the census. The following item was one that would demand very serious attention, that was, immigration and quarantine. The expenditure of 1873-4 was \$318,572, while the expenditure of the former year was \$287,368. The amount estimated by Mr. Tilley for the service was \$327,000, and, therefore, the expenditure was some \$9,000 less than

the estimate. That increase was due to the appointment of additional agents by the late Administration, and also to the fact that in the preceding year Mr. Pope had made arrangements—not with the sanction of Parliament, because it was an arrangement *sub-rose*—by which the Allen Line received \$5 for each passenger they brought to Canada. That was a private arrangement made by Mr. Pope before he went out of office; it was subsequently extended to the Temperly Line. That item added a very large increase to the expenditure of the department. The outlay for immigration was, properly, only that attached to the calendar year, and not the ordinary fiscal year; and he found that the gross expenditure for 1873 was \$331,515—a higher sum than it had ever reached before. That amount included quarantine, but taken without that item it presented relatively the same proportion as to the subsequent and preceding years. He was quite free to confess that the cost of immigration did not show as satisfactory returns as one would desire—that was quite obvious, and it could only be regretted. But the question must be asked—would it have been justifiable for the Government to have entirely abolished their agencies in Europe? They had to a very great extent reduced them, but they did not consider it would be prudent to withdraw their agencies entirely. It was hoped the time would come when the emigrating classes on the other side of the Atlantic would find it was to their advantage to come to Canada, and take up land in the great North West. The expenditure per capita had been very large, but that was attributable not merely to the \$5 per head for each immigrant coming to Canada, but also to the arrangement made by Mr. Pope for the Mennonite settlement. The Mennonites had been expensive settlers, but it was believed they would become profitable colonists to Canada, and there was every evidence the experiment would prove successful. The immigration fund had also been swollen by the loan of \$100,000 to the Mennonites in addition to the sum paid as a contribution for their passage.

Hon. Mr. MACPHERSON—I did not include that loan in the per capita statement.

Hon. Mr. SCOTT said he was quite aware of it, but the amount appeared in the gross figures of the expenditure in 1874-5, 1875-6. That amount of \$100,000 was to be repaid with interest, good security having been given for it. It would be as well, while on this subject, to enquire whether they had been more unfortunate than their neighbors

in attracting emigrants to this country. He would call attention to statistics recently published in England, respecting emigration and immigration, between the United Kingdom and the United States, showing that for the first time in the last fifty years, perhaps in the lifetime of the Republic, a larger number of people returned to Great Britain than went to the United States. He believed that 5,000 more persons left the Republic for Great Britain than left Great Britain for the United States. He thought that was a very conclusive answer to the honorable gentlemen who had so fully discussed in this Chamber, within the last few weeks, the greater attractions the United States presented to settlers than Canada did. He could point to no better proof of the unworthiness of such conclusions than the fact he had mentioned. The emigration to the United States had fallen from 300,000 to 70,000, while the emigration from the United States to Europe was some 75,000. As compared with the United States, our own country showed to much greater advantage. Our immigration has fallen off, but to nothing like the extent it has in the neighboring republic. If protection was all that some honorable gentlemen had painted it, would such results be apparent from it to-day? He was aware that the expenditure in the Immigration Department should be very narrowly scrutinized, and while immigration was decreasing the cost of the service should, as far as possible, be reduced. Though there was an increase since 1873-4, it must be remembered that it was due not only to the Mennonites, but also the Icelanders, a colony of whom had been settled at a very considerable expense to the country, on the shores of Lake Winnipeg. The colonists had met with many misfortunes, and had been the source of much trouble and expense. If the experiment should prove successful, it would have the effect of attracting a large number of Icelanders to this country. The next item, marine hospitals, showed an increase of \$20,000, of which was due to a grant to the marine hospitals of Nova Scotia. Mr. Tilley's estimate was only exceeded by some \$3,600. The next item was pensions. In 1873 it was \$49,000; in 1874 it was \$56,000. The increase was due to the retirement of judges in Quebec and Nova Scotia, and was not an expenditure controllable by an Administration. The next item to which attention had been called related to superannuation. The honorable Senator from Toronto had on a former occasion made a mistake in saying the present Administration had, relatively, superannuated a larger number of officers than their predecessors.

He would read the following statement furnished to him by Mr. Langton:—

Super-annuation.	1870-71.	1871-72.	1872-73.	1873-74		1874-75.	1875-76.
				To Nov.	From Nov.		
Abolition of office.....	4	.....	2	4	.....	3	7
Above 65 yrs..	36	60	25	12	12	27	20
Under 65 years	10	9	11	6	7	17	21
No age given..	2	1	1	6	3	1	1
	52	70	39	28	24	48	49

In two years and four months of the late Administration 137 officers had been superannuated, while in two years and eight months of the present Administration only 121 had been retired. He did not think, therefore, it could be alleged the present Government had unduly exercised their power in superannuating, more particularly as in the last year they had abolished seven offices. He was sorry to say the fund did not increase in the ratio that the annuities taxed it. In the inflated period of 1873 the late Government reduced the rate one-half that officers of the service were to pay towards that fund. Originally it was based upon the life calculations that prevail in other countries, and the length of service that officers were likely to devote to the country. The next item was Militia and Defence, in which there was a slight increase in 1873-74, a reduction in the following year, and a much greater reduction in 1875-76. The next item was Public Works, and the honorable Senator from Toronto had devoted considerable attention to this item. The increase of 1873-74 over the preceding year was, in round numbers, \$300,000. The honorable gentleman had advocated the stoppage of public works in this country as a means of equalizing income and expenditure. Apart from the general principle whether such a course would be wise or not, so far as that year was concerned, the expenditure was not under the control of the Government in any sense, Mr. Tilley estimated for public works \$2,450,000; the actual expenditure was \$1,826,000. The principal items in that expenditure were public buildings, harbors and piers. He would ask his honorable friend to point out any work in the following list that the new Government ought then to have stopped:—



## WORKS COMMENCED BY THE LATE GOVERNMENT.

**BUILDINGS.**—Ottawa Postoffice, Toronto Custom House, &c., Toronto Postoffice, Hamilton Postoffice, London Custom House, London Immigrant Station, Quebec Postoffice, Montreal Immigrant Station, Montreal Postoffice, Three Rivers Custom House, Grosse Isle Quarantine Station, Lewis Immigrant Station, Sherbrooke Immigrant Station, Chatham (N.B.) Custom House, St. John Postoffice, St. John Savings Bank, St. Andrew's Quarantine Station, St. Andrew's Marine Hospital, Pictou (N.S.) Quarantine Station, Prince Edward Island Dominion Building, public buildings generally, Government House (Fort Garry), Manitoba Custom House (Fort Garry), British Columbia Custom House, British Columbia Marine Hospital.

**HARBORS.**—Rondeau, Goderich, Chantry Island, Presqu'isle Harbor, Collingwood, Kincardine, Napanee, Cobourg, Belleville, Meaford, Inverhuron, Amherst, Riviere du Loup (en haut), Saguenay, Baie St. Paul, Malbaie, Liverpool, McNair's Cove, Yarmouth, Ingonish South, Oak Point, Port Grenville, Joggins, Cow Bay, Ports George and Williams, Cheverie, Big Tracadie, Salmon and Plympton Rivers, Chidabucto Bay, Green Cove, Pictou Island, Digby, Big Pond, Hillsboro', Port Hood, Gabarous, Maitland, Morden Pier, Richibucto, Herring Cove, Campobello, Petitcodiac, Dipper Harbor, St. John.

The whole expenditure on public buildings that year was \$466,410; of that the present Government were responsible for \$8,210—he believed it was in the purchase of land—and that was the only item under their control in that fiscal year. The second year they were in office they expended \$440,540 upon works for which contracts had been given by their predecessors, and only \$158,841 on new works. For harbors and piers the sum expended was \$331,770, and no part of those works was initiated or inaugurated by the present Government in any sense. When such works are decided upon and the appropriations are made, the beginning of the fiscal year—the 1st of July—is always anticipated, and they are practically under way at that date. Not one dollar of the \$331,270 expended that year on harbors and piers was spent under the direction of the present Government, but the works had been put under contract by the late administration. To show how much the initiation of those works regulated the expenditure of the following year, he might mention that out of a gross outlay of \$404,835 in 1875 under this head, \$296,428 was chargeable to works then in progress, inaugurated before

November 1873. Even in 1876, the present Government were stewards for their predecessors to a large extent, the expenditure on works inaugurated before November 1873 being \$309,000, while the amount spent on new works during that year was only \$245,000. He thought that he had clearly proved what he had alleged; in the first instance that not only did the policy of the Administration in 1873 control the incoming Government, but that the present Ministry, in the first year after they assumed office, spent nothing that had not absolutely been put under contract. He might here advert to what public rumor had attributed to a distinguished member of the late Administration in reference to the appointments just before the change of Government, "that, at all events, they had discounted the patronage of the next five years, and the Government would make very little out of that." Whatever truth there might be in that, the figures showed conclusively that the patronage exercised by the late administration during the year 1873 was greater than all the patronage this Government enjoyed since then—he believed more than double. He thought, therefore, it was not open to the honorable gentleman to taunt this Government with extravagance in that direction. The honorable gentleman, alluding to the employees chargeable against contingencies, had remarked that the Government ought not to have dismissed anybody appointed in November, 1873.

Hon. Mr. MACPHERSON said he had not stated that; but that the Prime Minister having mentioned that the new Government had dismissed a great many of those who had been appointed by their predecessors. He (Mr. Macpherson) took it for granted all supernumeraries had been dismissed; and if from any feeling of constitutional delicacy they had abstained from doing so, in doubtful cases, they would have abstained from making further appointments until places were found for everyone whose services had been retained.

Hon. Mr. SCOTT said the Government had felt great delicacy in dismissing any officials, and the figures would show they had exercised to a very small extent the power they possessed. It would have been perfectly justifiable to have dismissed everyone appointed after the date of placing on record the vote of want of confidence. A large number of appointments were cancelled, others were held in abeyance until the Government had ascertained what would be a fair amount of increase. The honorable gentleman had asserted that when the Government saw the revenue fall.

ing below the expenditure they should have stopped the outlay on public works. That would have been a very unfortunate policy for the country. It would have been an announcement to the world that Canada was in a bankrupt condition that in a period of great depression, when the labor market was glutted, and working men were crying for bread and work, the Government were unable to prosecute the public works of the country. It would have increased the depression which prevailed, if the Government had checked the expenditure of public money.

Hon. Mr. MACPHERSON—I only referred to works constructed out of revenue.

Hon. Mr. SCOTT said the honorable gentleman then could not have referred to such works as the Welland and Lachine canals. The Lachine canal improvements had been commenced under pressure from gentlemen in the City of Montreal, who had urged the Government to commence them, to give employment to the starving poor of that city. There was this also to be borne in mind, that the public works could be constructed during a period of depression much cheaper than at any other time, contractors being able to procure labor at much lower rates. A great deal of the expenditure of which the honorable gentleman thought the Government could have controlled was absorbed by piers and harbors. Canada professed to be one of the great shipping countries of the world, and the improvements wharves, harbors, and our inland navigation had been of great benefit to the commerce of the country. The expenditure of the Fisheries Department showed an increase in the year 1876, which was attributable to the protection, given to our fisheries, and to the experiments that had been made in fish breeding. The increase in this direction had been considerable during the last two or three years, but it was believed it would yield a good return for the outlay. In steamboat inspection there was also a slight increase. The next item that showed a rising tendency was that known as the Indian grant, and that had been bounding up ever since they had obtained possession of the North West Territories. The increases were as follows:—

In 1870.....	\$6,000
“ 1871.....	39,000
“ 1872.....	63,000
“ 1873-4.....	146,000
“ 1874-5.....	195,000
“ 1875-6.....	276,000

That was just one of those incidents that followed as a matter of necessity from the acquisition of that vast territory. In 1871 it was found absolutely necessary to make

treaties with the Indians between Lake Superior and Manitoba, and those immediately around Manitoba. In the following year the Indians outside that area clamored to be considered, and when the Pacific Railway survey was undertaken, and it was proposed to construct a telegraph line across the continent, the Indians protested and refused to allow our surveys to go through their country unless they were first dealt with. Thus it became necessary to increase the appropriation under this head from year to year. No one would deny that the best policy would be to deal fairly with the Indians, and it was not only a humane policy, but one which proved to be more economical than that pursued by the United States. He believed that during the present year the treaties with the Indians east of the Rocky Mountains would have been completed, by which time the expenditure would have gone up to a very considerable sum, somewhere in the neighborhood of \$300,000. He might here advert to the fact that a new problem had arisen in connection with the Indian tribes in the North West; a very considerable number had been driven by the United States troops across the line, and were now in the neighborhood of the wooded mountains. It was said the distinguished Sitting Bull was on Milk River, a short distance south of the line. It would, no doubt, be an embarrassing question to consider how these Indians must be treated. They professed to be peaceable and desirous of being friendly with the authorities of Canada; but if left to themselves there would be war between them and the Black Feet tribe, whose property they had encroached upon. It was only the presence of the Mounted Police that prevented it. These foreign Indians had no claim upon our reserves, or our exchequer, and the problem was a difficult one to deal with. The next item on the list, which showed an increase was miscellaneous. The figures were as follows:—

*Extraordinary items, 1874:—*

Pacific Railway Investigation .....	\$10,910
Archbishop l'ache .....	1,600
Montreal P. O. Commission.....	5,036
Refund, York roads .....	6,142
Fisheries Commission, Washington Treaty.....	12,040
New Brunswick School Act .....	3,000
	<b>\$38,736</b>

The next item was the Dominion forces in Manitoba, which had been increased from \$147,000 in 1872-3 to \$297,000 in 1873-4. For this increase the present Government were in no way responsible. He had taken the

trouble to analyze the cause of the increase, and had found it was owing to the settlement made with the Hudson Bay Company for rent of barracks, \$20,000, and the transport of troops over the Dawson route. The force had since then been reduced, and the item had been reduced in the following year from \$133,000 to \$81,000 last year. The next item was the North West Mounted Police, that were organized under the Act of 1873. The corps was established during the year 1873, and sent to the North West. Of course, the service being new, it had been impossible to estimate what the cost would be. The first year the force had an expedition across the Rocky Mountains to the neighborhood of Cypress Hills, and in that forced march some two-thirds, at least, of all the horses were lost, proper provision not having been made for fodder. The Government were, up to the present day, receiving demands on the public exchequer for expenditure connected with the first year of this force. The ordinary expenditure for the Mounted Police force would be about \$300,000. He believed the cost of a similar force in the United States was \$1,700 for each mounted soldier, while ours was not over \$1,000. Our force was now in such a position it could be sustained for \$300,000, and until the North West was settled it would be absolutely essential to keep up this organization, so the tax might be considered permanent for some years to come. He believed the organization of that force was a necessity. Without it, with a large force of Indians being driven from the neighboring country across the border, it would be impossible to say what the result might have been. They were also useful in the collection of customs. But useful as the organization undoubtedly was, the expenditure could not be attributed to the present Administration. The same remarks would apply to the organization of the North West Territories. It was absolutely necessary there should be an organization of some kind in that country, and the primitive form of government adopted would not prove very expensive. The next item was the boundary survey of the United States. Practically they had been completed before the change of Government; however, the item appeared the following year.

Hon. Mr. MACPHERSON—I did not include that at all.

Hon. Mr. SCOTT said the next item to which he would call attention was \$144,906 for military stores. That was exactly the amount Mr. Tilley had estimated for in 1873, and represented the stores taken over at Quebec from the Imperial Government,

when the troops were withdrawn from Canada. All those items went to make up the grand total. The total column for ordinary expenses in 1873-4 amounted to \$8,324,076, as against \$7,062,000 the preceding year. The year 1874-5 was, of course, the year of the present Administration. There had been a slight decrease. The sum of \$121,000 for boundary surveys was paid in that year for services performed prior to the change of government. Then there was \$333,000 for the North West mounted police, part of which ought to have been paid the antecedent year. And he would call attention to the fact that in the year 1874-5, the column of ordinary expenditures, for the first time since confederation, showed a decrease from \$8,324,000 to \$7,864,000. Coming to the year 1875-6 they would find that the item civil government was reduced from \$909,000 to \$841,000—less than it was in 1873-4. That was one of the ways the Government were endeavoring to make expenditure and income approximate each other. If the honorable gentleman would consult the estimates for the present year he would find that there was still further reduction, bringing it under seven millions of dollars, and that was one of the ways in which it was proposed to make the expenditure balance the income. When the supplementary estimates were brought down it would be a little under \$7,000,000. He now came to the charges on revenue. In 1872-3 they amounted to \$567,000; in 1873-4 to \$658,000. Mr. Tilley's estimate for the latter year was \$602,000; but prior to the change of government the appointments made to the Customs Department, exclusive of such as were required to fill vacancies that were fair and reasonable, were no less than 111.

Hon. Mr. MACPHERSON—Does that include Prince Edward Island?

Hon. Mr. SCOTT assumed it did. The number of increases to salaries during that part of the year from the 1st January to the 8th November was 635, amounting to \$66,585. The present Government exercised discretion as to what portion of those increases should fairly be allowed to stand.

Hon. Mr. MACPHERSON—The estimate for 1877-78 is considerably larger than for the current year.

Hon. Mr. SCOTT said it was on account of the reorganization of the port of Montreal, and the addition of several other ports. Wherever the customs tariff was increased, it was necessary to increase the staff, the higher the tariff, the more it cost to collect the revenue.

Hon. Mr. WILMOT denied that most positively. It did not matter whether the clerks had to collect fifteen or twenty per

cent. ; it would not require one more clerk to do so,

Hon. Mr. SCOTT said the Customs and Excise Departments had arrived at a different conclusion. It was found necessary to employ a larger number of persons to prevent smuggling, and the manufacture of illicit whiskey.

Hon. Mr. McLELAN asked how it cost a greater percentage to collect the revenue in 1874 than in 1876 ? In the former year it was 4.55 per cent., in the latter 5.51 per cent.

Hon. Mr. SCOTT said that was attributable to the fact that the revenue had fallen off, and the tariff had gone up. The amount payable in the Customs Department to officers—this was, of course apart from contingencies—on the 8th of November, 1873, was \$597,910, the pay list of the 1st January, 1877, was \$598,881 ; showing an increase of only \$971. The next item on the list was excise. The expenditures in 1873-4 was \$206,000 ; Mr. Tilley's estimate was \$208,000 ; so that the outlay was less than had been estimated. The expenditure of the following year was \$199,000, and the next year it rose to \$218,000. The justification for that increase was exactly the argument he had used a few minutes ago—that the excise having become higher the last three years it became necessary to increase the force. In 1873, it cost  $3\frac{8}{10}\%$  per cent. to collect the revenue ; in 1874,  $3\frac{6}{10}\%$  ; in 1875,  $3\frac{1}{10}\%$  ; in 1876,  $3\frac{0}{10}\%$ . There was a difference of just one-tenth of one per cent. in the cost of collection between 1876 and 1873, so it could not be urged there had been any remarkable extravagance in that particular branch. The next item, which did not appear in 1873-4, but which appeared in 1874-5, was the charge for Weights and Measures—that was inaugurated under the statute passed in 1873. No doubt it had been prolific of disappointment and vexation in the country, and it would have been better if the measure had not been introduced for some years to come. The country did not seem disposed to accept it, judging from the complaints against it. There was a bill in the other House to introduce amendments in the law, which would no doubt, render it more acceptable to the public. Under that law the new system was introduced and the new standards purchased, with the intention of bringing it into force within a couple of years, and it would therefore, have been necessary to repeal that legislation or carry it into effect. The item in 1874-5 was \$69,000, and in the following year \$99,000 ; but it was subject to this reduction, that certain fees, payable into the consolidated fund, were

derived from it ; but he was sorry to say they were likely to fall very considerably short of the amount voted. The next item to which the honorable gentleman adverted was the expenditure of the Postoffice Department, which rose from \$1,067,000 in 1872-3, to \$1,387,000 in 1873-4. That seemed a startling increase, but it was susceptible of explanation. The late Government professed, at that time, to alter the system by which collections were made in the cities. Antecedent to that period postmasters had been in the habit of merely remitting the excess of the receipts over the expenditures. The Government very wisely decided that the receipts should be paid into the Receiver General, as in all other departments ; and, therefore, there was an apparent increase in the expenditure, but a very considerable amount of it was balanced by receipts. The following year the vote was \$1,316,000, the additional cost being attributable to increase of mail service with Prince Edward Island. The expenditure for 1874-5 was \$1,520,000 ; and for 1875-6 it was \$1,622,000. The expenditure of this Department was always increasing, and was exceedingly difficult to be controlled, as new railways were being opened up which claimed the right to carry the mails ; and as arrangements had been made with the United States to facilitate the carriage of mails between the two countries, the change might cost us more than before—we carrying their mails through our country, and they carrying ours through the United States.

Hon. Mr. WILMOT—How is the revenue

Hon. Mr. SCOTT said it was still increasing, but in nothing like the ratio of the expenses. The delivery of letters in cities had been attended with considerable expense, and there had been a reduction of the postage on newspapers. The next item was one of considerable importance—Public Works known as charges on revenue. That rose from \$1,496,000 in 1872-3 to \$2,389,670 in the following year. Of the latter amount \$1,847,000 was for the Intercolonial Railway, which Mr. Tilley underestimated to the extent of \$300,000. The particular item in that expenditure over which the Government might be supposed to have control was that relating to repairs and the salaries of officers. There was an increase in that of about \$100,000. The staff of clerks in 1872-3 cost \$213,000, and in 1873-4 it was \$246,000 ; and that was where one increase came in ; the other was in repairs, which rose from \$218,000 in 1872-3 to \$269,000 in 1873-4. Of that, about \$40,000 was represented by repairs to the Welland Canal, which were made the winter following the

change of Government. The honorable gentleman might recollect that the Government found very great fault with the superintendent in charge, Mr. Biggar, and he was removed, as it was believed there had been extravagance, and that the management and system required re-organization. He would now show that those salaries had been increased by the late Government. The increases from 1872-3 to 1873-4 in salaries were as follows:—

On the Lachine Canal.....	\$2,965
Engineer's Office .....	692
Beauharnois Canal .....	2,690
Cornwall Canal .....	572
Williamsburg.....	531
Welland.....	3,798
St. Anne's.....	200
Carillon and Grenville.....	1,615
Rideau.....	2,528
Chambly.....	1,308
Ottawa.....	3,015
St. Maurice.....	2,212
Total .....	\$22,000

Those increases were all antecedent to the change of Government. The gross expenditure for the fiscal year 1873-4, which he had shown could not have been controlled by the present Government, was \$23,316,316. The amount expended in the following year was \$23,713,000. In the interval, Mr. Cartwright had made a new loan for the carrying on of the public works on the Pacific Railway, and the interest and increased charge of management of the public debt more than made up the difference between these two expenditures. The increase in the following year was accounted for largely by the second loan that had to be made in the London market. It was proposed, during the present year, to reduce the expenditure to \$23,170,000 something less than it stood in the year 1874.

Hon. Mr. MACPHERSON—The supplementary estimates are not there.

Hon. Mr. SCOTT—No.

Hon. Mr. MACPHERSON—Nor schedule "A."

Hon. Mr. SCOTT said it was not intended to have any schedule "A." The supplementary estimates might be \$300,000, but that would not make them more than the estimates of 1873-4. The expenditure of the present Government on what was known as Ordinary Expenditure controllable by the Government, showed a reduction of from \$8,324,000 in 1873-4 to \$7,868,000 the following year. They had, at all events, stemmed the tide, and it was a great thing to check the expenditure then going on. Honorable gentlemen must recollect the circumstances

under which the present Administration had come into power. The country was committed to a very large expenditure on the Welland and Saint Lawrence canals, the Pacific Railway, and the management of the North West Territories. All these entailed an enormous expenditure, and it would have been unwise and imprudent, even when the Government saw the revenue was likely to fall less than the expenditure, if they had paralyzed the trade of the country by suspending public works. The expenditure of moneys had undoubtedly helped the country to keep up during the past few years. It would have been very much better to have been even outside the income than to have adopted the opposite plan. Of course, the reduction of the revenue was attributable to the falling off of importations. If the revenue had kept up, and the expenditure had gone on in the ratio of increase that it had shown before the change of Government, and they had expended more than the anticipated normal income, the honorable gentleman would have some grounds for complaint, but no one could have anticipated the revenue would have fallen off to the extent it had. It was in no way due to the fiscal arrangements of the Government, and he was very glad the honorable gentleman had not endorsed the sentiments expressed by others on the opposite side of the Chamber—that the Government could remove or mitigate the depression that had fallen upon this country. The honorable gentleman, no doubt, took too broad a view of the whole question to come to such narrow conclusions. Any one who watched the course of events in the old world could not doubt that the depression in Canada was the result of depression which existed elsewhere, in countries where a policy of protection prevailed, just as well as in free trade countries. In France, which was a model of economy and good management, he observed the silk trade of Lyons was in a bad condition, the natural result of the diminished demand for silks and goods of that kind throughout the world. In Switzerland, where the people were known to be great artisans, and who manufactured clocks and watches largely, there was a great falling off of trade. His own conclusion was, it was fortunate for Canada, during the existing depression that she had not manufactories in her midst, sustained by a high protective tariff, to the extent, at all events, that some honorable gentlemen wish to see them. He thought, to-day, if we had manufactories to any great extent in this country, we would be suffering to a far greater degree than we actually do; because we would be

unable to sell our products, or to find markets elsewhere.

Hon. Mr. WILMOT—Could we not supply ourselves?

Hon. Mr. SCOTT said the consequences of stimulating manufactures was to lead to the result that prevailed in other countries where they relied too much upon themselves. When a period of depression came the people could not buy, and unless there was a foreign market, the result was great suffering. It was very evident that if they imported nothing they would have to come down to direct taxation. This was not a state of things at all adapted to a country like Canada. He would be prepared to go into a discussion on the subject when the notice of the honorable member from Belleville was before the House again. He had endeavoured, as far as possible, in discussing the enquiry of the honorable Senator from Toronto, to avoid details, and had rather taken large figures and results. He believed he had proved conclusively the premises on which he had started—that the present Government had, at all events checked the onward tide of expenditure. The honorable Senator from Toronto had admitted that no Government could be expected to go on without some increase, because the cost of Civil Government was increasing. He was glad to find that in our country it had not been relatively so great as in others. He had been rather startled by a statement which he had seen of the cost of Civil Government in England, which had risen by extraordinary bounds to a position entirely in excess, in proportion to the population, to ours, and the attention of the British House of Commons was being called to the subject. We all knew how it was in the United States and very many other countries. Of course, in a new country like Canada, the tendency to increased expenditure was very much greater than in older countries. The present Government checked this onward tendency. It was true, they had been forced to do so by the falling off in the revenue, but at all events the fact was there to speak for itself, and it was not likely we would return to our imports of three years ago very speedily. The probability was that hereafter our progress would be slower and more gradual, than in the period from 1868 to 1873. We were to-day paying for the extravagance of that period. The depression, in his opinion, was due to the over-importations of 1870 to 1874, and the inability of our neighbors across the line to purchase our products, especially our lumber. He had shown on a former occasion that our lumber trade had fallen

off \$8,000,000 in one year, and had been falling off ever since. That, no doubt, paralyzed the other industries dependent upon it. The depression was felt in this portion of Canada more than elsewhere, because of the extent of the lumber trade here. Our agriculturists were less under the weather than any other portion of the community. He thought that proved conclusively the necessity, in a country like Canada, of cultivating the soil as the most substantial source of wealth for the future.

Hon. Mr. McLELAN said the explanation of the long list of appointments made in 1873, just submitted by the honorable Secretary of State, was, that it contained all the officials in the Province of Prince Edward Island, which had been admitted into the Union early in that year, and every officer in the province had necessarily to be formally appointed. His honorable friend from Toronto, in his able and exhaustive review of our financial position, had presented so strong a case that the honorable Secretary of State had assailed it in vain. The House had, however, listened to the honorable gentleman with a great deal of interest in his laboured attempts to cast all the blame on the late Government, and in his concluding remarks had, with surprise, heard sentiments uttered which would, he felt assured, astonish the country. The honorable Secretary of State was not only a member of a Government that refused to protect home industries, but came down to this House and declared that we were a fortunate people that we had not more manufactures in our land. He ventured to say that such a doctrine and such congratulations would be heard with surprise by the country.

Hon. Mr. SCOTT said he had stated that he thought it was fortunate, in the present depression, Canada was not a great manufacturing country, as other countries that were dependent upon manufactures, were suffering to a greater extent than the Dominion was.

Hon. Mr. McLELAN said under the policy pursued by the honorable gentleman and his Government we would very soon have fewer manufactures than now. They had, by their policy, driven out the sugar refineries—one of the largest interests that was in the country, and he was very much mistaken if, under the Government that gave utterance to such sentiments as just heard, other industries would not soon be destroyed, and other manufacturers driven across the line to seek employment. The honorable Secretary of State had labored to show that his Government had not exceeded the expenditures of their predecessors, dwelling

especially on the provision for 1873-74, but had entirely overlooked the changed condition of the country since that period. He had kept out of sight the fact that every one would admit, that an expenditure that was warranted up to that time by an overflowing treasury and a decreased taxation was not justified now with a failing revenue and increased taxation under gentlemen who congratulated the country on having but few manufactories. The honorable gentleman claimed that no Government would have been justified in the early stage of office in checking expenditures. If honorable gentlemen in the Government had never propounded a financial policy; if it had not been the clearly defined and pledged course of the honorable gentlemen to reduce the public expenditure, then they might not have expected them to have made great and sudden changes. Mr. Cartwright, in his first budget speech, said "There was a peculiarity about the position of the Government, as everybody knew. The policy of their predecessors, particularly on financial questions, was one to which every member of the present Government was determinedly opposed, so far as he could recollect." Honorable gentlemen present knew well how strong was that opposition on every leading point, creating the impression on the public mind that when these gentlemen reached the treasury benches they would largely reduce the public expenditure. The honorable Secretary of State said they did not anticipate the great depression of trade that had followed their accession to office, but he had forgotten that his Finance Minister made it a specialty to proclaim his speedy approach, and if he believed his own utterances they should have, on taking charge, prepared for it. The honorable Secretary of State complained that the honorable Senator from Toronto had not years ago called attention to the public expenditure and sought to check it. The honorable gentleman had only to turn to the records of the years before the present Government came into power to see the cause of his honorable friends' silence upon that point. It was true that the expenditure was large, there being from 1868 to '73 no less than \$20,637,173 expended on the Intercolonial and other important public works, properly chargeable to capital account, and yet the net debt of the country, exclusive of the increase for readjustment to the Provinces, was only increased \$8,566,048 in that period, and the taxation reduced twenty per cent. In the three years that honorable gentlemen now on the Treasury benches had managed affairs, from '73 to '76, the public debt, when

treated in the same way, showed an increase of \$24,703,052, whilst the expenditure on public works, under the head of capital account, showed a sum of only \$19,332,000, and an increase of the average taxation over thirty per cent. The House would therefore see that during the administration of the late Government, although there had been an expenditure for public works properly chargeable to capital of over twenty millions, the expenditure had only increased the Dominion debt eight and a half millions, whilst under the present Government the whole expenditure on public works had been added to the debt of the country, and over five millions more for other services, so that it was the changed circumstances under which the present Government were acting that led the honorable gentleman from Toronto to enter his protest against an expenditure that was now altogether unwarranted.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. McLELAN—The honorable Secretary of State had complained, on behalf of this Government, that they were "fettered and chained by the obligations imposed upon them by their predecessors." The honorable gentlemen should not shelter themselves under this. There were certain undertakings, inseparable from Confederation, for which both parties were alike responsible, such as the Intercolonial Railway, two-thirds the cost of which had been paid by the late Government. Apart from these, there were many works of a more local but necessary character, such as harbors, light-houses and public buildings. The necessities of the country had, however, been nearly met, and honorable gentlemen would find, in the estimates submitted by Mr. Cartwright in 1874, an estimate given of the cost of completing all the undertakings of the late Government, after the appropriations of that year amounting to only \$721,000, so that had this Government not entered upon so large a number of new works the expenditure must have necessarily largely diminished and been within our means without increased taxation. The honorable Secretary of State claimed that the expenditure of 1874 had been entirely beyond their control, but, as pointed out by the Senator from Toronto, nearly eight months of that financial year were controlled by this Administration, and it was their duty, seeing the revenue was falling short, to have curtailed expenditure. This wise precaution was taken, as had been shown, by Sir John Rose in 1869, and although the revenue did not meet anticipations, the expenditures were so reduced during the year as to leave a handsome surplus. The honorable Secre-

tary of State had charged the late Government with the re-adjustment of the debt allowance to provinces which added, or rather transferred, a considerable sum to the Dominion indebtedness. The honorable gentleman should bear in mind that this was an arrangement assented to by all parties, the records showing that it passed unanimously, and if a mistake, as he claimed, all were responsible for it. The honorable gentleman had dwelt on the appointments made to the Civil Service in 1873, and claimed that they, on taking office, cancelled a large number of them. There was the explanation already given, that the appointment of the great majority was a mere formal or official recognition of the customs officers, post masters and other officials of Prince Edward Island which had only been admitted to the Union in that year, and whilst it was true that the present Government cancelled some of these appointments they put others in their place, and added largely to the number. Take for example the Customs Department in Prince Edward Island, where the late Government had but twenty-five officers; the number had been increased by the present Government within a year to sixty-six.

Honorable gentlemen—Hear, hear.

Hon. Mr. McLellan—If honorable gentlemen would turn to the estimate submitted for 1875 they would find the amount for customs increased largely in their first year. In 1876 there was another addition, and the present estimate added still more to it, making the addition in three years nearly \$83,000. The House would perceive from this that, not content with the additions to the service in 1874 which the honorable Secretary of State condemned, they had every year added to the cost. Before passing away from this question of appointments it would be but just to the late Government to state that many of the appointments of 1873 were officers paid by fees, such as harbor and shipping officers. The honorable Secretary of State, in speaking of the Immigration Department, had attempted to explain the enormous increase in cost as due to some arrangements for passages of immigrants made by the late Government. If there had been an increase in the number of immigrants the rates of passage would affect the expenditures, but whilst the number of immigrants had fallen off so largely, it was useless to pretend that any arrangements for passage made by the late Government had caused the great increase. In 1873 the sum of \$277,363 was expended, and 36,921 immigrants brought in. Under the management of the present

Government in 1875 the number brought into the country was only 16,038, at a cost of \$302,770, and in 1876 the number fell to 10,901, at a cost of \$385,845. The cost per head in 1873 was \$7 76, in 1875 it rose to \$18 90, and in 1876 it reached \$26 55. From the information already before the House, it was shown that the enormous increase was due to the arrangements made by the present Government in London. It was claimed the Agent-General there incurred unauthorised expenses, but the correspondence brought down a few days ago showed clearly that the Government was absolutely and directly chargeable with the gross and extravagant expenditure of the London office. On the 25th of April, 1874, the Minister of Agriculture had written to the Agent-General at London as follows:—

“If the immigration service is to be really efficient, there must be a distinct recognition by the London office of the fact that the authority which is to direct and control all proceedings, to make all appointments, and primarily to make or sanction all arrangements, is the Minister who is constitutionally responsible for the action. In other words, what is required of the London office to make the service efficient is administration under instruction from the Minister.”

Here, on the 25th of April, 1874, was the Agent-General notified that everything which he did was to be under instructions from the Minister of Agriculture and from the Government; therefore, the House would assume that everything that was done and all the increased expenditure was made with the knowledge and consent of the Minister of Agriculture and the Government of which he was a member, as accounts were rendered monthly and the members of the Government visited the office and knew everything that was transpiring in it personally, which took away the plea set up that the office was across the ocean and not subject to the direct supervision of the Government. In June, '75 the Premier of Canada was in London on business of the Government, in connection with which he was in frequent communication with Agent-General Jenkins, at which time a discussion took place between them as to the adequacy of the Agent-General's salary, \$5,000 a year, and \$1,000 for travelling expenses. The correspondence referred to states:—“Mr. Mackenzie promised that the subject should receive immediate attention on his return, and that the salary should be arranged. Mr. Mackenzie proposed to visit Paris, and asked Mr. Jenkins to accompany him. He informed Mr. Jenkins that he had written to the Minister of Agriculture, to state that



he had made the request and Mr. Jenkins accompanied in an official capacity, and the expenses of the visit were charged as extraordinary." He thought the House would, on looking over the items of expenditure in the London office, be of opinion charges were "extraordinary," not only in the visit of "Ginx Baby" and the "Dundee Boy" to Paris, but in a great many other instances. Looking over this correspondence he thought there was quite sufficient to convince the Government and the country that they had made one of the greatest possible mistakes in the appointment of Mr. Jenkins. Page after page of the correspondence was filled with a discussion between the Minister and Mr. Jenkins as to the proper title that that gentleman should be addressed by, the Government having called him Chief Emigration Agent. In the letter of the 20th August, 1874, that gentleman wrote to the Minister: "I may be allowed respectfully to deprecate the term in which this intimation has been conveyed to me. It is only due to the dignity of the office that I vindicate it, and I therefore, with every expression of personal and official regard for yourself, beg to call attention to the fact that in this letter the Deputy Minister has addressed me in terms neither appropriate to my personal position, nor consistent with that of one who is the highest official of the Government outside of the Dominion. This I will, however, assume was inadvertent. This word "inadvertent" seemed familiar, and no doubt was imported from across the ocean. Then the Agent-General went on to say that he held an office that in England gave him "precedence of the agents of all the other colonies, and in Canada entitles me to a position second only to that of a Cabinet Minister." This correspondence should have convinced the Government that they had too expensive a toy, and they should have at once discharged him. The honorable Secretary of State had undertaken to justify the public expenditure of the past three years, on the ground that trade was depressed in the country, and to have curtailed expenditure would have deprived the working men of employment, who were "hungry, and crying for bread." If all the expenditure went to furnish employment for our own people he would not so much complain, but looking at the expenditure made by this Government, the proportion paid for work outside of the Dominion was unusually great. Large sums had been expended in purchases that did not give a day's employment to our own people. Take one instance, three millions for the purchase of useless steel

rails! Three millions paid away without furnishing a day's employment within the Dominion! The honorable gentleman said the Government had yielded to the "cry of the hungry for bread," but when they asked for bread the Government gave them steel rails.

Hon. Mr. SCOTT--Steel rails are not made within the Dominion.

Hon. Mr. McLELAN said if the Government would only adopt a proper trade policy they would soon be furnished with all they required by our own people. We have abundance of the raw material, with every facility for manufacture. We have already one company in Nova Scotia with over two millions invested in steel and iron works, which, although not yet completed, are turning out a very considerable quantity of excellent iron, and can readily extend their operations to meet most of the wants of the Dominion.

Hon. Mr. PÉNNY--But at an increased price.

Hon. Mr. McLELAN said he believed the company would be prepared to supply their productions at as low a rate under ordinary circumstances as it could be imported for, but there was always this difficulty with new enterprises, that trade is reluctant to leave its old channels unless drawn out of them by protective legislation, or a greatly reduced price, which latter a new company may not be able to stand. The main object of this discussion, and which the honorable Secretary of State had overlooked entirely, was the enquiry by the honorable Senator from Toronto, what steps the Government are taking to reduce the public expenditure and bring it within our available means. The honorable gentleman complained that the discussion had been brought up at all, but it was only by discussing the expenditure made by the Government, and protesting against its continuance on so large a scale, whilst there was a deficit in the revenue, that retrenchment could be affected. The supplementary estimates had not yet been submitted, but in those already before the Senate the appropriations asked exceeded those of last year by \$135,987, although subsidies to New Brunswick and Nova Scotia had been reduced; also subsidies to ocean steamers and sundry public works, making over half a million of a reduction, so that on other and controllable expenditures there is an increase of over \$650,000, and when to this were added the supplementary estimates, the expenditure for the coming twelve months would be largely in excess of last year. In view of this his honorable friend from Toronto had only discharged his duty in

bringing up this question, for it was only by criticism and protest that the Government could be moved in the direction of economy. They had an instance of this in the office at London. The honorable Secretary of State, in his letter to Jenkins of the 17th December, 1875, informing him of reductions to be made in the expense, acknowledged that it had been forced upon them by public opinion. He would quote the extract:—"The great and growing expense of the London office has formed the subject for much newspaper criticism in Canada, and the Government regret being obliged to adopt the course now proposed, as the only feasible means of restricting the expenditure within reasonable limits." The whole expenditure of this Government was beyond reasonable limit, considering the state of our revenue and the increase of taxation, and it was the duty of all to protest against it, in and out of Parliament, and to criticise it in the press, that public opinion might be aroused and the Government compelled to reduce the expenditure within our means.

It being six o'clock the Speaker left the chair.

\*After Recess

Hon. Mr. READ complimented the honorable Senator from Toronto on the able manner in which he had brought this important subject before the House. Amongst the matters to which reference had been made, he (Mr. Read) was particularly struck with the cost of extra clerks, which had grown from \$13,714 in 1873-4 to \$38,821 in 1875. There was one small item to which he would draw attention, because it indicated the manner in which this Government wasted the public funds. He observed that \$1,395.75 was paid for printing Mr. Cartwright's budget speech in 1874. Of this sum \$855.75 was paid to the *Times* office, and \$540 to the *Free Press*. It appeared to him an extraordinary item, but he supposed was due to the fact that these papers had transferred their support from the old Government to the new, and demanded a subsidy in some shape. Reference had also been made to our expensive baby—Mr. Jenkins—and a few items in the account of this gentleman were interesting. The total amount of it was \$44,000, composed of such items as the following:—Rent, \$5,783.40; his own salary, \$4,918; travelling expenses to Canada, \$1,000, and to the Lower Provinces \$700, more. \$1,400 for a little trip appeared a little extravagant, but there was another item \$500 for drawing a lease—which seemed more so. Lawyers must receive pretty large fees in England. \$100 was paid for a brass plate for the door. He

had been informed by a reliable authority, that £50 sterling had been paid for cutting the dies for the buttons of the flunkies that were employed in this London establishment. Newspapers, stationery and printing cost \$1,500. The *Canadian News*, \$3,224; *Toronto Globe*, \$1,100. He did not know why the *Globe* should be circulated in England particularly. No other Canadian paper received such patronage. *St. James' Gazette*, \$24. He would like to know if that was a journal which was required by people seeking a home in this country. Jenkins was too expensive a luxury for Canada, and the Government got rid of him at last, but it was only in compliance with the demands of the press and people of this country. Some complaint had been made because the late Administration had appointed several officials before resigning. They had done nothing more than was recognized as the constitutional practice in England. Mr. Gladstone's Government even after resigning office had made a number of appointments which were gazetted after Mr. Disraeli had formed his Administration. So high an authority as Lord John Russell had contended that an incoming Ministry should respect even a promise made by their predecessors. As an evidence he might mention some of the appointments made by the Gladstone Government, after they had been defeated at the polls and just before resigning. Mr. C. Pallas, Attorney-General for Ireland, was appointed Chief Baron of the Exchequer with a salary equal to the Prime Minister of England. This office Mr. Gladstone had announced in Parliament he intended to abolish, and should the incoming Government do so the incumbent would be entitled to a very large retiring pension by law. Mr. Cardwell, Secretary of War, was created a Peer; Mr. Fortescue, President of the Board of Trade, created Baron Carlingford, after being defeated in the County of Louth; Mr. Forster, President of the Council, created a baronet, with nine others; Joseph Anderson, appointed Judge of Turk's Island; Sir Louis Mallett, appointed Permanent Secretary for India; Lord Monk, appointed Lieutenant of the County of Dublin; Mr. Ogilvie, Customs Department, pensioned at £200 per annum; Mr. Sloggett, appointed Deputy Inspector General of Hospitals; John F. Gorland, Staff Commander of the Admiralty, Viscount Sidney, Lord Chamberlain, created an Earl. Some of these were gazetted after Mr. Disraeli took office. The constitutional practice had been followed by the late Government in this country, and he was satisfied the British practice

was not to dismiss any official except for misconduct, or when his services were not required. Something had been said by the honorable Secretary of State about the trade of Switzerland languishing. It was due to the fact that the watches and clocks manufactured in the United States, under a protective system were taking the trade in those manufactures from Switzerland. In conclusion, he hoped the Government would exercise greater economy in the future in administering the affairs of the Dominion.

Hon. Mr. WILMOT said that the financial statements made by the honorable Senator from Toronto (Hon. Mr. Macpherson), taken from the Public Accounts, must have required a vast amount of labor and pains, and were so very important that they would cause every thinking man in the Dominion, who read them, to seriously consider whether we were drifting. In the first place, it had been shown there was a large and constant increase in the public debt, and he regarded it as a great misfortune that the interest on the greater part of the debt was going out of the country never to return. He (Mr. Wilmot) was of opinion that a financial policy might be devised which would enable us to provide within our own Dominion all that we ought legitimately to expend in the construction of our public works. Public credit, properly used, would create public wealth. In Great Britain the national debt was due to her own subjects, and the interest circulated among them; but if we continued to borrow from abroad we should soon be in the position of Ireland, with absentee landlords—the rents were drawn from the country and spent abroad. The honorable gentleman had asserted we were now borrowing money to pay the interest of our debt. This amounted to paying compound interest, a policy that in the end, if continued, would be ruinous. The result of borrowing money in London was to furnish bills of exchange to be invested in articles which suited our imports, such as silks, satins, broad cloths, wines and cigars, which perished in the using. He had followed the honorable member closely in his statements of the comparative expenditures under the different heads for a series of years, by which it was clearly shown that while the revenue was falling off the expenditures were certainly increasing. The honorable Secretary of State, in replying to the honorable member, explained that the legislation entered upon by the late Government before going out of power in 1873, when Mr. Tilley was Finance Minister, had entailed upon the present Government a large proportion of the expenditures made in 1874, 1875, and

1876, many of which were not yet completed. As the speeches of both the honorable gentlemen would go before the public, those who read them could judge for themselves; at all events, in his (Mr. Wilmot's) opinion, the present Government were treading in the footsteps of their predecessors. The period of surpluses of revenue had passed away, and we had arrived at a period of annual deficits, with increased taxation. The general depression of trade and the necessary falling off in the revenue, he would not charge to either Government. The state of foreign markets was beyond the control of any Government, but while the subject of the annual revenue and expenditure was of very great importance to the country, yet there was one fact not alluded to by his honorable friend from Toronto, which he (Mr. Wilmot) considered of vastly greater importance: that was the difference of value from the trade returns so far as the figures showed them, between our imports and exports, amounting to about fifty millions of dollars a year. This great difference had, in his opinion, to be met either by gold, by debt, or by bankruptcy, and the Government, he must confess, had devised no policy to change this course of trade. A member of the House of Commons, a supporter of the Government, asked him in what way he would legislate to meet the deficit. His reply was that he would impose countermanding duties on the productions and manufactures of the United States, so far as they interfered with the productive interests of the Dominion; repeal the Act that limited the issue of Dominion notes, and issue paper to carry on the public works; and put the mint in operation in British Columbia, giving notes in exchange for the gold—and that such a policy would, in his opinion, soon change for the better the present depressed state of affairs, and raise revenue enough to meet any deficit. He (Mr. Wilmot) was surprised at the statement made by his honorable friend the Secretary of State, that it was a matter of congratulation that Canada was not largely interested in manufactures, and referred to the United States as an evidence of how much they had suffered from failures among the manufacturers. It was certainly a novel idea to him, that a country was impoverished by possessing manufactories. The troubles in the United States had been brought about by the enormous reduction in the circulation in that country, between 1865 and 1873 of no less than twelve hundred millions of dollars, causing bankruptcy and ruin among the manufacturing and commercial classes. His honorable friend said that the great industry to stimulate and encour-

age was that of agriculture, but how did he propose to do it? By importing foreign manufactures and productions? He (Mr. Wilmot) derived a considerable part of his income from farming, in which he had been engaged for twenty-six years, and he considered it was the interest of the farmers that mechanics and manufactures should be working within our boundaries, consuming the surplus produce of the farmers, a very much better means of stimulating agriculture than if they imported the manufactured article from abroad. The subject of immigration was referred to, and the great expenditure it entailed. We had better adopt some policy that would keep our own people in the country, instead of driving them to the United States, to manufacture for us there, which was our present policy. The productive labor of the country must be employed otherwise. It was consuming the wealth that had been realized, and if employed they would consume dutiable goods, and add to the revenue. His own legislative experience of the effect of imposing duties on articles of foreign production and manufacture in the Province of New Brunswick—and St. John is now an extensive manufacturing centre—was, that the articles were cheaper to the consumer than before the duties were imposed, saving the money in the country and disproving the assertions of the political economists. France was alluded to by some speakers as a country in which free trade existed, by others as being injured by protective duties. It was true that some depression was complained of there, but it was in consequence of the failure of the vineyards and of the sugar beets; but that was a visitation of Providence, and no legislation could remedy that. But France encouraged her own industry by refusing to admit free of duty articles from abroad that interfered with them. Her banking system was also a wise one, for the whole circulation issued from one institution, the Bank of France, and while it was not redeemable in coin, it was at par with coin. If we would adopt the financial policy that now existed in France, we should soon change our present state of depression to one of prosperity. May God grant that we may not this year suffer from a failure of the crops, for that would intensify the prevailing distress, and the war cloud in the East bodes no good to us financially. He very much regretted that he could not congratulate the Government on their financial policy, and unless they were prepared to change it they would have to give way to others who would do it. A change or increase in the tariff did not necessarily increase the Custom House expenditure, as the same clerks could calcu-

late the duty, whether it was 10 per cent. or 20 per cent.

Mon. Mr. MACPHERSON admitted it was somewhat unusual to discuss financial questions at length in this House, but he thought the debate which had taken place on his notice would be of advantage to the Senate and of interest to the country at large. He felt indebted to the honorable Secretary of State for the pains he had taken in going over the expenditure of the last three years, but his honorable friend failed to show that the conclusions he (Mr. Macpherson) had arrived at were erroneous. The object he (Mr. Macpherson) had in view in bringing this subject under the notice of the House, was to show the enormous increase in the expenditure of the last three years, for which the present Administration must necessarily be held responsible. That expenditure was at the rate of \$600,000 per annum, or \$1,800,000 in the three years. He had given them credit for the expenditure resulting from the legislation of 1873. The actual increased expenditure of 1876 over 1873 was \$3,667,308, of which the present Finance Minister alleged \$1,500,000 was the result of the legislation of 1873. He (Mr. Macpherson) had accepted this, and allowed \$367,398 in addition, which was a liberal allowance for reasonable and necessary increases. The balance, nearly \$2,000,000, therefore, represented the amount of the increased expenditure incurred by the present Administration. The correctness of this statement was confirmed by the fact that the actual ascertained increase in expenditure for 1876 over 1875 was \$717,062, and that year was entirely within the control of the present Government. This sum multiplied by three, would give a considerably larger increase for the three years than be charged the Administration with. It was difficult to establish the exact amount which the annual public expenditure should be increased consistently with reasonable and proper economy, but he thought the figures he had submitted, and the comparisons he had instituted fully sustained the correctness of his conclusions. The honorable Secretary of State had failed to controvert or shake any one of them. That honorable gentleman had taken his old ground that for some months after the change of Ministry, the new Administration had been unable to direct the affairs of the country with any minuteness, but he (Mr. Macpherson) took it for granted they had not left the country entirely to itself. They must have decided upon a policy. They had for years announced their policy to be one of retrenchment, and when they came into power, they should at once

have put their policy into operation and checked the expenditure. He did not say they should have stopped all public works, but he did contend they should have checked all outlay on works to be paid for out of revenue and brought the expenditure within the revenue. The works constructed out of capital might have been proceeded with, but he held the expenditure was injudiciously made; that in building a railroad from Lake Superior to Red River, the money was spent in the wrong place, and upon an unprofitable work through a country altogether unfit for settlement. If the Government had spent a part of the money which they wasted in that region in constructing a railway into our prairie country west of the Red River, and had combined with that work a comprehensive and liberal system of immigration, giving work to immigrants when they arrived, and afterwards giving them land—had this course been pursued there would have been, by this time, a considerable thriving population in the North West, which would rapidly increase and add to the prosperity of the whole country. Now all was stagnant there. With regard to the patronage of the late Government, the honorable Secretary of State said it had been all dispensed and exhausted. If that were so, why were so many extra clerks employed by the new Government? Why was the sum expended on extra clerks three times as large in 1875 as in 1873? He observed the Minister of Finance did not allege there would be any diminution of the expenditure. He (Mr. Macpherson) had shown that it had not been reduced, but had been increased largely, and he feared it would continue to increase until the policy of the Government was changed. The Secretary of State had failed to show that the equilibrium between income and expenditure was being restored. He had altogether failed to answer satisfactorily his (Mr. Macpherson's) enquiries.

Hon. Mr. HAYTHORNE would not undertake to congratulate the honorable Senator from Toronto on his really able address; that duty he would leave to his (Mr. Macpherson's) own political friends. He (Mr. Haythorne) would, however, return him his sincere thanks for affording the honorable Secretary of State an opportunity of vindicating himself and colleagues in the able and exhaustive speech which he for one had long waited for, and which he was sure would be read throughout the country with earnest attention. He should not attempt to follow the honorable Senator from Toronto through his long and labored argument, the substance of which was that the Govern-

ment had attempted to meet the deficit by imposing taxes calculated to produce \$3,000,000, but which in reality only produced \$1,700,000; then the honorable gentleman blamed the Government for not retrenching the public expenditure and meeting the deficiency in that manner. In his later statement the honorable gentleman had, he (Mr. Haythorne) thought, somewhat qualified his first remarks respecting the cessation of expenditure on public works. He now stated unreservedly that capital expenditure on public works should continue. In that view he (Mr. Haythorne) concurred. On a former occasion he had expressed a similar opinion, and he adhered to it still, that a time of depression is favorable for the prosecution of public works out of capital, provided the credit of the country remains unimpaired. At such times labor was abundant and wages were low. Soon the expenditure of public money afforded a wholesome stimulus to trade. It was ruinous policy for a country such as Canada to starve herself in the matter of public works; to do so would be as unwise as for the honorable Senator from New Brunswick's typical farmer to allow his grain to remain ungathered, because he disliked to purchase a reaping machine on credit, or allowed himself to lose a market for his grain sooner than go to the expense of a threshing machine. In proportion as our country expanded, its rivers must be improved, its harbors deepened, and railroads must be constructed to accommodate its growing commerce. This was a wise and necessary policy, even though we incurred a national debt in carrying it into effect. He could easily imagine that a country might be richer with a large debt and good public works, than the same country without either. But then it was necessary that such works should be constructed in an economical and judicious manner. There were often exceptions, however, to this rule. Sometimes a country was committed to a policy which involved a large expenditure of public money in a direction that would not have been taken had they been uninfluenced by outside pressure. He would yield to no one in this respect and regard he felt for the mother country; still, he could not overlook the fact that her policy on this continent had often been injurious to her colonies. If Great Britain had not abandoned the true Maine boundary, our Intercolonial Railway would have been carried through by a shorter, cheaper and better route than the line now adopted. The same remarks, it was possible, might yet apply to the Oregon boundary and Island of San Juan. In this manner we

were involved in expenditure on public works to a great extent in consequence of Great Britain's policy. An honorable gentleman on the opposite side of the House had said that the purchase of steel rails was injudicious at a time of depression, because rails were not manufactured in the Dominion, and therefore afforded no employment to native labor; but the honorable gentleman overlooked the fact that railways afforded employment to labor of all descriptions, and they could not be constructed without rails, and he presumed no one would advise the postponement of the Pacific Railway because it was necessary to buy the rails. Unless we could manufacture the rails we required cheaper than we could buy them we had better purchase them abroad.

Hon. Mr. WILMOT—It depends on how you buy them.

Hon. Mr. HAYTHORNE—If we can employ our capital and labor in the fields, in the forests or the mines more profitably than in manufacturing rails, it would be better for us to buy them.

Hon. Mr. FLINT—That is an "if."

Hon. Mr. HAYTHORNE contended that capital and labor, if left without legislative interference, would find for themselves the most profitable employment. Complaints had been made respecting the increased expenditure in the Postoffice Department. Assuming, for the sake of argument, that the statements of honorable gentlemen opposite were correct—that the expenditure had increased—it seemed to him perfectly natural that such should be the case, and that the cost of this service should increase with the growth and development of the country. He should regard this increase, if increase there was, as an indication of progress: the increased number of post offices, seemed to him to indicate an increase of business and a higher civilization. He remembered a circumstance related by Sir Walter Scott, to the effect that on one occasion, 70 years, if he remembered rightly, after the Union, a London mail had arrived in Edinburgh with a single letter. Here was an indication of the paucity of business between the two capitals; at present he presumed a postal car would barely suffice to carry this correspondence. He would say a few words with reference to our national debt, respecting which so much apprehension was felt. It would, of course, be desirable to borrow the money we needed at home, rather than abroad, but he feared that was impossible. We must either obtain the funds we required for our public works abroad, or do without them. He believed that when we obtained

fair value for our expenditure of borrowed capital, there was but little ground for apprehension respecting our public debt. Similar apprehension had been entertained in England by the ablest financiers and political economists when England's public debt began to be contracted in the reign of William the Third, and since. Our great historian, Macaulay, had given a most interesting account of that transaction, and told us how, at every subsequent epoch of our history, at the peace of Utrecht, at the peace of Aix la Chapelle, at the close of the war of Independence, and of the Napoleonic wars, the same foreboding of ruin had prevailed; yet that perverse old country of ours, instead of showing signs of decadence, would persist in displaying her wealth in such investments as new cities, new villas, improved harbors, in gas and water supply, and lastly, by investing in railways a sum nearly equal to her whole national debt. And this young country of ours presented similar appearances. He was glad to observe such indications of wealth wherever he travelled. He had visited Toronto, and saw there indications of wealth and luxury which could only result from successful commerce and agriculture. He had observed similar results in other cities of the Dominion—in Montreal, Québec, St. John and Halifax. In all our principal cities, in fact, might be seen the habitations of wealthy citizens and prosperous people. Much stress had been laid on the increased cost of landing emigrants from Europe; but honorable gentlemen seemed to overlook the fact, that the result of that operation depended to a great extent on the law of supply and demand. Labor was finding its level between this continent and Europe. In England laborers were profitably employed, and fewer emigrants left their country in consequence. Of course the smaller the number of emigrants who are landed on this side, the greater the expense per head. He was not disposed to go more fully into the questions raised. No doubt the figures submitted by the honorable Senator from Toronto, were substantially correct, but they were misapplied in order to present a contrast as favorable as possible to the views of the honorable gentleman's party, and as damaging as possible to the policy of the present Government. In presenting that contrast, however, the honorable gentleman had afforded the Secretary of State, that favorable opportunity of vindicating the policy of the Government, of which he had so ably availed himself, and on which he sincerely congratulated the honorable gentleman.

The subject then dropped:

## MAIL CONTRACTS IN CAPE BRETON.

Hon. Mr. BOURINOT inquired whether it is the intention of the Government to call for tenders in the usual way and as the law prescribes for the conveyance of H. M. mails from Sydney to Cow Bay, Little and Big Glace Bay and Bridgeport, in the County of Cape Breton, at present conveyed temporarily by John O'Callaghan, and for which no contract has been entered into. He said last year it had been decided to give to the places mentioned a daily mail instead of the tri-weekly service which they had previously enjoyed, and that the mail should be conveyed by one contractor instead of three. The law prescribed that the course to be pursued in giving out such a contract was to advertise it in the public press and invite tenders. The Government, however, had followed a different course. In the first place they sounded the parties who had been performing the service—especially the principal contractors, Lindsay & Co., and asked them if they were willing to continue the service for a certain sum? Another of the contractors, Walter Power, who had conveyed the mails for 20 years, an honest man, who had given satisfaction to the public, was overlooked, and was not requested to make any offer. The result of the enquiries on the part of the Government was, that they decided to give the contract to O'Callaghan, for the sum of \$900. Lindsay & Co. had offered to do it for \$1,100. The honorable Secretary of State had justified the act on the ground of economy, and that it was merely a temporary arrangement, but that was no excuse for departing from the course laid down by law, and giving the work to a political favorite without any contract or the required securities for the performance of the service. If a mail service like this could be awarded by the Government without conditions or securities, such as the law provided, they might as well tear up the statute, as there was no security for any contract under the postal law. It was a high-handed act, and it was particularly hard on the Lindsays and on Power, who had conveyed the mails for a number of years, that they should not have been allowed to compete for this service by public tender. He had nothing to say against O'Callaghan, a temperate man, who had been a courier for many years and had given satisfaction, but it was the question of principle that was involved, and he hoped the Secretary of State would be able to give a satisfactory reply to his enquiry.

Hon. Mr. SCOTT said in the first place the department thought they were benefit-

ing the country greatly by establishing a daily instead of a tri-weekly service, and getting it done for less money than the tri-weekly service cost. It seemed so much more satisfactory to the department that they entered into a temporary agreement only, as the price seemed so low they had doubts as to whether the daily service could be performed for the money. One party was asked if he could perform the service for \$900, but he declined it. The department were determined, however, to call for tenders, and give out the contract in the usual way.

Hon. Mr. MILLER said when this question was brought before the Senate early in the session on the motion of the honorable member from Cape Breton, he had alluded to the breach of the law that had been committed by the Government in terms of deserved condemnation, and now that the papers had been laid upon the table of the House, it was evident that his strictures on all concerned had not been too severe. He was informed that an individual, who was believed to be responsible for this job, had made some references to him (Mr. Miller) in another place, which he would only say were beneath his contempt. The papers which the honorable Secretary of State had brought down to the House clearly showed that the Government had been guilty of an unjustifiable breach of the law in giving a large postal contract to O'Callaghan without tender or open competition. The facts of the case could not be contradicted, neither could the breach—the open, flagrant breach of the law—be denied. The papers were conclusive on both points. The Government had been clearly detected and exposed in a violation of the law of the land, by which an important public contract had been secretly and collusively given to a political partizan in the county of Cape Breton. He (Mr. Miller) wished it to be distinctly understood that he had nothing to say against O'Callaghan, the contractor, whom nobody would blame for taking a fat job from his political friends, if he could get it. The blame altogether rested with the Government, whose duty it was to protect the public interests by honestly enforcing the law, and at the same time preventing one contractor having an unfair advantage over another. But although the Government were directly responsible for the wrong done in this case, there could be no doubt they had been misled by the advice on which they had acted. It must be admitted that a Government was only too likely to be misled and deceived when they trusted too much to unscrupulous partizans who had their own ends to serve. That a

deception had been practised on the Government was evident from the manner in which his honorable friend the Secretary of State had attempted to justify the favoritism that had been shown to O'Callaghan. That honorable gentleman had said that the Government had made a good bargain, as the daily service to Cow Bay and the other Mines was costing the country no more than the old tri-weekly service did. It was true, the old service was performed for \$995, and that the present service cost \$900. But it appeared from the report of the Postoffice Inspector, now among the papers brought down, that there was as much work done under the old tri-weekly contracts as under the present daily service. (Mr. Miller here read from the Inspector's report to show that the distance travelled by the three former contractors, whose contracts had all been merged into one to O'Callaghan, but served by a different route, viz., the Sydney and Glace Bay contract of O'Callaghan; the Sydney and Port Caledonia contract of Lindsay & Co.; and the Reserve and Lorway Mines contract of Power—that the distance travelled by these three contractors under the service that had been abolished was fifty-eight miles each way tri-weekly, while the distance travelled by O'Callaghan was thirty miles daily. The language of the report was as follows:—"Total cost per annum of these three services \$995; total miles travelled each way tri-weekly fifty-eight. The route of the proposed connected daily service to supersede the above tri-weekly services would be from Sydney to Reserve Mines, serving Lorway Mines, thirteen miles; thence to Bridgeport, three miles; thence to Cow Bay via Port Caledonia, twelve miles; total distance thirty miles.") He, (Mr. Miller) asked the Secretary of State to show him where the good bargain of the Government was manifest in this transaction. Was it because one contractor agreed to carry a daily mail a distance of thirty miles for about the same figure as three different contractors, with three different services to keep up, carried the same amount of mail matter fifty-eight miles tri-weekly. Did not any man of experience in such matters know that three small contracts such as those under consideration, might be profitably carried out if merged into one, even if a far greater amount of travel was imposed, at perhaps half of the original cost? But in the new contract to O'Callaghan no greater amount of work, no greater distance to travel, were imposed. He thought that the Government would not have ventured to disregard the law, if they had not been led to believe that the new

route covered the identical routes of the three old contracts, stage for stage, and that they were getting double work for the same money, although that was no justification for entering into a private contract. The danger to the public service of countenancing secret contracts for public works would not be compensated for, even by a good bargain in an exceptional case, but here they had not the excuse of a good bargain. The Government had no doubt been led astray by dishonest and interested advice—as any Government might be who were too ready to lend themselves to the selfish intrigues of their partizans. He (Mr. Miller) believed that the Government were not the only parties deceived by the same influences, as he had reason to think that most dishonorable means were resorted to to entrap the other old contractors, while O'Callaghan's friend was manipulating the Government, in an underhand way, to secure him the contract. He had the facts on which he formed this opinion from an authentic source, and the individual concerned, with all his cunning, would find out at the proper time that he had not covered over all his tracks. The hon. Secretary of State had given no reason to the House why the usual course of calling for tenders, when three important contracts had been cancelled, had been departed from. The only excuse offered was that the arrangement was intended to be only temporary. But what excuse was there for even a temporary arrangement? The old service could have continued until the altered contract had been awarded according to law, without political favoritism or jobbery. Did any one require to seek further for the true reason, after he has been told that O'Callaghan was a useful supporter of the Government party in his own way and locality? Then, if the arrangement was only temporary, why has it been allowed to last so long, and until the matter had been exposed in Parliament? The agreement, the temporary agreement, as it was now called, with O'Callaghan was dated the 24th day of April, 1876. Why had this illegal arrangement been allowed to stand during a whole year? Besides, O'Callaghan had been intrusted with this important contract during all that time, without any sureties. What would other contractors, who were obliged by law to furnish sureties, think of this new feature in O'Callaghan's case? One of the most important mail services in Cape Breton illegally intrusted to a man who was a supporter of the Government, by a secret agreement for a whole year, and without any sureties! Of course, there was neither bribery nor corruption in this



method of dealing with public contracts by a pure Government. Could any one suppose this to be an isolated case? It was impossible to say how many similar cases were occurring every year that never see the light of day. The tremendous power for mischief which such a practice would place in the hands of any government was too dangerous not to be watched with the greatest jealousy. It was some satisfaction that the exposure of this transaction in Parliament had compelled the Government to respect the law, and that the Cow Bay mail service would be offered for tender and contract. It might also have the effect of deterring the Government from pursuing a like wrong course in the future, and should convince them of the danger of relying too much on the advice of partizans corruptly bent on serving their own selfish ends. This case he trusted would be a good lesson to the Government, and all concerned.

The bill to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the Union Assurance Company of Canada, was read a third time, and passed without debate.

#### SECOND READINGS

The following bills were read a second time without debate.

Bill to amend the law respecting joint stock companies by letters patent.

Bill for the repression of betting and pool-selling.

#### THIRD READINGS.

The following bills were read a third time and passed:—

Bill to transfer the management of certain harbors, piers, and breakwaters from the Department of Public Works to the Department of Marine and Fisheries.

Bill to repeal certain laws making breaches of contracts of service criminal, and to provide for the punishment of certain breaches of contract.

The House adjourned at 10:25 p.m.

WEDNESDAY, April 18th.

The SPEAKER took the chair at three o'clock p.m.

After routine.

#### THE MONTREAL HARBOR COMMISSION.

Hon. Mr. GUEVREMONT moved that the supplementary return presented to this honorable House on the 16th April instant, by the honorable the Minister of Agriculture, to an address to His Excellency the

Governor General, dated the 21st March, 1877, be referred to the committee appointed by this House on the 10th April instant, to enquire into the causes of the dismissal of Pierre Cote, Pierre Charbonneau, and others, by the Montreal Harbour Commissioners or by their employees, and that the said committee be authorized to inquire into all the complaints, accusations, &c., against the said Montreal Harbour Commissioners, contained in the various documents which have already been laid before this House.

Hon. Mr. PELLETIER said the Committee was formed in the first place to enquire into the dismissal of Cote and Charbonneau. The supplementary return referred to other matters, and this motion would have the effect of empowering the committee to investigate subjects which did not come within its scope as it was originally constituted. He would have no objection, if it were amended by adding the following words:—"In so far as it relates to the cases of Cote and Charbonneau."

The amendment was adopted, and the motion as amended was carried.

#### THE COPYRIGHT QUESTION.

Hon. Mr. RYAN said he was sure the subject of his enquiry to-day would commend itself to the attentive consideration of honorable gentlemen, as the question of copyright had long been one of interest to this Senate, to whose long continued efforts was due the present much improved state of our legislation on this subject. It would be in the recollection of honorable gentlemen that so far back as 1868 a movement was made in this House to procure for our printers and publishers certain advantages which the then state of the copyright law of England somewhat precluded them from enjoying. Notwithstanding successive enquiries, motions and addresses adopted in this House, it took eight years to bring to a successful issue the legislation which at last took place in 1875. At that time the copyright act of Canada, being 38 Vict., cap. 88, was passed. This was on the 8th of April, 1875, but it was reserved for the signification of Her Majesty's pleasure, and consequently communications on the subject between the Canadian and the Imperial Governments necessarily followed. Owing to these negotiations, the Imperial Act, 38 and 39 Vict., cap. 53, was passed on the 2nd of August, 1875. This act authorized Her Majesty to give her Royal assent to the Canadian bill, which was done on the 26th October. It was proclaimed on the 3rd December. The act took effect on the 11th December, 1875. The results of this enactment during 1876

were very beneficial, both to the authors in the mother country and to the publishers in Canada, who took advantage of its provisions. It promoted a large industry in this country and opened a field here for the British author, as had been anticipated by Lord Carnarvon when introducing the English bill in the House of Lords. But it was supposed by our Canadian publishers that unless British authors did, within thirty days from first publication in England, register copyright in this country, any Canadian printer could, under this act, publish such uncopyrighted work. This opinion proved to be erroneous. Our law permits, indeed, the introduction into Canada of United States copies of such works if, within thirty days after they appear in the United Kingdom, they are not copyrighted here. But our law permits that set off only to the neglect of authors in England: The United States publishers take advantage of that remission to a large extent, and certain works not copyrighted in Canada, but printed and perhaps pirated in the United States, are sold in this country to the detriment of our publishers, as well as of the English authors. Seeing this, the Messrs. Belford, a well known publishing firm in Toronto, published a work called "Thritt," by Mr. Smiles, a well known English author, under the impression they were by law entitled to do so. For this Mr. Smiles entered a suit against them in the Court of Chancery, which was decided in his favor, and the judgment of Judge Proudfoot, which was appealed from, was sustained by the unanimous decision of the Court of Error and Appeals, a judgment which may be taken as conclusive. We stand, therefore, in this position: books can be pirated by United States publishers and circulated in this country which our own publishers cannot print. In order that the House might understand the pretensions of our publishers here, and also of the authors on the other side of the Atlantic, he would read, with the permission of the House, from letters received by him on this subject. He thought it should be made clear to authors on the other side of the Atlantic that there was no desire on the part of this legislature to in any way treat them harshly, or to infringe on any right they justly claimed in the matter of copyright. What would benefit our publishers here would benefit the authors also. As it is, the authors get little or no return from the works printed, whether pirated or not, by United States publishers, and sold in this country. By making arrangements with respectable publishers in this country, they could have their works published in such a manner as to yield them larger returns than if they left

it to United States publishers to introduce them into this country. He would now read a letter which referred to the case of the Belford Bros. It was as follows. "We understood that the present Canadian law gave us the right to publish an English book, if said book was not registered in Canada, within thirty days of its publication in England. The thirty days would give the English author plenty of time to make arrangements with some Canadian publisher in Canada and have his book printed and published here. The judges gave judgment otherwise, and their decision forces us to print most of our English reprints in Buffalo or Detroit, and bring them into Canada in sheets at five per cent duty, although if we import unprinted paper we have to pay a duty of 17½ per cent, being 12½ per cent against home manufacturers." This effected the paper maker, printer, stereotyper, and very often the bookbinder. It looks strange that the law should be in favor of American goods and workmanship. "The reason that English authors do not sell their right for Canada to Canadian publishers is that New York and Boston publishers stipulate when they buy advance sheets that the English authors shall not sell to any in Canada; but if we make a law which will give the author an excuse for selling to a Canadian house, then the matter will be regulated. The English author has always shown a disposition to sell to Canada, but on account of the stipulations made by the Americans, he could not, they having forty millions of population against our four millions. \$500,000 worth of publishing can be done *extra* every year in Canada, if we only get a suitable law and fair play." He might say that no book is admitted to copyright in Great Britain which is not printed there, and the same principle is recognized in the United States. It was evident, therefore, that we should apply a similar rule, and that some legislation in this direction was necessary, to give employment to our own people. Another letter he had received in reference to the decision in the case of Smiles & Belford remarked:—"The result, therefore, is that British authors having secured copyright in England under 5 and 6 Vic., instead of obtaining a Canadian copyright, make over their right, so far as regards Canada, to an American publisher, and give him the control of our market, by enforcing the right for his benefit against any Canadian publisher republishing the book here. They thus then obtain our market and all the advantage of a copyright in Canada, without printing the book here, and deprive our publishers of the profits of

publication of American rivals, who will give us no similar opportunity." It would be for the Government to devise by what means the advantages could be secured which as he had pointed out, were so much needed. At all events, means might be taken to bring more prominently to the notice of the English publishing world, and of the authors in Great Britain, the facilities which we possess in this country for publishing their works, and the advantages they would derive in giving a preference to Canadian publishers. A commission had been appointed in England to go into the general question of copyright. The existence of this commission would afford a favorable opportunity of bringing to the notice of the Imperial Government and Parliament, and also of the literary public of England this whole question as regards Canada, and enable us to show that there had never been any intention on the part of this Legislature to do anything but impartial justice to the English author. He believed if the matter were properly put before them, the object he desired could be accomplished. The contention of the authors, he was bound to say, was not without foundation. It consists in this: They consider that they have a vested right in their works. There was great force in that, and they were protected by the original English law and subsequent legislation. If, however, they could be convinced that it would be to the credit of their productions and to their pecuniary advantage to deal with the Canadian publisher, they might, he thought, be induced to do so. The authors and publishers of the United Kingdom were a very influential body, and he need not say, a highly educated and intelligent portion of the community, and would be likely to consider attentively representations coming from the Government of this country to the Imperial Government. He hoped to hear to-day that this Government were already doing something in the direction pointed out, or would at least lose no time in endeavoring to secure to our printers and publishers the advantages so much desired by them, and to which they had such unquestionable claims. In promotion of those views he begged to make the enquiry of which he had given notice:—Whether the Government, in view of recent decisions of the courts of law in Ontario, intend to take any steps for the purpose of securing to the publishing and printing industries of this Dominion, the full advantages intended to be conferred by the provisions of the Act 38 Vic., cap. 88, intituled: "An Act respecting Copyright?"

Hon. Mr. PELLETIER said this question was not only a very important but was an exceedingly difficult, one to deal with. Lord Derby was once waited upon by a deputation of authors and publishers on this subject, and after a couple of hours conversation with them, he expressed the pleasure with which he had heard their explanation, but added:—"I was aware the question was a very intricate one, but, after explanations, I am inclined to believe it is inextricable." No wonder, therefore, he (Mr. Pelletier) felt embarrassed in dealing with the question. He was glad the matter had been brought before the House, and he would do his best to meet the views of the honorable gentleman. Both the present Government and their predecessors had legislated in this direction. Up to 1867 the subject of copyright had been exclusively governed by the Imperial Act of fifth and sixth Victoria, which extend the exclusive privilege of copyright to every British author in every part of the British dominions. This Act was amended in the tenth and eleventh Victoria, but only so far as the importation of foreign reprints is concerned. In 1872 the Canadian Parliament enacted a very well matured act, which, it was hoped, would meet the views of Canadian publishers, but it was disallowed in England, it having been reserved for Her Majesty's sanction on account of interference with Imperial legislation. In 1875 the Canadian Parliament passed another Act. In the case of *Smiles vs. Belford* it was contended by the defendants that the Imperial statutes five and six Victoria had been amended by the British North America Act, and that the Imperial Parliament had divested itself of all powers respecting copyright in Canada. This was denied and the case was decided against the defendant in the Court of Chancery and the Court of Error and Appeals. This decision had disappointed many. What was to be done was now the question? On one side was the obligation to legislate with the approval of the Imperial Parliament, which had already proved that it would not surrender to us the entire matter of copyrights. The act of 1875 had worked well and benefited the book publishing trade in Canada, in many ways, but further advantages were expected, which it did not give. It was impossible at present to say what course the Government would take. They were certainly disposed to adopt all means to meet the deficiency of the law, but they would always encounter, unless the Imperial Government would concede to us the privilege we desire, the opposition of the English publishers. If the Royal Commission which had been ap-

pointed to enquire into this subject [would enable the Government to place this matter in a more satisfactory position they would be happy to do so. The decision in the case referred to, recently given, although against the Canadian publisher, he believed, after examining the subject, was quite correct, but it was impossible at present for the Government to devise any plan to meet the difficulty. They were open to any suggestion the honorable Senator or any member of this House might make in the public interest.

THE CAMPBELL DIVORCE BILL.

Hon. Mr. REESOR moved that the report of the Select Committee presented to the Senate on the 8th April, 1876, on the Bill intitled: "An Act for the relief of Robert Campbell," with the clauses proposed by counsel to be substituted for those in the bill and returned by the Committee with the report, be taken into consideration presently. He said although this question had been discussed before, he would reply to some objections which had been raised to the report of the Committee. It had been objected that although jurisdiction in marriage and divorce had been assigned to this Parliament, the power did not rest with it of fixing the terms on which a divorce should be granted. It was clear, however, that the Dominion Parliament had power to grant divorce, not only of the marriage tie, but also from bed and board. Some honorable Senators from the Province of Quebec had stated that while they could not support a bill to grant divorce *a vinculo* they would not oppose a measure to grant judicial separation such as could be procured from the courts in the Province of Quebec. He referred to articles 207, 208, 210 and 213 of the Civil Code of Lower Canada, to show that the relief now asked for by Mrs. Campbell was such as was granted by the courts of the Province of Quebec. Now, it was a principle of common law that the greater always included the less, so that the power to grant the larger divorce included the divorce of the lesser kind—divorce from bed and board. True there was no precedent for the measure before the House, but it was simply because no similar application had ever been made to this House before. In England a separation of this kind could be granted by the ecclesiastical courts, and, therefore, there was no necessity to apply to the House of Lords for such a measure as this. In New Brunswick and the Province of Quebec a similar separation could be granted by the local courts. But in the Province of Ontario there was no redress to

be obtained, and this was why application was made to this Parliament by Mrs. Campbell for the relief which the bill would afford. It had been said that a married woman who conducted herself in a respectable manner could always obtain means of living by incurring debts and allowing those who supplied her to charge them against her husband. But it was a difficult and unpleasant position to place a woman in, and there were few tradesmen who would be willing to take the chances of collecting accounts under such circumstances. In this case, so far, it had not been done. He was not prepared to say whether it was feasible or not, but it was known that for two or three years Mrs. Campbell had received no support whatever from her husband. It had been urged that the decision of the Senate would conflict with the judgment of the Vice-Chancellor, and, therefore, there would be an impropriety in passing this bill; but it would hardly be contended that there was an impropriety in appealing from a lower to a higher court. In practice, facilities were afforded for appeals from one court to another, and in this very case there had been two or three decisions. A more searching investigation had been made, and more witnesses had been heard in this case by the Senate than in any trial which had preceded it, and, consequently, this House was in a good position to pass judgment. True, it might not be convenient to make Parliament a court of appeals. But the Constitution conferred this power upon Parliament in matters of divorce, and until the Dominion Parliament established a divorce court in Ontario the people of Ontario had no effective redress except through this Parliament. If this Parliament had the power to grant the larger divorce it had the power over the smaller divorce, and to determine the question of alimony. If the power were divided the same principle would have to be applied to other subjects within the purview of this Parliament. Take, for instance, the subject of copyright, which had just now been before the House. This Parliament had the right to make laws in reference to copyright and to determine the conditions upon which parties filing their claims to copyright might recover damages or sell their copyright to other parties, and collect payments as they matured. It would be absurd to say the Dominion Parliament had jurisdiction over copyright, but that the Local Legislature should pass an act to enforce payments on copyright contracts, because it involved civil rights. Yet it would be no more absurd to divide

the jurisdiction in copyright than separate the question of divorce from the conditions of divorce, which often involved alimony. It was not denied that we had jurisdiction in divorce in its broad and unrestricted sense, hence we had jurisdiction over all the conditions of divorce. If this motion were carried the House could then go into committee and fill up the blanks in the bill. The measure was framed in such a manner that Mr. Campbell would not be obliged to pay anything in excess of a fair proportion of his income towards the support of his wife, and, therefore, no injustice would be done. The bill also provided that if the parties should agree on a settlement, for any fixed sum, to determine the whole matter of alimony for the future, they might do so, subject to the approval of the judge of the court to which it would be left. In that way the interests of Mrs. Campbell would be sufficiently protected, and no injustice would be done to Mr. Campbell.

Hon. Mr. TRUDEL—Does the honorable gentleman pretend that the matters to which he refers in connection with the Civil Code of Lower Canada fall within the jurisdiction of this House?

Hon. Mr. REESOR said he did not pretend that, but when there was no similar law in Ontario, parties could only look to this House for that law.

Hon. Mr. TRUDEL said Ontario had the same power as Quebec to pass such legislation, and if so there could be no divided jurisdiction between Ontario and this Parliament.

Hon. Mr. VIDAL confessed he sympathized deeply with Mrs. Campbell, and cordially agreed with the decision that this House, through their committee, had come to last session, but he had failed to hear anything in this debate to meet the unanswerable arguments of his honorable friend from Montreal, that this House had not jurisdiction in questions of alimony and custody of children. This House had no control over civil rights, with the exception of divorce and marriage generally. He deeply regretted that it was so, but a decision having been reached on the question as to whether a divorce should be given or refused, this House could go no further. He admitted Mrs. Campbell had strong claims on them as men, and strong claims on them as legislators, but this House was not a Court of Error and Appeal. If there had been an error of judgment in the lower courts, and wrong had been done, the petitioner could apply for redress to the legislature, which alone had jurisdiction in such matters.

Hon. Mr. DICKEY contended that the power of this House was unrestricted in matters of marriage and divorce, not only in divorce *a vinculo*, but all kinds of divorce. He was strongly of the opinion, however, that it was desirable the House should have legal advice on the question. Under the Royal Instructions any bill for divorce of persons bound together in holy matrimony must be passed with a suspending clause, and must go to Her Majesty to obtain the royal sanction.

Hon. Mr. VIDAL—But this is not a bill of divorce.

Hon. Mr. DICKEY said it was a bill of divorce, and it would go to the Governor-General as a bill of divorce, and in that way, if there was any question of jurisdiction, it would be settled by the highest authority in England, and disallowed if it was unconstitutional; and he was perfectly satisfied to let it go in that way. It was urged that if this bill were now thrown out this woman could come to this House next session and ask for a bill of divorce as an applicant herself; but if the House assented to the motion of the honorable gentleman from Kingston, it would destroy the evidence, as the House would be asked to take the matter into consideration at a time when Parliament was not sitting, so that if any action was to be taken they would have to go through the whole ordeal of taking the evidence over again. The course he would recommend was that the House should go into committee and see what were the clauses which the honorable gentleman (Mr. Reesor) proposed to adopt. Then they could get these clauses before them and consider the question of adopting them. Whether the House adopted the clauses or not, the bill would be still before the Senate, and it was for the House to take any action they chose.

Hon. Mr. CARRALL said although he had not heard or read the evidence, nor did he know the parties, yet he had heard sufficient to know the circumstances of the case, and his sympathies were with the lady, and he would vote for her in the face and teeth of the lawyers who had shut the courts in her face, the doors of which she could not open, as they were only to be opened with golden keys. She had then come to this Senate—who were looked upon as the fathers of the country—and asked for redress for her little ones and for herself. He could not argue with those lawyers, but he knew they could do what was right. After being seven years a Senator of the Dominion, there was no vote he would give with more zeal and earnestness, not only in justice to the lady who had been wronged, but against the

man who had taken such scandalous means of obtaining evidence to defame the character of an injured lady, and as a rebuke to the courts to which they had taken her.

Hon. Mr. TRUDEL said this House had no right to make a question of sympathy of this matter. If they came to the conclusion this Parliament had no jurisdiction in it they would have no right to give redress which the constitution did not allow.

Hon. Mr. PENNY said the kind of divorce now asked for was one of the most common actions tried in the Courts of Lower Canada, consequently these actions for separation were either in contravention of the rights of this Parliament, or else this particular separation *a mensa et thoro* was not one of those things that was exclusively within their jurisdiction. If the courts of Lower Canada were practically administering this law of separation every day, then it was quite clear it was an infringement on the statute, if that statute gave exclusive jurisdiction to this Parliament in matters of marriage and divorce. He did not think the argument *ad inconveniente* was a good argument on all occasions, but it seemed to him it would be an extraordinary thing to invoke before this House all that litigation that was going on every day in Lower Canada. But if this House undertook to say they would grant separation from bed and board in one case, they could not refuse it under similar circumstances in others, and the whole time of the House would be occupied in the settlement of such matters.

Hon. Mr. TRUDEL said he did not believe it could be found either in Roman or French law that the word "divorce" had any other meaning than a dissolution of the marriage tie.

Hon. Mr. HAVILAND said he could not agree that the word "divorce" in the English law meant solely a dissolution of the marriage tie, and did not include in it separation from bed and board. He joined issue with the honorable gentleman who had laid down that proposition, and would prove that the word, in the English law, meant separation *a mensa et thoro*, as well as divorce *a vinculo*. He would quote from Bouvier's Law Dictionary, in which the word "divorce" was defined as follows:—"The dissolution or partial suspension by law of the marriage relation. The dissolution is termed divorce from the bond of matrimony; or, in the Latin form of the expression, *a vinculo matrimonii*; the suspension, divorce from bed and board, *a mensa et thoro*. The former divorce puts an end to the marriage; the latter leaves it in full force." If honor-

able gentlemen were not content with that he would take a higher authority, the latest edition of "Stephen's Commentaries," page 277, where it said; "Prior to the new Divorce Act, 20 and 21 Vic., c. 85, there were two kinds of divorce, the one *a mensa et thoro*, the other *a vinculo matrimonii*." He contended that under the British North America Act, when a question of this kind came before Parliament, they had the power either to dissolve the marriage tie entirely or to decree a separation from bed and board. He believed this woman had been cruelly wronged and unless she obtained redress from this Parliament she had no other means of getting it.

Hon. Mr. KAULBACH said the more he heard of this case the more he was convinced that it was not one that should come before Parliament, which made it a mockery and farce, and he believed sympathy for this woman had taken control and perverted the good judgment of some honorable gentlemen. Take the honorable gentleman alongside him, for instance (Mr. Carrall), whose sympathies were so one-sided that he had just now declared "he would vote for the lady without having read or heard the evidence. His sympathies were with her; and denounced the husband as a ruffian." He would say, on the other hand, as one of the Select Committee in this case, that having well and calmly considered the evidence that the woman who had been so totally reckless of the decencies of the married life, and who had asked this House to whitewash her skirts—

Hon. Gentlemen—Order! Order!

Hon. Mr. DICKSON called the honorable gentleman to order, as his remarks were a censure on the committee whose report had been adopted by this House.

Hon. Mr. KAULBACH—Yes, without having the evidence printed and before them, they want it blind.

Hon. Mr. CAMPBELL said he hoped the honorable gentleman would not go into the merits of the case, as it would be trespassing on good taste, although it was quite open for him to do so, if he pleased.

Hon. Mr. KAULBACH contended that the House had adopted the report of the committee without having the evidence before them, evidence that convinced him of her guilt. He was satisfied Robert Campbell had not been treated fairly in this matter; that the gentleman who had charge of the petition, knowing that Robert Campbell had objections to the personnel of that committee, refused to have it altered, as was usual in like cases.

Hon. Mr. AIKINS rose to a point of order. He said he had no sympathies on one side or the other. He had gone on that committee free and untrammelled, and the honorable gentleman had no right to make such remarks.

Hon. Mr. KAULBACH said he did not intend to impugn the judgment of his honorable friend, but even a criminal in every court had the right of challenge which was denied the petitioner in this case.

Hon. Mr. REESOR said he believed the committee were fairly chosen, representing all parts of the Dominion.

Hon. Mr. KAULBACH said he had been placed on the committee himself because it was believed and avowed by the last speaker who selected the committee, that he (Hon. Mr. Kaulbach) was in favor of the woman. He went there favorable to her, and if he could have relieved her on the evidence he would have been glad to do so, but the logic of facts had brought him irresistibly to the conclusion that she was guilty of adultery, but the majority of the committee had given her the benefit of a doubt. A case parallel to this had never occurred in England, but as the honorable gentleman from Montreal had said the other day, supposing the court below had granted Mrs. Campbell alimony, and this House had granted a divorce on the petition of the husband, would the House have set aside the decision of the Vice-Chancellor's court, and rule that she was not entitled to alimony? He thought if they had done so they would have got themselves into a difficulty that was not consistent with the honor or powers of this House. He believed a case should be made, and a decision, or opinion, should be obtained from the Judges of the Supreme Court, as to the Senate's right to try this suit, and reverse the judgments already given, before the House were asked to jeopardize their position by proceeding any further with this measure. He believed they had not the power to change a petition or bill for divorce *a vinculo* into a petition or bill for divorce *a mensa et thoro*, as it required entirely different evidence. Yet the same committee without additional evidence to establish cruelty and desertion had reported in favor of Mrs. Campbell's petition, and the House was now asked to set aside a certain portion of her husband's money for her use without a title of evidence on which to base it or to show whether he was worth a million of dollars, or five cents. As regards evidence of desertion and cruelty, where was it? There was none; but on the contrary the woman had herself declared, when asked

the question, that her husband was kind and considerate to her, and fond of the children. Yet who could read the evidence in this case without being disgusted by her lewd conduct—as shown by her own letters and her conduct in her own house in the absence of her husband.

Hon. Mr. DEVER—He was very kind and considerate when he kicked her out of his house.

Hon. Mr. KAULBACH said there was no such evidence. The petitioner believed the woman to have been guilty of adultery; the decisions of two courts were to the same effect, and it would have been inconsistent with the position of a just and honorable man, a husband and father, to live in the same house with a woman, his wife, who he believed to be an adulteress, and that belief confirmed by the decision of two courts.

Hon. Mr. DICKSON rose to a point of order and asked what was the motion before the House.

Mr. SPEAKER read the motion.

Hon. Mr. CARRALL moved the adjournment of the House.

Mr. SPEAKER ruled that a motion of adjournment was not in order while any Senator was speaking.

Hon. Mr. KAULBACH (after order had been restored)—These interruptions could not deter, but would incite him to do his duty. Adultery was a crime of which there was seldom direct proof by evidence, and the court and jury generally came to a decision from the circumstances which surrounded it. Vice-Chancellor Blake's sympathies had evidently been in favor of this woman, but even that judge was forced by the irresistible logic of facts to decide that she had been guilty of adultery. He believed there was a strong case in favor of divorce, and such was the opinion of the committee until such time as she came upon this scene, and then there seemed to be some magic about her that prejudiced the minds of honorable gentlemen in her favor. Courts always doubt the uncorroborated evidence of the accused in such cases. After a case had been made out, and had been guided by the wisdom of Solomon, who says, "Such is the way of an adulterous woman. She eateth and wipeth her mouth, and saith, I have done no wickedness." From the evidence it would be seen that this woman was having secret correspondence with a young man in her husband's absence, of a grossly vile and sensual character, from which it could rightly be inferred that she was a fit subject for any seducer.

Hon. Mr. BUREAU rose to a point of order, that the honorable gentleman could

not go back of the report of the committee.

Hon. Mr. KAULBACH—It is material to inquire whether her conduct entitles her to the favorable consideration of Parliament.

Hon. Mr. CORNWALL said the honorable gentleman was not speaking in connection with the report, but on certain amendments proposed to be made to the bill by the petitioner, and he was giving his grounds for opposing those amendments.

Mr. SPEAKER ruled that it was quite competent for the honorable gentleman to refer to the evidence.

Hon. Mr. SCOTT said, assuming it was all true, he appealed to the honorable gentleman if it was good taste that this debate should be continued in this manner.

Hon. Mr. KAULBACH said they had not to do with taste, but law and justice was demanded. He felt he would not be doing his duty if he did not, in his humble way, give his opinion on the facts and the law. He believed if they were to go into facts he could show from the evidence that this was a woman of such licentious and depraved habits, as to admit of no other hypothesis than that of her guilt.

Honorable Gentlemen—Shame! Shame! Shame!

Hon. Mr. KAULBACH said, as he could not be cried down from duty with "shame! shame!" he would, if such a course was persisted in by sympathisers who never read the evidence or stopped to consider the allegations they assumed, go fully into the evidence and show them that he had ample grounds for his remarks. If this House was to take on themselves the functions of a court of law, were they to be asked, without evidence, without enquiring into the charges of cruelty and desertion, to do as his honorable friend (Mr. Carrall) had done, accept them as true, and grant this woman alimony? He believed this woman had no rights that she could not claim before the courts of Ontario, and if this House was to proceed any further in this matter they would over-ride the decisions of courts of competent jurisdiction, and allow their legislation to be controlled by feelings of sympathy. He deeply felt the obligations resting on him, and the conviction that he had not fulfilled his duty by not going into and fully commenting on the evidence, painful and disagreeably though the character of it was, and which he felt ought to lead the guarded discretion of reasonable and just minds to the conclusion he arrived at. He felt it useless to say more on the matter. The law had been fully discussed, and he contended now, as he did from the beginning, that

they had nothing to do with civil rights—the maintenance or custody of children; that the courts of Ontario had ample authority in such cases; that Parliament could not interfere with the judgments of those courts; that no case could be found where a husband's bill had been reversed in any parliament, and alimony given the wife, and that the bill as it now stood had not gone through the necessary stages to entitle it to be read a third time. If the dicta of his honorable friend from Prince Edward Island were taken as law, then away goes the authority of the courts in all the provinces in matrimonial cases. Divorces then of all kinds, with all their consequences, must be settled here in Parliament. He trusted honorable gentlemen would hesitate before creating such a precedent as the one intended, and that law and justice not sympathy would prevail in this matter.

Hon. Mr. FLINT said he had listened with a great deal of pain to the remarks of the honorable gentleman who had just taken his seat. It was not the first time he had felt pained to hear the honorable gentleman, sheltered by his position in this House, attack an unfortunate and unprotected woman. When the honorable gentleman first discussed this question, before it went to committee, he had used language that, it appeared to him, which no gentleman would be guilty of, and twice this session he had done the same thing. This lady was unprotected; she had been cruelly turned out of doors and deserted by her husband, and had been persecuted up to the present time by the man who sought for a divorce, and had so signally failed. The honorable gentleman (Mr. Kaulbach) had a right to his opinion, but when there were seven out of nine on the Committee who had decided that the husband had no right to a bill of divorce, the honorable gentleman should in all fairness have said no more about it. It struck him as being very wrong to persecute anyone, but it was inhuman to persecute an unprotected female in the manner in which this lady had been persecuted by her husband. If he could read the evidence aright and analyze it, it seemed to him the husband, brother and brother-in-law, deserved to be prosecuted for a dastardly attempt to ruin the character of a helpless woman. He was so thoroughly satisfied on that point that if he were one of a jury of twelve men before a court, with that evidence before him, he would sit there till he died before he would render a verdict against her. He felt that the honorable gentleman had no right to attack the lady in the manner he had done,



and it appeared to him it was quite unjustifiable and disreputable. He (Mr. Flint) had never seen the lady to know her, except when she had been pointed out to him when she was passing through the corridor on her way to give her evidence before the committee. He had never spoken to her, and had only seen her husband once when he had been introduced to him in order to gain his (Mr. Flint's) sympathy. He had no feeling towards either the lady or her husband, except from the opinion which he had formed from the evidence that she stood before the world to-day—with the exception of, in the eyes of her husband and a few of his friends—an innocent woman.

Hon. Mr. DICKEY—Did the honorable gentleman get a circular?

Hon. Mr. FLINT said he did get a circular from the husband setting forth his wrongs, but he considered the very best proof of the lady's innocence was the fact that she was considered innocent in the neighborhood in which she resided, by all who were best acquainted with her.

Hon. Mr. KAULBACH said he had used strong language, but he could justify it from the evidence. The honorable gentleman was making statements now that were not in the evidence.

Hon. Mr. FLINT said the honorable gentleman was a professional man, and he (Mr. Flint) was not, and he felt strongly the attack that had been made on a defenceless woman. Placed, as she was, without a dollar to defend herself, with a wealthy husband, whose unfeeling nature would not allow him to give her as much as would buy his child a dress, it was cruel to refuse her the justice which she asked at their hands. It was only justice she demanded, not sympathy, and he believed the honorable gentleman from Amherst was right in the opinions he had formed that this House had the right to grant the redress which she had demanded. The husband—he would not call him a gentleman—had come down to this House, and even on the Sabbath day, had addressed circulars to the members in order to prejudice them against his unfortunate wife.

Hon. Mr. KAULBACH—There is no such evidence, unless the *ipse dixit* of the honorable gentleman is accepted as such.

Hon. Mr. FLINT—What was there in this letter of Godfrey Parks. All the evidence they had was that such a letter had been addressed to the lady, but there was nothing to show that the young man had ever written it.

Hon. Mr. CORNWALL said the honorable gentleman would find in the evidence that

the woman herself admitted she answered it.

Hon. Mr. FLINT—Then there was said to be Mrs. Campbell's letters, with no name, no date or address, nothing to show that so and so was the case, but the book-keeper had found it in her private papers. Then there were gentlemen that claimed some sympathy for the husband because her last letter to him was very cold. But was there any wonder it was cold? They were an ill assorted pair and he would ask honorable gentlemen if they planted a rose bush alongside an iceberg could they expect it to bloom? Taking all these matters into consideration, and the fact that the husband had made every effort to influence members against this unfortunate lady by sending them circulars, lobbying and visiting them even at their lodgings and private rooms, he thought it a most shameful and unheard of persecution.

Hon. Mr. READ said, after carefully reading over the evidence and judgments in this case, he had come to the conclusion there was a doubt, and he was going to give the lady the benefit of the doubt, because if this House had no jurisdiction in the matter the bill would be disallowed.

The yeas and nays were then called for on the amendment, which was lost on the following division:—

CONTENTS.—The honorable Messieurs Armand, Baillargeon, Bellerose, Botsford, Campbell, Chapais, Chinic, Cornwall, Dumouchel, Girard, Guevremont, Hamilton (Kingston), Kaulbach, Macdonald (Victoria), Macfarlane, Macpherson, Miller, Odell, Paquet, Pelletier, Penny, Power, Pozer, Ryan, Scott, Shaw, Trudel, Vidal.—28.

NON-CONTENTS.—The honorable Messieurs Aikins, Archibald, Benson, Bourinot, Carrall, Chaffers, Christie (Speaker), Cochrane, Cormier, Dever, Dickey, Dickson, Fabre, Ferguson, Ferrier, Flint, Glasier, Grant, Haviland, Haythorne, Hope, Leonard, McDonald (Toronto), McMaster, Montgomery, Muirhead, Price, Read, Reesor, Seymour, Stevens, Sutherland, Wark, Wilmot.—34.

The main motion was then declared carried on the same division, and the House rose for recess.

#### Alder Recess

Hon. Mr. REESOR moved the House into committee on the bill.

Clause "C" was read as follows:—"3. The said Robert Campbell shall pay annually to his said wife for her support and maintenance the sum of \_\_\_\_\_ dollars during her separation as aforesaid, in twelve equal instalments payable on the first day of each month."

Hon. Mr. REESOR moved that the blank be filled up with the words "\$800," pay-

ment to be made half-yearly instead of monthly. He had an affidavit from Mrs. Campbell that at the time of her separation from her husband, he was worth \$40,000, and he had since received a legacy of \$30,000. If the amount of alimony asked was too much there was a provision in the bill that it could be subject to the order of a judge of one of the Superior Courts.

Hon. Mr. CAMPBELL said nothing could demonstrate more clearly and forcibly the danger of this whole proceeding, and it was impossible for him to express in language the very strong views which he entertained of this legislation. Here was Parliament asked, without any evidence of any kind, to impose upon this man a liability of \$800 per annum, without any reference whatever as to what was the amount of his wealth, what debts he might have; the amount of his income; whether that income was permanent or casual; whether it was dependent upon his own exertions or upon his accumulated wealth. Yet without any evidence on these points he was to be singled out from his fellow subjects and made liable to this sum in perpetuity. He would move that this Committee is of opinion that there is not evidence before it to justify the Committee in recommending any special sum to be inserted in the blank left in clause "C."

Hon. Mr. DICKEY said there had been evidence before the Committee that this man was worth \$30,000. He would therefore move in amendment that the blank be filled up with the sum of \$600. This would be one-third of the interest on \$30,000, calculated at six per cent.

Hon. Mr. HOPE said he understood the Vice-Chancellor ordered the husband to pay her \$50 per month during the time the case was in abeyance in the Court of Chancery.

Hon. Messrs. CORNWALL and KAULBACH protested against the amendment, there being no evidence as to the wealth of the husband.

The Committee divided on Hon. Mr. Campbell's motion, which was declared lost. Yeas, 19; nays, 29.

Hon. Mr. DICKEY'S motion was then carried.

Hon. Mr. REESOR moved the adoption of clause "D," amended as follows:—

"The said Eliza Maria Campbell may, after the commencement of this Act, have the custody and care of one of the children of the said marriage, viz, Francis William Campbell, during her separation as aforesaid."

Hon. Mr. CAMPBELL said he desired to record his strong conviction that this House had no right to adopt any such clause, as it

was an interference with civil rights, over which this Parliament had no jurisdiction, and there was a proper court which this man and this woman could appeal to.

The clause was carried on division.

Hon. Mr. REESOR moved the adoption of clause "F" as amended, to read as follows: "The said Robert Campbell shall pay annually to his wife, the said Eliza Maria Campbell, the sum of \$200 for the support and education of the said child while he remains in her custody during her separation as aforesaid. The said sum of \$200 shall be payable half yearly in equal instalments of \$100, on the first days of May and November in every year during the minority of the said child."

The clause was carried without debate.

Clause "F" was carried without any amendment being moved, Hon. Messrs. Campbell, Kaulback and Power objecting to it as a violation of the Constitution.

On motion for the adoption of clause "G" which was read as follows:—"If the said Robert Campbell shall neglect or refuse for the space of ten days after the same is due, to pay or cause to be paid into the hands of the said Eliza Maria Campbell, or her attorney, lawfully appointed, any one of the said instalments, or any instalment so increased by the order of a judge as aforesaid, he shall be deemed guilty of a contempt of court,"

Hon. Mr. CAMPBELL said this bill ought not to be passed, surrounded as it was by so many doubts, without reference to the Supreme Court judges for their decision. He moved a resolution to that effect, which was lost on division.

The other clauses were carried without much debate, and the committee rose and reported the bill with amendments.

Hon. Mr. REESOR moved that the amendments be now concurred in.

Hon. Mr. CAMPBELL objected to concurrence being taken until the amendments were printed. He would, therefore, move that the bill be printed and distributed for the use of the members.

The motion was agreed to, and concurrence was postponed until to-morrow.

#### THE CULLING AND MEASURING OF TIMBER.

Hon. Mr. PELLETIER moved the second reading of the bill to amend the act respecting the culling and measuring of timber.

Hon. Mr. PRICE said the cullers' office had always been a difficulty, and unsatisfactory to all parties, and he did not know whether the change now proposed by the Government would put it on a satisfactory footing or not. He noticed by one clause that provision was made for granting annui-

ties, not exceeding \$200 per annum, to square timber cullers, in each case where a culler had been employed on or before the 1st of May, 1876, and had been discharged whether through infirmity or otherwise; these annuities to be paid out of such funds as had been collected, or might hereafter be collected, over and above the cost of maintaining the cullers' office. Some of these cullers had been in the service for thirty years, while others had only been there one or two years. Some of them were men of sixty years of age or more, and if they were dismissed from the office they were now too old to seek employment elsewhere, or engage in any other line of business. Young men who might be dismissed were active enough, and would be able to find some other mode of living. Therefore, he considered the annuities should be graduated, in order that the older men who had been years in the service should receive more than young men able to find some other employment. He had received a letter from Quebec on this subject which he would read to the House. It was as follows:—"Having your permission I beg leave to make a few remarks with regard to the cullers' bill before it gets the sanction of your honorable House. I see by the bill it provides the sum of two hundred dollars for all cullers who may be superannuated. There are many cullers who have served the best of their days in the said office, many from twenty-five to thirty-three years, and others young men from two to four years. It is evident many of the old cullers and some of the young cullers will be discharged who are incompetent. The older cullers, from old age and other causes of infirmity, will not be able to earn a shilling at anything whatsoever, while the young man is able to turn himself to other occupations to earn a livelihood. If it be in your power to amend this clause so as to regulate the pension according to service, you will do an act of justice to many, who will feel deeply grateful to you. I may also remark that this is the feeling of thousands here whom it does not benefit." He thought that was a matter that deserved the consideration of the Government. He also noticed that the cullers were to be placed on salaries instead of fees, and that the salaries were to be \$700 each. No doubt under the present system there was favoritism shown, by which some cullers made as much as \$4,000 a year, while others earned very little, and he had heard of one culler who made \$7,000 last year by keeping a number of apprentices employed under him. He noticed also that the deal cullers were

exempt from the operation of this act; why it should be so he did not know. Deal cullers were unsatisfactory in their culling, as no two would cull alike, and manufacturing shippers could not rely on the culling of the office to guarantee the classification of their stock.

Hon. Mr. PELLETTIER said the annuity was not fixed at \$200 in each case; it was discretionary with the Governor in Council to say what the amount would be, up to \$200. It was not to be supposed that any culler who would be dismissed from the office for incapacity would receive an annuity of \$200; they would get something, but certainly not that amount.

Hon. Mr. PRICE said the worst of it was, this was a political office, and all the juniors of the last two or three years were appointments of this Government.

Hon. Mr. PELLETTIER said it was not a political office, and this bill had been prepared in its present shape at the request of the timber manufacturers themselves.

Hon. Mr. PRICE said it was a political office, and no doubt pensions would be regulated by Orders in Council to suit the friends of the Government.

Hon. Mr. PELLETTIER said that was an unfair insinuation.

Hon. Mr. PRICE said the bill should provide for the annuities being graduated.

Hon. Mr. PELLETTIER said they could not fix them exactly.

Hon. Mr. SKEAD said the time had certainly arrived when something should be done to regulate this culler's office. It had been unsatisfactory to the trade for some time past, but he was unwilling to make any particular charge against the Government, or to impute political motives to this Government any more than to any other administration. The office had been often crowded, and this Government had not been free from sending some there any more than any other government. He was sorry his honorable friend from Saguenay had stated that the judgment of deal cullers was not to be trusted, and that no two could cull alike. He (Mr. Skead) had a higher opinion of the qualifications of cullers than this. To his knowledge one or two of them had gone to Michigan last year and made money there; but they were disconnected from the office at that time. The fault was that everything did not go through the culler's office. The honorable gentleman complained that cullers were only getting \$200 of an annuity for support in their old age. He would like to know where that money was to come from. It was the square timber trade that would have to pay it, and not the deal trade.

There were at present some thirty-six to thirty-eight cullers in the office. At one time it was decided to reduce the number to sixteen, then it was decided they should only be reduced to twenty, and now it was thought that eighteen would be sufficient to do all the work required in Quebec. He considered it was a mistake to do away with the fees and to place these men on salaries. He believed the energetic and industrious culler who would get up at four o'clock in the morning, and work after eight o'clock in the evening, deserved to get all the money he could earn. If the earning of the cullers were to be all put into one fund, and divided at the end of the year, he considered it would be unjust to the men who did the work, and he hoped the Government would keep up the rotation system, and give the cullers the fees they earned. If the square timber trade were to be taxed to pension all the cullers not wanted in the office, it should be done so as to provide efficient culling by retaining the best and steady cullers. The only alteration he would suggest in the bill would be the doing away with the salary, and the retention of the rotation system, so as to allow each culler to make all the money he could earn. He did not believe any cullers made as much as the honorable gentleman from Saguenay had stated, viz., \$4,000.

Hon. Mr. PRICE said these deal cullers differed in their culling, as well as other honorable gentlemen did in their judgment, and if he had to take them in rotation in the summer he would not have two cargoes of deals culled alike; the consequence was he had to keep cullers of his own to do their culling up to the classification they sold by. As regards the rotation system it was absurd to say that there was no favoritism under it. For instance, Mr. Skead had a friend to whom he wished to give his culling; he would come to Mr. Skead and tell him that his turn would come on next week. Mr. Skead would then give him a demand for the culler, with the date in blank, and when the cullers turn came he would go up and put in the demand. In this way he would get twenty to thirty rafts, while another culler, just as efficient, who had no friends, would get nothing; that was the way the rotation system was carried on. He asserted that it was a political office all nominations came from Government, and political favor could be shown under Order-in-Council.

Hon. Mr. SKEAD denied that he had favored any particular culler in his life. There were many belonging to the office that he had full confidence in. He stated that the honorable gentleman and two or

three of his friends had put more cullers into office than any one else. It was unfortunate that the mills on the Saguenay were not subject to the Cullers' Bill, as all mills below the Island of Orleans were exempt. He believed the whole lumber trade of the country should pass through that office, and it would be lighter on the trade generally and establish a regular system of culling and give a character to our lumber products.

Hon. Mr. PRICE said the measuring of timber by the office was for collection of timber and slide dues, and not for classification. Log dues were collected from special returns and paid for by the piece under sworn returns. All over Canada sawn lumber was culled if required by the manufacturers, through the office or by private sorters at their option—but shipping manufacturers to keep their classification up to their guaranteed sales and brand the stock, had to specially sort themselves. There was no comparison between measuring timber and classifying deals.

The bill was read a second time.

#### JUDGES' TRAVELLING ALLOWANCES.

Hon. Mr. PELLETIER moved the second reading of bill to provide for travelling expenses of county court judges in British Columbia.

Hon. Mr. MILLER asked why a definite sum was not fixed for travelling allowances of judges, in British Columbia, as in other provinces.

Hon. Mr. SCOTT said it was impossible to establish a fixed sum, because the expenses of travelling in British Columbia were abnormal.

Hon. Mr. MILLER contended that a maximum amount should be mentioned in the bill. As the measure stood, the Government might largely increase the salaries of the judges in the shape of travelling allowances.

Hon. Mr. SCOTT said it had been found absolutely necessary to introduce this measure, from the enormous amount paid for travelling allowances. The intention was to restrict these expenses to absolute hotel expenditure.

Hon. Mr. MILLER said that was a good object, but he did not see how it was to be accomplished by passing a law giving power to pay unlimited sums for the travelling expenses of those judges.

Hon. Mr. CORNWALL could understand the difficulty of the Government in dealing with this question. In his own district he believed the judges had to pay as high as \$15 a day for expenses, while on the sea coast, where the means of communication were better, the expenses were much lower.

Hon. Mr. PELLETIER said all this proved the impossibility of fixing any sum for travelling allowances.

The bill was read a second time.

ONTARIO-MARITIME COURT.

Hon. Mr. PELLETIER moved the second reading of bill to establish a Maritime Court in the Province of Ontario.

Hon. Mr. CAMPBELL believed it was desirable this jurisdiction should be created in Ontario. The necessity for it was felt, and the provision for the court was economical enough.

Hon. Mr. MILLER said this legislation was novel; so far as he was aware, it was the first of the kind attempted in any portion of the Dominion, but it did not follow it might not be necessary. He highly approved of the measure, and he could understand how such a court might be more necessary in Ontario than in the Maritime Provinces, because of the facilities with which vessels could escape from our jurisdiction to the United States. He considered this measure a step in the right direction and was only surprised that the large shipping interests of the lakes had been so long without the remedy which could be had in maritime countries. The salary of the judge should not be too small, because it would be necessary to have a man of great acquirements and ability. It would be well, looking at the large interests affected by the measure, to appoint a judge who would be independent of any other courts.

Hon. Mr. KAULBACH agreed with his honorable friend from Arichat, that this bill was a step in the right direction; and a law of this character ought to be adapted to the general wants of the Maritime Provinces. Under the Imperial Act the Vice Admiralty Court was often found expensive, dilatory and impracticable. The delay necessary to obtain process caused failure of justice—giving frequent opportunity for vessels to escape. Civil jurisdiction of summary nature in this regard ought to be conferred on local tribunals. He was aware that there were difficulties as to jurisdiction and expediency. The improvement in the Admiralty Court in England had not yet been applied to Canada. There the County Courts had jurisdiction up to \$1,000. In this country the right should exist to legislate as to when a lien or mortgage should be placed on a ship, and when persons supplying materials should have a lien.

Hon. Mr. DICKEY wished to know why this jurisdiction could not be assigned to one of the judges of the Superior Court, as the Admiralty jurisdiction had been exercised for a number of years in Ontario.

Hon. Mr. PELLETIER said one reason was that the procedure would be entirely new.

The Bill was read a second time.

Bill to provide for the measurement of steamships registered in the Province of Canada, was read a second time.

THE PILOTAGE ACT.

Hon. Mr. PELLETIER moved the second reading of bill to amend the Pilotage Law.

Hon. Mr. RYAN said if this bill gave power to the pilotage authorities to make distinction between different steamers, it was very objectionable. He had a letter from the Montreal Board of Trade pointing out this feature of the measure, and calling for an amendment.

Hon. Mr. PELLETIER admitted at first sight it looked rather dangerous for some companies, but the object of the clause referred to was this: to give power to the ports of Halifax, Sydney and Pictou, to exempt Canadian steamers from pilotage dues as well as those from the United States, but it did not empower them to make a distinction between different lines of steamers.

Hon. Mr. RYAN said if that was the object it should be more distinctly stated in the bill. If the measure be allowed to pass without amendment it would enable the pilotage authorities in the ports mentioned to subject one steamer to pilotage dues and to exempt another from the same place completely. He thought it would be imprudent to grant such powers to the local authorities.

Hon. Mr. MILLER agreed with the honorable Senator from Montreal. It was objectionable to give the local authorities such power, even when there was behind that power the supervision of the Government. Take the port of Pictou, for instance. The pilotage authorities there are called upon to establish a tariff, and they ask their members, who have considerable influence with the Government, to recommend it for adoption. In such a case the Government will have to take the advice of the members. He (Mr. Miller) had been instrumental in making a very important change in the pilotage laws of Nova Scotia, before Confederation, which exempted a large class of vessels from pilotage dues. He had visited some of the coal ports of that Province, on coal carrying vessels, and had seen how the local authorities managed to tax that class for unnecessary services, to support a useless lot of pilots. Take Pictou, for instance, where this extortion was practised to a greater extent than elsewhere on the coal carriers. A vessel approaching the harbor only a stone's

throw from the shore, when all danger or necessity was at an end, is hailed by a man who rows out in a little skiff and asks if a pilot is wanted, and then, when the vessel comes to anchor in the harbor she is charged pilotage dues. A lot of these people were kept up by the local authorities, and lived by this unfair taxation upon the shipping of the country. When he expressed his objections to giving any power to these local authorities, he spoke with an intimate knowledge of the manner in which that power had been used in the past. By the law of Nova Scotia, as amended at his suggestion, owners and masters of vessels who were engaged in the coal trade could undergo an examination for the small fee of one dollar, and, by carrying white flags with their numbers on them, escape pilotage dues. He had been told that the fees for the examination of masters and mates of vessels were at some places almost as onerous as the pilotage charges, and at other places no exemption was made at all under the present law. The local authorities legislate not in the general interest, or in the shipping interest, but in the interest of their own locality. He made no charge against the Commissioners at present, but similar evils would arise in the future to those which had existed in the past. In addition to these objections, he concurred in the view taken by the honorable Senator from Montreal, that this bill gives the local authorities the power to make invidious distinctions against one line of steamers in favor of another. That power should not be possessed by any port, and the wisest course to pursue would be to throw out this bill altogether. He did not see why the ports of Halifax, Sydney and Pictou should have any preference over others, except that they had faithful representatives in the other House, in whose favor partiality had been exercised. There was nothing in this bill deserving of support. He regretted that those whose especial duty it was to watch the interests of ship owners, and particularly of the coal carriers of the Dominion, had allowed the pilotage law of Nova Scotia to be altered without protest or objection, and had never taken the least trouble to prevent a return to the old unjust state of affairs at the coal ports.

Hon. Mr. HAVILAND said this was a very unfair bill, and he could not understand why the Government should give such exceptional powers to three ports of the Province of Nova Scotia. He thought it was an invidious distinction which would interfere with commerce, and the bill should not receive the sanction of the House.

Hon. Mr. GRANT said the port of Pictou, from which he came, was one of three specially mentioned in the bill. The Pilotage Act of 1873 contained a clause authorizing the Pilotage Commissioners to modify the rate of pilotage on certain classes of vessels, such as steamers making fortnightly trips, provided they carried a pilot on board. They could, for a certain fixed sum, carry a white flag, and enter the port as often in the year as they pleased. That act gave satisfaction to all parties as far as he knew. But in 1875 it was altered to exempt steamers from other provinces, and steamers from the United States, north of New York, and returning to New York, from compulsory pilotage. By some 'extraordinary neglect all steamers trading between ports in the Province were liable to compulsory pilotage. The consequence was that under this last act sailing vessels were liable to pilotage every trip in and out, however often it might be. But American steamers and steamers coming down the gulf were exempt from pilotage. It was a great mistake to suppose these pilots were lazy fellows. They had to go a good distance out for vessels, and often when they met vessels found they were not wanted, and their labor was lost. The present act was to enable the Commissioners to impose a moderate tariff for the season on steamers making frequent trips to the port of Pictou. With regard to leaving the matter in the hands of the Commissioners, he might remark that the present pilotage rates in all those ports had been fixed by by-law and sanctioned by the Governor-General in Council. That was the way the rates for Pictou had been fixed for years. The pilots at Pictou numbered sixteen. The trade for the last year or two had fallen off, and in consequence these men earned on an average only \$170 dollars each for the whole year's work. They had no farms, no other occupation whatever, their whole time being taken up in attending to their duties as pilots.

Hon. Mr. MILLER—There are too many of them.

Hon. Mr. GRANT said there never were less. A few years ago, when trade was brisk, their time was fully taken up, and they earned between \$400 and \$500 per annum each, on an average. But in consequence of the Act of 1875, exempting all steamers from pilotage dues, and the falling off of trade, their earnings were very small. He thought it very unfair that foreign steamers entering the port of Pictou should be exempt, while the sailing vessels of Nova Scotia were taxed.

Hon. Mr. MILLER withdrew his amend-

ment. He would allow the bill to be read a second time, and referred to committee, where it could be amended to meet the views of the House. It was all very well to say that these steamers should be required to pay pilotage dues as well as sailing vessels, but it was well known that steam navigation was a boon to any country, and should be encouraged. This was why the policy of exempting them from pilotage dues had been pursued.

The bill was read a second time.

The House adjourned at 11:50.

THURSDAY, April 19th.

The SPEAKER took the chair at three o'clock.

After routine.

THE ROUTE OF THE PACIFIC RAILWAY.

Hon. Mr. MACDONALD (Victoria) called attention to the report of the Chief Engineer of the Pacific Railway, laid before Parliament this session, and asked why Government do not decide on the route through British Columbia this year. He said:—The report of the Chief Engineer of the Pacific Railway having been brought down at such a late period of the session, I do not now propose to go into the question of the Pacific Railway at any great length. I wish to call particular attention to the routes surveyed and proposed to be surveyed north and west of Bute Inlet. I will first refer to Dean Inlet, and even if a favorable line could be found terminating here, it is so far north of the settled portions of the Province of British Columbia, that so far as local traffic and convenience is concerned, it would be useless; and another serious drawback is that the head of this inlet during the winter months is frozen. It is only reasonable that in a country where open harbors can be found all the year round they should be selected in preference to frozen ones. Next comes Gardiner Inlet, still farther north, and still more liable to ice, and to which the remarks I have made will apply with greater force. At page 27 of the report before the House, it is stated:—“Much ice in Gardiner Inlet. Steamer struck it about twenty-five miles from the head. Indians stated that ‘Dean’ had been frozen for a short time, but Bute inlet was free from ice.” We now come to another route—Port Essington, on the Skeena river—which has never been surveyed, and which is much farther north than Dean or Gardiner Inlets, being beyond the 56th degree of north latitude. I visited this locality some years ago, and my impression is that it is a poor harbor. We got aground in a steamer of 200

tons burthen. At page 67 of the report it is stated “The weight of naval evidence does not favor Port Essington, or, indeed, any northern harbor.” It is quite obvious that this locality, from its high latitude, together with its being at the mouth of a large river, must be frozen for at least three months in the year. In this connection I will advert to the water stretches east of the Rocky Mountains. There can be but little doubt—in fact there is no doubt in my mind—that all money spent in utilizing water stretches is downright waste. They can only be used for a few months in the year, and during the whole winter and spring the railway connecting them will be idle and profitless. All energy and all money should be expended on the direct line and on nothing else. I do hope the Government will abandon the water stretches, and all idea of surveying any other northern inlets for a western terminus. Since I placed this notice on the paper, I have learned that several surveying parties start for British Columbia this week, so that I anticipate an answer to my question; but I think it would be gratifying to honorable gentlemen in this House if the Secretary of State would tell us briefly what the Government propose doing this year.

Hon. Mr. CORNWALL—I am very glad I am able to substantiate to a certain degree what the honorable Senator from Victoria has said about the undesirability of making any further surveys to approach the coast in the northern part of British Columbia. I think the report which came before us two or three days ago furnishes sufficiently conclusive evidence to satisfy the Government that such explorations only lead to an expenditure of money which, in the end, will yield no return. Of course, this projected line which reaches the coast on Skeena River, is, at present, only projected. No one has been through from Fort George to Port Essington that I know of. What is known of it is decidedly unfavorable, while, if they reach the coast at Port Essington, it is evident the harbor is not a desirable one for the terminus of a transcontinental line. I hope, therefore, notwithstanding what the Chief Engineer says, the Government have no intention of prosecuting any further surveys through the northern part of British Columbia. I must say I have read this report with considerable pleasure. I had occasion last year to make a statement on exactly the same matter, and I then alluded to the line which terminates at Burrard Inlet, in the southern part of British Columbia, and recommended it on five grounds. 1st. It was shorter than any other surveyed line; 2nd. It had better

gradients; 3rd. It went through the part of the country which had the best climate; 4th. That part of the country is the most habitable and valuable; and, 5th. It reaches the best harbor on the coast. I am glad to see the remarks I then made have been substantiated in every particular by the report of the Engineer, now before us.

Hon. Mr. SCOTT—I regret I am not in a position to give my honorable friends any more information than is contained in the report, with which, no doubt, they are quite familiar; nor am I able to say what surveys will be prosecuted this year. The Government have given the subject a great deal of consideration. They are anxious to find a line which would not add materially to the length of the road between the Rocky Mountains and the coast of the Pacific. It is hoped before another year we can arrive at some satisfactory solution of the question. In the meantime it is desirable that the Government should ascertain what they can of all the routes that have been brought under their notice that are worthy of consideration.

The matter then dropped.

Hon. Mr. CAMPBELL, in the absence of the Chairman of the Contingent Accounts Committee, moved the adoption of the first paragraph in their fourth report.

After some discussion the motion was carried on a division.

#### THE INSURANCE LAWS.

Hon. Mr. SCOTT moved the second reading of a bill to consolidate the insurance laws. He said the subject matter in this bill had been a good deal discussed lately, in the public press of this country, and he noticed to-day several petitions were filed against it on the opening of the Chamber. It was but natural that the large interests affected by this bill should have given expression to their opinions in the manner they had done. The first legislation on this subject was in 1868, when a law was passed requiring all companies doing business in Canada to take out a license. Canadian companies were required to deposit \$50,000 each, and foreign companies \$100,000, under this Act. The deposit required, was securities of the Dominion of Canada. In 1871 that law was somewhat modified by permitting the deposits to be made in foreign securities, the practice being to gauge their value by the Audit Office, in the case of mutual companies, under the Act of 1868, where the company went into insolvency, the assets held in Canada insured to the general benefit of all interested in the company. That principle was observed in the present bill. The Act of 1871 provided that the

securities should be for the exclusive benefit of Canadian policy-holders. It was held that parties insuring in a mutual company must share with all other policy holders in that company, whether in England, the United States, or here. In 1875 an important change had been made in our laws relating to fire insurance, under which foreign companies were bound, not alone to deposit \$100,000 in the Receiver-General's Department, but also to file and deposit securities equal to the amount of risks they had in this country, for the benefit of policy-holders in Canada. That was an innovation, but it had apparently been accepted by the foreign companies. It was proposed to apply the same principle to life companies. It was this clause which was contested most keenly. The English companies accepted it, the American companies opposed it, many of them alleging that they were not allowed by their charters to hold foreign securities. But this bill did not compel them to hold Canadian securities. Their own would be received at a valuation, and could be changed from time to time, as circumstances might require. It was proposed that securities should be deposited equal to the value of the policies—not the amount insured, but the value of the policies. The amount of policies held in Canada by foreign companies is \$60,000,000, of which \$41,000,000 is held by American and \$19,000,000 by British companies. The present cash value of those policies would be about seven or eight millions of dollars. The actual amount deposited at the present time is something less than \$3,000,000, so that it would be seen the security of Canadian policy-holders was comparatively insignificant. In 1875 no less than five large companies in New York had gone into liquidation, and an equal number last year. The necessity of greater supervision over insurance companies would, therefore, be apparent. A branch of the Finance Department has power now to inspect the books of insurance companies and ascertain the value of their assets. To this, he assumed, there was no objection, but the United States companies did object to depositing in Canada so large a proportion of their securities. That objection ought not to be a valid one, inasmuch as under this bill they would be allowed to transfer their securities as often as they pleased, and it is assumed all solvent companies hold sufficient margin to secure the policy-holders. The clause relating to mutual companies was opposed by some Canadian companies, but if it should be amended in the direction they desired, it would have the effect of driving foreign mutual companies out of Canada. The



clauses of this bill would not apply to business done antecedent to March, 1878, and if any company objected to conform to these provisions, it could discontinue further business in this country, and take no new risks. Of course, if they continued to extend their business after March next, they would, after that period, be subject to this legislation. There were other details of the bill which he would explain in committee.

Hon. Mr. DICKEY said legislation of this kind should be based on two principles: First, protection to policy-holders; second, keeping up wholesome competition. The fact that risks to the amount of \$60,000,000 are held by foreign companies, in Canada, shows it is no light matter to the people that these companies should continue to do business in this country. He did not propose to go into the general question, because it involved so much detail that in dealing with it the House was surrounded with difficulties. He hoped, therefore, the hon. Secretary of State would let the bill go to some committee where its details could be thoroughly discussed, and where information could be obtained from parties interested in the measure.

Hon. Mr. AIKINS concurred in this opinion. This bill, in the other House, had been referred to the Committee on Banking and Commerce.

Hon. Mr. MILLER contended that in justice to all concerned, this important measure should be referred to some committee.

Hon. Mr. WILMOT said it would be better to discuss this bill openly in the House. He did not wish to reflect upon the Banking Committee, but bills had passed through it, which, in his opinion, gave no security to the public at large. In one instance a bill was passed incorporating a company with a nominal capital of \$10,000,000, with \$100,000 subscribed capital, and only ten per cent. of that paid up, and this company was not only allowed to insure in life and fire, but afterwards came in for marine insurance. He mentioned this to show how much safer it was to discuss such a measure as this in Committee of the Whole. He thought some measure of this kind was necessary to protect policy-holders.

Hon. Mr. KAULBACH hoped the bill would be sent to some standing or special committee where senators might get information on the subject.

Hon. Mr. HAVILAND said this was the most important bill which had been before the House this session, and, as it came up from the other chamber at so late a period, he hoped it would be referred to either the Banking and Commerce Committee or to some special committee. Without more in-

formation on the subject he was not in a position to vote intelligently upon the measure.

Hon. Mr. REESOR concurred in this opinion. It was said that the clause of the bill relating to mutual insurance companies was framed in such a way as to give no protection to Canadian policy-holders; that in case of the failure of such a company the securities deposited with the Receiver General would not be held for the protection of Canadian policy-holders only, but for the benefit of all the policy-holders Canadian and foreign. He maintained that anybody taking a policy in a mutual life insurance company was entering into a private contract, coming under civil rights. It was not like getting property or shipping insured; it had nothing to do with trade and commerce, but was a special contract of a civil character, and, therefore, beyond the jurisdiction of this Parliament. His opinion was that such matters should be entirely free, and parties should be allowed to make their own contracts. He hoped the hon. Secretary of State would refer the bill to a committee, where its details could be discussed thoroughly.

Hon. Mr. TRUDEL thought the bill might be referred to the Committee on Banking and Commerce, and afterwards to a committee of the whole House, as was sometimes done in the other Chamber with such measures. It was to the interest of the public that the question should be thoroughly investigated.

Hon. Mr. BELLEROSE thought the discussion on a bill of this importance should be participated in by the whole House. It was too late in the session to send the measure to a select committee.

Hon. Mr. CAMPBELL said if this bill had originated in this House the course suggested by the honorable Senator (Mr. Trudel) might be pursued, but it had originated in the other House. If measures were to be exposed to running the gauntlet in such a manner, it would be difficult to get through with the business of Parliament.

Hon. Mr. MACFARLANE thought it was unfortunate that three of the most important measures of the session should be laid on the table at so late a date. He thought this measure should be referred to the Committee on Banking and Commerce. It would save time and enable honorable senators to hear the views of parties interested on the subject.

Hon. Mr. SCOTT said there was a good deal of opposition to this bill from parties interested, as it was necessarily an interference with their business. The bill was conceived in the interest of the policy-holders.

He thought foreign companies were dealt with in a liberal manner, since they were not compelled to invest in Canadian securities, and were allowed to change their securities as often as they pleased. He would be extremely glad to yield to the wishes of honorable gentlemen to send this bill to committee, if the opposition to it were only as to details, but it was opposed because it required companies doing business in Canada to furnish security equal to the value of Canadian policies. The English companies were given the privilege of holding whatever securities they pleased, but they preferred Canadian securities, which yielded a larger interest than any they could obtain in the mother country. The simple question to be considered was whether the policy holders in this country should be protected. It was estimated that foreign companies took out of Canada in premiums, every year, \$2,000,000. He was not in a position to say whether that was the amount or not, but it was notorious it was extremely large. This went not only to pay dividends to stockholders, but to pay handsome salaries to agents and officials. He saw in a New York paper lately that the president of one of these companies was paid a salary of \$25,000 a year. He was not reflecting on any company doing business in Canada, but it was an absolute fact that parties in the United States had systematically taken hold of solvent companies with the intention of "wrecking" them. By running down the credit of a company they induced policy-holders to sell out at a sacrifice, and by this means the earnings of thousands of families were swept away to enrich a few individuals. He thought, therefore, that some such legislation as was now before the House should take place for the protection of policy-holders in this country. He thought it was unnecessary to refer the measure to a committee, as it was within the competence of every honorable senator to say whether the time had arrived when those companies doing business in Canada had to deposit security sufficient to reimburse policy-holders in case of a collapse. With respect to the clause affecting mutual companies, he would explain why the securities were held not merely for the benefit of the Canadian policy-holders, but of all the persons insured by them. When a man goes into a mutual company he knows that he is to take his share of the losses as well as the profits. It would not be right, therefore, to say the mutual principle must be departed from in this country. Any one who insures in a mutual company knows the risk and takes the consequences. Therefore it was but right that policy-

holders in Canada should take their risk with the other policy-holders insured in the same company in other countries. Canadian companies would no doubt profit by driving foreign companies out of Canada, but it would not be in the interest of the public; but he did not believe it would have that result; companies that were sound and wealthy would conform to the provisions of this bill. He would be sorry that this measure should destroy that healthy competition now existing. In the clause of this bill relating to the basis of calculation the rate was fixed at 4½ per cent., but an exception was made in favor of companies who had heretofore based the business on the 5 per cent. scale. These latter were allowed to go on at that rate for a limited period. It gave no preference to those companies, and there were but two of them affected by the clause, the Canada Life and the Tontine. The clause respecting mutual companies was opposed because those companies tried to drive their rivals out of the field, and they knew that no mutual company could deposit securities with the Receiver-General for the benefit of any particular class of its policy-holders. The whole bill was opposed by foreign companies—and in a modified way by English companies—for the reasons he had stated. One reason why he objected to sending this bill to the committee was the parties really interested in its passage—the policy-holders—would not be represented. They knew nothing of what was going on, and could not take concerted action, as the representatives of companies did. He asked was it not a farce to say that a company with policies worth two or three millions of dollars in this country should deposit only \$50,000 with the Finance Minister as security? Two or three policies would absorb that amount. Within the last two or three years no less than ten or twelve companies in the United States had gone down, some of them in the most reckless and disgraceful manner, by this wrecking system, and he thought the House would see the necessity there was for this legislation.

Hon. Mr. REESOR said three petitions representing policies to the amount of \$200,000 had been sent in, opposing the passage of this bill.

Hon. Mr. VIDAL said those petitioners were to be treated with the utmost contempt, and not allowed an opportunity of submitting their views on this important measure. He held that the insurance companies against which this bill was chiefly directed had a right to be heard in the Senate as well as in the Commons. They could only be

heard before a committee, and he could see no reason why the hon. Secretary of State should oppose the reference of the measure to the Committee on Banking and Commerce.

Hon. Mr. HAYTHORNE thought the Government, in bringing forward this bill, had acquitted themselves of their duty. Had they allowed the question of insurance to lie dormant for several sessions, and had any crash occurred, they might be blamed for the evil consequences which would ensue. He thought, as the bill had been but a short time on the table, and the time of the Senate had been so fully occupied that members had been unable to look through it, it would be well to refer it to some committee where the details could be fully considered.

The bill was read a second time.

Hon. Mr. SCOTT moved that the bill be referred to a Committee of the whole House to-morrow.

Hon. Mr. DICKEY moved in amendment, that the bill be referred to the Committee on Banking, Commerce and Railways to report upon it. He said he had been informed within the last twenty-four hours that if this bill passed without amendment, one of the largest companies of the United States would withdraw its business from Canada, and he thought it would not be furnishing protection to policy holders to destroy competition.

The House divided on the amendment, which was rejected.

Contents, 28; non-contents, 32.

The original motion was then carried on a division.

The House went into Committee of the Whole on bill to amend the Insolvent Act of 1875, and the act amending the same. The bill was reported with amendments, which were agreed to.

At six o'clock the House rose for recess.

#### After Recess.

##### THE CUSTOMS CONSOLIDATION BILL.

Hon. Mr. SCOTT moved concurrence in the amendments made in Committee of the Whole to the bill to amend and consolidate the acts respecting the Customs.

Hon. Mr. MILLER said he desired to test the sense of the House on the question of verifying, by affidavit, the different transactions of the customs house. He believed the law proposed was not in the right direction. The policy of the country many years ago had been to abolish the oath in connection with customs house entries, and the honorable Secretary of State had not

adduced any evidence before this House to confirm the opinion that that policy had resulted in loss to the revenue. All persons who had business to do at the customs houses knew that there was a recklessness and a disregard for the solemnity of the oath in making entries that was degrading to the morality of the people. In Great Britain the tendency had been to abolish in all cases of this kind the administering of unnecessary oaths. The moral obligation which the oath should impose did not exist in most of the cases in which it was administered in connection with customs house returns, and the only value which it could have in that respect was the legal penalty which was attached to the making of a false oath, as a false oath was not perjury unless made perjury by the statute. It was just as easy to attach to a solemn declaration the penalty which attaches to perjury, and which was intended to be imposed under this law. The sanctity and sacredness of the oath was the arch upon which rests the whole of our social fabric, it was the great safeguard of our rights and liberties, our property and our lives, and nothing should be more carefully guarded by the legislature. He would, therefore, move that the said amendment be not now concurred in, but that the said bill be referred back to the committee to amend the same by striking out the words "oath or affirmation" in the 6th sub-section of the 14th clause and substituting therefor the words "solemn declaration."

Hon. Mr. WILMOT said this was a question of what would be best in the public interest, and to guard the public revenues. No doubt many persons would make a false declaration who would not deliberately make a false oath. He knew for a fact that it was the regular custom of some Boston merchants who sent goods to St. John to make out two invoices, one for the purpose of entering the goods at a lower price at the customs house than they were sold for, and the other the real statement of the goods for the person to whom they were sold.

Hon. Mr. MACPHERSON thought it was a step altogether in the wrong direction, as any person who would be wicked enough to make a false declaration would not be deterred from making a false oath under similar circumstances. Parliament should legislate in such a way as to induce people to take a higher instead of a lower view of the sanctity of the oath.

Hon. Mr. McMASTER considered the revenue would be much better protected by the proposed law.

Hon. Mr. HAVILAND considered it to be

retrograde legislation going back to the affidavit instead of the modern declaration. It was not paying a high compliment to the *morale* of the people of Canada to say it was necessary to go back to the affidavit, when in the mother country the tendency was the other way. In Great Britain the only cases in which the affidavit was used was in the solemn oath of allegiance, or in judicial proceedings before the courts.

Hon. Mr. WILMOT said he did not see how any honest merchant could refuse to take the oath on an honest invoice. As for the morality of the people it was no better than in other countries, and even bank returns had been made under oath, and they had afterwards proved to be false.

Hon. Mr. BOTSFORD said he was inclined to rely upon the experience of the Customs House officers, as they had a better opportunity of knowing what was necessary than others, and he would vote for the bill as it was.

Hon. Mr. KAULBACH believed that the solemn declaration, with the same penalties attached to it as to a false oath, would have all the effect of the oath.

Hon. Mr. RYAN was in favor of being guided by the recommendation of the Customs House officers, if they had only sent down any explanations as to why the oath was necessary.

Hon. Mr. SCOTT said they had sent a statement that this change was absolutely necessary in the interests of the public.

Hon. Mr. RYAN said that might be very true, but they had not given the grounds on which they took that view. He was in favor of doing away with the oath in all transactions that took place in the Customs House, but if there were any urgency for having it he would vote for it.

Hon. Mr. MACFARLANE said he would be disposed to sustain the Government in the bill, as smugglers and others desirous of defrauding the revenue should have some check upon them. The honest trader would have no objections to taking the oath, and would consider it no insult offered him to be asked to swear to the entries made by him. Canada was more peculiarly situated with reference to frauds in her revenue than any other country, in consequence of the great length of her frontier, which could not be guarded by so small a force of Customs officers, and he thought this safe guard was necessary.

Hon. Mr. RYAN said the oath was administered in Custom House transactions in such an unceremonious manner that people made only a joke of it, and the tendency was to disregard the moral obligation of the affidavit.

Hon. Mr. HAYTHORNE said no doubt the advice of the Custom House officers had been given in the interest of the revenue, and it would be unwise to substitute a declaration for the oath. There was no doubt that some people, by making false declarations, entered their goods under value, and by that means undersold the honest trader. It was well known also that people who were perfectly honest in other ways had very little conscience in cases of smuggling, and he would support the bill as it stood.

A vote was then taken with the following result:—

CONTENTS.—The honorable, Messieurs Aikins, Cornwall, Dickey, Haviland, Kaulbach, Macpherson, Miller, Muirhead, Ryan, Skead—10.

NON-CONTENTS.—The honorable Messieurs Archibald, Armand, Baillargeon, Bellerose, Benson, Botsford, Bournot, Bureau, Chinc, Christie (Speaker), Cochrane, Cormier, Dickson, Fabre, Ferguson, Flint, Girard, Glasier, Grant, Guvremont, Haythorne, Hope, Leonard, McMaster, Macfarlane, Montgomery, Odell, Paquet, Pelletier, Penny, Power, Read, Reesor, Scott, Stevens, Sutherland, Vidal, Wark, Wilmot—39.

The amendment was declared lost.

The main motion was carried on the same division, and the bill was read a third time and passed.

#### NORTH WEST TERRITORIES ACT.

Hon. Mr. PELLETIER moved the House into Committee of the Whole on the bill to amend the North West Territories Act, 1875.

On the third clause,

Hon. Mr. GIRARD said as it was desirable that there should be some guarantee that the pioneers of the North West, who had gone through all the difficulties and hardships of first settlement, should be recognized in any appointments that were to be made, he would move to amend the clause so as to provide that the appointments should only be made from among persons who had resided in the territories for five years or more.

Hon. Mr. SCOTT said it was not fair to limit the Government in the selection of gentlemen who were to form the Council, in this manner, as he did not suppose there were five persons within a very considerable area of Battleford who were qualified for the position.

Hon. Mr. GIRARD said the people could not be expected to be governed entirely by persons sent from Ottawa. He knew that a great deal of dissatisfaction prevailed amongst them already on this point. He suggested that the Episcopal and Roman

Catholic bishops and the officers of the Hudson Bay Company should be eligible as members of the Council.

Hon. Mr. SCOTT said this council was only a temporary arrangement, and as soon as there were population enough in the North West the people would have the same privileges that they had in other provinces to govern themselves.

The amendment was withdrawn.

On the 7th clause,

Hon. Mr. GIRARD suggested that if it was possible it should be amended so as to give the local authorities the administration of Indian affairs.

Hon. Mr. SCOTT objected to it, as it was a well known fact that Indians had more respect for an authority that they did not come into every day contact with, than they would have for local rulers. It was also advisable that the expenses connected with Indians and Indian treaties should be kept down as much as possible as they were now swollen to the very large sum of \$300,000 a year.

Hon. Mr. GIRARD said the Government did not appear to trust the Local Government with much power.

Hon. Mr. SCOTT said they were given control of local matters. A very important matter was even now under their consideration, and that was to devise means to prevent the extinction of the buffalo. It was becoming a serious question as the extinction of the buffalo might throw on the hands of the Government the necessity of supporting all the Indians in the North West.

Hon. Mr. DICKEY said there was great force in the remarks of the Hon. Secretary of State. The Indians were much more impressed with the majesty of royalty at a distance than they would be on closer acquaintance with it.

The motion was withdrawn.

On the 10th clause,

Hon. Mr. GIRARD moved to amend the clause by inserting the following provision:—

“Either the English or the French language may be used by any person in the debates of the said Council, and both those languages shall be used in the records and journals of the said Council, and the ordinances of the said Council shall be printed in both those languages, and in the proceedings before the courts.”

The amendment was agreed to.

The 11th clause was read and agreed to, with the following amendments:—

Page 6, line 27—After “Act” insert “or under this Act.”

Page 6, line 31—After “trials” insert

“and as to imprisonments under sentences.”

Page 6, line 32—After “Keewatin” insert “2. The Chief Justice or any judge of the Court of Queen's Bench, of the Province of Manitoba, shall have the same power and authority for trying offences in the District of Keewatin—as under said Act or this Act—a stipendiary magistrate, or two stipendiary magistrates, or a stipendiary magistrate and two justices of the peace have in the North West Territories, and the provisions herein made as to trials shall, so far as applicable, apply to trial before such chief justice, or judge in the District of Keewatin, provided always that the chief justice or judge shall not proceed to any such trial unless requested by the Governor-in-Council.”

The Committee reported the bill as amended, and it was read a third time and passed.

Bill to make further provision respecting the constituting and management of building societies in the Province of Quebec, was read a second time.

#### THE CAMPBELL DIVORCE BILL.

The order of the day being called for, the consideration of the bill for the relief of Robert Campbell, as amended by the Committee of the Whole.

Hon. Mr. REGSOR moved the amendments be agreed to.

Hon. Mr. POWER said this bill, instead of being at its third reading, was only at the first reading. It had never been before the House till now, when it came up as the report of the committee. The bill introduced last session was for the relief of Robert Campbell, but this measure was for the relief of another person altogether. For that reason it could only be at its first stage now. Both Todd and May laid down the principle that by prorogation all bills and motions before Parliament ceased. He cited a precedent in the practice of the Canadian Parliament wherein, the session having been brought to a premature close, several bills which were on the order paper were re-introduced the following session, and read a first and second time by consent. He contended, therefore, in order to be regular, this bill must be regarded as at its first stage now, and not at its third reading.

Hon. Mr. CORNWALL said he regretted that he was unable to allow the question of concurrence in the amendments to the bill for the relief of Robert Campbell to be carried without addressing the House for a few moments. Although he had voted throughout the proceedings in this matter both in the House and in the committee, to take the evidence

in the matter—of which he had had the honor of being a member—in favor of the passage of the bill as it was originally introduced, and although his course with reference to it had doubtless been understood by the House, yet he had never before had the opportunity of addressing the House on the subject, or, at all events, had not availed himself of that opportunity if it had arisen, nor did he now intend, when the matter had already been so thoroughly discussed in all its bearings to say more than a few words about it. He was one of those who regretted, and he was sure many other honorable members would feel with him, extremely the unseemly proceedings on this matter of yesterday afternoon. If anything could possibly show the unfitness of this Senate, as constituted, for discussion of and adjudication on the matter of divorce, it certainly would be the partial, rancorous, unseemly feeling which was yesterday displayed, and although in the course of debate a parallel was attempted to be drawn between this House and the House of Lords in England, no comparison could possibly fall flatter or be more out of place. In England, when the House of Lords had jurisdiction in these matters, there were always, as indeed there are now, peers who had spent their whole lives in the practice of the legal profession, who occupied the position to which they had attained in consequence of their success in that profession and their proficiency in the law, and to these law lords it was to whom such questions as were now before the Senate were invariably left. One could easily understand how different would be the calm judicial spirit and knowledge in which they would approach such questions to what was witnessed yesterday afternoon in this place, when one honorable member rose in his place, and with unblushing effrontery, owned that he voted in support of the proposed amendments to the bill through sympathy with the woman charged with adultery, although he confessed that he had neither heard nor read the evidence in the case! And another member who took the same side showed by some remarks he attempted to make that he was in exactly the same predicament. However, he would add nothing further. He should be the last member in this House anxious to stir up further feeling on the matter, or to say anything to lead to further discussion, but before he closed he must explain, without going deeply into the subject, his reason for voting as he had throughout the progress of the bill. As he had before said he was a member of the select committee of last year to whom this bill had been referred.

In common with other members he spent many days in careful examination of the evidence brought before the committee, and the conviction to which he had come after earnest thought and consideration was, that the preamble of the bill had been proved. He consequently had voted against both reports of the committee, and had followed the same course in the House, sustained by the deep conviction that the respondent had, at all events by her conduct as shewn in evidence, proved herself unworthy to come to this House for the relief which she sought. The honorable member from Lunenburg, who yesterday made so earnest, so lucid and eloquent a speech on this question, was evidently actuated by the same reasons and had come to the same conclusion, but when in deference to the expressed wish of the majority of the House on this question, supported as it was by the leader of the Government and the leader of the Opposition, that the matter of evidence should not be gone into, that honorable gentleman so gracefully bowed to that wish, he (Mr. Cornwall) felt that he could do no better than follow his example. Nevertheless, he had taken this opportunity of explaining his view upon the matter, and of recording his conviction that justice in this case had not been done to the original petitioner, Robert Campbell.

Hon. Dr. CARRALL desired to say that his honorable colleague from British Columbia had placed him under obligations for affording him an opportunity to supplement his remarks of yesterday. When he (Dr. Carrall) made the statement that he had not read the evidence, and did not know either Robert Campbell or Mrs. Campbell, he mentioned what was an absolute fact, but he had obtained information on the subject from those who had heard both sides, and he considered his knowledge as full, accurate and extensive as that of any member of the committee. He was, therefore, prepared to give his vote intelligently, based upon knowledge co-extensive with that which the honorable gentleman had obtained before the committee. He desired to reiterate that he had never seen either Robert Campbell or the persecuted woman who applied for this divorce, before recording his vote last night.

Hon. M. PENNY asked for the ruling of the Speaker on the point of order raised by the honorable Senator from Halifax. He contended there was no bill before the House.

After some discussion,

Mr. SPEAKER said—There are two points involved in this question of order. The first is as to the competency of a committee to change the character and policy

of a bill, and the second is as to the power of the Senate to continue the status of a bill from one session to another. In deciding as to the first point, it is necessary shortly to review the history of this case. During the session of 1876, Robt. Campbell, by petition, prayed for a divorce from his wife, Eliza Maria Campbell, on the ground of adultery. A bill founded on that petition was read a first and second time and referred to a select committee appointed to try the case. Subsequently a petition was presented to the Senate from Eliza Maria Campbell, praying that the bill for the relief of Robert Campbell might not be passed without certain amendments. That petition was referred to the same committee. After careful consideration of the whole case, the committee reported to the Senate that the petitioner, Robert Campbell, had failed to prove the allegations contained in the preamble of the bill, and that they had found themselves unable to consider the question of amending the bill in the way prayed for by the petitioner, Eliza Maria Campbell, without instructions from the Senate. That report was unanimously adopted by the Senate. A motion was then made and carried, referring back to the committee the petition of Eliza Maria Campbell and evidence, with instructions to inquire into the material allegations contained therein, and if the same be found to be true, then, with instructions to report such amendments to the said bill as would secure to the petitioner and respondent respectively, the rights and privileges which would be secured to them under a decree for a judicial separation in England. The committee, thus charged, subsequently reported that the allegations contained in the petition of the said Eliza Maria Campbell were true, and they also reported certain clauses as amendments to the bill, which had been submitted to them by the counsel for the petitioner. The committee further reported a recommendation in view of the late period of the session, and the want of time maturely to consider the proposed clauses, that the consideration of these amendments be deferred until the next session. The Senate subsequently adopted unanimously a resolution, postponing the consideration of the report of the committee until this session. With respect to the first point, as to the power of a committee to change the character and policy of a bill, I am of opinion that a committee of the Senate have such power. In this case the committee had positive instructions thus to alter the bill, if, on consideration of the evidence submitted to them, they were satisfied that the allegations of the petitioner, Eliza Maria

Campbell, were found to be proved. I find in May, page 507, that—"In compliance with instructions, also the committee may consolidate two bills into one, or divide one bill into two or more, or examine witnesses and hear counsel." On the same page, it is stated that "When instructions have been given by the House for that purpose, the committee may receive clauses or make provision in the bills committed to them which they could not otherwise have considered." In our own Canadian practice, we have a precedent of great value as an illustration of the power of a committee to change the character and policy of a bill. I refer to the action of the Legislative Council of Canada, on one of the most important measures ever submitted to the consideration of the Canadian Parliament, namely: the act known as the "Act for the abolition of feudal rights and duties in Lower Canada." A bill for this purpose was passed by the House of Assembly, and sent up to the Legislative Council, during the session of 1854. The bill passed a second reading, and was referred to a Committee of the whole House. The committee sat, reported progress and asked leave to sit again. That order was discharged and the bill was referred to a select committee. This action was taken in consequence of a petition from Sir Edward Filmer and others, praying for organic changes in the bill. The policy of the bill sent up from the House of Assembly was changed by the Select Committee; the report of the committee was received by the Legislative Council, and the bill, as amended by the Select Committee, was referred to a Committee of the whole House, where the amended bill was adopted. The Council afterwards concurred in the report of the Committee of the Whole, and the bill, as amended, was read a third time and passed. This was a much stronger case than the present one; the Legislative Council, in the instance cited, changed the policy of a bill which originated in the House of Assembly. Other precedents illustrating the principle that a committee has the power to change the policy of a bill, might be cited, if necessary. The second point in the question of order to be considered, is, as to the power of the Senate to continue the status of a bill from one session to another. I am decidedly of opinion that the Senate has such power. In the absence of any order to the contrary, the effect of a prorogation is to quash all proceedings in Parliament. In the Parliament of Great Britain, divorce bills from India are continued by statutory provision, and "in the case of private bills generally, or of railway bills in particular, re-

"ief has been repeatedly granted to the parties concerned in promoting or opposing such measures, when a session of Parliament has been brought to a sudden and premature close, on account of the exigencies of political warfare. This was done by the adoption, in both Houses, of resolutions, permitting such bills to be introduced in the following session, and by means of *pro forma* and unopposed motions advanced to the stages at which they severally stood when the prorogation took place." See Todd's Parliamentary Government, vol. I., p. 247. In Canada a similar practice has prevailed. During the session of 1863, resolutions were passed continuing bills to the next session, and during the next session, those bills were taken up and passed through their several stages, until they reached the *status* which they held during the previous session; but by the latter clause of the 4th resolution passed by the Legislative Council on that subject, in the session of 1863, it was provided that if a bill shall have been reported by any committee in the present session, the order for referring the bill to a committee shall be dispensed with, and the bill ordered to lie on the table, to be referred to Committee of the whole House, or to be read a third time, as the case may be." The bill in question occupied this position; it had been reported by the Select Committee and the Senate unanimously ordered that the consideration of the said Report be postponed until next session, and that in the meantime, the evidence be printed for the use of members." The motion to refer the report of the Select Committee of last session to a Committee of the whole House is the regular and proper course, and it is in obedience to the order of the Senate, continuing the *status* of the bill to the present session. To have passed the bill, *de novo*, through all the preliminary stages would have been in direct conflict with the order of the Senate continuing the *status* of the bill, and it would also have been contrary to precedent.

Hon. Mr. REESOR moved that the bill be read a third time.

Hon. Mr. TRUDEL moved, in amendment, That inasmuch as the very essence of the bill before the House has been changed, so that the original bill has disappeared, and that a new bill on a matter essentially different from the first has been put in its stead: That this House has before it a new bill altogether; that this new bill has never been preceded by a petition; that this bill has never been properly introduced before this House, nor has ever been read a first time or second time; that the said bill was

never referred to the Standing Committee on Standing Orders and Private Bills, nor referred to any other Committee, and consequently that no such Committee ever reported on said bill; that the rules of this House requiring such petition and such introduction and first and second reading and such references to said Committees has not been complied with; the said bill be not read a third time.

Hon. Mr. WILMOT contended this was a censure on the Speaker, and asked for his ruling.

After a brief discussion,

Mr. SPEAKER said—In my opinion the motion is not in order. It is prefaced by a preamble which is contrary to the 15th rule of this House.

Hon. Mr. MILLER, in the absence of Senator Campbell, moved in amendment to the main motion, "That the bill be not now read a third time, but that the said bill be referred to the Supreme Court for their examination and report; and that the honorable Messieurs Campbell, Scott, Dickey, and the mover be appointed a committee to draft the order of reference of the said Bill, setting forth the points and matters of the reference, and report the same to this House."

The House divided, and the names were taken down as follow:—

CONTENTS.—The Hon. Messrs. Armand, Bellerose, Chapais, Cornwall, Girard, Kaulbach, Macpherson, Miller, Odell, Pelletier, Penny, Power, Ryan, Scott, Trudel, Vidal—16.

NON-CONTENTS.—The Hon. Messrs. Aikins, Archibald, Benson, Carrall, Christie, Cochran, Cormier, Dickey, Dickson, Flint, Glasier, Grant, Haviland, Haythorne, Hope, Leonard, McDonald (Toronto), McMaster, Montgomery Muirhead, Read, Reesor, Stevens, Sutherland, Wark—25.

Hon. Mr. POWER contended that after the resolution to concur in the recommendations of the committee, the proper motion should have been that the bill be read a first time. The motion for a third reading was therefore out of order.

Mr. SPEAKER said he had already decided that it was unnecessary to repeat the previous stages which the bill had gone through during the former session of Parliament, and which had been continued by an express order of the House to the present session in its *status*.

The bill was then read a third time and passed, on a division.

The House adjourned at 12 o'clock.



FRIDAY, April 20th, 1877.

The SPEAKER took the chair at three o'clock.

After routine.

The bill to amend the Insolvent Act of 1875, and the act amending the same was read a third time and passed.

The title of the bill respecting the Pickering Harbor and Road Company was amended to read as follows:—"The act to incorporate the Pickering Harbor Company limited, and authorizing it to collect tolls."

The bill to amend the act respecting the culling and measuring of timber, was reported from committee without amendment, read a third time and passed.

The bill to provide for the payment of travelling allowances to district and county court judges in the Province of British Columbia was read a third time and passed.

The bill to establish a Court of Maritime jurisdiction in the Province of Ontario, was read a third time and passed.

JOINT STOCK COMPANIES.

Hon. Mr. SCOTT moved that the House go into committee on a bill to amend the law respecting the incorporation of Joint Stock Companies by letters patent.

Hon. Mr. BUREAU said he had some remarks to make before the Speaker left the chair with reference to that part of the bill relating to interest. Since the abolition of the seigniorial tenures and clergy reserves, no question of greater importance than this had been brought up before Parliament. He saw no reason why such a change should be proposed in a crisis like the present. This House had always been willing to follow English precedent, because the legislators of England were wise and did not proceed too hastily. The question of interest was first taken up in the mother country in 1818 in the House of Commons. A second committee was appointed in the House of Lords in 1841, and one in the House of Commons in 1845. Notwithstanding all these enquiries the law was not adopted until 1854. Yet in this country, in a time of depression, it was decided, without an investigation and without any petition from the people, to enact a law which would authorize corporations to impose the most extortionate rates of interest. The House had only to take into consideration the amount of money loaned to farmers and others to see what a large number of our population this bill would affect. The results of this legislation would be, in cases where the money could not be refunded at the expiration of a loan, an increase of the rate of interest, and the placing of heavy burdens upon borrowers. He thought, at

all events, this legislation should be postponed until next year in order that the public might have an opportunity of expressing their views upon it. In the United States the question of interest had been legislated upon in nearly every State in the Union, as would be seen by the following statement :

State.	Rate of Interest.	Penalties.
Maine.....	6	Loss of excess and law costs.
New Hampshire	6	Less three times excess of interest.
Vermont.....	6	Loss of excess of interest.
Massachusetts..	6	Loss of three times the whole interest and law costs.
Rhode Island..	6	Loss of excess of interest.
Connecticut....		Loss of excess of interest.
Connecticut....	6	Loss of all interest.
New York.....	7	Forfeiture of contract; and in criminal action, fine not exceeding \$1,000 and imprisonment not exceeding six months.
New Jersey....	6	Contract void and principal and interest forfeited.
Pennsylvania..	6	Principal and interest forfeited.
Delaware.....	6	Principal and interest forfeited.
Maryland.....	6	Loss of excess of interest.
Virginia.....	6	Usurious contracts void.
North Carolina.	6	Principal and interest forfeited, and if usury is paid, double the amount of principal and interest.
South Carolina.	7	Loss of interest.
Georgia.....	7	Loss. "
Alabama.....	8	Loss. "
Arkansas.....	6	Loss. "
Florida.....	6	Loss. "
Illinois.....	6	Ten per cent allowed on contract and loss of interest, if exceeding this.
Indiana.....	6	Loss of five times the interest.
Iowa.....	6	Ten per cent allowed on contracts, forfeiture of excess of interest.
Kentucky.....	6	Loss of interest.
Louisiana.....	6	Loss of interest.
Michigan.....	7	Ten per cent allowed on contracts, forfeiture of excess of interest.
Mississippi....	8	Ten per cent on contracts, forfeiture of excess of interest.
Missouri.....	6	Ten per cent on contracts, forfeiture of excess of interest.
Ohio.....	6	Ten per cent on contracts, forfeiture of excess of interest.
Tennessee.....	6	Liable to an indictment for misdemeanor, forfeiture of usurious interest, and fined.
Texas.....	12	Twelve per cent allowed on contracts, forfeiture of all interest.
Wisconsin.....	12	Loss of interest.
California.....	10	No penalty

in France this matter had been legislated upon on many occasions, and the law on that subject, in the Code Napoleon, was the wisest that could have been devised. It provided that five per cent. should be the maximum rate of interest, and with respect to any one habitually practising usury, he is prosecuted before the *Bureau Correctionnel*, and fined an amount not exceeding the sum loaned at the usurious rate. In case of swindling, in addition to this penalty, the lender is liable to imprisonment for a term not exceeding two years. It was a remarkable fact that, although the legal rate in France was five per cent., the Bank of France was at present quoted at two per cent. In the English House of Lords, when a committee was appointed to consider this question, an authority on this subject was examined as follows:—"Q. Then should you not think it better to leave the trade in money free, to be adjusted by the interests of the parties dealing in it? The only difficulty I have about it is, that I think that by making no limit whatever, you place a class of persons, whose credit is not strong enough to enable them to command the regular money market, at the mercy of those to whom they may apply for assistance, and they are made to pay for their want of credit, and not on account of the increased value of money. My feeling is, that whatever is the value of the money should always be paid; but it is a different thing making a man pay a high rate of interest on account of his not being in good credit, and making him pay a high rate of interest because money commands that rate of interest.

431. Then you should suggest that limitation as a protection to parties whose circumstances are such that they cannot easily obtain credit? Yes.

454. Can you state what has been the utmost rate of interest of money which has come under your notice, taking into consideration the interest of money and commission charged? I think the other day I met with an instance of a man paying five per cent. for a two months' renewal, and continuing that for 12 months.

460. How much does that make in the total interest? Thirty per cent.; that happens to be a case of recent occurrence, which I happen to have in my mind, but it is of very rare occurrence.

461. Do you not think it possible to put an end to practices of this description, without interfering with what might be called the fair range of the contraction and expansion of the interest of money? I do not see my way to it; the only way, I presume, would be by making it an offence.

539. You act as a broker in the city of London? I do.

538. In what branch of trade? A produce-broker, entrusted with the sale of merchandise generally, to a very considerable extent, but more particularly connected with the trade of the East Indies and West Indies.

539. Your business makes you acquainted with the general transactions of merchants doing business in the city? Yes.

540. And with the practical transactions of general business? Yes.

541. Have you been in that situation for some years? The last twenty-five years.

542. Therefore, you are acquainted with the condition of the business of the city, both before and since the alteration made in the laws regulating the interest of money? Yes.

543. Will you state to the Committee how you consider the change in those laws to have operated? My own view is, that the alteration has been extremely favorable to the capitalist, but extremely detrimental to the borrower, and I therefore consider that it has operated very badly. I calculate that sugar amounting to thirteen millions stg. is sold upon credit; tea, six millions; coffee, two millions; tobacco, five millions; wine and spirits, seven millions; British spirits, eleven millions; cotton, ten millions; British and foreign wool, fourteen millions; flax, three millions; silk, three millions; which articles I enumerate as having come more especially under my own notice, my business being to sell the greater part of such merchandise to dealers, traders, consumers and manufacturers; the whole of the transactions in these articles and a few others, amounting at least to one hundred millions, are requested by bills of exchange, and I reckon that the amount of the difference of interest paid by persons discounting these bills in consequence of the change in the law cannot be less than a million and a half; which sum has gone into the pockets of the capitalists, and for the most part has been withdrawn from the industrious classes of the community, for there has been no profit commensurate with the heavy charge for interest; therefore, I believe the relaxation of the usury laws has acted unfavorably upon the trade of the country.

544. How do you come at the precise sum of a million and a half? I consider that, supposing no change had taken place, only five per cent. would have been charged; and I reckon that a difference of one and a half per cent. has been exacted in consequence of the repeal of the usury laws."

In the Province of Quebec, by the 16 Vic,

chap. 80, passed in 1853, and by statute passed in 1858, both of which were embodied in the consolidated statutes of Canada, chapter 58, which were amended by the 23 Vic., chapter 34, as regards investments by insurance companies, and by 29 and 30 Vic., chaps. 10, 5 and 8, as regards banks, interest was regulated. An exception was made in favor of charitable institutions, which were allowed to take eight per cent. He would read the following statement that honorable gentlemen might have an idea of the amount of capital loaned in this country:—

*Statement of Affairs of Permanent Building Societies in Canada, 1875.*

Assets: Loans Secured.	Assets: Property Owned.	Dividend for Year.
\$	\$	
336,356 00	29,941 25	8 per cent.
834,550 42	29,886 37	9 do.
3,599,212 56	180,904 39	12 do.
133,850 64	4,961 20	8 do.
160,438 85	10,628 80	9 do.
847,096 88	92,831 11	9 p.c. & 3 bonus.
352,433 50	61,828 10	8 per cent.
540,715 49	52,890 50	10 do.
468,862 88	4,797 52	8 do.
352,889 39	6,318 01	10 do.
1,218,344 17	18,642 75	10 do.
693,996 70	24,184 89	8 do.
1,378,494 27	151,868 83	10 do.
508,373 00	53,520 49	8 do.
128,769 45	1,982 88	8 do.
208,227 00	1,210 73	10 do.
309,452 62	9,621 48	.....
140,606 62	2,374 25	10 do.
197,425 <sup>88</sup>	5,252 43	8 do.
487,384 76	.....	9 do.
155,825 51	10,686 51	10 do.
152,300 11	416 30	10 do.
64,094 87	17,326 64	5 & 6 do.
174,999 54	8,707 90	10 do.
1,104,752 85	33,281 14	10 do.
3,583 02	2,980 45	.....
130,055 48	7,864 31	8 do.
88,409 46	3,931 09	6 do.
238,758 12	8,364 53	10 do.
336,939 57	32,889 13	8 & 6 do.
335,861 23	78,972 61	.....
247,985 65	1,140 01	8 & 9 do.
812,561 06	3,678 15	9 do.
100,383 77	7,171 13	10 do.
20,747 52	3,559 06	8 do.
206,635 74	35,519 88	8 do.
11,327 23	359 38	7 & 8 do.
533,702 74	31,064 55	10 do.
1,774,405 04	131,901 42	10 do.
18,890,809 59	1,160,470 68	

and Loan Company. Now, these societies which had been so very successful, could not be the parties to ask to have the rate of interest unlimited. He believed there was about \$90,000,000 invested by those societies in Canada, and if, under the operation of this act they should be enabled to add two per cent. to their rate of interest, they would add \$800,000 a year to the burdens of borrowers, representing an increase of capital of \$10,000,000. This might seem a bagatelle in the eyes of some honorable gentlemen. If the existing rate of interest had given such large remuneration to the parties investing their money, as shown in the above statement, why change the law? Certainly, the effect would be to make the poor poorer and the rich richer. He believed English capitalists were perfectly satisfied with the success of their investments in this country, and did not want the law changed. He asked who were those that in the present crisis were asking for such an extraordinary change in the law? It could not be the Government, for he believed they had too much regard for the public interest to pursue such a course of their own motion. It was well known that most loans from these companies were matured. For instance, the Trust and Loan Company generally gave out money for five years, but never asked for the principal so long as the interest was well paid. They were very glad to receive eight per cent., payable semi-annually, in advance. Now, if this bill should become law they might at any time call upon borrowers to pay up the principal of their loans, or increase the rate of interest one or two per cent. It was, therefore, important that this bill should at least be delayed for another year, and by next session he was sure there would be scores of petitions from the cities, and from the country from one end to the other, praying that it might not become law. His honorable friends who were interested in banks should also oppose this measure. Those who had deposited their money at a low rate of interest would withdraw it to lend it out at higher rates. The bill was calculated to disturb the monetary harmony now existing; it would cause a great deal of difficulty, and the result would be serious loss to borrowers. He spoke for the Province of Quebec, where he knew this law would cause great dissatisfaction. At all events he begged the Government to pursue such a course as the British Government did with reference to the Corn Laws. They did not carry it into effect immediately, but established a sliding scale, and the same course was pursued with respect to the rate of interest—the change

There were several other companies, a statement of whose affairs he could not get, yet the amount invested by the societies enumerated in the foregoing statement, was nearly \$19,000,000. To this there was to be added six or seven millions for the Trust

was very gradual. He hoped the House would see the wisdom of postponing this measure until next session.

The House then went into Committee, Hon. Mr. Miller in the chair.

Hon. Mr. SCOTT said the honorable Senator had gone over the main arguments of those who regarded the fixing of the rate of interest as a necessity. He did not propose to discuss a subject which had been so frequently debated in this country for the last ten years; he would only say his own experience—and it had been very large—had been quite the opposite of that of the honorable gentleman. He had a distinct recollection that ten or fifteen years ago the rate of interest in this part of Canada, at all events, was twelve or thirteen per cent. Private individuals were in the habit of getting that amount, and he had invested for other parties a good many hundreds of thousands of dollars at these rates. The abolition of the usury laws had had the effect of bringing down rates. His experience was that money would find its own level. Certainly, any one that looked back ten or fifteen years would come to the conclusion that money was much cheaper to day than it was at the period to which he referred. It was plain, therefore, it was perfectly idle to surround with any guards or precautions the bargains which private individuals made amongst themselves. Since the relaxation of the usury laws, English capital had come out to this country, and investors could rarely get more than eight per cent., which they considered a very good rate of interest to receive. That was his own experience, from practical observation and from a somewhat large connection with the lending of money for other parties.

Hon. Mr. WILMOT said if the honorable gentleman would move a resolution to restrict the rate of interest to eight per cent., he would vote for it. In the history of the Bank of France it was a curious fact that money was never higher than three or four per cent. When the usury law was in force in Great Britain the rate of interest did not go above five per cent., but under this system it went up to ten, and he thought at one time it reached twelve per cent. At present it was down to two per cent. Money became cheap under two conditions. When business was profitable and money became abundant it was cheap, or if there was a crash or panic, money became cheap, because nobody would venture to use it and it became a drug on the market. As long as the price of gold was fixed, and as long as the law says gold is the only means to pay debt, and the whole system of trade

has to be carried on on credit, banking institutions would grow rich and the working men, the borrowers, would be at their mercy. The newspapers of the day were crowded with advertisements of sales under mortgage, and it was no time to legislate in favor of the holders of money.

The clause was adopted.

On the 17th clause,

Hon. Mr. TRUDEL moved in amendment:—

Page 5, line 17.—After “patent” insert clause A. as a new clause.

“Immediately after the issuing of the said letters patent it shall be the duty of the company to file in the office of the Prothonotary or Clerk of every Court of original jurisdiction within the territorial limits of whose jurisdiction the chief of the company's business is situate, a declaration setting forth.

1st. The name of the said company.

2nd. The date of the letters patent incorporating it.

3rd. The dates of the publication in the *Canada Gazette* of the notices in the forms A. B. and C.

4th. The situation of the chief place of business of the company.

5th. The names of the President and Secretary of the Company, and of any of its officers on whom, according to law and to the said letters patent, any summons or other legal document should be delivered, in order to effect a service upon the said company, or to put *in mora* to fulfil any of its obligations, and in default of thus filing the said declaration within one month after it has gone into operation, the said company shall incur a penalty of one hundred dollars, recoverable by any person who may sue for the same for his own benefit.”

He said great difficulty was frequently experienced, in cases of urgency, in obtaining the proper title of a company in order to take legal proceedings against them for debt or any other cause.

Hon. Mr. SCOTT said all such information could be ascertained from the Department of the Secretary of State.

The amendment was lost on division.

At 6 p.m. the Committee rose and reported progress.

After Recess.

Committee resumed.

On the 93rd clause,

Hon. Mr. DICKEY moved the following amendment:

Page 23, line 25.—After “subsection” insert: “6. Provided always, that in the event of any company, now incorporated, availing itself of the provisions of this Act

for the purpose of enlarging its powers to borrow money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the right of the holders of debentures issued by the said Company."

The amendment was adopted without debate.

On the 97th clause,

Hon. Mr. DICKEY said he desired that this clause should be made, with regard to the rate of interest, conformable with the former legislation of this Parliament. The principal agreed upon was that such rate of interest may be taken by companies as is lawful in the province in which the contract is made or executed. After some discussion he moved to amend the clause, line 45, after "individuals," insert, "or in the Province of Quebec by incorporated companies."

The amendment was agreed to.

The bill was reported as amended.

#### GAMBLING AND POOL SELLING.

The House went into Committee of the Whole on bill to prevent gambling and pool selling, Mr. Benson in the Chair.

Hon. Mr. CAMPBELL suggested that the bill should not go into operation before the first of November next, because it would interfere with arrangements for the amusements of the coming summer and with the value of race horses to their owners.

Hon. Dr. CARRALL said he knew nothing about gambling and less about horse-racing, but he had received letters to the effect that the bill would affect parties it was not intended to reach. Unless the honorable Minister of Agriculture would say that he thoroughly understood the bill, he would ask that it be allowed to stand for another year. It was asserted by those who had invested money in race tracks and driving parks that it would interfere with the "turf" very materially. He had been given to understand that the Minister of Justice confessed he did not understand the measure, and if this were the case, it would be only wise to postpone it until the views of those who would be affected by it could be heard.

Hon. Mr. DICKEY said the object of this bill was undoubtedly good, but if passed in its present shape it would give rise to consequences which would be deplored. The object of the bill was to put down pool selling, but it was so framed that it would apply to an innocent bet between two individuals. There was a proviso which protected the custodian of the pool money from any consequences whatever, while the man who might make a bet and note it down in his pocketbook would be liable to

a misdemeanor. The first clause was to put down houses where registers were kept, and the proviso saved the person who kept it from the consequences. That was the first anomaly. The next protected the owner of the horse from any consequences. He could bet as much as he pleased, and record his bet, but the innocent spectator who made a bet and recorded it in his pocket-book was liable to be punished. The bill had been drawn up with a good object, but very negligently.

Hon. Mr. MILLER rose to endorse the remarks of the honorable Senator from Amherst. He called attention to the fact that there was a tendency in the legislation of this session to make every little offence a criminal act; on the other hand, it was remarkable there was a tendency in the very opposite direction in the most serious crimes known to the criminal calendar. So clearly was this the case, that one of the most animated discussions which had taken place in the House this session was on a Government measure, which the warmest supporters of the Administration attacked in the most determined manner. With regard to this bill itself, the subject was one he knew very little about. He was not a sporting man, and knew nothing about pool-selling. The object of the bill was no doubt a good one, if it were to prevent gambling in connection with horse races, but there was a danger of going too far, as this bill undoubtedly did. When it was first introduced in the other House it was not so extreme in its character as it was now. He would suggest several amendments, which, he believed, would leave the bill in such a shape that it would carry out the object desired without applying to innocent bets between bystanders at a horse race.

Hon. Mr. KAULBACH thought that so far as betting on municipal elections was concerned, the bill was perfectly right, but it was evident to him that the legislation of this session had been in the direction indicated by the honorable Senator from Arichat.

Hon. Dr. CARRALL wished to supplement the remarks he had made just now. There were two opinions with respect to pool selling. There were two kinds of pools, and it seemed to be the unanimous opinion that the French pool was one which was unobjectionable.

Hon. Mr. MACFARLANE said that in this country the amusements of the population were not very numerous, and it would be unwise to pass any law which would have the effect of diminishing their number. Remove betting from horse-racing, and it would

do away with this popular amusement. The bill should be confined to acts of gambling.

Hon. Mr. PELLETIER said he would be extremely surprised if this bill were defeated in this House. He was sure honorable gentlemen who had opposed the measure did not know anything about pool selling. If they knew as much of it as he did, they would not oppose the bill. He was quite willing to accept the responsibility of the measure, and he contended it was a very good one. He knew of some cases where pool selling involved so large an amount as \$20,000. The word "register" in the bill referred to a record kept by persons who made a trade of registering bets, and it was against this class of people that the bill was directed. The bill did not apply to bets between bystanders at a race. He was ready to adopt the suggestion that the bill should not take effect before the 1st of May, 1878. Of course, it would not be right to interfere with money already invested in pools on races to take place during the coming summer.

Hon. Mr. SCOTT said this bill had been forced upon the Minister of Justice by some sporting gentlemen, who complained that pool selling was interfering with the sports of the turf.

Hon. Mr. MILLER said he had heard differently. However, there could be no doubt the object of the bill was a good one, and to confine it to that object, he moved to amend it by striking out all the words from the first clause, which would make it apply to ordinary betting.

After a brief discussion, the committee divided, and the amendment was rejected. Contents, 17; non-contents, 21.

The bill was reported with amendments, which were concurred in, read a third time and passed.

The House adjourned at 10 30 p.m.

SATURDAY, April 21st.

The Speaker took the chair at three o'clock.

After routine,

Bill respecting the measurement of steamships registered in the Province of Canada, was read a third time and passed.

Bill to amend the Inland Revenue Law was read a second time.

#### THE INSURANCE LAWS.

The House went into Committee of the Whole on bill to consolidate the insurance laws, Hon. Mr. Wilmot in the chair.

On the 16th clause,

Hon. Mr. HOPE said he could see no reason why mutual insurance companies

doing business in Canada should not deposit securities here for the exclusive benefit of Canadian policy-holders. They could make similar deposits in the United States for the benefit of policy-holders there. If they could not do this under their charters, they should have them amended. The matter was well worthy of consideration.

Hon. Mr. MOMASTER said while he desired to do all that was necessary to protect the public, and prevent what might be called bogus companies operating in Canada, he thought it was not in the public interest to legislate in such a way as to drive really sound companies out of the Dominion, and he was strongly inclined to believe that would be the effect of this bill. Supposing a certain amount should be set aside in Canada for Canadian policy-holders, it was a trifling sum compared with the enormous amount of the policies. The security was to be found in the respectability and standing of the company, and the effect of driving out large companies would be the establishment of small companies that would afford no security to the public. The honorable Secretary of State had expressed himself rather strongly with regard to United States companies. Some had failed, it was true, and others were far from being sound, but there was a large number of them as sound as any doing business in this country, and the effect of this clause applying to mutual companies in the United States would be to drive the more respectable and solvent of them from the country. He would like to see some of those clauses modified. Supposing deposits were made to the full extent contemplated by this bill, would that afford security for the enormous amount of policies held in this country?

Hon. Mr. SCOTT—It would be ample to re-insure.

Hon. Mr. AIKINS said when this measure had been before the House on a former occasion he had expressed a wish that it should be referred to a committee, because he was satisfied more light could have been thrown upon it there than in a discussion in this House. While the deposits of mutual insurance companies might not be of much benefit to policy-holders, it might be evidence as to their good standing. However, there was this difficulty—many mutual companies by their charters were not permitted to invest out of their own State, or out of the country where they were incorporated. If the effect of this bill would be to drive those companies, some of which were the very best doing business here, out of the Dominion it would be a misfortune to the country. It might benefit our own

companies, but it was a question whether our companies could carry the risks those others did. He would like to build up our own companies, but until they attained a better position than they held, he was not prepared to vote for legislation that would have the effect of driving sound foreign companies out of the country.

Hon. Mr. CAMPBELL said the principle of the bill was a sound and reasonable one, and the House should not defer it to the convenience of United States companies. Our companies were not treated with much consideration in the United States, but were compelled to comply with the requirements of the law. Undoubtedly, it was desirable that foreign companies of good standing should do business in Canada, and he had no doubt they would overcome any difficulties this legislation might create, and remain in the country.

Hon. Mr. DICKEY agreed with the honorable Senator from Kingston that this House should not consult the convenience of foreign companies, but it should legislate in the public interest, and it certainly would not be to the advantage of the public if those companies were driven out of Canada. The effect of this bill would be to diminish competition and leave our own companies to charge what rates they pleased, or place the public in the predicament of taking risks in new companies, the solvency of which they would know nothing about.

Hon. Mr. PENNY was disposed to think with his honorable friend from Kingston, that perhaps some of the companies affected by this bill, which supposed they would have to withdraw from Canada, would find means to meet the exigencies imposed on them and remain. At the same time the Government, in passing this bill, were assuming a great deal of responsibility, and would feel they had made a mistake if the effect of it should be to drive some of the best companies from the country. He could remember the time when all the life insurance in the largest city in the country was done by an English agency in a very roundabout way. People were willing to insure without the security which it was now proposed to impose upon them, and the business had grown to its present proportions without the interference of the Government. The effect of such legislation as this was to lead the public to suppose that it conveyed some guarantee as to the security of their investments in these companies. He doubted whether it was wise or possible for the Government to undertake such guarantee as that with any hope of being successful. In the mother country there is nothing of the

kind. The great insurance companies there have been built up without the interference of the state, and all that is required of them now is the publication of their statements. The system of legislation which this House was asked to adopt was nothing new. It was an American invention. In the State of New York there had been all sorts of inspection and rules, and what did it amount to? It was in that state the most rotten companies had existed. All the protection thrown round the policy-holders amounted to nothing at all. Many of the large companies which this legislation would drive from the country had such an extensive business that they could carry it on at a very small per centage of the receipts; some as low as five or six per cent. Without any disrespect to companies nearer home, he might state that the proportion of their expenses to their receipts, must necessarily be large, especially in the case of new companies. It would be unwise, therefore, to drive out of this country large and sound companies, and force people who wished to insure, to do business with younger companies, whose expenses were greater in proportion to their receipts. He did not think the Government should be paternal, or maternal, or grand maternal in such matters. As individuals, the people were better able to manage their own business than any Government. He thought he had a right to insure his life in an unsound company if he pleased, running a greater risk and paying smaller premiums. It was for each individual to decide whether he could afford to pay large premiums for insurance in a sound company, or lower premiums for a policy in one less secure. If the principle of the bill were admitted, the manner in which the deposits should be made could not be gainsaid, except for mutual companies. If the effect of this legislation should be to drive sound companies from the country, it would be anything but advantageous to the people, or creditable to Parliament.

Hon. Mr. SCOTT said the honorable Senator from Montreal seemed to convey the impression that policy-holders would not be protected by this bill, but there could be no doubt they would. Companies were required to deposit an amount sufficient to reinsure policy-holders in other companies, in case they should go into insolvency. None but first-class securities would be accepted. It was supposed that a life insurance company could have no other kind of securities. An insurance company is something more sacred than a savings bank. When a man insures his life it is not for any return to himself, but to make provision for his widow and children in case of his death.

As a proof of that he had only to cite this fact: In the United States where the value of securities is high the average value of investments goes no higher than 4½ per cent. on the average. That assumes that a life insurance company is incapable of becoming insolvent. Talk about driving companies out of Canada? If the Government were in a position to say capriciously to one or two of the best companies that they could come and do business in Canada because of their high standing, there would be no necessity to provide for the contingency of their failure, and no need for this legislation; but large numbers of United States companies were going down, and that was the best possible justification for the introduction of this bill. He held in his hands a list of companies that had gone into liquidation, amalgamated, or otherwise ceased to exist during the past two years, and by the afternoon telegrams he observed that the Albany *Argus* announced the Popular Insurance Company had gone into insolvency. He thought he could furnish no better proof of the necessity for surrounding our policy-holders in Canada with such protection as was proposed in this bill, in order to prevent them from being the dupes of this kind of swindling. The State of New York was alive to the danger, and had called for returns, but several companies had not sent in anything. It had been ascertained that some of the presidents of those companies received salaries as high as \$25,000 a year. In two large companies it had been discovered that a regular system of "wrecking" had been carried on. One man was employed for the purpose of wrecking a good, solvent company, and was paid \$8,000 per month. All this officer had to do was to go around among the policy-holders, tell them that their policies were worth nothing, and get them to sell out for what they could.

Hon. Mr. AIKINS—Will this prevent it?

Hon. Mr. SCOTT said it would prevent it, except with regard to mutual companies, because the same principle could not be applied to them.

Hon. Mr. MACFARLANE—What is the proportion of mutual companies doing business in Canada?

Hon. Mr. SCOTT said he had no information as to that; the British companies did not object to this bill. The business of our own companies had grown very largely. No American company had as large a business as our own Canada Life, which was one of the very best. The amount they have in risks is fifteen million of dollars. The amount the State of New York has in risks is nine millions of dollars. There would be

some force in the arguments of the honorable gentleman if the introduction of bogus companies could be prevented, but that could not be done. They come in, show good prospectuses and succeed in securing good business. In order to show that the crash among insurance companies had not been restricted to the last two years, he had in his hands a long list showing over one hundred companies that had gone to the wall. In 1875 there was a bill introduced with respect to fire insurance companies with the very same provisions that were now to be applied to life insurance companies, and it had not driven any of them out of Canada. The clause requiring security equal to the value of the policies insured in Canada was almost word for word from that statute. The list of companies which had ceased to exist in 1875 and 1876 by amalgamation, insolvency or otherwise, to which he had referred, was as follows:—

Guardian Mutual.  
Widows' and Orphans.  
Reserve.  
New York State.  
North American.  
Commonwealth.  
Merchants.  
South Western.  
Security.  
Continental.  
New Jersey.  
Southern.  
Centennial.  
St. Louis.  
World.  
Mutual Protection.

The Popular Life of Albany.

Hon. Mr. MACPHERSON concurred in what had been stated by the honorable Senator from Montreal. He had very little faith in this description of legislation. The safest way was to leave individuals to look after their own business, and not treat them as if they were minors.

Hon. Mr. PENNY—Or Indians.

Hon. Mr. MACPHERSON thought if the effect of this bill would be to drive large insurance companies out of Canada, it would be unfortunate for the public. He did not know whether it would have that effect or not; he hoped it would not, and he believed they would devise some means of continuing their business in Canada. This legislation was calculated to make the people of this country who insured their lives, believe their policies perfectly secure. He did not believe it was possible to accomplish this, and some day the public would find their confidence was misplaced. It was a responsibility which the Govern-



ment should hesitate before assuming. The only argument he had heard in favor of this bill—and he did not attach much importance to it—was that it would tend to exclude bogus companies from this country. The measure had passed through the House of Commons, and he would not oppose it, but he felt it his duty to say that he regarded it as pernicious legislation. There was enough intelligence in the country to warrant the Government in leaving people to manage their own affairs.

Hon. Mr. AIKINS said he was informed that 95 per cent. of the life insurance business done in this country was done on the mutual plan, and by far the greater part of it was by foreign companies.

The clause was carried,  
On the 21st clause,

Hon. Mr. REMSOR wished to know why an exception was made in favor of the Canada Life? While other companies were restricted to a basis of  $4\frac{1}{2}$  per cent., this company was allowed to calculate on a basis of 5 per cent., for ten years.

Hon. Mr. SCOTT said of late years the Canada Life had been extremely successful, having done a larger business than any United States company, and very much larger than the majority of them. Their policies had been issued for many years on what was called the five per cent. basis, which was a half per cent. higher than the basis of United States companies, with one exception. In 1875, the Canada Life obtained the sanction of Parliament to that basis. It would be unfair, therefore, to compel them at once to adopt the  $4\frac{1}{2}$  per cent. basis. It so happened that the Canada Life and the Tontine were the only companies which had a higher basis than  $4\frac{1}{2}$ , so that other companies were not compelled to change. The 5 per cent. basis affected no one but these two companies and their policy-holders, and to compel them to change it at once would be interfering with their business arrangements. It was believed in ten years they would be able to adopt the  $4\frac{1}{2}$  per cent. basis without disturbing their business.

Hon. Mr. DICKEY contended that this exception affected other companies and the public generally, by allowing the Canada Life to do business on a more favorable footing. They could surely make the change at their next quinquennial adjustment, which would be in 1880. This species of exceptional legislation was most obnoxious, and should be resisted by the House.

Hon. Mr. CAMPBELL said he saw nothing objectionable in this exception. The Canada Life had for many years done business on the 5 per cent. basis, and this was made

legal by legislation in 1875. Under that legislation they had entered into a variety of engagements, and it was only fair and reasonable that they should be allowed sufficient time to adjust their business to the  $4\frac{1}{2}$  per cent. basis.

Hon. Mr. McMASTER said he fully concurred in the remarks made by the honorable Senator from Amherst. The Canada Life was, no doubt, a highly respectable and wealthy company, but that was a strong reason why it should be obliged to conform to the standard provided in this bill. There were many connected with insurance companies in the United States and England who had a very strong opinion that four, or three and a half per cent. would be a safer basis of calculation than four and a half, and the gentleman at the head of the Insurance Department in this country was strongly in favor of four per cent.

Hon. Mr. MACPHERSON—Does the honorable gentleman share in the opinion?

Hon. Mr. McMASTER said his opinion was it should be four and a half per cent. He had been a party to establishing that rate in the company with which he was connected. He thought companies in Canada should be encouraged to establish their business on a sound basis, and he maintained, from what he knew of the working of those companies, and from what he learned from Professor Cherriman, that a company could not be conducted on a safe basis at a higher rate than four and a half per cent. He did not say the Canada Life should be made to conform at once to this rate, though he could see no injustice in such a course. When the tariff is changed, no exceptions are made, and when the Banking Act was passed, giving the circulation of the smaller notes to the Government, no exception was made in favor of any bank, though it was a great hardship to those that had a large circulation of ones and twos. While he did not say the Canada Life should be obliged to conform to the rate at once, he believed it should take effect in three years.

Hon. Mr. MACPHERSON said he had no interest in this company, either as a shareholder or a policyholder, but he felt a great interest in it, because it was a credit to the country. From the manner in which the honorable Senator opposite (Mr. McMaster) had spoken about the necessity of keeping companies on a sound basis, one would suppose this company was really in an unsound condition.

Hon. Mr. McMASTER—I said the very opposite.

Hon. Mr. MACPHERSON said the honorable Senator had so dwelt on the necessity of

having the basis of companies established at a rate of 4½ per cent. that one would suppose that the standing of the Canada Life was questionable. This House should be exceedingly careful about interfering with the business of companies, and to compel the Canada Life to change its basis to 4½ per cent. would be an interference with the arrangements entered into by that company with its policyholders as to the extent to which they should participate in the profits. The amendment suggested by the honorable Senator from Amherst was much more in the interest of rival companies than of policy-holders or the public. Why should this House interfere with the business of this company and compel them to break the engagements they had made with their policy-holders? He considered it unjust to make them deviate from those conditions even in ten years, because it would render the policies less valuable.

Hon. Mr. McMASTER — How does it render the policies less valuable? My idea is it renders them more valuable.

Hon. Mr. MACPHERSON—The present policy-holders will suffer to the extent of half per cent.

Hon. Mr. PENNY—The stockholders will gain.

Hon. Mr. MACPHERSON said he understood this company divided the profits in this way—nine-tenths among the stockholders and the remainder among the policy-holders. In England the rates were lower than in this country, yet several companies there calculated on a basis of four per cent., and one company four and a half per cent. Surely, therefore, five per cent. would be a safe rate in this country for many a year to come. He admitted four and a half per cent. was a safe rate, and, as soon as it could be done safely, it should be made the legal rate. The Canada Life, which was a carefully managed company, did not continue its present rate without taking the opinions of some of the first financiers in Canada, among others, Mr. Angus, of the Bank of Montreal, and the General Manager of the Canadian Bank of Commerce, of which the honorable Senator opposite (Mr. McMaster) was the president and founder. Both concurred in the opinion that five per cent. was a safe rate. The honorable Senator (Mr. McMaster) at that time—the 2nd of February, 1876—held the opinion it was a safe rate. These letters would show the care with which the business of the Canada Life was conducted. Under the circumstances, it would not be right to amend this clause in the bill.

Hon. Mr. McMASTER said no one could

have a higher respect for the opinions of the managers of the Bank of Montreal and of the Canadian Bank of Commerce than himself.

Hon. Mr. MACPHERSON—I suppose it was by the authority of the honorable Senator the manager of the Canadian Bank of Commerce wrote this opinion?

Hon. Mr. McMASTER—Quite so; but I hold opinions given by managers of banks cannot be taken as a fair explanation of the rate that it is safe for life insurance companies to adopt. The very nice and minute calculations that are necessary to be used by actuaries in order to arrive at a proper rate, the general managers of banks know very little about.

Hon. Mr. KAULBACH could not see why exception should be made in favor of the Canada Life. He saw no reason why it should not be required to make its rate uniform with that of other companies. If the Government considered more than 4½ per cent. would be unsafe, this company should not be allowed a basis of 5 per cent.

Hon. Mr. DICKEY said his desire was for consistent legislation. He therefore moved that the two provisos of the 23rd section be struck out.

Hon. Mr. SCOTT said there was no exception made in favor of this company. Any company doing business on the five per cent. basis would have the same right, and the legislation was, therefore, not exceptional. It so happened that only the Canada Life and another company would be affected by it; all the others had a basis of 4½ per cent or less.

Hon. Mr. HAVILAND said the tendency of this bill was to drive out foreign companies and leave life insurance in Canada to be done altogether by our own companies. On what principle did a free trade Government bring in such a bill? He would like to know how many of the companies that had failed, and which were mentioned in the list read by the honorable Secretary of State, had been doing business in Canada.

Hon. Mr. SCOTT—Two at least. There may have been more, but there were that many at all events.

Hon. Mr. HAVILAND said, though he was a Conservative, in commerce he was a free trader, and he thought the Government were stepping out of their ordinary and necessary functions when they brought in such a bill as this. He had a letter from the Secretary of the Life Insurance Board of New York, wherein it was stated that any sound company would abandon a country where such a statute as this was enacted. He was opposed not merely to the clause of

the bill before the House, but to the whole measure, because he looked upon it as class legislation.

Hon. Mr. PENNY desired that the greatest latitude should be granted to all companies, and therefore he thought it was but fair this company should be allowed to have a basis of five per cent. If there was any levelling to be done, he was quite prepared to let others raise theirs to five per cent., and would vote for any motion to that effect. What the foreign companies objected to was the increased deposit, and not to this basis of four and one-half per cent. They would not lend their money any cheaper or invest it any worse by establishing that rate; the only effect would be to put more money into the pockets of the foreign stockholders and diminish the profits of the Canadian policy-holder.

Hon. Mr. AIKINS said he was not connected with any of those companies, either as a policy-holder or as a stockholder. If the four and one-half per cent. basis was a safer rate than five per cent., this company should be compelled to adopt it. There was no reason why it should be placed in a better position than others.

Hon. Mr. DICKEY said he would modify his motion, and move to strike out the word "ten," and substitute "four." This would give the company four years to adjust its business to the four and one per cent. basis.

The Committee then divided on the amendment, which was rejected. Contents, 17; non-contents, 24.

The clause and the remaining clauses of the bill were agreed to.

Hon. Mr. VIDAL said before reporting the bill it was but fair that the petitioners against the bill should be heard. There were three petitions signed by policy-holders, and he asked to have their request read.

The petition was then read.

Hon. Mr. REESOR said those petitions represented policies amounting to something like \$200,000. He understood, too, that ninety to ninety-five per cent of the insurance by foreign companies in this country was done by companies that held their charters in the United States. Most of those companies, so far as he had heard, were companies of the very highest character, so that the public who were doing business with them would be seriously interfered with by this bill. He thought it was a very questionable policy for this Parliament to interfere in matters of contract between the public and insurance companies, when that interference did not secure the ultimate payment of policies to the policy-holders in this

country: It would simply be an encouragement for companies that were not sound, to conform to the provisions for deposits and then be "wrecked" as in the neighboring republic, leaving policy-holders here only the same share of the assets as if they were held in the United States, and none were deposited in Canada.

The bill was reported without amendment.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. DICKEY asked to have the final reading postponed until Monday, as he wished to place on record the amendment he had proposed in committee.

After some discussion the third reading was postponed until Monday.

The House adjourned at six o'clock.

MONDAY, April 23rd.

The SPEAKER took the chair at three o'clock, p.m.

After routine.

THE INSURANCE BILL.

Hon. Mr. SCOTT moved the third reading of the bill to amend and consolidate certain acts respecting insurance.

Hon. Mr. DICKEY said in making the motion of which he had given notice on Saturday, he considered he was only acting in the public interest in order that our legislation should be kept as free as possible from that most vicious principle, "exceptional legislation." He felt he was justified in taking the stand that the 23d clause of this bill was exceptional legislation in the interests of one, or at most two companies, and against the interests of five or six Canadian companies, not to speak of foreign companies. If Parliament in its wisdom thought fit to provide that all insurance companies should estimate their reserves on a basis of 4½ per cent., it was perfectly reasonable that all companies should confirm to that standard, because all other companies rating their reserves at 4½ per cent would be at a disadvantage of \$130,000 in making their deposits. If it was inconvenient for any of them to do so, it was better for the public interest that such companies should suffer a temporary inconvenience, than to establish a precedent which might in the future bear consequences that they could now hardly contemplate. In the first instance he had moved to strike out this proviso altogether, but in deference to the opinions of several gentlemen he had qualified his motion and would simply move as an amendment that the said bill be not now read a third time, but that the same be

amended by striking out [the word "ten" in line four, from the end of the twenty-third section, and inserting "four" in lieu thereof. This was simply asking that this change to the 4½ per cent basis should not take place until after this specially favored company should have made its next quinquennial adjustment of assets in the year 1880. The clause as it stood was protection "with a vengeance" for one favored company, and he was surprised to see such a policy emanate from honorable gentlemen opposite.

Hon. Mr. SCOTT said he did not think the facts would sustain the charge of his honorable friend, that this was special legislation, nor could the wording of the statute be narrowed down to such a degree as to apply to this company only, but it applied to all insurance companies doing business on a five per cent. basis. The Canada Life had now over 10,000 policies of the people of this country on that basis. It was not the stockholders who were going to be affected by this amendment, but it would deprive the policy-holders of the right to which they believed themselves entitled when they took out their policies on the five per cent. basis.

Hon. Mr. MILLER said when the bill was before the House for second reading he had urged the propriety of sending it to a select committee, for the purpose of having a thorough investigation of its clauses, and such information could be thereby laid before the committee as would enable this House to arrive at an intelligent conclusion. He could only repeat his regret that such a course had not been pursued. With regard to the main object of the bill, his own feeling was that it should be their duty, if possible to do so, to protect our own companies, but it should not be done at the expense of the public or unfairly at the expense of other companies. However, their first consideration should be for Canadian companies, who were solvent, in preference to foreign companies. He was not disposed to look with great partiality on foreign companies, and especially on American companies, as he did not think the treatment which Canada had received from the Congress of the United States on all matters of international importance had been such as to warrant this Parliament in looking with favor on American interests when they clashed with the interests of the people of this country. He did not think the bill contained anything improper. Under the law of 1875 there was no objection to any insurance company estimating their reserves at five per cent. Under that law the Canada Life Company thought proper to

estimate their securities on that basis. Other companies chose to estimate on the four and a half per cent. basis, although they had the same right as the Canada Life to adopt the five per cent. estimate, so that it was simply a matter of choice with them. But the Canada Life and one or two other companies were asked—if the amendment of his honorable friend were carried—to suddenly adopt the four and a-half per cent. basis, although their business was calculated several years in advance on the five per cent. estimate. Under the circumstances, it would be unjust to give them time to make the change.

Hon. Mr. DICKEY said these adjustments were made every five years, and the next quinquennial adjustment of the Canada Life Company would take place in 1880.

Hon. Mr. MILLER considered that at least five years would be necessary to make a radical change of this character, so that it would be necessary to give the company ten years from the last adjustment.

Hon. Mr. HOPE supported the bill as he did not consider the companies who had adopted the four and a-half per cent. basis as a matter of choice could complain if the Canada Life, who had adopted the 5 per cent. basis as a matter of choice also, should be allowed due time to make the necessary change to the 4½ per cent. basis under this compulsory legislation. This rate was all a matter of opinion; it was not a problem that could be solved by with arithmetical precision for years in advance. If the present rate of interest continued, five per cent. was sufficiently low, but who could calculate what would be the value of money ten years hence? It was a question on which there was great difference in opinion. Findlayson, who was a well known authority in England, calculated 4½ per cent. as sufficiently low for that country, and on the 4½ basis, companies were perfectly safe. McCullough differed in opinion from him, and considered that the only safe basis was 3 per cent., as there might be such a change in the value of money in ten years that any rate above that would be ruinous. One of the best offices in Edinburgh estimated on the 4 per cent. basis, and he considered that 4 per cent. in Great Britain was relatively a much higher rate than 5 per cent. in Canada, where money commanded much higher interest. In his opinion he could see nothing to render the rate of interest for money so low in the future as to render a five per cent. basis unsafe. Canada was a new country with its great North West and its unlimited natural resources to develop, and it would create a demand for money at a high rate

for a great many years to come. He did not consider this bill was special legislation; it was based on matters as they exist, and he thought the Government were perfectly justified in the course they had taken.

Hon. Mr. McMASTER said he did not think the rate of interest which prevailed in ordinary commercial transactions had the same bearing as this. If it had, how was it that in the State of Illinois, where the legal rate of interest was ten per cent., the basis on which life insurance policies was estimated, was four per cent? When they took into account the nice calculation it required in order to arrive at a proper basis for a policy extending over a life time, it was easy to see how the current rate of interest had no bearing on it. With reference to the plea that had been pressed with regard to this particular company, as acting under the law, how long had it been acting under the law? The counsel for the company, who, he was sorry to say, was not in Parliament now, having been called away by death, had assisted in framing the Act of 1875. It did not bind the company to any particular basis, but merely provided that the Superintendent, for the purposes of inspection, might calculate the policies at five per cent.; it did not pretend that it was to be applied to this particular company. It had been asserted that other companies had organized on the four and one-half per cent. basis, when they might have adopted the five per cent. basis, but they had done so on the advice of the very highest authority—that of the gentleman who was now head of that department—that a higher rate than four and one-half per cent. could not with safety be adopted. He believed that not one in every 500 of the policy-holders thought of the bonuses that were to be declared; it was not with a view to securing bonuses that they insured, but to protect the interests of their families.

Hon. Mr. MACPHERSON—Do not the bonuses, added to the policies, increase that protection?

Hon. Mr. McMASTER said the bonuses paid to the families on policies before death took place might be regarded by some as an advantage, but he thought differently, as the result of paying large bonuses was to weaken the reserve. It was not a wise policy to encroach on the reserve, in order to pay large bonuses, and he thought that was the position which this company was in, declaring large bonuses from time to time.

Hon. Mr. CAMPBELL—Of course, it is not out of regard for the stability and advantage of those other companies you speak?

Hon. Mr. McMASTER said he had not spoken of other companies at all. Had he taken a stand in favor of American companies, the honorable gentleman might taunt him with acting in favor of some particular company, but he had not done so. He did not believe this bill would drive sound companies out of Canada. He considered it was in the public interest that there should be as many sound companies in Canada as possible, and that Canadian companies should be as powerful as possible. It was the small companies that gave the trouble. If the Government had decided that four and a-half per cent. was the safe basis for such companies, he would say, give a reasonable time for the change, but to extend it to ten years he considered it was exceptional legislation that should not be tolerated in this House.

Hon. Mr. CARRALL said he was in favor of any legislation that would encourage native companies. The whole of his sympathies were in the direction of a retaliatory policy with respect to the United States in commercial matters, and also in insurance.

Hon. Mr. KAULBACH said he felt so embarrassed in this matter, that had the honorable gentleman from Amherst moved the six months' hoist he would have voted in that direction, as it was not clear that the effect of this legislation would be to drive out American companies without affording any additional security to policy-holders in Canada, as American mutual companies contend that they cannot set apart any portion of their assets for the exclusive benefit of any particular class of policy-holders to the exclusion of any other class. But so far as stock companies were concerned, this legal difficulty did not exist.

A vote was then taken on Mr. Dickey's motion, with the following result:—

CONTENTS.—The honorable Messieurs Aikins, Botsford, Bourinot, Dickey, Flint, Girard, Hamilton (Kingston), Haviland, Kaulbach, McDonald (Toronto), McMaster, Montgomery, Paquet, Reesor, Vidal—15.

NON-CONTENTS.—The honorable Messieurs Alexander, Archibald, Armand, Bellerose, Benson, Bureau, Campbell, Carrall, Chaffers, Chapais, Chinc, Christie (Speaker), Cormier, Dickson, Dumouchel, Fabre, Ferguson, Grant, Guevremont, Haythorne, Hope, Leonard, Macpherson, Miller, Muirhead, Pelletier, Penny, Power, Pozer, Price, Read, Ryan, Scott, Shaw, Simpson, Skead, Stevens, Sutherland, Trudel, Wark, Wilmot—41.

Hon. Mr. KAULBACH moved the six months' hoist.

Hon. Mr. SCOTT said, as to the argument that this would drive American companies out, honorable gentlemen must remember

that all the American companies now in Canada had deposited \$100,000 as security with the Government. Many of the companies could withdraw half of that if it was in excess, and others would have to deposit more, so that there was nothing new in the principle at all.

Hon. Mr. DICKEY called attention to an extraordinary statement of the hon. Secretary of State, on a former day, that there were twenty companies in the United States that had been wrecked.

Hon. Mr. SCOTT—Not wrecked, but gone into liquidation. One was wrecked.

Hon. Mr. DICKEY said he had taken the trouble to enquire into this matter, and he found there had only been three cases within the last two years, where there had been actual failures of American companies—two of them through the rascality which his honorable friend had referred to. With the exception of these three cases, the information he had, was, the others were simply the amalgamation of weaker companies with stronger ones, and instead of being failures of the policy-holders in that way were benefited. He would read the conclusion of an article in the *New York Weekly Mail*, of the 11th inst., which would show that the American insurance companies were on a safer basis than honorable gentlemen seemed to think. After pointing out the enormous number of failures in mercantile business, savings banks and railways, contrasted with the three life insurance failures, the Security, Continental, and New Jersey Mutual, the article concludes as follows:—

“The growth of the companies in all the elements of strength and solvency has, moreover, been an exception to all other kinds of business. It is refreshing to note this fact, in view of what has happened in every other branch of trade. According to the last published New York Department report, the progress of life insurance, as represented by the returns made by all the companies doing business in this state, has been as follows during the ten years, from 1866 to 1875. It will be noticed how regular a growth there has been :

Year.	Gross Assets.	Surplus, as regards policy-holders.
1866.....	\$ 91,587,027	\$25,998,505
1867.....	125,518,951	36,951,529
1868.....	175,262,329	89,455,371
1869.....	227,767,625	47,453,054
1870.....	269,520,440	48,488,294
1871.....	302,554,199	48,006,418
1872.....	335,168,542	46,841,435
1873.....	360,140,984	45,589,756
1874.....	387,261,896	58,889,345
1875.....	403,142,981	60,814,023

The official figures for 1876 are not yet published; but we see no reason to doubt

that they will emphasize and strengthen this record of progress and general prosperity. The life companies, as a body, are rich, prosperous, substantial, trustworthy, and honestly managed. It is for the public to exercise common sense in selecting a company and ‘get the best.’ And the policy-holder who fails to do this is far less deserving of sympathy than is generally supposed. But, obviously, as one of the insurance journals well says, ‘it is the simple truth to say that, considering the magnitude of the business and its opportunities of fraud, the life insurance business of the country really surpasses every other in solvency, honesty and guaranty of permanence.’”

He thought it was due to those gentlemen who had been unwarrantably attacked in their business as representatives of life insurance companies, and had been denied the opportunity of defending themselves before a committee, that this statement should be made, and he would supplement it by saying that there was scarcely any person in this country who had been affected by the insolvency of any of those companies. The contrary had been the case with English companies, such as the Grecian and Equitable, and he was only doing justice to the persons who had been attacked in this House, to make this statement.

Hon. Mr. SCOTT said he was not prepared to withdraw anything he had set forth on Saturday. With reference to the companies doing business in Canada, he had stated he had confidence in all of them, and that he had no intention to cast the slightest reflection upon any of them. It could not be disputed that the companies he had mentioned as having ceased to exist during the past two years had really disappeared, either by amalgamation, liquidation, or in some way. In the associated press despatch from Albany, just received, he saw it stated that the assets of the American Popular Life Company, which had just failed, were only \$285,000, while the officers of the company had sworn on the 31st December last they were \$580,000, while the liabilities, sworn to be only \$344,000 were actually \$544,000.

The House divided on the amendment, which was rejected.

CONTENTS.—Hon. Messrs. Atkins, Bournot, Dickey, Flint, Girard, Haviland, Kaulbach, McDonald (Toronto), McMaster, Montgomery, Paquet, Price, Vidal.—13.

NON-CONTENTS.—Hon. Messrs. Alexander, Archibald, Armand, Bellerose, Benson, Botford, Bureau, Campbell, Carrall, Chaffers, Chapais, Chinic, Christie (Speaker), Cormier, Dickson, Dumouchel, Fabre, Ferguson,

Grant, Guevremont, Hamilton (Kingston), Haythorne, Hope, Leonard, Macpherson, Miller, Muirhead, Pelletier, Penny, Power, Pozer, Read, Reesor, Ryan, Scott, Shaw, Simpson, Skead, Stevens, Sutherland, Trudel, Wark, Wilmot.—43.

The bill was then read a third time and passed.

#### JOINT STOCK COMPANIES.

Hon. Mr. SCOTT moved concurrence in the amendments made to the bill to provide for the incorporation of joint stock companies by letters patent.—Carried.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. AIKINS moved to amend the bill to limit the borrowing power of such companies to eighty per cent. of the subscribed capital, on which twenty per cent. has been paid.

Hon. Mr. CAMPBELL said the House of Commons, this session, seemed to have adopted the rule of allowing those companies to borrow to the extent of their subscribed stock, on which twenty per cent. has been paid. That was the principle not only of this measure, but also of the two private bills which had been sent back from the Lower House, with a message declining to assent to the limit of eighty per cent. It was evident, therefore, if the Senate persisted in placing that limit to the borrowing power, there would be a collision between the two branches of the legislature. He thought, therefore, it would be better for the Senate to give way and allow the bills to pass.

Hon. Mr. SIMPSON said as the other House had passed one bill this session limiting the borrowing power, there was a good reason why they should back down.

After some further discussion, the House divided on the amendment, which was lost.

CONTENTS.—Hon. Messrs. Aikins, Armand, Bellerose, Benson, Botsford, Chapais, Christie (Speaker), Dickey, Dumouchel, Ferguson, Flint, Girard, Guevremont, Haviland, Macdonald (Toronto), Miller, Muirhead, Power, Simpson, Stevens, Trudel, Wilmot—22.

NON-CONTENTS.—Hon. Messrs. Bureau, Campbell, Chaffers, Cormier, Fabre, Grant, Hamilton, (Kingston), Haythorne, Pope, Leonard, McMaster, Macpherson, Montgomery, Paquet, Pelletier, Penny, Pozer, Read, Reesor, Ryan, Scott, Shaw, Skead, Sutherland, Wark—25.

Hon. Mr. WILMOT moved to amend the 97th clause, by limiting the rate of interest to eight per cent.

The House divided on the amendment, which was lost.

CONTENTS.—Hon. Messrs. Armand, Bellerose, Bureau, Chaffers, Chapais, Dumouchel, Ferguson, Guevremont, Paquet, Read, Shaw, Trudel, Wilmot—13.

NON-CONTENTS.—Hon. Messrs. Aikins, Alexander, Archibald, Benson, Botsford, Campbell, Christie (Speaker), Cormier, Dickey, Fabre, Ferrier, Grant, Hamilton (Kingston), Haviland, Haythorne, Hope, Kaulbach, Leonard, McDonald (Toronto), McMaster, Macpherson, Montgomery, Muirhead, Pelletier, Penny, Power, Reesor, Ryan, Scott, Stevens, Sutherland, Wark—32.

On motion of Hon. Mr. Trudel, the third reading was postponed until to-morrow.

The House adjourned at six o'clock

TUESDAY, April 24th.

The SPEAKER took the chair at three o'clock.

After routine.

#### THE PILOTAGE ACT.

Hon. Mr. PELLETIER moved the House into Committee of the Whole on the bill to amend the Pilotage Act of 1875. He said he wished to introduce a clause into the bill to provide that pilot boats shall carry only one light, a white light at the mast head. Under the present law it was obligatory that Canadian pilot boats should carry two lights, a white light and a red light. In 1863 the white light was adopted in Great Britain, but in 1873 an amendment was introduced into the Pilotage Act to compel pilot vessels to carry a white light at the mast head, and a red one below. In Canada the same regulation was introduced and made law, but in England it did not become law, and the pilot vessels of Great Britain and the United States now carried only the white light. It was to make the pilot lights of Canadian vessels conform to those of Great Britain and the United States that he introduced this clause.

The clause was agreed to.

On the first clause,

Hon. Mr. RYAN took exception to the latter part as it placed in the hands of the pilotage authorities of Halifax, Sydney Pilotage District and Pictou, the power to make invidious distinctions between different lines of steamships. He quoted from a letter from the Montreal Board of Trade, protesting against such legislation. He would move in amendment to strike out all the words after "dues," in line 19, to the end of the clause.

Hon. Mr. ARCHIBALD said he considered that this act was essential for perfecting the Pilotage Act of 1873-5, and he could see no reason why steamers should not pay pilot-

age as well as sailing vessels. Pilots as a class, were very poorly paid, and many of them, to his own knowledge, did not earn sufficient to buy the necessaries of life for themselves and their families. A large staff of pilots had to be kept on hand, and the injustice which they suffered, under the present law, was, those poor fellows had to toil and row for hours and hours at a time, to haul a steamer whose smoke could be seen in the far distance, and when they got alongside they were told that their services were not required. There was nothing in this bill to give powers to the pilotage authorities that they did not now possess. Under the act of 1873-75, when they prepared their tariff they had to submit it to the Governor in Council. Under this bill the same would have to be done. The old tariff under which pilotage was collected previous to 1873 was authorized by statute of the provincial legislature, and it was considered a very low tariff. He was glad to say that the present pilotage authorities, when they re-framed the tariff, adopted that without any change, and there was no danger of the power with which they were entrusted being abused under this act. Their scale of fees might be considered a sliding scale; for instance, vessels of 100 tons and upwards paid \$6, and from 150 tons to 200 tons the rate was \$7; still it was not obligatory. A vessel might require the services of a pilot coming into port, but if it did not require him going out, he could be discharged on payment of one-half pilotage. Steamers and sailing vessels hailed outside the pilotage limits, if the services of the pilot were not required, had only to pay one-half pilotage in and half out. It was a small remuneration for the services of a pilot who sometimes went out ten to fifteen miles to meet vessels, and had to return home with half pilotage. The honorable gentleman from Richmond knew that any master or mate of a vessel could go before the pilotage board, pass inspection, and take out a certificate by which he could pilot his own vessel for the remainder of the year for the paltry sum of ten dollars. Under the last act that was passed by Parliament, although vessels were exempt from pilotage in other parts of the Dominion, they had to pay pilotage when navigating the St. Lawrence. It appeared to him to be a little onesided, and he hoped the committee would pause before adopting that amendment, as it would be taking the bread out of the mouths of a class of men who, God knows, earn their money hard enough by exposure to all kinds of hardships, as their calling was extra hazardous.

Hon. Mr. RYAN said his objection was not to compulsory pilotage as long as vessels were all placed on the same footing, but it was to giving into the hands of pilotage authorities the power of making invidious distinctions between vessels.

Hon. Mr. ARCHIBALD said there would be no invidious distinctions made.

Hon. Mr. PELLETIER— The power is given to the pilotage authorities to classify rates on large and small steamers according to their tonnage.

Hon. Mr. RYAN said the clause was not intended to apply to small steamers but to steamships.

Hon. Mr. PELLETIER said all seagoing vessels came within the definition of the term.

Hon. Mr. MILLER agreed with the honorable member from Montreal that the latter part of the clause should be struck out altogether, as he believed the wise policy adopted by the late Government should be followed out; that was, to abolish all taxation on the shipping of the country that could be avoided without injury to other interests. Steamship service was of such incalculable benefit to the people that every encouragement should be afforded by subsidies and otherwise to maintain it, especially at the present time, when such enterprises were suffering so severely from the depression in trade, it would be an insane policy to impose an additional tax on them by compulsory pilotage. With regard to the argument that had been advanced that the pilotage authorities in Halifax, Sydney and Pictou would be too careful of the interests of these ports to impose dues that would drive away trade, he did not look upon it as having any force, because it was a well known fact that where a community is allowed to raise taxation at the expense of the general public for the benefit of the community, they would invariably be disposed to abuse their trust for the sake of local interests. Ten or twelve years ago the pilotage authorities of Sydney and Pictou had the power to impose pilot fees on all vessels entering those ports without discrimination, and the effect was to encourage the appointment of a large number of pilots, whose services were not required, until it became such an intolerable tax on the local shipping engaged in the coal trade, that he had introduced a bill to regulate the pilotage. Although the bill passed and became a statute of the province, it was openly violated by the pilotage authorities, so that it would be seen how unsafe it was to give them such authority as was proposed in this bill.

Hon. Mr. ARCHIBALD said he knew for a



fact that for many years vessels trading between Sydney and Halifax paid no pilotage fees before the Act of 1873. If the honorable gentleman would move to abolish the Pilotage Act (altogether, he would support such a motion; but if they were to have compulsory pilotage, he did not see why steamships should not pay as well as sailing vessels.

Hon. Mr. GRANT said the pilots were very poorly paid, in consequence of the coal trade, which was done a few years ago principally by sailing vessels, being now done by steamers, and as steamers were exempt from pilotage, the tax came altogether on the sailing vessels. He believed pilots were necessary, as they could not be done without in the rough autumn months, and if they were to be kept at starvation wages during the summer months, they could not be expected to be found when they were most needed.

Hon. Mr. HAVILAND considered it was amusing to see how the honorable gentlemen played at battledore and shuttlecock with protection and free trade. The honorable gentleman who had just sat down was a strong supporter of a free trade Government, but he was a protectionist when it served local interests. There was no doubt this bill was special legislation to give exceptional advantages to the ports of Halifax, Sydney and Pictou. He did not want Prince Edward Island steamships to be placed in the position of being exempted from pilotage as a matter of favor, but as a matter of right, as they carried pilots of their own, who understood their business. If the pilotage authorities were to be allowed to increase the emoluments of pilots, let the bill apply to all parts of the Dominion as well as to the three ports mentioned.

Hon. Mr. POWER considered the fact that the pilotage regulations would be subject to Order in Council was sufficient guarantee that the powers of the pilotage authorities would not be abused. He failed to see why a steamer owned by a wealthy company in Montreal coming down to the port of Pictou should not pay pilotage dues as well as a brig or brigantine owned by a man residing in Pictou when she comes back to her own home port. In the same way he could see no reason why a vessel owned in Halifax should be compelled to pay pilotage in that port, and a steamer owned in the same harbor, and worth four or five times as much, should be exempt from pilotage fees. He cited the Act of 1873 to show that the member from Richmond was wrong in stating that the late Government had dealt more liberally with steamers in the matter of pilotage than their succes-

sors. If the committee adopted the views of honorable gentlemen opposite the result would be in the end the business of pilotage would be abandoned at those ports, and the risk of life and property would be obviously increased.

Hon. Mr. MILLER said he was not surprised at the members from Halifax, Sydney and Pictou supporting this bill, and it was a singular coincidence that the ports for which this exceptional legislation was asked were in counties represented by strong supporters of the Government, on whose recommendations the regulations of the pilotage authorities would be sanctioned or refused by the Administration.

Hon. Mr. ARCHIBALD said when the bill was introduced first it was only to apply to Halifax and Pictou.

Hon. Mr. POWER said the bill was not a recommendation of the members for Halifax, but of the pilotage authorities of that port.

Hon. Mr. MUIRHEAD suggested that Miramichi should be added to the favored ports.

Hon. Mr. PELLETIER said he would accept such an amendment. The only opposition to this bill seemed to be from Montreal, although it had been before the Commons for several weeks. The insinuation of the honorable gentleman from Richmond that the bill had been framed to please supporters of the Government, was unfair and unjust, as the Ports of Sydney, Pictou and Halifax would only have the same power to impose fees on vessels from Montreal and Quebec, that Montreal and Quebec had to impose fees on the vessels of Halifax, Sydney and Pictou. The bill was not intended to apply only to those ports, but to all ports where pilotage authorities were established.

Hon. Mr. BOTSFORD said the objection he had to the amendment of the honorable gentleman from Montreal was that it would exempt steamers from compulsory pilotage, and as he did not see any reason why they should be so exempted. He would vote against it.

Hon. Mr. HAVILAND could see no reason why the harbor of St. John should not have the same privileges as the three ports mentioned. In every other port in the Dominion, steamers were to be exempted from compulsory pilotage, except in the harbors of Pictou, Halifax and Sydney.

Hon. Mr. RYAN said the Board of Trade of Montreal were very much opposed to this bill, and had sent a remonstrance through one of the representatives of that city in the

Commons, asking that gentleman to oppose the bill.

Hon. Mr. PELLETIER — The Montreal members spoke in favor of the bill.

Hon. Mr. RYAN said the Board of Trade, finding that their city representatives in the other House had not opposed the measure, wrote to him, as there was not time to memorialize the Government on the subject.

He thought if the bill was understood as well everywhere else as in Montreal, it would be opposed by every commercial body in the interests of the Dominion.

Hon. Mr. MONTGOMERY opposed the bill on the ground that it was exceptional legislation.

Hon. Mr. MILLER asked if the Minister of Agriculture was willing to extend the provisions of this bill to every port that wished it, what would become of the exemption?

The Committee divided on Mr. Ryan's motion, which was declared lost. Yeas, 10; nays, 30.

Hon. Mr. MILLER then moved that the clause be amended—line 27, after "dues," insert "provided, however, that all steamships owned, or for the most part owned in the Dominion of Canada, shall be exempt from pilotage dues in the ports of Halifax and Pictou, and in the Sydney pilotage district."

Hon. Mr. ARCHIBALD said the effect of this would be to leave the Act as it is now, as all foreign steamships pay pilotage.

Hon. Mr. MILLER said one of the arguments used in favour of this bill was, that it was a hardship that foreign steamers were allowed to come in without taking pilots.

Hon. Mr. GRANL said the sense in which he had used the word "foreign," applied to vessels owned in England, and American steamers, and by that resolution it would not have the effect intended.

The committee divided, and the amendment was declared lost. Yeas, 9; nays, 24.

The clause was then agreed to.

On clause 2,

Hon. Mr. MILLER objected to this clause. In the previous section the pilotage authorities had the power to discriminate against any vessel they chose, and in this clause they were given the power to detain the vessel until such dues were paid, no matter how unjust the claim might be. This was too arbitrary a power to give to any pilotage authorities.

Hon. Mr. ARCHIBALD said the clause was necessary in order to prevent dishonest captains from slipping out of port without paying their dues.

Hon. Mr. DICKEY said no doubt that was the object of the clause, but it went further,

and the literal effect of it was to place it entirely in the discretion of the pilotage authorities to say whether they would detain a vessel whether it was subject to pilotage or not. He would move to amend the clause by inserting after the word "ship" the words "liable to pilotage dues."

Hon. Mr. PELLETIER said the power was not more arbitrary than that given to collectors of customs.

Hon. Mr. MILLER contended the power was greater because the customs dues were clearly defined by law, while the pilotage authorities might make an unjust claim which it would be more to the advantage of the vessel to pay in order to get a clearance than lose time to dispute it.

The amendment was adopted.

The bill was reported with amendments which were concurred in, and the third reading was ordered for to-morrow.

#### JOINT STOCK COMPANIES ACT.

Hon. Mr. TRUDEL resumed the debate on the bill to provide for the incorporation of joint stock companies by letters patent, and moved his amendment which had been rejected in committee, requiring companies to file in the offices of the Clerks of the Superior Courts where they do business, declarations explaining all that would be necessary to make their firm perfectly known. A bill passed by the Quebec Legislature to the same effect as this measure contained the provision which he now proposed, and he hoped the honorable Secretary of State would accept it.

Hon. Mr. SCOTT said he could not accept the amendment because he saw no necessity for it, and it would entail a great deal of trouble upon companies incorporated under this act, because they would be obliged to file a declaration in every county of the province in which they did business. As their officers were frequently changing, the information would have to be filed often, and it would be exceedingly onerous to the companies. But even though it were desirable, this Parliament had no power to require clerks to receive such information.

The amendment was lost on a division.

The bill was then read a third time and passed.

The House adjourned at 9 o'clock.

— — — WEDNESDAY, 25th.

The SPEAKER took the chair at three o'clock.

After routine,

#### A PERSONAL EXPLANATION.

Hon. Dr. CARRALL called attention to

an error in the Public Accounts, by which it appeared he had received \$1,000 for expenses at the Centennial Exhibition. The facts were these—the Dominion Government had appropriated \$1,000 for British Columbia, and the Local Government had contributed a like amount, which was paid out in various ways. His own expenses were three or four hundred dollars, and the whole amount he charged was less than \$160. of which \$30 were paid to the Geological Department. His secretary had been Mr. Dawson, a son of Professor Dawson, and a most honorable and agreeable gentleman. The balance in bank—some eight hundred odd dollars—was paid out by Mr. Dawson, who had vouchers to show how every dollar of it was expended. He made this explanation lest the Public Accounts might be quoted on the hustings at some future time, to show that he had been paid \$1,000 by a Grit Government for his expenses to Philadelphia.

Hon. Mr. PENNY said it was but right to add the honorable gentlemen's statement was perfectly correct. The Commissioners found it difficult to deal with the distant provinces, and \$1,000 had been handed over to the honorable gentleman, to be expended for British Columbia, and no doubt it had been paid out in the most economical and judicious manner. The error was merely in book-keeping, and no one would suppose that the money had been used to defray the honorable gentleman's expenses to the exhibition.

The matter then dropped.

#### THE NATIONAL POLICY.

Hon. Mr. WARK resumed the adjourned debate on the Hon. Mr. Read's motion—to resolve: That in the opinion of this House, the present and future interests of the manufacturing and agricultural industries of the Dominion call for the adoption of a national policy by which either reciprocity of trade with the United States is obtained, or a reciprocity of tariffs is established by Canada. He said if the debate had been confined to the two propositions in the motion, it might have been terminated long ago. The resolution merely proposed that we should take such steps as would obtain reciprocity with the United States, or a reciprocity of tariffs. He thought we were rather uncharitable in the view we had taken of the legislation of the United States. Many honorable members of this House could remember the time when the Republic had no national debt, but since then the Mexican war and expensive Indian wars had occurred, and these were followed by the great civil war, until they rolled up an

enormous debt. It was not extraordinary, therefore, that they should tax themselves heavily to meet their indebtedness, or that they should be rather dubious about admitting the products of Canada to compete with the products of their own heavily taxed people. But, if we had cause to complain of the United States tariff, we certainly could have none to complain of the tariff of Great Britain; yet the mover of the resolution, and others, advocated protection against both countries. There was not an article produced on our farms or brought from our forests, our mines or our waters, that was not admitted free into the markets of the United Kingdom. Even on our manufactured products no duty was imposed. The honorable Senator who moved this resolution had remarked that free traders in this country drew their inspiration chiefly from colonial secretaries, who were guided by the self-interest of British manufacturers. At one time the manufacturers of the mother country were protected by a clause in the Royal Instructions which prohibited the colonial governors from giving their assent to any bill that imposed a duty on the products of Great Britain. That was subsequently changed for a clause prohibiting the imposition of differential duties. He would give the House some information with respect to that clause. Up to 1833 the Legislature of New Brunswick had never attempted to impose duties on British manufactures. In that year the House of Assembly sent delegates to London to confer with the Imperial Government on this and other subjects, and this was what they said:—

"The House of Assembly conceive that the only object of the Royal Instructions in this particular was the protection of the trade and manufactures of the mother country, and not with any view to prevent the imposition by the Colonial Legislature of reasonable duties on articles of British manufacture, for the mere purposes of local revenue, operating only as a tax on the consumer, and having no object or influence in favor of foreign rival or even domestic manufactures."

To this the reply was as follows:—

"Mr. Stanley has pleasure in complying with the wish expressed through Messrs. Simonds and Chandler that the Local Government may be relieved from any doubt as to its competency to assent to an Act imposing reasonable duties on goods of British manufacture, such duties being calculated for the mere purposes of raising a local revenue, operating only as a tax on the consumer, and having no object in favor of rival manufactures, foreign or domestic."

Could the honorable Senator put his hand

on any document to show that this policy of the British Government had ever been receded from? No. It was still the policy of the Empire, and it explained why the Sheffield manufacturers protested against Sir Alexander Galt's proposition to tax their products by a protective tariff. And it was no wonder that they protested. The taxpayers of Britain furnished us the protection of an army and of the most powerful navy in the world. Our shipping, which had grown so enormously, was protected on every sea by the British flag, and there were British consuls in every port to guard our interests. All these benefits we received without being called upon to contribute one dollar towards the expense. Could anything be more unreasonable, then, than to shut out the manufacturers of Great Britain from our markets by a protective tariff? No friend of this country would seek, by legislation or otherwise, to interrupt the harmony existing between the mother country and the Dominion. A good deal had been said in this debate respecting the balance of trade, and the fact that in the last four years the United States had a balance of \$527,000,000 in its favor was pointed to as evidence that the Republic had grown that much richer. It must be remembered, however, that the trade of that country was largely carried in British vessels, and the freights alone would absorb a large portion of the balance of trade. The seconder of the resolution had alluded to the fact that some of our people were leaving the country, as evidence that we wanted protection to keep them at home. Looking over the United States census of 1870, he observed that in the ten years ending then, the population of the States of Maine and New Hampshire had decreased. That was not for want of protection, but it was due to the tendency of people to move West; but what was to be said of the fact that 51,697 people had, in 1876, gone back from the United States, where a protective policy prevailed, to free trade England? The honorable Senator (Mr. Wilmot) had referred to the curtailment of the currency as the cause of the depression in the United States. He (Mr. Wark) had heard that argument nearly a quarter of a century ago, but had been informed by a banker that the difficulty was to keep the money in circulation. The trade of the country would not absorb it. Here was what the New York *Herald* recently said on the subject:—

“ Within the last year the national banks have surrendered well on toward a hundred million dollars of the circulation, and yet there is abundance of money which cannot

find employment. In an active state of business, the banks easily get from seven to ten per cent. for the use of money, but at present they are glad to get good commercial paper at three or three and a half per cent., in spite of a large reduction of the currency by surrenders of bank circulation.”

There was an explanation of it; it was want of employment for money. It could not be used in a profitable way for more than three and a half or four per cent., while in more prosperous times people would be willing to pay from seven to ten per cent. One important feature in the honorable Senator's speech, was the sensational articles he read from an American newspaper respecting the growth of the American cotton manufactures, which, it was alleged on the authority of a New York paper, were supplanting English products, even in the markets of Great Britain.

Hon. Mr. WILMOT—I have seen the same thing in the City of St. John.

Hon. Mr. WARK said that might be the case, but it was exceptional, just as a few sales of United States iron had been made there at cheaper rates than English iron. It was due to over-production, in both cases, and the goods were sold at a sacrifice. He had seen in an American paper recently the statement that of thirty-seven furnaces in the Schuylkill Valley, only sixteen were in blast. Was it any wonder they were selling their products at a sacrifice? He would now submit a statement taken from authentic documents, which would show how little foundation there was for the assertion that the United States manufacturers of cotton were competing successfully with their British rivals. As an illustration take three of the nearest markets to the United States:—

*Cotton Manufactures Exported to the following Countries.*

	From U. S., 1874.	From G. B. 1875.
Mexico.....	\$308,691	\$2,823,500
Central America.....	12,846	2,450,925
Brazil.....	299,704	17,316,550
	\$621,241	\$22,620,055

Or, in other words, Great Britain sells \$36 worth of cotton goods to every \$1 the United States sells in those three American markets. More than that, while the United States sends to Great Britain \$477,222 worth of cotton manufactures, Great Britain sends

to the United States \$15,743,895 worth. In other words, Great Britain buys 3 per cent. of the quantity she sells to the United States, and this, too, in the face of heavy protective duties in the latter country, while the British market is free. There was a curious feature in this trade. England takes some bales of Sea Island cotton from the United States, manufactures it into thread, and sells to the United States \$564,421 worth of thread alone, thus paying for the whole cotton which she gets from them and clearing \$87,200 by the transaction. While the total exports of cotton goods from the United States in 1874 was \$3,569,512, the exports of cotton goods from Great Britain in 1875 were \$292,994,265. England imports 1,492,351,168 pounds of cotton, and will sell it to her customers any way they want it. In 1875 she sold 17½ per cent. of it in a raw state. She imported 2,038,369 pounds of yarn and exported 215,609,580 lbs. Of the manufactures of India and China, she bought 5,583 pieces, and she sold 3,562,462,166 yards. From the European States she bought \$6,259,210 worth and sold \$292,994,265 worth. The figures in the woollen trade told the same story. The following statement for 1875 would give an idea of the way Great Britain managed her trade:—

Imports.	Exports.
Coffee.... 178,049,984 lbs.	135,274,944 lbs. or 78 per ct.
Cocoa.... 15,873,624 "	10,464,139 " 66 "
Tea..... 197,665,816 "	32,226,698 " 16½ "
Spices... 38,974,636 "	23,998,364 " 73 "

This would show that England was not only a large manufacturing country, but that she also bought from every country to sell again. There was a singular fact in connection with her shipping. She owns 6,087,701 tons of shipping, and her colonies own 1,591,770 tons. Of the exports of the United Kingdom, 74 per cent. are British produce and 26 per cent. are foreign and colonial, the values being, British, \$1,117,329,815, and foreign and colonial, \$290,731,800. It would be seen, therefore, that Great Britain imports to export again just about enough to give employment to all the colonial ships, and it could be seen at once the benefits we derived from participating in such an extensive trade. Some reference had been made to the iron trade of England. She imported for her own use 105,505 tons, and exported 2,458,306; her imports being 5 per cent. of her exports. The imports of iron in bars, consisted principally of Swedish, of a quality that could not be procured in England. Deducting the value of this Swedish iron from her imports, in bars, it would be found she imported only £83,093 worth from other countries. He would refer to one

other remark of the honorable Senator (Mr. Wilmot) that the rich were getting richer and the poor poorer. On the contrary, it would be found that while the cost of living was decreasing in England, wages of artizans were increasing. In 1800, meat was worth £3 4s. 4d. per cwt.; in 1868, it was £3 5s. 8d. In 1800, flour was worth £4 16s 0d. per sack; in 1868, only £2 12s. 6d. In 1800 a carpenter received 3s. per day; in 1868, 5s. 7½d. A bricklayer in 1800, 3s.; in 1868, 5s. 7½d. A mason in 1800, 2s. 10d.; in 1868, 6s. 1d. A plumber 3s. 3d.; in 1868, 6s. 2½d.

Hon. Mr. WILMOT said 1800 was a very bad time. England was at war, and the cost of living was high.

Hon. Mr. WARK said other years would show similar results. Of the imports of Great Britain, just eleven per cent. paid duty, while eighty-nine per cent. were duty free. What the working classes contributed to the revenue might be chiefly considered voluntary, being paid principally on tobacco and liquors. Of the £78,000,000 revenue collected, over £40,000,000 was derived from liquors and tobacco. If the working classes of the mother country could be induced to give up the use of intoxicating liquors and tobacco their taxes would be trifling indeed.

Hon. Mr. FLINT said the honorable Senator who had just resumed his seat had gone back to the year 1800. It was surprising that he had not recalled the time when, in England, a sheep was sold for two pence and an ox for a shilling. It was a long way to go back to prove that we should not have a national policy for this country. He had listened with great interest to the speech of the honorable Senator from Belleville and the honorable gentleman who seconded the resolution, but differed from them in reference to the question who paid the duty. He believed it was the consumer in every instance. When a load of lumber was sent from Canada to the United States, the purchaser paid the duty in addition to the cost of it, and in selling it to the consumer, added his profit, so that, in the end, the consumer paid both the duty and the profit of the middleman. When the supply exceeds the demand prices fall, but the producer only loses in consequence of over-production, and the consumer pays the duty. He concurred in the opinion that if we import more than we export, the balance must be paid, either in gold or in bills of exchange. If we cannot produce as much as we buy we must be growing poorer. The honorable Senator from Hamilton had given the House to understand that Sir John Macdonald's Gov-

ernment was responsible for the abrogation of the Reciprocity Treaty.

Hon. Mr. HOPE—Hear, hear!

Hon. Mr. FLINT asked if it were true that the action of the late Government in raising the tariff brought about that result, what would the honorable gentleman say of the present Government, who, while they had a Commissioner at Washington begging for a Reciprocity Treaty, raised our tariff two and a half per cent.

Hon. Mr. HOPE—I consider it was an error.

Hon. Mr. FLINT said the honorable gentleman had admitted that, but very faintly. The late Government could never have made an arrangement with the United States which would prevent this country from imposing such taxation as might be necessary at any time for the administration of our public affairs. The true cause of the abrogation of the old Reciprocity Treaty was the desire of our neighbors to annex this country to the Republic. They admitted at the Detroit Convention that was the reason, and that their intention was to "starve Canada into annexation." But instead of forcing us into annexation, they had simply diverted our trade from their country, and Canada had never done better than since the repeal of the treaty, before this crisis came. New markets were found, and they had proved very productive. Our people established new industries when they were thrown on their own resources, and the country had experienced great prosperity. The honorable Senator from Hamilton seemed to have considered his mission in this House was to defend the Government by casting blame upon their predecessors. Like the old woman who found her husband's pants ripped in the same place every night, notwithstanding her daily mending, the honorable Senator seemed to think it his duty every day to sew up the same old rents in the Government. If the honorable gentleman would confine himself to this he would accomplish more than by making speeches against the Opposition, and stand in a better position in this House. The honorable Senator had advocated the imposition of an excise duty on boots and shoes, but if an excise of fifty cents per pair were imposed to keep the duty down to fifteen per cent, what benefit would it be to our manufacturers? A pair of boots worth a dollar could be imported, paying only fifteen cents duty, while, if manufactured in the country they would have to pay fifty cents. It would really be a discrimination against our own manufacturers and in favor of the Americans, of thirty-five per cent. Then, again, with respect to books

and paper; the former were admitted at a duty of only five per cent., while the paper, which is the raw material of the publisher, was taxed seventeen and a half per cent. These facts showed the necessity of re-adjusting the tariff. He would refer again to the question of the balance of trade. It had been said that when we imported \$76,000,000 and exported \$50,000,000 we were \$26,000,000 better off, and in support of this argument the honorable Senator from Hamilton had furnished an illustration—that if a Canadian merchant shipped 100,000 bushels of wheat, worth one dollar a bushel, to the United States, and sold it for \$1.50 a bushel, paying 25 cents per bushel for freight and handling, his profit would be \$25,000, though in purchasing \$125,000 worth of goods to bring home, there would, apparently, be a balance of \$25,000 against him. That was all very fine in theory, but any one in the grain trade knew that it could not be done in practice. There were no such chances for speculation, as he and his honorable friend from Belleville knew to their cost, by actual experience. With respect to the tea trade, the tariff discriminated unfairly against the poorer classes, the addition to the duties being specific, thereby compelling the poor man to pay as high a tax on his cheap tea as the rich man on the more expensive grades. It was the same with sugar and rice. Silks, velvets and articles of that description, used by the wealthy classes, could bear heavier duties, while the tariff on the necessaries of life he had enumerated, which could not be produced in this country, should be lowered as far as possible. He thought our manufacturers might receive more protection. The honorable Senator from Kings had asserted that if we put 40 per cent. duty on stoves it would not prevent American manufacturers from sending them into our markets. That was a very strong reason why the duty should be imposed. If it did not protect our manufacturers we would have the duty at any rate. Then, with respect to furniture, he knew an instance of a man who was furnishing a house near Belleville, who bought his furniture in Rochester, and had it delivered \$40 cheaper than he could purchase it in Canada. Yet the manufacturers in Rochester had to buy their wood in Canada, while our manufacturers have it at their doors.

Hon. Mr. SCOTT—We imported last year \$267,000 worth of furniture; we exported \$87,000 worth, and we manufactured over \$3,500,000 worth.

Hon. Mr. FLINT said he had related a fact which showed that the money was sent out of the country to purchase what we

could manufacture at home. Our lumber trade was paralyzed. The supply had been altogether too great for the demand, and prices had so decreased in consequence that there was nothing to be made in the business. In reference to our farming interests, he would remind honorable gentlemen that some years when the crops are light, we are obliged to import wheat—at least, it was so in the part of Ontario from which he came. Therefore, it would not do to depend exclusively upon agriculture. The farmer cannot give steady employment to labor except during four or five months of the year. Would it be wise, therefore, to have our country dependent solely upon agriculture? The establishment of manufactures would benefit the farmer as well as every one else. For instance, in Ottawa and Hull there is a population of 40,000, of which one-fourth is dependent entirely upon the lumber trade of this place and its various manufactures. Close those establishments and 10,000 people—one fourth of the population which consumes the products raised in the surrounding country—would be obliged to find employment elsewhere. In such a case, is not the farmer injured by the loss of so much of his market? It was evident, therefore, that in a country like ours, it was important to build up manufacturing industries to give employment to the people at all times and under any circumstances. We spend thousands of dollars annually to encourage people to come to Canada, but when they arrive, finding no employment, they go to the neighboring country to swell its population and increase its industries. Diversified employment was necessary to develop our resources and bring wealth and population to the country. The farmer might have to pay a little more, but it would be repaid to him by the advantages a larger home market would afford, and the country would enjoy a large measure of prosperity.

Hon. Mr. PENNY said he was surprised to hear this policy which was advocated by honorable gentlemen opposite spoken of as a "national policy." It seemed to him that there were several ingredients of a national policy in which it was lacking. Canada was part of a great empire and a national policy should be in conformity with the policy of the empire, while this was in direct contradiction of the policy of Great Britain. A national policy should also be a permanent policy, but instead of that this was proposed merely as a temporary expedient arising out of the new relation or parties. It was a policy that might have been proposed a great many times during the administration of honorable gentlemen opposite, but the

country heard very little of it then, and though one or two faint efforts at something like it might be shown, there was nothing like this great broad policy now proposed. This policy then was neither imperial nor permanent. The first attempt to introduce any part of this national policy, now so-called, was before Confederation by the imposition of a duty upon grain and breadstuffs. Coal was at that time a matter of no very great interest to the Province of United Canada, and nobody therefore proposed to put a duty on it. He could recollect very well the result of that attempt at a policy; he could recollect the Mayor of Montreal at the head of a large body of citizens meeting Sir George Cartier at the railway depot on his return from England and begging him for God's sake not to continue to impose a duty on breadstuffs, and thus starve the poor. Respecting that time Mr. W. W. Oglevie, of Montreal, had made some remarks which he would presently quote. The same gentleman had, within a few months, declared himself a protectionist "up to the hilt;" but he had added "You must not put a duty on grain for that is my raw material." That was Mr. Oglevie's idea of protection. It was all very well to bite the other man's dog, but his dog must be protected from anything of that sort. The same gentleman, at the meeting of the Dominion Board of Trade in 1874, said, as to the incident already mentioned:—

"I wish to say a word or two with reference to the grain and flour trade. We had a duty upon these articles for two seasons, and gave it a fair trial. I recollect at that time we shipped Canadian wheat to Liverpool, and also American wheat, on which there was a duty of four cents per bushel, and at Liverpool the question was never asked which was American and which was Canadian wheat. They were both sold on their merits. Was that any protection to the farmer? We were then told that was a year of surplus, but wait until we should have a year of scarcity. The next year was a year of scarcity, and we had to import into Canada two million bushels of wheat, and pay four cents a bushel on it. That is to say, the staff of life was taxed to that extent. It was said a duty of twenty-five cents a barrel on flour would enable us to supply the Maritime Provinces; but if a merchant in the Maritime Provinces has to sell a cargo of fish in New York, he should not be compelled to pay twenty-five cents a barrel duty on a return cargo of flour. I can make a barrel of flour as cheap as any man in the Dominion or the United

"States, and when I cannot supply it to the Maritime Provinces as cheap as they can get it in the American market, then let them buy there."

It was the year when the Mayor of Montreal, at the head of a large delegation, met Sir George Cartier at the station and begged him not to starve the people by keeping up this taxation that the duty was taken off. That year's experience did away for a time with the duty on grain and flour, just in the same way as the Irish famine had produced the repeal of the English corn law. Then there was the sugar refining interest, of which they had heard much. He had ventured to state, in the early part of the session, that whatever had happened to kill the sugar trade, its death was not caused by the present Government. He did not blame the late Government nor any Government, for what had been done. He approved it; but whoever was responsible for any harm, if there were harm, it was not by the gentlemen who were now accused of it. At that time he had been told he did not know much about the matter; but since that time he had hunted up the statements of Mr. Drummond, who knew more about the sugar question than perhaps any other man in Canada. Now, Mr. Drummond, on page 108 of the Dominion Board of Trade report for 1874, said—"So far from the present sugar tariff giving me any protection in the manufacture of sugar, I will prove to you, beyond all question, that the business of sugar refining in this Dominion has for years been carried on in spite of a hostile duty. . . . You will be rather amused to learn that the tariff which is quoted as an advantage to the sugar refiners is, and was, intended to be a provision to hamper and cripple us. I say this advisedly, because the Finance Minister of the day (Sir John Rose) was good enough to explain to me the reason why that duty was imposed. At that time the Maritime Provinces were rather opposed to Confederation, and they had to be treated with a good deal of consideration. They were accustomed to get molasses at a low rate of duty, and it was not considered good policy to deprive them of the advantages they possessed. But, it was alleged, if we obtained the molasses at a low rate we could convert them into sugar and supply the market, thus depriving the Government of a large source of revenue. So the specific rate of 73 cents was imposed on molasses imported for refining purposes, which is equivalent to about 8 cents per gallon, a rate which produced most effectually the result intended; for,

"from that day we gradually worked off our stock of molasses, changed our machinery, and abandoned entirely that branch of our business." The House would see from this that it was the Maritime Provinces for which the sugar refining in Montreal was killed by John Rose, "as they had to be treated with a good deal of consideration." Then this same gentleman, when examined before the committee of the House of Commons last session, said as follows:—"For the last four or five years we have produced none of the leaf or lump sugar, and our principal production has been yellow. The kind of machinery used in making hard sugars has been idle and totally unused since 1870." The question was then put, "You find it more profitable to manufacture the other varieties of refined sugar than these?" to which the reply was:—"That was not the reason; the tariff discriminated against manufactures of such sugars, and after informing the Government (Sir John Rose's) of the fact and requesting them to make a change to meet it, we were compelled to abandon this branch of our trade which we would otherwise have very willingly continued." Then he said further on in the same evidence:—"It is capable of proof, for example, that under the old tariff of Canada, I have been paying higher *ad valorem* duties on raw material than I have been charged on refined sugar coming from Boston or New York. It must be admitted that I have been at a disadvantage, and have been carrying on my business, not in consequence of the tariff, but in spite of it, not in consequence of protection, but in spite of discouragement. That I believe honestly to have been the case under the tariff from 1868 onwards; and the best proof I can give is that I am now prepared to abandon the business."

Now he would take up the tea question. It had been stated that the duties were levied in such a manner as to be oppressive to certain classes, but it was worth remarking that the duties on tea were much less now than they had been during several years of the preceding Administration. He did not say this as a reproach, as he believed tea was a very proper thing on which to levy a duty, but he did not wish to hear this Government charged with sins—if they were sins, though he thought they were not sins—that were committed by the late Government. The grain and flour duties, part of the national policy, having been abandoned as soon as attempted, it was again renewed, and this time the breadstuff duty



was bracketed with a duty on coal; he supposed it was done because working people pay more for their fuel and keeping them cold would help them to pay more for their food and support starvation, but the very next year after this wonderful stroke of policy, Sir Francis Hincks came down and proposed to repeal these duties he had imposed only a twelve month previously. Probably no other man in the House of Commons at that time had a reputation so high as Sir Francis in such matters as these, but he found that the duty he had imposed the previous year was absurd, and he announced that he was going to repeal it. This was before dinner, but in the meantime some parties interested in coals and mills had insisted that the duty should be retained, and when he came back after dinner his policy was that it should not be repealed. The feeling, however, against these imposts was too strong, and the next year they were swept off the statute book. A national policy should, besides the characteristics he had named, also be a policy approved of very generally, at least by the gentlemen who propounded it, but it seemed to him that was not the case in this instance. The present proposition was to raise the duties; but when the Finance Minister had brought down his budget in 1873 to increase the tariff, the increase did not seem to meet the approval of honorable gentlemen who now clamored for a much larger augmentation. The remarks of the financial leader of the Opposition on that occasion were in effect that it was a shame to burthen the people by increasing taxation in this way, yet he (Mr. Penny) supposed from the remarks he had lately heard from these same quarters that while it was cruel to raise the duties two and a half per cent. for the sake of revenue, it would be patriotism still further to augment them by five, seven or ten per cent. This desire for increased duties had indeed been sprung on Parliament very suddenly. The honorable gentleman who had moved the resolution now before the House, had denounced the augmentation of duties by Mr. Cartwright as a cruel and "mischievous tax." Another honorable gentleman, (Mr. Alexander) now he understood in favour of this national policy, was very much opposed to the increase in duties at that time, and on the 26th of February, 1875, in introducing a resolution on another subject, said:—"It would have been a prudent action on the part of the Government to have announced on the opening of Parliament the repeal of the two and a half per cent. added to the duties last session." He (Mr. Penny) did

not know whether the honorable gentleman who wanted to take off the two and a half per cent increase on the tariff then, desired to add more now; but he feared that he did. Then the same honorable gentleman on the 2nd of April, 1875, said:—"Can we forget that during the last session the Government pleaded the necessity for extracting \$2,000,000 more from the people by additional customs duties." He (Mr. Penny) did not know how much it was proposed to extract under the national policy, but this showed that the policy had not met with that broad spirited and uniform support that would be expected from one that bore so taking a title. What was this national policy then? It was not British; nor was it Canadian. It was simply Yankee. It was an attempt to assimilate our system of duties to those of the American Republic.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. PENNY—To assimilate our system of duties to those of the Americans was to annex us in the most practical manner, and to separate us as widely as possible from all the feelings, the affections and the interests of the mother country, it was to make us go hand in hand with the people of a foreign country, to cause us to jump up and down like puppets, with no will of our own, in the hands of the man who pulled the wires. His view of a national policy was one that would conform to the policy of the empire of which we formed a part, and would be at once free and consonant to the great interests of the country. Who was it made this country? Was it the manufacturer, of whom nothing was heard until a comparatively few years ago? He was not a very old Canadian, but he could recollect the time when there were very few manufacturers in Canada, in the sense in which the word was now employed, and it was plain manufacturers were the creatures of those interests that existed here before them, and not those interests of the later manufacturers.

Hon. Mr. CAMPBELL—They are very essential to the prosperity of the country though.

Hon. Mr. PENNY—No doubt they were a great source of prosperity, but only so when their tendency was to build up the country, not to deplete it. The more manufacturers the better if they were able to make out their own living, but if they were like so many paupers to get their living out of the taxation imposed on other people who did make the country, then they were not an advantage, but an injury. The men who made Canada were those who went into the forest,

axe in hand, and converted a wilderness into a thriving colony. Were they now to be taken by the throat and told that they must, whether they liked it or not, support by taxes those who knew none of these hardships?

Hon. Mr. CAMPBELL—Can a country be built up and maintained by a farming population alone?

Hon. Mr. PENNY said he thought Canada had been built up by the farmers and lumbermen, and those who had carried their goods to market, not by a class of late existence.

Hon. Mr. AIKINS—Have not the manufacturers kept pace with the progress of the country?

Hon. Mr. PENNY—The manufacturers did not come here until the farmers had prepared the country for them.

Hon. Mr. DICKEY—Where do you leave the lumbering and mining?

Hon. Mr. PENNY said that, of course, he included them with the farmers, fishermen, shipowners, forwarders and other great interests that made this country first, and would maintain it still, whether there were manufacturers here or not. Those interests were self-supporting interests, the lumbering, farming, stock raising, shipping and forwarding, &c., who could not be benefited; but must be injured by protection on manufactures.

Hon. Mr. READ—Is the lumber to last for all time to come?

Hon. Mr. PENNY—When it is done the lumbermen will have to do something else or starve.

Hon. Mr. SKEAD—We will not starve. When the timber is cleared off we have good soil, and when the lumber is gone we have the soil and the minerals to fall back upon.

Hon. Mr. FLINT—Where are our lumbermen to find a market?

Hon. Mr. PENNY—And if they have not a market, will it give them one to charge them more for pork and clothing? He continued to remark that the classes he had mentioned, the lumbermen and those who made their living out of the soil, after they had raised their products had to go abroad for their markets, and they had to take their chances with the rest of the world for their prices. If there was an exceedingly good crop in Russia or other parts of Europe, our people would have to compete with the low prices of these grains, and if they had thus to meet a slaughter market with their produce abroad, why should they not be allowed to take advantage of a slaughter market at home, and expend their money where they could buy cheapest, in-

stead of being met with high protective duties, which would be levied to support people who pretended they could not live except in glass cases. It could not be pretended for a moment that Canada, even with all the manufacturing population which the most enthusiastic could imagine, could consume all her own natural productions, so that it was impossible to save the producers of these things from the necessity of going abroad to sell. Now who was hurt by the American duties? Surely, if Canadian manufacturers could not compete with foreign manufacturers at home, they could not do it abroad; if they could not compete with American manufacturers in Canada, they could not compete with them in the United States. As, then, they did not go into the American markets, and by the hypothesis submitted to the House could not do so, the American duty did not hurt them. The man who suffered from it was the Canadian producer who went to the United States with his grain, his lumber, his cheese, his animals, or the other things we exported thither on which this duty was levied. Take a farmer from the Eastern Townships, for instance, who drove his waggon load of butter or cheese across the line, and willingly paid thirty per cent. duty, because, after allowing for that, he found sometimes a higher market on the other side than on his own. When he got there and sold his load, he would perhaps see certain goods that suited his fancy. If he bought them to bring back with him, would it be to his advantage to have to pay thirty per cent. instead of seventeen and a half per cent. (on them before he could get them across the Canadian line? Yet that was the way they were going to redress the injury which the American tariff did to our exporters by this so-called national policy.

Hon. Mr. CAMPBELL—What does the honorable gentleman say to the duty on paper?

Hon. Mr. PENNY thought in that respect the tariff was wrong, if the facts were as stated which he was not sure of; but that was a mere item, having nothing to do with the main question, which was one of principle, not of detail.

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in an especially depressed condition. If our sadly long list of bankrupts was examined it would be found that manufacturers were not among the more numerous sufferers. In Montreal, the best houses as a rule belonged to the manufacturers, not to the merchants; and another very curious thing in connection with this was the fact that many, if not most, of our manufacturers were American citizens, who had left their own country, where they had all the supposed advantages of protection, and had established themselves in this comparatively free trade country, of their own free will and accord. Moreover, they were making fortunes, and every year adding to their plant.

Hon. Mr. VIDAL asked if any printers had failed?

Hon. Mr. PENNY said if they had not it was because they were tougher than others, for they certainly had a very hard time in this world, for which he hoped they would some day get credit. He thought again it was by no means certain that the United States had benefited by their fiscal system to the extent that some honorable gentlemen had mentioned. It was known as a matter of fact that a very large number of work people had left the United States.

Hon. Mr. KAULBACH—Does the honorable gentleman argue that the shutting up of the sugar refineries has not injured the direct trade with the West Indies and South America?

Hon. Mr. PENNY said he was not practically acquainted with that, and he would say nothing about it. He had been told by a gentleman interested in the woollen manufactures of the New England States that protection to woollens and wool had ruined that business. Again he might mention this significant fact, that when he left Philadelphia last fall he had brought with him one newspaper containing 218 notices of Sheriff's sales in that city alone. He was quite sure there was no city in this country in which there could be made such a disastrous exhibition.

Hon. Mr. SKEAD said when he was in Philadelphia he saw one of the papers there with 1,000 notices of sheriff's sales in it. That was in July last.

Hon. Mr. PENNY—Yet this was the sort of prosperity they were asked to take part in. He did not pretend that this state of depression in the United States was due entirely to their protective tariff; but it showed that protection had not been productive of that uniform prosperity which it was absurdly supposed to give. The United States had not been saved from collapse by protection; but it had flourished, and would flourish again, in spite of fiscal follies. How

could it be otherwise? Look at the many millions of railway loans that had come into it. Look at the vast immigration. Why, in twenty years, a continent that would have taken, in other ages, five hundred years to open up, had been, by the help of modern science, run over and rummaged in every corner. Gold, silver, coal, petroleum, all things of great value, had been skimmed off the surface, while on the older continents they had to obtain these things at vast cost and labor.

Hon. Mr. KAULBACH—Would that have been the case had there been no manufactures?

Hon. Mr. PENNY—These things were not affected, except disadvantageously, by protection on manufactures. And to obtain these, they would have secured the immigration necessary for the purpose, if the manufacturing immigration had been less, which was a question admitting of discussion. He held there was no panacea of a legislative kind to make people prosperous. Many countries had thriven more or less under bad systems. England was prosperous under protection, as compared with other nations of less activity and resources, but not prosperous according to her own means and resources. All great English statesmen of the last century, to whom the world now looked up, commencing with Shelbourne and Pitt, were free traders; and Lord Beaconsfield, who perhaps might be said to have made his reputation by his attacks on Peel's free trade policy, had soon changed his views, and declared that the free traders were right.

Hon. Mr. RYAN—Where has he expressed that?

Hon. Mr. PENNY said he had expressed it by not changing the policy of the country when he had had the power. Attempts had lately been made to obtain something in the way of protection to sugar, and the Government had refused it, which would be taken as an expression of the belief that protection was not a wise policy. If ever there was justification for it it was in this case, when the French were sending their sugars in the way they were doing under their drawback system. Now, he asked what was the inducement which it was expected to hold out to emigrants as a consequence of this so-called national policy? Could we expect by such a policy to bring hither an immigration of the artizan class? In England, at the present time, wages for mechanics and artizans were as high as they were in Canada, and the cost of living was cheaper there than anywhere else in the world. It could not be expected that people so situated could be induced to come

to this country to get the market furnished by a population of only four millions, even if we could assuredly give them this trumpery little market—trumpery in a manufacturing point of view. Even if we could by these artificial means make wages as high as in the United States, still we could only invite these people to a market of 4,000,000 against one of 40,000,000. Everybody could see from the reports of the British consuls how the cost of living influenced emigrants as to the country they would settle in. If, on the other hand, Canada made the cost of living cheap, it would induce those who wanted land, or to engage in the other great natural industries, to come to this country. They would come to get our fish, grain, minerals and lumber, because they could get them nowhere else so readily and so cheap; but these advantages would be greatly diminished, if their tools, clothing, and other goods were enhanced in price. It was true, the world grew wise very slowly, but he believed as it grew wiser the nearer it would approximate to free trade. The last tariff of France, for instance, was the lowest she had ever had before, and Germany had practically done away with a large mass of duties on manufactures, by the absorption of particular states with separate tariffs in a united empire. He did not think Canada should make a retrograde movement. A good deal had been said about the balance of trade, but he looked upon that as one of those conundrums which could not be elucidated, because they could never get at all the elements of it by the simple figures upon which the balance of trade is predicated. People were very apprehensive of the gold going out of the country; but the great Burke once puzzled a protectionist British House of Commons debating some such question as the present, by asking "Are not a hundred pounds worth of herrings worth a hundred pounds?" When we sent gold away we received its equivalent. Gold is only valuable as a means of getting other things which we want. When we have too much we send it away to get what we want still more. When we have too little we send other things to get it.

Hon. M. READ—The London *Times* says that is an evidence of debt.

Hon. Mr. PENNY said the remarks of the London *Times* were very proper as applied to loans, for the country that borrowed, and used up what it borrowed from one year to another, must, of course, become poorer, just as individuals become poorer, who expend more than they make. Unless loans were expended on productive

works, they would, of course, soon run themselves out. The House had been told that, during the late Administration, Canada had had a period of great prosperity, but during that time he found that we had the balance of trade against us. Now, Canada had a time of depression, and the balance of trade was a little in her favor. He would like to call the attention of the honorable member from Kingston to that fact. During the time of the great prosperity in the United States again, which was coincident to our own, the balance of trade was against that country, but now, during a time of great depression, the balance of trade was in their favor. So far as he was personally concerned in this matter, all his interests throughout his life had been in cities. But he did not believe in encouraging manufacturers at the expense of other classes of the community, and thereby, "killing the goose that laid the golden egg." Wherever there was a prosperous country there would be prosperous cities, but cities do not and can not make a prosperous country.

Hon. Mr. READ said the honorable gentleman must have been mistaken when he said the balance of trade was in favor of Canada since the depression commenced. In 1874 the exports were \$73,000,000, and the imports were \$74,000,000; in 1875 the exports were \$73,000,000, and the imports were \$117,000,000; in 1876 the exports were \$75,000,000, and the imports were \$85,000,000.

Hon. Mr. PENNY admitted he was mistaken about that, but, at all events, during the time of prosperity there were very large balances against us. It was, at all events, true that during the time of the great recent prosperity in the United States the balances of trade had been largely against them, whereas now the President had boasted in his late message that the balance of trade was in their favor. Yet, this was a time of deep depression. The balance of trade was always against Great Britain, and yet that country was always becoming richer. He considered that in all these questions they should come down to first principles. Now, he did not think any man had a right to dictate to him how he was to spend the money he earned with his own hands, or by his own talents. Any attempt to do so, or to turn the Government or the State into a universal providence, was nothing more than a piece of socialism; for though that was a word which would perhaps sound disagreeably in this Senate, he could see no difference between the principles of socialism and those of protection.

At six p.m., the House adjourned till eight p.m.

## SECOND SITTING.

The SPEAKER took the chair at eight o'clock.

After routine,

The pilotage law amendment bill was read a third time and passed.

## THE GREAT SEAL OF NOVA SCOTIA.

Hon. Mr. SCOTT moved the second reading of the bill respecting the Great Seals of the Province of Canada. He said the necessity for introducing this bill arose from the fact of the legality of the Great Seal of Nova Scotia having been called in question. The advice of this Government had been asked in the emergency, and it was thought proper to pass an act to allow the provinces to alter their seals at will. Whether the Constitution conferred such power or not, he would not attempt to say. The bill was simply submitted with a view of relieving, as far as this Parliament could, the Province of Nova Scotia from its present embarrassment, and to authorize all the provinces to alter their seals at will.

Hon. Mr. DICKEY said this bill appeared to be based upon the opinion of the Law Officers of the Crown, who, evidently had not all the facts before them when they expressed it. The Minister of Justice when introducing this measure in another place, expressed doubts as to the power of this Parliament to deal with the question, and the preamble of the bill registered the same doubt. It was unfortunate that such important legislation came so late in the session. He would not oppose the bill, but he thought it unwise to pass it when such doubts were entertained as to the jurisdiction of this Parliament in the matter. When this subject was before the Senate early in the session, the Secretary of State expressed the opinion that this Parliament had nothing to do with this question, and, as would be seen by reference to the communication from the Lieutenant Governor of Nova Scotia, dated March 20th, that opinion was shared by Governor Archibald. Even the Government of Nova Scotia, who declined to solve the difficulty by an appeal to the people, declared that "the Dominion Legislature has clearly no power to rectify the mistake," and suggested that the only other course that seemed open was to invite the action of the Imperial Parliament. This legislation would, therefore, be futile. When the Law Officers of the Crown gave their opinion, they could not have had the despatch of Sir Hastings Doyle, of the 10th of December, 1869, before them, in which he acknowledged the receipt of the seal, and stated the directions of Her Majesty had been followed. No doubt the Government were desirous, when initiating

this legislation, to do everything in their power to solve the difficulty and remove the doubts existing with respect to the Great Seal of Nova Scotia. He was sorry that he could not congratulate his province that the measure would accomplish that object. However, he would not oppose the bill.

Hon. Mr. MILLER said he did not intend to oppose the bill, but he could not allow it to pass without expressing his opposition to the proposal now before the House. When this subject was before the House a few days before, he had given the opinion that this Parliament had no right to deal with it, and this opinion was strengthened by the doubts expressed by the Minister of Justice when introducing the bill in the other House. It was unfortunate that without further investigation this Parliament was asked to legislate in this direction. It would be much better, if the Dominion Legislature had no power to pass this bill, not to complicate the existing condition of affairs. In the face of the decision of the Supreme Court of Nova Scotia it would be unwise to pass this measure. The proper course to pursue would be to appeal the case to England for the decision of the Judicial Committee of the Privy Council. Of course, under the circumstances, he did not see that the Minister of Justice had any option but to introduce this bill. If it turned out that this legislation would meet the difficulty, well and good; if not, although it might complicate matters by having such a law on the statute books, it could do no harm.

Hon. Mr. KAULBACH said he was strongly impressed with the impropriety of the present hasty legislation proposed by the Government in the bill before them, based, as it appeared, upon the opinion and suggestion of the Law Officers of the Crown, who, from the correspondence before them, evidently were not vested with the whole facts and circumstances of the case, to enable them to form a correct opinion on the subject, and consequently the advice suggested by them through Lord Carnarvon in his despatch, failed in having that importance attached to it which it otherwise would have had, and it was further evident that opinion did not harmonize with the clear, unequivocal opinion expressed by the Dominion Government. The Hon. Secretary of State had, in this House, the other day, expressed his unqualified opinion, when a motion was made for the correspondence on the subject, that it was not a matter for the Dominion Government to deal with. As his honorable friends from Amherst and Richmond had just now fully given reasons for the like opinion on the subject, he would

not trouble the House with a repetition of the same arguments. The very preamble of the bill now under consideration showed the doubts and uncertainty with which the Government were impressed in seeking to deal with this matter. He was of opinion that the Royal warrant, with instructions that the new seals should be used, and requiring and commanding the return of the old seals, was not merely directory, but that it abolished the old seal from the time it was delivered to the Lieutenant Governor in 1869, and the Supreme Court of Nova Scotia, by a majority of the four senior judges, had declared the old seal illegal. Until that decision was reversed, this Government should have hesitated before interfering in the way now proposed. The Court of Appeal should have first heard the matter; or the decision of the Supreme Court of Nova Scotia should have been sent to the Home Government, for the consideration of the Law Officers. But an illegal Government and Legislature in Nova Scotia were passing an illegal act to confirm, ratify, and make valid their illegal legislation, and that, after the decision of the judges that the old seal was invalid, and after the Attorney General of that province, in reply to the leader of the Opposition, had stated that if the old seal was invalid, the present Parliament was invalid, and a local act would be invalid. The House was asked to pass a government bill in this matter, in which the Government had declared it had no power to interfere. The Government of Nova Scotia, since 1869, had persistently violated the law and the Queen's warrant and instructions, and so long as there were other means, and a simpler and more efficacious remedy, this Parliament should not embark in this doubtful legislation. The proper course would be for the Local Government to apply the only remedy that was free from doubt—a new writ for a general election, under the only valid Great Seal of Nova Scotia—and then a legal Parliament, thus called, could make valid all the illegal acts made and done since 1869. However, having now expressed his views, he would act in concert with his honorable friends from Nova Scotia, and let the Government take the responsibility of its present inconsistent action.

Hon. Mr. POWER thought the opinions of the Law Officers of the Crown on this matter were not of such trifling importance as some honorable gentlemen seemed to think. Their suggestion as to the best method of remedying the difficulty might not be sound, but the question on which they expressed an opinion was whether the warrant in connection with the new seal was simply direc-

tory or an imperative command. On that point, anything that happened after the issuing of the warrant could not have had much bearing. The answer of the Law Officers of the Crown was that the warrant was not directory. A majority of the Supreme Court of Nova Scotia, by an arbitrary dictum rather than otherwise, declared that the warrant was an imperative command. A circumstance which tended to show the warrant was not imperative was the fact, that while the British North America Act provided that the seals of Ontario and Quebec should be the same as the old seals of Upper and Lower Canada before the Union, the Queen's warrant, evidently in utter ignorance of that section, gave those two provinces power to select their own seals. The measure before the House was intended to complete a chain of legislation. The Legislature of Nova Scotia had passed a measure, and adopted an address to Her Majesty for the passage of an Imperial act similar to this, and it was believed this legislation, if secured, would make matters right.

Hon. Mr. MILLER said it was extraordinary, if the main question was settled by the Law Officers of the Crown the warrant was only directory, that it was necessary now to get legislation here, in the Legislature of Nova Scotia, and in the Imperial Parliament.

Hon. Mr. SCOTT—It is paradoxical, I must confess.

Hon. Mr. HAVILAND said, with all due deference to the powers that be, this bill was introduced in too great a hurry, and he thought it would have been much better if the decision of the Supreme Court of Nova Scotia had been tested in a higher court before such legislation was attempted. The honorable Senator from Halifax seemed to think the opinion of the Law Officers of the Crown was of more value than the judgment of the Supreme Court of his native Province.

Hon. Mr. POWER—I did not say that.

Hon. Mr. HAVILAND said that was the effect of the honorable gentleman's words. The Law Officers of the Crown might be two of the ablest men in England, and for the sake of argument he would admit the judges of the Supreme Court might not be as great lawyers, but there would be this difference—the former expressed merely an opinion; the latter rendered a judgment, which must be obeyed until it was set aside by a higher court or by act of a legislature which had jurisdiction in the matter. The easiest solution of the difficulty would have been to dissolve the House and elect a legislature in a legal manner. It seemed

extraordinary that three legislatures should be attempting to settle the difficulty. The bill of the Nova Scotia Legislature could have no effect if the decision of the Supreme Court was correct, and there were doubts as to the jurisdiction of the Dominion Parliament. However, this bill could do no harm, except to lower the dignity of this Legislature. It would have been much better if the Government had not pressed this bill during the present session.

Hon. Mr. POWER—The Minister of Justice in the late Government expressed the same opinion as the Law Officers of the Crown.

Hon. Mr. HAVILAND—I don't care if a dozen ministers of justice expressed the same opinion, I would look upon their opinion as so much dust in the balance compared with the decision of the Supreme Court.

Hon. Mr. DICKEY called attention to the fact that Sir John Macdonald had yielded his opinion in the face of Lord Granville's. The honorable Senator from Halifax, in setting the opinion of the Law Officers of the Crown against the decision of the eminent judges of the Supreme Court of Nova Scotia, should have mentioned the fact that one of the most important papers bearing on the case was not discovered until the 23th of March last, about the time the Law Officers of the Crown gave their opinion, and consequently they were not in possession of all the facts.

The bill was read a third time and passed. The House adjourned at nine o'clock.

THURSDAY, April 26th.

The SPEAKER took the chair at three o'clock p.m.

After routine,

#### THE INTERCOLONIAL RAILWAY.

Hon. Mr. BOTSFORD'S motion was called "To resolve, That as no return has been made to an address of the Senate, passed the 8th day of March, requesting information relative to the Intercolonial Railway, this House had been deprived of exercising one of its inherent privileges—that of enquiring into the manner in which one of the public works of the Dominion is administered."

He said as the return for which he had moved had been brought down since he had put this notice on the paper, with the leave of the House he would withdraw the motion. He would, however, call attention to the importance of these returns, with a view to having them printed. He desired also to call the attention of the honorable Secretary of State to certain omissions or deficiencies in the report, and he hoped the Gov-

ernment would, before the next session, have all the details for which he had moved brought down. In the first place, this return only covered six months, when his request was that it should extend from the 1st of January, 1876, to the 1st of March, 1877. The first part of the return referring to the number of annual passes, showed that there were 340 persons who had annual passes over the road for the half year in 1877 covered by this return. Many of those passes were granted to persons outside of the Dominion, and in no way connected with the Intercolonial Railway. In his opinion it was unjust to the people of Canada that free passes should be given to people connected with railroads in the Western States. He noticed also there were no returns of temporary passes. If his information was correct, there were a good many of them issued. The return respecting the palace car gave no details, and the amount stated for its construction was much lower than he had been led to believe. Then there was no estimate of the losses caused by collisions and accidents. It was important that this information should be furnished. Contrary to the statement made by Mr. Brydges in the return, only two accidents out of the twenty-five, which had occurred, took place on the part of the road where the old iron rails were laid. Another omission was, there was no statement of the perquisites of station masters, and others employed on the road, while he observed their salaries were very large, and he would like to know if they had their houses rent free. The salary of the Superintendent was larger than that of any of the Supreme Court Judges, \$8,000 and all expenses, including a palace car to move about in. The second officer had a salary of \$4,000, which was as large as the salary received by any of the Judges of the Supreme Court of New Brunswick; they had, besides, their houses rent free. He feared, from his knowledge of this railway, the Government had handed the management over to an irresponsible person.

Hon. Mr. SCOTT promised to call the attention of Mr. Brydges to the statements of the honorable Senator, and he hoped the information desired would be furnished early next session. When Mr. Brydges was in Ottawa a fortnight ago he (Mr. Scott) had called his attention to the fact that some details were wanting, and was informed that only a portion of the information could be furnished in time to be laid before the House this session. It seemed to him that the number of passes issued was large, but it was the custom to exchange passes with railways, and, perhaps, seven-eighths of

them were never used. The Intercolonial Railway could not be managed differently from other lines, simply because it happened to be a Government work. It was a courtesy always exchanged between railway superintendents. The Government had appointed the most efficient man that they could secure as manager for the Intercolonial Railway, and it was utterly impossible for the head of the Public Works Department to interfere in a matter which was a specialty and wholly apart from the duties of his office. The management of the railway was one of those executive acts that must be in the hands of one man, who was all powerful for the time, and who was educated up to the position and was master of the situation. Therefore, the Government could have taken no other course than that which they had pursued. In regard to the palace car, he (Mr. Scott) had been startled at the smallness of the cost—some fifteen hundred dollars or less—but the car was an old one that had been repaired and divided into compartments for the convenience of the Manager, whose car was his office while he was on the road. He had no doubt full information would be furnished next session.

The motion was withdrawn.

#### QUEBEC HARBOR AND PILOTAGE ACT.

Hon. Mr. PELLETIER moved the second reading of the bill to amend the Quebec Harbor and Pilotage Acts of 1873. He said the object of the bill was simply to give the Commissioners power to collect duties on goods coming to Quebec by land from the United States. They had power to collect dues on goods coming from beyond the sea, but not on goods coming down the river or by land. As the measure had the approval of the Board of Trade of Quebec, and of the residents of that city generally, he supposed there could be no objection to it.

Hon. Mr. FERRIER wished to know if it would affect the North Shore Railway which would be opened next year, and which would not use the harbor at all?

Hon. Mr. PELLETIER said the bill would only impose dues on goods landed and to be consumed in the City of Quebec.

Hon. Mr. FERRIER wished to know if it exempted all the goods coming from the United States by the North Shore Railway?

Hon. Mr. PELLETIER said they would have to pay the same as goods coming by the Grand Trunk Railway or landed in Quebec in any other way.

Hon. Mr. RYAN said if anyone would refer to the second section they would see that a great change was contemplated in the taxation on tow boats. There had been

two influential petitions from Quebec against this amendment. In the winter season a great deal of traffic passed into Quebec from Lewis by the ice bridge, and at all seasons there would be a great deal of traffic by the North Shore Railway, and as all this traffic would have to pay these dues to the Harbor Commissioners of Quebec, it would be seen they were a very favored corporation. They had given a good deal of dissatisfaction in Quebec, and he believed the patronage they had dispensed was greatly controlled by the Government, who nominated a majority on the commission. He mentioned this as a reason why he objected to placing such extensive powers in the hands of those commissioners. The petitions to which he had referred were signed by a large number of the leading shipowners and merchants of Quebec. He would like to hear an explanation from the Minister of Agriculture as to the manner in which those dues were to be levied.

Hon. Mr. PELLETIER said the gentlemen who had signed the petitions referred to, had withdrawn their opposition after becoming acquainted with the provisions of the measure. If the citizens of Quebec were unanimous in their approval of the bill, he did not suppose this House would prevent them from imposing this tax upon themselves.

Hon. Mr. MACPHERSON said this argument was a very dangerous one, because it would introduce sectionalism into our legislation, down to the smallest and most objectionable degree. He confessed he was very reluctant to increase the power of the Harbor Commissioners of Quebec. He could not forget that the powers with which they had been entrusted had been improperly exercised in the past. The taxing of all that entered the city by a railway which did not touch the harbor at all in winter or summer, was a questionable policy, and it would be injudicious to enact such exceptional legislation without greater consideration than the Senate had an opportunity of giving the bill during the present session.

Hon. Mr. SCOTT said this measure was necessary to enable the Harbor Commissioners to raise sufficient revenue to pay the interest on the debt of the harbor. It was thought only fair to raise it on all goods entering the city, since the improvement in the harbor benefited all classes of the community alike.

Hon. Mr. SKEAD asked if the lumber and timber from Ontario would be subject to those dues, while lumber and timber from the Province of Quebec would be exempt from them?

Hon. Mr. PELLETIER said not at all;



it only referred to goods coming to Quebec from abroad.

Hon. Mr. CAMPBELL said in the first place it struck him as being an unreasonable proposition that all goods entering the city, whether by harbor or otherwise, should be subject to those dues. In fact the effect of the bill would be to put octroi duties on everything that entered the city. It seemed to be a provision to enable the citizens of Quebec to tax themselves in a way one would think would interfere with their business very much. If they desired it, however, and it was necessary that an additional sum should be raised to meet the interest on their debt, he would not oppose the bill, but he would require strong proof to believe that they desired such legislation.

Hon. Mr. FERRIER could not see why the goods landed by the North Shore Railway, or by the Grand Trunk, should pay harbor dues. In one case the railway did not touch the harbor at all, and in the other the wharves were private property of the company, and not of the city.

Hon. Mr. TRUDEL said he had received several letters from parties in Quebec, which tended to show that while there was some opposition to this measure at one time, that opposition had been withdrawn since, as they had recognized the necessity that existed for increasing the revenue of the harbor to meet the interest on the debt, and make some further improvements. When improvements were to be made in that city, there was always opposition from a special class—gentlemen who, though being wealthy, and occupying a position in business, had no fixed interest in Quebec but merely resided there for a time to make money in the lumber trade with a view afterwards to leaving the city. Their opposition was founded on the belief that an increase in taxation would advance the price of labor.

Hon. Mr. DICKEY said it might be convenient for the people of Quebec to raise a revenue in this way, but the question the Senate had to consider, was how it would effect the interests of the public generally. The 4th section, for instance, obliged masters of vessels within twenty-four hours after their arrival to report their cargo and pay dues on pain of fine and imprisonment; and the commissioners were also empowered to impose penalties on persons infringing their by-laws. This was a very extensive power to give to such a body.

Hon. Mr. PELLETIER explained the dues referred to were not on the cargo, but on the vessel.

Hon. Mr. CAMPBELL said after the explanations he had heard, it was right to

assume that the people of Quebec were willing to have this taxation imposed upon them, and inasmuch as they were the only parties who would suffer by it, he was not disposed to oppose the measure. He contended, however, that this bill would impose a tax on lumber and timber from Ontario, while it relieved the lumber and timber of Quebec from the same dues. For instance, timber cut on the north shore of the Ottawa River would not be subject to any dues, while timber and lumber cut on the south shore of the same river would have to pay them. Surely, it could not be contemplated to discriminate so unfairly against the Province of Ontario.

Hon. Mr. HAVILAND said the bill was contrary to every principle of reason and justice. It was imposing a tax on goods carried by land, to maintain a harbor through which they did not come and from which they received no benefit. He considered it was also unwise to give such unlimited powers to the Harbor Commissioners to enforce their by-laws. The 8th clause contained a very vicious principle. It enabled the Commissioners to fine a pilot who was guilty of negligence \$100, instead of suspending his license or taking it away from him. It was a vicious principle, because it offered a premium for negligence. The pilot might run a vessel aground, and by paying a fine of \$100 he would be at liberty to run another vessel aground the following day. He considered it was a move in the wrong direction.

Hon. Mr. CAMPBELL asked if it was the intention of the Government to impose differential dues on the timber and lumber produced in Ontario. Certainly, the bill as it stood would have that effect.

Hon. Mr. SCOTT said this bill was altogether in the interests of Quebec as a commercial city. If fifty per cent. of the goods arrived by the St. Lawrence, and fifty per cent. by New York, it was quite clear that imposing the harbor dues only on the former would be discriminating against the trade of the St. Lawrence. The necessary consequence would be to divert trade from the river to Portland and New York, and the greater the proportion that would be brought by land the more rapidly would the trade of the St. Lawrence diminish. It was, therefore, deemed wise to impose dues on all goods brought into the city. It was not contemplated to impose dues on timber and lumber from Ontario.

Hon. Mr. BAILLARGEON was surprised at the opposition made to this bill. Quebec was a large harbor, but still the increased number of vessels arriving every year made

increased accommodation necessary. The Harbor Commission wished to raise funds to make improvements, and as the people of Quebec were unanimous in desiring this measure, he hoped it would be allowed to pass.

Hon. Mr. RYAN said the petitions to which he had referred were before the House. They had never been withdrawn, and he had to assume they expressed the views of the gentlemen who had signed them. Of course, there might be private letters to the contrary, but they were not officially before the House. The discussion would have produced a good effect if it would lead the Government to rectify the defects in the bill. He fully concurred in the principle laid down by the honorable Senator from Prince Edward Island with respect to the penalty imposed on pilots.

Hon. Mr. SCOTT promised to make enquiries as to whether the bill was to include lumber and timber from Ontario. If it was so intended, it would be very objectionable, as it would discriminate against that province.

The bill was read a second time on division.

#### THE NATIONAL POLICY.

Hon. Mr. REESOR resumed the debate on Hon. Mr. Read's national policy motion. He said he knew this question had been discussed at great length, but he felt that, rightly looked upon and fairly considered, it was one of the most interesting subjects they had had before the House this session. During a period of about twenty years there had been a system of duties imposed for revenue purposes that had been continued from one Government to another, and had been in a great measure uniform. It had been the understood policy, not only of the Government that first introduced that policy, but of the Finance Ministers who followed—Galt, Holton, Howland, Rose, Tilley and Hincks. During that period of twenty years the country had greatly developed and increased in prosperity, so that all parties began to look upon that as the settled policy of the country whether the duty was ten, fifteen or seventeen and one-half per cent., as long as it was sufficient to meet the wants of the country for revenue purposes, and was incidentally the means of protecting our industries and developing their gradual growth. The Finance Minister, speaking of the evidences of the increase of wealth and the development of the country, from 1868 to 1876, said:—

“The bank deposits in the Provinces of Ontario and Quebec, for which alone we have returns, have increased from \$29,689,-

000, to a no less sum than \$70,450,000, the absolute increase in that case being 130 per cent.; and the deposits in Government Savings Banks from \$1,686,000 to \$7,178,000, an increase of fully 400 per cent., the quantity of shipping owned and registered in this Dominion had increased 65 per cent.,—deducting from this estimate the outlying Provinces since added to the Dominion; and, although the gross volume of exports do not show equal additions, yet the exports of our own products from the four original provinces have grown from \$45,000,000 in 1867, to \$65,000,000 in 1877, exhibiting an increase in this direction of 45 per cent. In the first named year, Mr. Speaker, the total produce of the fisheries amounted in value to \$3,357,000, whereas during the last named year the exports from that source amounted to about \$5,250,000. The exports of articles from the forest amounted to about \$19,750,000 in 1876, as against \$18,250,000 in the first named year, this increase being very small, while the exports of animals and their products have risen from \$6,893,000 in 1868, to no less than \$12,305,000 in 1875. The exports of agricultural products during the same time advanced in value from \$12,871,000 to \$20,469,000; deducting, in all these cases, the exports of the provinces recently added to the Dominion from the calculations.”

He thought it was fair and reasonable when they considered the result of incidental protection—a principle of which he approved—as shown in this development of the country for the last twenty years, it was only reasonable to draw the conclusion that the policy that had been adopted and incorporated in the legislation of the country was the true national policy to which they should adhere. To depart from this system, and to adopt a policy of giving immense bounties to manufacturers, or putting on a prohibitory tariff for the sake of holding out unnatural inducements to abnormally developed manufactures, was not only an anti-British but an anti-Canadian policy, not calculated to advance the interests of the country. A great deal had been said in regard to the balance of trade—that if the balance of trade was against the country therefore the country must be suffering. He considered that was a fallacy. When a merchant sent out a cargo of 20,000 barrels of flour, worth \$100,000, and that flour realized \$7 per barrel in Liverpool, although the goods were shipped as being worth \$100,000, there was a profit realized to the country of \$40,000. Although this profit did not all fall into the pocket of the man who made the venture, it was divided between him and the

carriers of the flour. In this way, although the exports might appear to be more than the imports, the country might be growing in wealth during the whole time. He considered it was rather an indication of prosperity, that we were able to buy a larger amount than we exported, based on the value of the exports as they left our ports. They had another illustration in a new branch of trade that had lately grown to very large proportions—he referred to the export of dressed meats. There was one firm now in Toronto that slaughtered 200 head of the largest oxen they could purchase every week, for this trade. This meat was shipped in refrigerator cars to ocean ports, and then into vessels with refrigerator compartments to London and Liverpool, where it sold at an advance of 50 per cent. on its cost. In this way a cargo of beef valued at \$100,000 as shipped from our ports, added fifty per cent. of its value to the wealth of the country, the profits being divided between the Canadian shipper, Canadian railways, and the packer who prepared the meat for export. The same principle of trade was involved all over the world. One of the most important points in connection with the discussion of this whole question was the adoption of a policy that would develop our industries so as to render the products of the field and forest more valuable for export. The business that was being done at the present time was tending rapidly in that direction. They had, for example, the packers of pork as well as of beef, who purchased all the hogs they could get from the farmers of Canada, but as they could not get enough at home to meet their demands, they had to buy in Chicago, where hogs and cattle could be obtained to almost an unlimited extent. Parties employed in this packing business were realizing immense profits, and were supplying labor to a large number of workmen. In this trade the manner in which the raw products of Canada and the Western States were being handled in this country was adding to the wealth of the Dominion, and was reacting in the development of the internal resources of the country. Our exports of agricultural products amounted to about \$12,000,000 more than the imports, and the exports of animals and their products were also several millions of dollars more than the imports, showing that the value of our exports was not ruled by the prices paid for the same class of articles consumed in the Dominion. Our packers take the products of the Western States, and prepare them for export, and, when they are offered for sale side by side with Canadian produce in Liverpool or Man-

chester, they realize the same prices. So long as they could foster a trade of this kind, the wealth of our citizens would go on increasing, and it would build up our towns and cities along the main lines of railway. It was by such means the wealth was acquired in the cities, by which our railways were extended and the country was opened up for increased production. Supposing the country adopted the policy indicated in the motion of his honorable friend from Belleville, if we could not get reciprocity of trade, and adopt a reciprocity of tariff, it would not assist our great staple—the lumber trade—in the least, and to impose a duty on wheat, pork and flour would only increase the lumberman's burthen. A duty on those products would simply have the effect of creating rings to make "corners" in those articles, when our market was bare, before the new crop came in. A corner could not be effected on these articles in Canada at present, as an unlimited supply could be obtained from Chicago on the shortest notice, and in that way the consumer was protected from the effect of sudden rises, or the operations of speculators. A duty on coarse grains would be a serious injury to the flourishing trade of stock feeding, which was developing into such large proportions in Western Ontario; and he had too high an opinion of the patriotism of his honorable friend to suppose for a moment that he had any desire to do what would injure the country. On the trunk lines of railway at such places as Guelph, Stratford, London, and other towns in the west, a large class of wealthy farmers are engaged in buying up young grass-fed cattle, and stall-feeding them for slaughter. These heaves were put in such condition by systematic feeding that they frequently sold as high as ten cents per pound, live weight, and they were shipped and sold in the London markets as Christmas and Easter beef. This trade had increased to such an extent that the Canadian farmers were no longer able to supply the demand, and stock had to be brought in from the Western States for our stock-feeders, to be fed until it was in marketable condition. By imposing a duty on coarse grain which was used for feeding purposes, this profitable business would be destroyed. The same principle applied to all branches of trade. The 50,000 Indians who were employed collecting furs for the Hudson Bay Company, for instance, did not make as much wealth, all combined, as the few individuals who formed the Company and who handled the furs after they had been collected. It was the same in every branch of business; the people who take the raw products and

manufacture or develop them so as to increase their value in foreign markets, add more to the wealth of the country than the producers of the raw material. It was in this way the wealth of England had been increased. They received the products, and did the trading for all other countries, making as much in that way as they did out of their own internal resources. He believed Canada should pursue a similar policy that would encourage our people, not only to develop the resources of the country, but to utilize the raw material of the Western States and other countries, and preparing them for export in a more valuable condition. But supposing they confined their operations solely to dealing with the products of our own country by building up a Chinese wall of protection, our wealth could not increase beyond the internal resources of the Dominion. The policy of Canada should be, not to insist upon a reciprocity of tariff, but to regulate our own tariff so as to increase and develop our own resources, and to encourage our manufacturing, shipping and forwarding interests. He could not think that this House, or any other Parliament in Canada, would adopt or sanction the principle laid down in the resolution of the honorable gentleman from Belleville. The Americans had already seen that their protective tariff was doing themselves an injury by shutting out Canadian trade; that by imposing a duty on Canadian farm produce they were simply depriving their own forwarders and shippers of the privilege of handling them; and they had driven Canada into seeking out new channels of trade with the West Indies, South America and Australia. He hoped this trade would continue, until eventually Canada would become the great highway for the traffic of more than half the continent.

At 6 p. m., as there was no motion to adjourn the debate, the subject was dropped and the House adjourned.

FRIDAY, April 27th.

The SPEAKER took the chair at three o'clock.

THE CAMPBELL DIVORCE CASE.

Hon. Mr. KAULBACH moved that the fee paid to the Clerk of this House during last session, on presenting the petition of Robt. Campbell, praying for an act to dissolve his marriage with Eliza Maria Byrne, be refunded to the petitioner, provided all expenses are paid. He said there were numerous precedents for this motion. In 1867, the fee was refunded on the Intercolonial Insurance bill, in 1869, on the Bank Nationale bill, on the Clifton Suspension Bridge bill,

on the Jones Divorce bill; in 1870, on Martin's Divorce bill. He hoped this motion would be allowed to pass.

Hon. Mr. FLINT said the House had been put to a great deal of trouble in this case, and he would oppose the motion. If the money could be handed over to Mrs. Campbell legally, he would move an amendment to that effect. He would call for the yeas and nays.

The House then divided, and the motion was lost.

CONTENTS. — Hon. Messrs. Alexander, Bourinot, Bureau, Campbell, Dickey, Dumouchel, Ferrier, Girard, Guevremont, Kaulbach, Macpherson, Miller, Paquet, Pelletier, Penny, Power, Ryan, Scott.—18.

NON-CONTENTS.—Hon. Messrs. Archibald, Armand, Bellerose, Brown, Carrall, Chaffers, Chinic, Christie (President), Cormier, Dickson, Fabre, Ferguson, Flint, Haviland, Haythorne, Hope, Leonard, McDonald (Toronto), Montgomery, Muirhead, Read, Reesor, Shaw, Skead, Sutherland, Wark, Wilmot.—27.

ST. VINCENT DE PAUL PENITENTIARY.

Hon. Mr. BELLEROSE moved that an humble address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House a list of such employes of the Penitentiary of St. Vincent de Paul, as may have resigned, or whose services may have been dispensed with during the last eighteen months. He said he found it his duty some two years ago, during the session of 1875, to draw the particular attention of the Government to the very poor condition in which the penitentiary of the Province of Quebec had been ever since its establishment. True, honorable gentlemen on the Treasury benches seemed to be astonished at his statements, but an investigation having taken place in another part of these buildings during that same session, and an enquiry having been made at the penitentiary a few months later, great changes took place both in the *personnel* of that establishment and in the system of its administration, and those changes, he was bound to say, had made the working of that institution more efficacious than it had been before. It was a great pleasure to him to be able to congratulate the honorable Minister of Justice on his efforts in that direction, and the success which had, so far, attended them. The impartiality shown by that honorable Minister in those circumstances, he was bound to acknowledge, was something to which they had not been accustomed under the administration of his pre-

decessor in office, and if, amongst the many charges that were made, some should well deserve the criticism of an impartial and patriotic man, he (Mr. Bellerose) had good reasons to believe the honorable Minister could not be held responsible further than this, that he had done what he thought right, not knowing the motives of those to whose suggestions he had yielded. It was well known that the Minister of Justice had to depend upon the inspector for the information which he received regarding the administration of the penitentiary, but from all he (Mr. Bellerose) had seen and all he knew, he felt confident that the inspector had always taken every proper means to inform himself correctly upon the various matters to which he had to attend. But, while he was ready to admit so much, he could not forget that the inspector must very often depend upon the veracity and integrity of his subordinate officers for the statements which they made to him. Now, he could tell honorable gentlemen that the report on penitentiaries of the Dominion was a good proof that the Government might sometimes be misled by their own officers. Having gone over the reports of the different employes of the Government at the Penitentiary of St. Vincent de Paul, he (Mr. Bellerose) regretted to have to say that they did not all contain such a correct statement of facts as the Government and Parliament were entitled to receive at the hands of those public servants. But, as he had said, it was not extraordinary if it sometimes happened that ministers, so misled, did what was wrong, believing that they were doing right. Having stated so much, he would not add anything more, hoping that the few words he had uttered, might have their good effect, and help the honorable minister to achieve the end he seemed to aim at, the administering of such institutions, apart from all political influence and party feeling, in accordance with the true principle laid down by a French gentleman (Mr. Duchatel) who, it was known, was a good authority on such questions, and who had said, "A careful choice of employes is the final condition of a good penitentiary-regime."

Hon. Mr. SCOTT promised to call the attention of the Minister of Justice to the statement.

The motion was carried.

#### THE ROUTE OF THE PACIFIC RAILWAY.

Hon. Mr. GIRARD moved the adoption of the third report of the Select Committee appointed to enquire into and report as to the best route for the Pacific Railway west of Keewatin. He said the report had been adopted unanimously by the Committee.

They were of opinion that the Southern route should be surveyed during the coming summer.

Hon. Mr. SCOTT said he was not present at the meeting of the Committee when this report was adopted. The House could quite understand that he, as a member of the Government, could not acquiesce in the report. He would bring the matter under the notice of the Minister of Public Works, and invite his earnest consideration of the report. In the meantime the report could be adopted by the House on a division.

Hon. Mr. GIRARD said while the Secretary of State had not been present at the adoption of the report, he had exhibited during the investigation, such good will and such a desire to discover the truth of the question, that it might safely be assumed he would like to see the Southern route surveyed.

Hon. Mr. MACPHERSON hoped the Government would act on the recommendation of the report. It would not delay the construction of the road, and the expense involved would be comparatively trifling. It was known that the country between Lake Superior and Red River, for 420 miles, was utterly unfit for settlement, and along the located line of railway the country was very much the same for 120 miles, or further. It was exceedingly desirable that the road should traverse a country fit for settlement. The colonizing character of the line should be kept in view as much as possible, and there could be no doubt that a line south of Manitoba would develop and settle the North West much more speedily and effectually than the located line. It was, therefore, important that full information should be had as to the character of the two routes before finally locating the line.

Hon. Mr. SUTHERLAND said as the portion of the southern route to be surveyed was very short, the expense would be light. A considerable portion of the route, it was agreed upon by all, was very favorable, and there was only one-third of it where surveys would be necessary. One strong point in favor of the southern route, was that it would save some thirty-one or thirty-two miles in the building of the Pembina Branch.

Hon. Mr. KAULBACH said Mr. Fleming had selected the northern line, and was so strongly in favor of it that he might be prejudiced against the southern route. He hoped some impartial person would be employed to make the survey, in whose report the House could place confidence.

Hon. Mr. BROWN was glad the committee had not reported against the decision of

the Government. From some of the speeches made, before the committee was appointed, it might have been expected that their report would be against the located line, as a matter of course. At the time the deputation was here from Manitoba, he took the deepest interest in the subject, and thought if it could be at all done, the route they advocated should be selected, but on looking very closely into the subject it became far from obvious that the best route had not been selected. He quite concurred in the view that the utmost consideration consistent with the public interest should be given to the question still, because it was desirable, if possible, that this line should be run as the first settlers in Manitoba desired; but one must look at the public interest, and he apprehended it would be found that the Government had arrived at their decision with a single desire to promote the welfare of the Dominion.

Hon. Mr. HAYTHORNE said, as a member of the committee, he thought it was but right he should state, as far as his own opinion was concerned, Mr. Fleming's choice was a very judicious one, and had only been made after patient investigation. In the first instance, he (Mr. Fleming) had been strongly impressed in favor of the line south of Lake Manitoba, but in consequence of the obstacles encountered in his exploratory surveys he came to the conclusion that the Pacific Railway should pass in the direction it is at present located. In common with other members of the committee he (Mr. Haythorne) was desirous that the report should be made unanimous. It would be only just and equitable if a route could be discovered through the province which would tap the trade of the settlers there, it should be adopted. However, he was satisfied explorations would only confirm the wisdom of Mr. Fleming's choice.

Hon. Mr. MILLER said he wished the honorable senators opposite (Mr. Brown and Mr. Haythorne) joy of all the capital they could make out of the report of the committee for the Government. If a majority of the committee had thought proper to make a majority report, they would have condemned the selection of the northern line as unwise, and that the true interests of this country, not to speak of the interests of the people of Manitoba, demanded the adoption of the southern route. The report of the committee did not approve of the line selected by the Government, but, to the contrary, suggested that further explorations should be made to ascertain the best route for the Pacific Railway.

Hon. Mr. WILMOT said, as a member of

the committee, he would be very much disappointed if the southern route should not be examined. There was evidence to show there was a feasible line south of Lake Manitoba, and if explorations should confirm it, the Dominion, as well as Manitoba, would be benefited by adopting it. The expense of the survey would not exceed \$20,000.

Hon. Mr. MACPHERSON said the report having been adopted unanimously, he did not wish to express an opinion upon the policy of the Government, further than was set forth in the evidence. It was clearly shown that there was a good, feasible crossing of the Little Saskatchewan—where the principal difficulty was supposed to exist—twelve or fourteen miles south of the Cart Trail. There was a depression in the banks, and it was easy crossing. It was a very censurable thing not to have had that country surveyed before going north of Lake Manitoba. From the evidence it appeared the officers merely looked up and down the Saskatchewan, at the Cart Trail crossing, and made up their minds it would be expensive crossing it. They abandoned a route through a fertile country, gave the go by to the settled part of Manitoba, and located the line through swamp, muskeg, rock, and lakes. There was nothing in this that the Government should take credit to themselves for doing. He was willing to leave it to the engineers to say whether the southern route was more feasible than the located line or not.

Hon. Mr. AIKINS said he had not the pleasure of hearing the discussion up to the present time, but he might say the report was uncommonly mild. He felt very strongly upon it, and if he had anything to do with preparing the report, he would have expressed himself very much more strongly in censuring the Government. The report did not reflect on them at all, but simply asked for further surveys before the next meeting of Parliament. There was no doubt in his mind, if the southern route was practicable it was better than the northern line. The road must not only be built, but it must also be run after its completion, and if it passed through a country unfit for settlement, it would never have freight. He hoped the Government would act on the recommendation of the committee.

Hon. Mr. SCOTT said Mr. Fleming's proclivities had been all in favor of the southern route. His first trial line was south of Lake Manitoba, and he made what he thought was an exhaustive survey.

Hon. Mr. AIKINS—He made no survey at all.

Hon. Mr. SCOTT said the chief embarrassment was on the Assiniboine, which the Chief Engineer thought it would be impos-

sible to cross without going further up, where it would be necessary to cross all the rivers running into it. That was the reason why he abandoned the southern route.

Hon. Mr. AIKINS said the difficulty was in crossing the Little Saskatchewan at the Cart Trail, but there was evidence that twelve miles south of that point the banks entirely disappeared, and the crossing was good. Mr. Fleming was not aware of that until it was brought out in evidence.

Hon. Mr. REESOR said he remembered hearing Mr. Fleming state in his evidence that he was so convinced of the large expense that would be incurred by locating the line south of Lake Manitoba, he was satisfied he would have been condemned if he had selected that route.

Hon. Mr. AIKINS said the evidence showed that Mr. Fleming had never been at the crossing twelve miles south of the Cart Trail, where the crossing was good.

Hon. Mr. BROWN said all this only confirmed the conclusion at which he had arrived—that this was one of those questions on which doctors would differ to the end of time. The Government had used the utmost diligence to obtain the best route, and he thought it was quite unjustifiable for members to assail them.

Hon. Mr. MILLER said the report was remarkable for its mildness. The object of framing it in that way was to avoid anything like a partizan discussion in the committee or in the House. No sooner was it read in the House than the honorable Senator from Toronto rose and said, "Here is a point for the Government." The honorable gentleman not only made the point, but openly declared it was too good an opportunity to lose, to put a misconstruction upon it. The report was a compromise which it was hoped would be acceptable to both sides, and it was presented without a word calculated to provoke such a discussion as the honorable Senator had raised.

The report was adopted on a division.

#### DELAYED BILLS.

Hon. Mr. MILLER called attention to the fact that at the last sitting of the session but one, several important measures had been presented to this House that could and should have been submitted at an earlier period. There were the weights and measures bill, the tariff bill, and other important bills brought down with the intimation that Parliament would be prorogued to-morrow. It looked very like as if those measures were held back to the last hour in order that there could be no discussion on them. He had never known such a course to be pursued before, without some

intimation being given beforehand by the Government as to what date they would be prepared to prorogue Parliament.

Hon. Mr. SCOTT said he thought if a fair and candid enquiry was made as to the mode in which the measures had been brought up from the Lower House this session and last year, the conclusion would be reached that in no session had so many important bills come down at so early a period. It had been said in previous years that bills had been sent up to this House in baskets to be passed when the guns for prorogation were actually firing. Several of these bills would have come down earlier had other matters not been under consideration in the Lower House. He was quite satisfied if honorable gentlemen had intimated the time was too short for the consideration of those measures, and he had informed the Premier that they would prefer to sit on Monday and Tuesday, he would have gratified honorable members. He had drawn a different conclusion, however, that honorable gentlemen were extremely anxious to get away in consequence of the length of the session. A very thorough discussion had taken place on every possible question, and in no two or three sessions previous had so many notices been placed on the paper on such a variety of subjects.

#### QUEBEC HARBOR AND PILOTAGE ACT.

Hon. Mr. PELLETIER moved the House into Committee of the Whole, on the bill further to amend the acts to provide for the management and improvement of the harbor of Quebec, and the Pilotage Act of 1875. He said he desired to move an amendment which, he thought, would meet the views of the honorable member from Ottawa, respecting the lumber and timber trade. It was as follows:—

The second clause—line 30—After "tons" insert "and so much of the said section of the said act as is in the following words: on all goods, wares and merchandize of any kind whatsoever, including timber, lumber, and wood goods of every kind, imported into or exported from the port of Quebec by sea, to or from any place out of the Province of Quebec, at the rate of one-tenth of one per cent. on the invoice value thereof;" is hereby repealed and the following substituted therefor: "On all goods, wares, merchandize, including timber, lumber, and wood goods of every kind imported into or exported from the port of Quebec by sea, to or from any place out of the Province of Quebec, and on all such goods, wares, and merchandize, imported into or exported from the said port of Quebec, to or from the

United States, or by transit from any other country through the United States, whether by sea or otherwise, at a rate of one-tenth of one per cent. on the invoice value thereof."

Hon. Mr. CAMPBELL said the amendment would do away with the objection raised by the honorable member for Ottawa, but it would not meet the objection raised by the honorable member from Montreal.

Hon. Mr. PELLETIER said he did not deny it was the intention of the bill to enable the Commission to make all goods that arrived at Quebec liable to those duties.

Hon. Mr. FERRIER could understand how goods that came down through the canals to that port should be subject to those dues as they came into the harbor, but he could not see why the goods brought in by rail, having nothing to do with the harbor, should have to pay them.

Hon. Mr. PENNY said it seemed to him somebody had to pay the expenses of the harbor, and if the people of Quebec chose to do it in this way they had a perfect right to do so.

Hon. Mr. PELLETIER said the change would make a difference of \$1,600 only in the revenue of the harbor.

The clause was adopted.

On the 6th clause,

Hon. Mr. MILLER moved an amendment providing that the by-laws of the Commission shall be subject to the approval of the Governor in Council.

The amendment was accepted and the clause, as amended, was agreed to.

After some slight debate the bill was reported with amendments, which were ordered to be taken into consideration at the next sitting of the House.

#### ORDNANCE AND ADMIRALTY LANDS.

Hon. Mr. SCOTT moved the second reading of the bill respecting certain ordnance and admiralty lands in the provinces of Ontario and Quebec. He said when the ordnance lands were transferred to Canada, a few years ago, the first schedule vested in the Minister of War, such properties as were thought proper for military purposes. Subsequently they were handed over to the Canadian Government, but no legislation took place on the subject. The lands included in the second schedule were vested in the Crown for the Government of Canada. This Act proposed that instead of the ordnance lands being vested in the Secretary of State for War, they should be vested in Her Majesty for the use and purposes of Canada.

Hon. Mr. CAMPBELL enquired whether this bill affected the lands in the neighbor-

hood of Kingston, in the vicinity of Fort Henry?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CAMPBELL said he happened to know that persons had been in occupation of small pieces of this land for many years, and had made improvements on them, not of much value to other persons, but of considerable importance to those who made them. He hoped those lands would not be sold by auction without some settlement being made for the improvements.

Hon. Mr. SCOTT said in the transfer of ordnance lands, although no provision was made to protect parties who might be in occupation, the Government had always given due consideration to every substantial claim that was made out.

Hon. Mr. CAMPBELL said the provision in this bill was compulsory, that the Government shall sell by auction.

Hon. Mr. SCOTT said these lands were entirely different from the ordinary Crown lands of the country. They were to be applied to the keeping up of the military defence of the country, and there was such a limitation attached to ordnance lands that the generous policy adopted towards the ordinary lands of the country could not be followed in this case. His own experience had been, however, that whenever a case was made out of a person holding occupation by authority his rights were duly considered.

The bill was read a second time.

#### THE FINANCIAL YEAR.

Hon. Mr. SCOTT moved the second reading of the bill to amend the Act 31st Victoria, chapter five, intituled: "An Act respecting the collection and management of the revenue and auditing Public Accounts and the liability of public accountants." He said the object of this bill was to make a change in the fiscal year. The time proposed in the bill for the closing of the fiscal year was the 31st of March, but he intended, when the House went into committee, to extend the period one month later, so that the financial year would close on the 30th of April. The necessity for this change was owing to this fact: honorable gentlemen were aware the practice had been to keep the public accounts open for three months at least, the balances being carried over until the 1st of October; consequently the public accounts could not really be made up until November, and before they were audited and printed there was the greatest difficulty in getting them ready for the meeting of Parliament. Very many mistakes arose in consequence of the accounts being made up so hastily. It was,



moreover, believed that the middle of summer was not a proper period for terminating the year, and if an earlier date was named—before the opening of navigation—they should have the fiscal year more in accordance with the natural year of the country. The fiscal year in England had been changed to the 9th of April, and it was proposed in the United States to change it in harmony with that view. The change proposed in this bill would enable Parliament to be called together somewhat earlier, and the House could have later information respecting the public accounts than they could now submit to Parliament when it met early in February.

Hon. Mr. WILMOT said he could not concur in the views of the honorable Secretary of State with regard to this proposed change. He considered that having the fiscal year close on the 30th of June it enabled the House to get full returns of the state of trade for the year, because it included the spring and autumn importations. He thought this was much better, and much more convenient than to have the year close on the 31st of March or the 30th of April. Such a change would certainly interfere with the proper examination of the accounts and comparison with the other financial years since Confederation.

Hon. Mr. MACPHERSON said he was surprised at the Government bringing this measure so suddenly before Parliament without due notice, and he hoped they would not press it any further this session. It would be exceedingly inconvenient to change the fiscal year in the manner proposed. They were at this moment engaged in voting the supplies for the next financial year, and which, according to this bill, actually began on the first day of the present month. This would be an inconvenient and objectionable arrangement. Unless Parliament met earlier than had been usual, the public accounts, when brought down, would be for a financial year that had expired ten months or more. It was evident the bill had not been maturely considered. It was strongly opposed in the other chamber by gentlemen who were looked upon as high authorities in such matters, and he noticed it had not even been considered in the Public Accounts Committee. He thought this was too important a change to make without the due consideration which it certainly had not received. If the fiscal year was changed in any way whatever, it would render comparison of the yearly accounts impossible for years to come, which, in his opinion, would be very unfortunate and mischievous. The country should have the means to compare

the accounts of revenue and expenditure of one year with another, and nothing should be done which would render that comparison impossible without there was very grave necessity for it. He did not think such a necessity existed in this case. In the United States the Public Accounts were made up the same time as they were in this country, but Congress met two months earlier than the Canadian Parliament. He was not aware that there was any complaint of inconvenience in the United States. He did not see why the present fiscal year should be attended with any inconvenience. His chief objection to the change, and one that should really prevail with the Government, was the breaking in on the continuity of the accounts, which would render annual comparisons impossible for years after the change was made. He would not go so far as to say that the Government desired to render comparisons impossible, but it would be a most effectual way of doing it. He hoped the honorable Secretary of State would not press the bill, but if he did he (Mr. Macpherson) would take the sense of the House on it, by moving that the bill be not now read, but that it be read this day three months, seconded by Hon. Mr. Wilmot.

Hon. Mr. BELLEROSE said he was not opposed to a change in the fiscal year, but he was not in favor of the proposed change. If it was to make the fiscal year accord with the calendar year, he would support it, but he believed the bill now proposed was objectionable, and he would vote for the amendment.

Hon. Mr. SCOTT said under the system proposed, there would be the four months of one year and eight months of the other in the fiscal year, which was thought by the Finance Department, would be very much better than six months of each year. There was very little of the business of the country done anterior to the first of May; the navigation was not open, and the only imports that came in at an earlier period were those that came by rail. If honorable gentlemen would look at the trade and navigation returns, they would find that the great bulk of the spring imports came in during the month of May. One of the strongest reasons given by the finance officials for the proposed change, however, was the accounts would have a more careful audit, as they would not have to be run through under pressure, in order to be ready for the meeting of Parliament. It could not derange comparisons, the mere fact of taking two months from one year and adding them to another.

Hon. Mr. BROWN—If the accounts are

made up to the last day of March, are they to be published only to that date before the next meeting of Parliament?

Hon. Mr. SCOTT—That is as far as they can be.

Hon. Mr. BROWN—That would be ten months before Parliament meets, and then they would cease to have a large portion of their interest to the country. Unless there is some great departmental necessity, it seems to me a pity to postpone them so long. It would not signify at what period they were made up, as long as they could be brought down to as near the meeting of Parliament as possible.

Hon. Mr. SCOTT said Parliament could be called earlier,

Hon. Mr. DICKEY said, if the country alongside of us could get their public accounts ready in two months before they were required, he could see no reason why it should not be done here. The first of July was chosen as the commencement of our financial year, in consequence of its agreeing with the commencement of our national existence, so that there was a uniformity in starting from the 1st day of July in everything as well as in the Public Accounts. He would prefer, if any change was to be made, to see it advanced three months rather than put back, which would give five months to prepare the accounts before meeting Parliament, the same period as allowed in the United States.

Hon. Mr. KAULBACH said he could not see why three months should not be sufficient to make up the public accounts.

A vote was then taken on the motion for a three months' hoist, which was carried on the following division:—

CONTENTS—The Honorable Messieurs Atkins, Alexander, Archibald, Armand, Bellerose, Botsford, Bourinot, Campbell, Carrall, Chinic, Dickey, Dickson, Dumouchel, Ferguson, Ferrier, Flint, Girard, Haviland, Kaulbach, Macpherson, Miller, Montgomery, Muirhead, Read, Ryan, Shaw, Simpson, Skead, Trudel, Vidal, Wilmot—31.

NON-CONTENTS.—The Honorable Messieurs Brown, Bureau, Chaffers, Christie (Speaker) Cormier, Faore, Haythorne, Hope, Leonard, Paquet, Pelletier, Penny, Reesor, Scott, Sutherland, Wark—16.

At 6 o'clock the House adjourned till 8 p.m.

#### EVENING SITTING.

The SPEAKER took the chair at eight o'clock.

After routine.

#### POSTAL IRREGULARITIES.

Hon. Mr. BOURINOT called attention to the fact that copies of books he had mailed

from the Senate postoffice had not reached their destination. As this had happened to others as well as himself, he trusted the Government would take steps to prevent such irregularities in the future.

Hon. Mr. MILLER was glad this subject had been brought under the notice of the House. He thought it was an evil of much greater magnitude than many were inclined to suppose. By a vote of this House it was provided that three copies of the debates should be furnished to each senator, and one to each member of the House of Commons. He understood that several members of the other Chamber had not received their copies, although they had been mailed regularly from the office here. There was something very seriously wrong, and if it continued to occur there must be an investigation.

Hon. Mr. SCOTT said when his attention had been called to it by Mr. Bourinot last year, he asked the Postoffice Department to make a searching investigation. His suggestion was that hereafter when documents were sent to parts of the country where these irregularities occurred, they should be registered. He would again call the attention of the Postmaster General to the subject and request him to investigate it.

The matter then dropped.

#### THE INDEMNITY BILL.

Hon. Mr. SCOTT moved the second reading of bill to amend the act further to secure the Independence of Parliament. He said the House was no doubt aware of the circumstances attending the introduction of the measure. The Independence of Parliament Act in this country was extremely stringent, and it had been found that a number of gentlemen in the other branch of the legislature had come within its purview. Two of them had already vacated their seats, and he understood writs had been taken out against some twenty or twenty-five. There could be no doubt, from the facts that had been developed in the debate in the other Chamber, several of those gentlemen whose seats were in jeopardy had inadvertently violated the act. It was not a subject which honorable gentlemen in this Chamber would, perhaps, desire to discuss in that detail that ordinary measures would admit of at their hands. There was no doubt, a considerable degree of delicacy connected with it, as it affected solely members of the other House. It was not proposed to relieve them further than the penalties incurred to the end of this session. If their seats were forfeited, they must take measures between now and next session to enable them to appear in their

places, if it was their intention to continue in the House. There was abundance of precedent for this measure, both in this country and in England. No honorable gentleman would like to see members of the other House mulct to the extent the law imposed for violation of the Independence of Parliament Act.

Hon. Mr. MILLER said he did not wish to allow this bill to pass without expressing the reasons which induced him to record his vote against it. He admitted, at the outset, it was a very delicate matter, perhaps, for this House to reject a bill which had been sent to it under such peculiar circumstances as this, and relating exclusively to the House of Commons, but he held the Senate had a perfect right to exercise an independent judgment upon every question that came before it. He did not endorse the opinions thrown out by some honorable gentlemen, that when a bill affecting the House of Commons came up to the Senate, the decision of the majority in the other Chamber should be deferred to without questioning its wisdom or soundness. If that was the limit of the powers to be exercised by the Senate, it was worse than an absurdity and a farce to ask it to deliberate upon such measures. If such an argument could be used in this instance, it could also be applied to bills respecting the franchise, or the distribution of seats. Yet no one would say this House had not as good a right to express an independent opinion upon those subjects as the branch of the legislature affected by them. His difficulty in dealing with the measure before the House was not of this nature. Every honorable Senator must look with regret upon the unfortunate position in which, it was said, some thirty or forty members of the other House were involved, many of them unwittingly, but some of them altogether unjustifiably. In many cases the essential element of corruption was, certainly, absent, but in others it was so conspicuously present that it was a serious matter for this Chamber to pass a sweeping measure indemnifying all who had been guilty of violating the Independence of Parliament Act, in the other House. Notwithstanding the assertion of the honorable Secretary of State, no precedent for such an extraordinary measure could be found either in England or in the Dominion. Since Confederation there had been one or two measures to indemnify certain members of the Commons, but the circumstances were altogether different from those before the country now. In the first instance after Confederation, it had been found necessary to create several heads of departments, which had not been recognized before in

any part of the Dominion, and consequently when those persons came into Parliament they did so without any warrant of law, and it was found necessary to pass an act to indemnify several of them from the consequences of the law. Since then an act was passed in the case of Mr. Perry, who had been Speaker of the Prince Edward Island Legislature before his election to the House of Commons. There was a doubt as to his power under the laws of Prince Edward Island to resign the speakership of the Local Legislature, and consequently as to his right to sit and vote in the House or Commons. Several writs were issued against him, and a measure was passed to indemnify him. The bill before the House was altogether different in character from those to which he had made reference. He would not enter into details, the discussion of which might not be fair to gentlemen who were not present to defend themselves, but, with regard to some of the cases covered by this bill, he entertained very strong opinions that the Independence of Parliament Act had been violated in the most audacious and open manner—in a manner that had received unqualified condemnation from one end of the Dominion to the other. This House was called upon to pass an act to indemnify parties who had broken the law, without distinction, and without regard to their guilt or innocence. It might be contended that the act was too severe. He was not one of those who subscribed to that argument. To sit in this Parliament without right was a grave and dangerous offence. He knew of no offence for which the penalty ought to be more deterrant than a breach of the Independence of Parliament Act, because it might endanger or subvert the rights and privileges of the people. With parties nearly balanced in the House of Commons, the Government of the day might easily so influence two or three members as to enable them to impose the most serious consequences on the public. It was for this reason the Canadian Parliament had wisely imitated the mother country and fixed the penalty for this offence at such a rate as to deter the boldest from violating the law. But it was now proposed by a Reform House of Commons, when it was ascertained that a number of gentlemen had incurred this penalty by the misconduct of this pure Government, to indemnify them and virtually wipe out the Independence of Parliament Act from the statute book. There was another feature of this matter which should not be overlooked. Some cases of the most flagrant breaches of the Act had been referred to a committee of the other House, a majority of

whom were admitted to be partizans of the Government. Delay after delay had taken place, and they had not yet submitted their report to the House. What was the meaning of the suspicious delay? What security would there be if this measure should be passed that the majority of that committee would not whitewash their friends and endeavor to retain them in their seats? In fact, the chairman of that committee had stated in his (Mr. Miller's) hearing the other night, that there might be danger of some such course in favor of their friends at the expense of their enemies. Was it wise, then, to remove the control which this law now afforded to the minority over the misconduct of the Government and their supporters in all cases? Such a measure as the bill before the Senate coming from the House of Commons, and from the men in power, was a most bitter and humiliating commentary on the inconsistency and dishonesty of their past professions, as well as on their past disreputable allusions to this House. If ever there was retributive justice, it was on the men who had sent up here this whitewashing bill, the men who had assailed the Senate in language which he would not offend the House by repeating. If ever well-merited punishment was meted out to men, if ever hypocrisy and corruption had been thoroughly exposed, it was in the present position of this great Reform party—this party of purity, which was going to elevate the standard of public morality—who had to appeal to this House (this asylum for political Magdalens, as they called it, to pass an act to save their friends from the effects of a systematic violation of the law which was intended to secure the independence of Parliament. But what had Parliament been doing all the past session? When the people were looking to this Legislature for wise laws to remove the prevailing depression and restore our departed prosperity, they found their representatives occupied—to the exclusion of everything else—in a dastardly attempt to hound to the death the most distinguished statesman Canada had ever produced—a man who had done more for his country, and given more of his talents, means and affections to the greatness and welfare of Canada, than all his enemies combined. This had been the sole sessional work of the men who now governed the country, and from whom now emanated this bill to whitewash the corruption they had themselves created in the House of Commons. If ever there was retributive justice, he would repeat, it was apparent now in the humiliating position in which these men found themselves, and whatever

might be the sense of the House with regard to this bill, he would have great pleasure in recording his vote against it.

Hon. Mr. READ said this was certainly an extraordinary measure. What position would the House of Commons be in after getting it? A pretty spectacle it would be next session when Parliament assembled, with thirty or forty members of the Commons not knowing whether they had a right to their seats or not. The Government having the majority could instruct the Committee on Privileges and Elections to seat their friends and unseat their opponents. The utterances of the Chairman of that Committee plainly indicated that was the intention. Many of the men this bill was designed to whitewash, had been brought into trouble by the Government who had issued letters instructing officials to purchase from friends of the Administration, and as soon as a purchase was made from a member of Parliament, they felt that they were sure of his vote, because his seat would be endangered by voting against them. He did not say they had done this intentionally in every case, but in one instance it was positive they knew they were doing wrong. If the Senate should pass this measure, they would deserve the indecent language which had been applied to it by a member of the present Administration in another place. No doubt a good many members of the other House must have their feelings harrowed up a good deal by the suits brought against them, but having taken the penny, they must abide by the consequences. For his part, he would not vote for the bill.

Hon. Mr. CAMPBELL said the bill was so extraordinary in its character he was surprised the Government should present it for the consideration of this House, and he did not wonder that they had not pressed it earlier in the session. Had it been a bill for the purpose of relieving people from the penalties the act imposed, where it had been decided they had lost their seats, or where members had resigned, one would understand why they should be indemnified in this manner, but it was proposed by this measure, before any member had been pronounced guilty, to step in and declare in advance that they should not be subject to the penalty the act imposed for violating the independence of Parliament. It was impossible to believe, in some of the cases, there was entire innocence of what was going on on the part of the tempters and the tempted, that there was absolute ignorance on one side of pecuniary favors conferred, and on the other of obligations accepted, calcu-

lated, and probably intended to soothe, pacify, please and gratify, and to have some effect on the person tempted in future sessions of Parliament. He quite acknowledged this was a matter which the House was obliged to treat with a very considerable degree of delicacy, though they had an undoubted right to deal with it as with other measures that came before them. He, for one, could only regret that he could not vote for the bill. Had it been a measure solely to affect persons whose cases had been disposed of, or who had been found by the House of Commons guilty of breaches of the Independence of Parliament Act, or who had admitted they had violated the law inadvertently, then he was sure the House would step in and exonerate them from the penalties. But that was not the case presented by the Government. In many instances they had intentionally tempted members to violate the Act, for the purpose of attuning them to Government measures. Was it not singular that thirty or forty members of the other House should be guilty of contravening the Independence of Parliament Act? He did not remember anything of the kind in connection with the late Administration, which was charged with being culpable of everything that was wrong. It was a serious matter to remove, in this manner, the penalties provided to deter members from violating the Independence of Parliament Act. There was another strong feature in this case. If this bill should pass, it would remove anything like legislative control, and the Government, having a majority in the House of Commons, could control the seats of members.

Hon. Mr. SCOTT—They are still liable to penalties if they sit next session.

Hon. Mr. CAMPBELL said the whole control for the present would be taken away from Parliament and left in the hands of the House of Commons. True, it would not affect them next session, and so far it was not so bad as might have been expected, but really, after all the professions of purity, it was extraordinary the Gov't should have tempted thirty or forty members of the other House to violate the Independence of Parliament Act, and that they should now bring in this measure to whitewash them. Anxious as he was to do anything reasonable in the matter, he was unable to support the Government in whitewashing all those gentlemen.

Hon. Mr. FLINT said although this was a peculiar bill, he would vote for it. If the object was to enable the Government to seat their friends and unseat their opponents, let them do so, and they would the sooner

be turned out of power. No doubt some of the members affected by this bill had erred wilfully, but he thought it better that two or three such men should escape merited punishment than that a number who had contravened the act without corrupt intent should suffer such a severe penalty.

Hon. Mr. KAULBACH said he felt constrained to vote against this bill. He thought the law was too severe and that the penalty should be proportioned to the gravity of the offence; yet he could not vote for the measure before the House, because it would establish a dangerous precedent.

Hon. Mr. VIDAL concurred in a great many of the remarks made by honorable gentlemen in opposition to this bill, but he did not feel that he could record his vote against it, especially as it merely removed the penalty up to the present time. There were some defects in the bill, but none so serious as to incline him to reject it, and it was too late in the session to move an amendment.

Hon. Mr. BOTSFORD thought the bill should be confined to members who had resigned their seats in consequence of having committed a breach of the Independence of Parliament Act, or who had been unseated by a vote of the House of Commons. There were two reasons why he would vote for the measure—one, that a majority of those whose seats were endangered had violated the act unintentionally; the other, that the penalty was altogether too severe. He was all the more disposed to support it, because it merely applied to the past.

Hon. Mr. WILMOT said he was very much of the same opinion as the honorable Senator (Mr. Botsford.) The Independence of Parliament Act was so stringent that it applied to every member holding stock in a bank or incorporated company holding a contract with the Government.

Hon. Mr. PENNY—I quite agree with you.

Hon. Mr. WILMOT thought the penalty was so enormous that the Senate should help those who had incurred it out of their difficulty.

Hon. Mr. HAYTHORNE said this bill was liable to a great deal of misconception. It was not intended to whitewash members of Parliament, but merely to relieve them of penalties they might possibly have incurred, and which were admitted to be excessive. It was impossible to believe that gentlemen could be influenced by such trifling transactions as had been laid to the charge of many who would be affected by this bill. He would support the measure, and he confessed he would

have been much better pleased if, before sending it to the Senate, the Committee on Privileges and Elections had brought in their report and taken action upon it. This House might safely adopt a bill which was considered sufficient for the vindication of the honor and character of members of the other Chamber, without going into details.

Hon. Mr. HAVILAND could not agree with the proposition that the House of Commons were the sole vindicators of their own honor.

Hon. Mr. HAYTHORNE—They are the best.

Hon. Mr. HAVILAND said they should vindicate their honor by resolution and not by an Act of Parliament requiring the sanction of the Senate, and on which they (the Senate) were bound to exercise their independent judgment. He could not support the bill in its present shape. If it contained a clause declaring that no member could avail himself of it unless he had resigned his seat, or his seat had been declared vacant by the House of Commons, he would support it, but to pass it without amendment would be to encourage the Committee on Privileges and Elections not to exercise their functions in the various cases referred to them. He would vote against the measure.

Hon. Mr. MILLER suggested, as a number of gentlemen were absent who would like to take part in this division, the bill should be allowed to stand till the next sitting, with the understanding if it should then pass its second reading no further objection would be offered. He presumed the Government did not desire to snap a judgment on such an important question as this.

Hon. Mr. SCOTT said he could scarcely believe the honorable Senator was in earnest in making such a request. Every member of the House was aware this debate was to take place and should be in his place if he desired to oppose it. The bill was brought down late in the session because it was only within a few days that it was found so many members were in this position. The Government could not have framed a bill more restrictive in its character. It left every honorable gentleman free to ascertain before next session whether he had contravened the Independence of Parliament Act or not. Public opinion would not justify any Government in again bringing forward a measure to protect gentlemen who knowingly offended against the law. Their seats were in no way protected by this bill. If, after the passage of this measure, they should sit for a single day in Parliament, they would be liable to the penalty,

and the punishment for one day would, he thought, be sufficient to prevent a breach of the laws.

Hon. Mr. MACPHERSON said, as the honorable Secretary of State insisted on proceeding with the measure, he would give his reasons for objecting to the bill in its present shape. If it had been made a condition precedent to taking advantage of the provisions of the measure, that gentlemen should vacate their seats, he (Mr. Macpherson) would have been willing to relieve them from the penalties they had incurred. There was, also, a very wide distinction to be drawn between some of the alleged cases and others. Those members of the House of Commons who had unintentionally and unwittingly violated the letter of the Act through the action of a partner or clerk, for selling a small quantity of merchandise to an official of the Government, not knowing or suspecting at the time that the purchaser was an official, or that the purchase was for the Government, occupied a very different position from those who knowingly offended. It was alleged that gentlemen occupying the highest positions in the other House, and in the country, held contracts with the Government, some of them being themselves. It was alleged, Cabinet Ministers. There was a vast difference between these, who, from the position they held, were able to enrich themselves at the expense of the country by many thousands of dollars, and the men who had unknowingly violated the letter of the Independence of Parliament Act. He maintained that the Senate should not relieve those who were guilty knowingly and corruptly in any way whatever. If it was true, as was alleged, that high officers were Government contractors, drawing large sums of money from the public treasury, under contracts which they made with themselves, they were guilty of most scandalous conduct, and he contended Parliament should not relieve them of the legal penalties which attached to their conduct. As he did not see that on this the last day of the session the bill could be amended in such a way as to relieve the innocent and leave the guilty to punishment, he would be obliged to record his vote against the bill.

Hon. Mr. MILLER said, as the Government had an accidental majority, he supposed there was no use in dividing the House.

The bill was read a second time on a division.

Hon. Mr. SCOTT moved the House into Committee on the bill.

Hon. Mr. BROWN said it was very diffi-

cult for persons to understand what they could do and what they could not do with regard to this matter. Take the law as it was construed in the very strictest sense, and he apprehended the doctrine propounded by the honorable Senator from New Brunswick would be correct—that there was not a member of Parliament who was a director of a bank or of a joint stock company, or any company dealing with the Government, who would not be amenable to that act, and there would not be twenty members of either House who were not liable to the penalty. In thirty years there had not been, in his opinion, many members who had not been sitting in Parliament directly in the teeth of this law, construing it in the way it was proposed to be done. How was it possible that a member of Parliament could prevent himself from being brought to account for violating the Independence of Parliament Act, if he was in business at all. It had been asserted that it did not apply to Joint Stock Companies, but if the strict construction put upon the Act were correct, it certainly did, and there was not a member of Parliament connected with a newspaper that published a Government advertisement, who was not amenable to the penalty. The truth was the law required to be changed; a mistake had been made in framing it. In England the Act declares that he who offends knowingly shall be liable of the penalty, but in our country the word “knowingly” had been omitted. He hoped the honorable Secretary of State would repeat what had been stated by a member of the Government in the other House, that a bill would be brought down next session to place the guilt where it ought to be. It ill-became honorable gentlemen opposite to get up and assail, not only members supporting the Government, but their own friends in the other House—because there had been as many of one party as of the other in proportion to their numbers guilty of violating this act. He would not justify any member who knowingly violated the law, but the thing had gone so far that it was utterly unreasonable and unjust to single out any one now for doing what all had done—what he himself had done for years without considering it an infringement of the act. He was very glad this bill had passed second reading, and he hoped the law would be placed on such a footing next session that every one would be able to comprehend it.

The bill was reported from Committee without amendment, read a third time, and passed.

## THE TARIFF BILL.

Hon. Mr. SCOTT moved the second reading of the tariff bill.

Hon. Mr. MACPHERSON said he was sorry he could not allow the bill to pass this stage without detaining the House for a few minutes. The subject before the House was the tariff. Now, changing the tariff at any time disturbed the trade of the country very seriously. The present changes were few and were small—so small it was impossible to justify the change. The changes were so insignificant that the Government in introducing the bill ought to apologize for it. The object was to increase the revenue, and the Secretary of State should have told the Senate what additional amount of revenue was required, and how much the changes in the tariff were estimated to yield. There was a deficit of two millions on the 30th of June last. The Finance Minister had not revised the estimates of revenue of last session during the present session of Parliament. So the House did not know what he expected would be the financial result of the present year, without possessing that information, which he thought should have been furnished to Parliament. There could be little doubt that a new deficit would be found to exist at the end of the present financial year. In view of the deficit of last year, and the certain accruing deficit of this year—amounting together to a very large sum he feared—it seemed trifling to make these changes in the tariff for the small sum they would yield. According to the Finance Minister, in another place they would yield only some four or five hundred thousand dollars. If it was intended to supply the deficiency in the revenue by this slight increase of the taxation of the country, it was wholly inadequate for the purpose, and it was difficult to imagine any attempt more lame and impotent than this. The depression throughout the country was wholly unprecedented in the memory of any member of this House. All the enterprises of the country were stagnant and paralyzed, and there was nothing going on but the increase of our financial embarrassment and of our deficits. He did not hold the Government altogether responsible for the prostrate condition of commerce; but he contended if they had a policy, if they had even sympathy for the country, they might mitigate the feeling of despondency that prevailed so widely. He knew that men of means who might be disposed to embark in enterprises in the country were deterred by the fear that if they did so, and became successful, the Government would find some excuse for

interfering with their prosperity by taxing them, or in some way acting prejudicially to their interests. It was a very unfortunate opinion or sentiment to be abroad in the country, but it was abroad, and it was not altogether without ground. The often referred to, sugar refining trade was an instance in point. It had been encouraged until it became exceedingly prosperous, but so soon as that was the case, it became the envy of many, and the Government, who had previously fostered it, turned their backs upon it and starved it. The direct tea trade was actually stamped out by Parliament. The Secretary of State seemed to think lightly of this trade, because it employed only one ship.

Hon. Mr. SCOTT—Two, one year.

Hon. Mr. MACPHERSON said that each ship sent to open trade with a foreign country was a pioneer of the commerce of the Dominion. He supposed the great Eastern trade of the United Kingdom did not commence with a great fleet such as was employed in it to-day, but with one ship. He was a free trader, but he believed that so long as we had to raise a revenue by customs duties, interests would grow up under the protection thus afforded, and the policy, whether sound or not, under which manufactures grew up should not be suddenly abandoned as to destroy new and important interests. The effect of it was not simply injurious to the interests immediately affected, but, worse than that, it inspired uneasiness and distrust, which prevented men from embarking their capital in enterprises in this country. He contended the people of the Dominion were suffering from those feelings of uneasiness and of distrust in the Government. The Administration had manifested a desire to meddle in business between man and man, and its effect was very injurious. It would be well if the tariff could be understood to be fixed for a term of years, that people might know what they had to depend upon. The frequent changes that were made and the uncertainty that attended the tariff, were unfavorable to the creation of new enterprises, and injurious to the country. The debt of the country was being increased with alarming rapidity and for unprofitable purposes. As shown by Sir Francis Hincks in 1870, it was \$22.50 per head. In 1873 Mr. Tilley said the debt per head had not increased, in 1876 the debt per head was \$37.93.

Hon. Mr. SCOTT—The \$20,000,000 added in 1873 makes that.

Hon. Mr. MACPHERSON said the taxation had increased from \$3.50 in 1870 to \$5.76 in 1876; that was the rate of taxation

paid last year, but it was not enough to meet the expenditure of the country. Six dollars per head was now required. In 1873 Mr. Tilley showed that the duty paid on goods entered for consumption was 10.15 per cent; in 1876 it was \$13.54, showing the duty had increased about one-third; in other words every person had to pay one-third more duty on the dutiable goods consumed by him. Where we contributed \$3 in this way to the revenue in 1873, every man, woman and child had now to contribute \$4. We used to pride ourselves upon this being a cheap country. He feared we could not boast of that any longer. The large expenditure was not only affecting our burdens at home, but was injuring our credit abroad. That was exhibited in the negotiation of the late loan by the Finance Minister in October last. He did not intend to say one word in blame of the way in which that loan had been negotiated. The first duty of the Minister of Finance was to make certain of success, because it would have been unfortunate for the country if he had failed. He was completely in the hands of the moneyed men in England. He had to be guided by the financial agents of the country, and while they might have advised him to place the loan at a low price, he would not blame them for that. The Dominion had no right to expect them to give us their money at a lower rate than they could get for it. We have no claim upon them, and when we went to them for a loan they treated us as a banker would a customer. They asked what had been our success during the preceding year—what had been the measure of our prosperity. When this question was asked Mr. Cartwright he must have told the truth, that there was a deficit amounting to one-third of the interest on the public debt, that there was a deficient harvest, and that the country was not as prosperous as it had been when he had negotiated his first loan. At that time he had been able to give a very flourishing account of the country and the use that had been made of the money borrowed by the Dominion. In 1875 he had been able to say "the whole of the debt has been incurred for legitimate objects of public utility," and, he continued, "the indirect advantage, &c., &c., &c." "When the last loan was negotiated, the Finance Minister was unable to say anything so encouraging as that, but had to admit the existence of a deficit, and when asked what returns be expected from the expenditure of former loans, he must have replied that an enormous amount was being expended in constructing a railway between the head of Lake Superior and the Red River through a



country that was altogether unfit for settlement, and where the running of the road when finished would be attended with constant and very heavy expense. The lenders of money in England were very like those who lend money elsewhere. They are very apt to follow it and see what is being done with it. He ventured to say there was not a year that a good many of those from whom we borrowed did not come to this country to see what we were doing with the money they had loaned to us. They would learn of the Fort Francis folly, of the large capital being hopelessly sunk in the railway between Lake Superior and the Red River, and of the amount lost and locked up in the unfortunate steel rails speculation, and of several other unwise expenditures, to say nothing of more equivocal transactions. While he did not blame the Finance Minister, he did blame the Government for having brought the country to the position in which it now is, and which compels us to borrow on such terms. He would state to the House what the terms really were. The loan carrying interest from the first of November was issued at 91. There was commission to the agents, one per cent. Then, by an extraordinary provision in the prospectus, the subscribers to the loan were allowed to deduct from the May instalment the six months' interest payable on the first of May. That was a remarkable condition. It was a direct payment of interest out of capital. It would be difficult to conceive anything more objectionable from every point of view than that arrangement. It diminished the amount of capital which the country should receive for the loan, and it was a direct payment of interest out of capital, and without being passed through the books in this country, as it ought to be. It was an absolute concealment from Parliament of a very important condition of the loan. It was unjustifiable that a portion of the principal should be withheld and applied to the payment of interest as had been done in this case. The effect would be to mystify the Public Accounts, to conceal the true amount of the deficit on the 30th June next, and if this were done Parliament and the country would be misled as to the true state of the public finances by means which could only be characterised as a "cooking" of the Public Accounts. The loan was issued early in November last at 91 per cent. but carrying interest at four per cent. per annum on the full amount of its face from the first day of November. It was payable as follows, viz. :—

20 per cent. on 31st January, 1877.  
 20 " on 27th March, 1877.  
 20 " on 25th June, 1877.  
 11 " on 25th July, 1877.  
 9 " discount.

---  
 100  
 By the conditions of the loan the subscribers were allowed to withhold this six months' interest payable on 1st May, out of the instalment due on 25th of May, thus making it a payment of interest out of capital, and diminishing by the amount of such interest and sinking fund the sum to be received by the country from the loan. The deductions to be made are—

Discount..... 9 per cent  
 Commission to agents..... 1 "  
 Six months' interest due 1st May,  
 withheld..... 2 "  
 Sinking fund, agency, &c..... ½ "

12½ per cent.  
 The net proceeds as nearly as can be ascertained, in the absence of information from the Government, would be, loan, £2,500,000 sterling, equal to \$12,166,666  
 Less for discount, for commission,  
 for interest withheld out of capital, sinking fund, agency, &c.,  
 in all 12½ per cent..... 1,520,833

\$10,645,833  
 To which would have to be added the amount received by the Government for interest upon the instalments of the loan, paid in, between November and May, but which we have not the means of ascertaining. He thought it might be safely assumed however, that the amount the country would receive, would not exceed \$10,750,000, while it would be paying interest, sinking fund, &c., upon the full face of the loan—£2,500,000—or \$12,166,666. The interest, sinking fund, &c., upon this sum will amount, at least, to \$600,000 a year, and be an additional charge of that amount, upon the Consolidated Revenue Fund, which will have to be provided by means of new and increased taxation. He would not detain the House any longer at that late hour, but from what he had stated he thought honorable gentlemen would agree with him that prudence in respect to the public expenditure was most necessary; that there was an absolute and pressing necessity for the introduction of the retrenchment which the present Government had promised.

Hon. Mr. PENNY said he was rather surprised at the honorable gentleman's remarks respecting the sugar duties.  
 Hon. Mr. MACPHERSON—What I said

5 per cent. on application }  
 15 " on allotment } 8th Nov.

was, that interest had been fostered until it became prosperous, and then, when there was a general cry that it was succeeding too well, the Government turned the cold shoulder to it.

Hon. Mr. PENNY—Do I understand the honorable gentleman to [admit it was injured by the present Government.]

Hon. Mr. MACPHERSON—It was begun by the late Government and continued by the present Administration. The present Government alone were to blame for the destruction of the direct tea trade.

Hon. Mr. PENNY said as the honorable Senator admitted that the policy was initiated by the late Government he would say no more on that subject. With respect to the tea trade the ten per cent. duty only lasted eighteen months, and great difficulty had been experienced in getting the British Government to assent to it, so that no great advantage could have resulted from it in the direction of establishing trade with China.

The bill was read a second and third time and passed.

#### INSPECTION OF PETROLEUM.

The bill to provide for the inspection of petroleum was read a third time and passed.

#### THE NORTHERN RAILWAY.

Hon. Mr. SCOTT moved second reading of bill respecting the claim of the Dominion on the Northern Railway Company.

Hon. Mr. CAMPBELL said this was an unfair measure. Admitting that the money had been misappropriated, he asked was it fair to compel the stockholders to refund it when the bondholders were alone responsible for the spending of it. Nothing could be more unjust, and it was only because the Government were exasperated at the manner in which the money had been spent that they insisted upon the passage of this bill as a condition upon which they would allow the affairs of the company to go through Parliament.

Hon. Mr. SCOTT said the Northern Railway Company had been very leniently dealt with by the Government of this country, and this bill was, after all, a compromise, out of which they were getting a very large advantage.

Hon. Mr. CAMPBELL said what he complained of was that the Government were exacting this money from the shareholders, who were not responsible for the misconduct of the person appointed by the bondholders.

The motion was carried, and the bill was read a third time and passed.

#### THE WEIGHTS AND MEASURES ACT.

Hon. Mr. SCOTT moved the second reading of the bill to amend the Act respecting weights and measures.

Hon. Mr. CAMPBELL said the House had just cause of complaint that such an important matter should be left to the last day of the session, when many members who would like to have taken part in the debate, and who could have made useful suggestions, were absent. The object of the weights and measures act was a good one, and he thought it was unwise to depart from it as the Government proposed to do by this bill.

Hon. Mr. SCOTT said the bill had been introduced some time ago in the Commons, and had been delayed from one cause or another there. In consequence of the difficulty in enforcing the weights and measures act in some parts of the country, it was thought best to leave it optional with parties to make contracts for any particular kind of measure, and that the standard measures should be used when others were not specially named. It was one of those laws which, in all countries in had been found extremely difficult to enforce. He hoped the time was not far distant when the weights and measures of the country would be uniform in all the provinces.

The bill was read a second and third time and passed.

#### THIRD READINGS.

The amendments to the bill to amend the Quebec Harbor and Pilotage Act of 1873, were concurred in, and the bill was read a third time and passed.

Bill respecting certain Ordnance and Admiralty Lands in the provinces of Ontario and Quebec, was read a third time and passed.

The House adjourned at 11:30 p.m.

SATURDAY, April 28th.

The SPEAKER took the chair at ten o'clock a.m.

After routine,

#### THE SUPPLY BILL.

Hon. Mr. SCOTT moved the second reading of the Supply Bill.

Hon. Mr. MACPHERSON said he wished to call the attention of the House to the very large amount in schedule A. That amount should properly have been voted last session, because it had already been expended. It was an after vote, and, therefore, showed that the estimates of the year, in fact during the past two or three years, had been delusive. Next session there would be a schedule A to supplement the

large estimate in schedule B of the present session. He would only further say to the Secretary of State that the thirteen million dollars of provincial debt assumed by the Dominion were not included in his comparison made some time ago. He had merely compared the expenditure from capital account on public works.

The bill was read a second time.

Hon. Mr. SCOTT moved the third reading of the bill forthwith.

Hon. Mr. SKEAD said he supposed it was not out of place to ask for some explanation with respect to the Georgian Bay Branch Railway. An assurance had been given that something would be done towards the prosecution of this work. There was a large vote for public works in the east, and for public works in the west, but he saw nothing in the estimates for the Georgian Bay Branch. He was quite aware that economy should be practiced during these times of depression, but still this branch was a very important portion of the Pacific Railway. If there had been only \$100,000 put into the estimates to complete the surveys, and some assurance were given that the line would be proceeded with, he would be satisfied. This session was ending, and in all probability it would be next session before anything would be done towards prosecuting the work. Here was Central Canada unrepresented so far as the Government was concerned. He had hoped that the Secretary of State, who had lived here for a long time, and was not an unimportant member of the Government, would have seen that provision was made for constructing this railway. He was surprised that it had been allowed to stand so long. Since the present Government had come into power the Toronto influence, and the influence of the western slope of Ontario, had been against the Ottawa Valley. In a few months there would be railway communication on the north shore of the Ottawa, and on the south shore there was railway communication to Pembroke. It was, therefore necessary to proceed with the construction of this Georgian Bay Branch, in order to complete that communication with the upper lakes. At one time he had some faith in the promise of the Government, but it was all oozing out as far as this part of their scheme was concerned. He did not expect to get any promise that would be of any use; nevertheless he wished the Government to understand he was not satisfied with the course they had taken, and the policy they had pursued towards this section of Canada. The people of this city and of the surrounding country would feel they had been deceived and neglected. They

did not expect that the whole work would be put under contract without having the route thoroughly surveyed, but they had reason to expect that the surveys would have been completed before this. He contended that a practicable route existed north of the one that had been surveyed, and a railway could be built there as cheaply as any part of the Dominion. He wished to know if anything could be done between now and next session towards, at least, completing the surveys.

Hon. Mr. MACPHERSON said he was not at all surprised the honorable gentleman who represented the Ottawa Valley so faithfully should call attention to this matter. It was more than justifiable that the honorable gentleman should ask the question he had just now put to the Government, especially if the honorable gentleman remembered the statement made by the Finance Minister in his budget speech in 1875. Referring to certain expenditures to which the Government had been committed, that honorable gentleman had stated. No doubt a certain portion of this expenditure may be fairly looked upon as productive in the sense of bringing back into our coffers some return for the moneys expended, but I may add that of all the schemes submitted to this House, I believe that proposed by my honorable friend, the Premier, for opening up that fine and considerable tract between French River and the Ottawa Valley is the one which, on the whole, is most likely to add to the paying, productive population of the Province of Ontario." It was evident, therefore, that the honorable Senator from Ottawa was justified in asking this question of the Government.

Hon. Mr. SCOTT said he had no doubt when the honorable Minister of Finance uttered those words in another place he felt he was speaking the truth. The Valley of the Ottawa River had always been recognized as a most important section of this country. Public attention had been directed to it a quarter of a century ago, and a canal had been commenced at the Chats under the auspices of the friends of the honorable gentleman, and a very considerable amount of money had been expended on it. The credit of this country was pledged to opening up the Ottawa river to the Georgian Bay, but influences that, no doubt, had been very strong in this country had caused that great work to be abandoned. It was thought then to be more judicious to expend the money on the frontier where there was more population. The leading minds of this country that had given the subject any attention always considered it was due to the Ottawa Valley that a line of works should

be constructed between Montreal and Lake Huron. The honorable Senator from Ottawa had expressed regret that no sum appeared in the estimates for surveying the Georgian Bay Branch. He (Mr. Scott) assumed as it was a branch of the Pacific Railway, so far as the survey was concerned it would not be considered improper to use the funds devoted for the survey of that work to this particular portion of the line. He believed he was correct in drawing this conclusion. In regard to the connection with the Georgian Bay, that, of course, was under statute a part of the Pacific Railway. A considerable portion of the surveying that had been done between here and the French River would always be useful; at all events it had given the Government an idea of the practicability of the work, and would enable engineers to find the best route for the road. It would be impossible for him to foreshadow which line would be ultimately adopted.

Hon. Mr. MILLER said he observed that \$230,000 was the total sum voted for the surveying of the Pacific Railway.

Hon. Mr. SCOTT said there was another \$100,000 besides that.

Hon. Mr. MILLER—Does the honorable gentleman say a portion of that sum will be taken for the survey of the Georgian Bay Branch?

Hon. Mr. SCOTT said he assumed it would be no misappropriation to take a portion of the money voted for the Pacific Railway to survey the Georgian Bay Branch.

Hon. Mr. MILLER—Is the Government prepared to do it?

Hon. Mr. SCOTT—I am not prepared to say.

The bill was then read a third time and passed.

The House adjourned at 11:10 a. m., during pleasure.

#### PROROGATION.

At three o'clock p. m. His Excellency the Governor-General proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following bills were assented to, in Her Majesty's name, by His Excellency the Governor-General, viz:—

An Act to amend the Act respecting Larceny and other similar offences.

An Act to amend the Act respecting the salaries of certain Judges.

An Act to make provision for improvements in Prison Discipline.

An Act to make better provision respecting the Geological and Natural History Survey of Canada and for the maintenance of the museum in connection therewith.

An Act to extend to the Province of Prince Edward Island certain Criminal Laws now in force in the other Provinces of Canada.

An Act to extend the provisions of section fifty-six of the Act thirty-fourth Victoria, chapter five, intitled "An Act relating to Banks and Banking" to the Bank of British North America.

An Act to authorize the Union Forwarding and Railway Company to reduce its paid-up capital.

An Act respecting the Canada Southern Bridge Company.

An Act to change the name of the Saint Francis and Megantic International Railway Company to the International Railway Company, and for other purposes respecting the same.

An Act to amend the Act to incorporate "The Globe Printing Company."

An Act concerning the Ottawa, Vaudreuil and Montreal Railway Company.

An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend "The Penitentiary Act of 1875."

An Act further to amend the Act to incorporate the Canada Mutual Marine Insurance Company.

An Act respecting "La Banque Jacques Cartier."

An Act to authorize and provide for the winding-up of the Metropolitan Bank.

An Act respecting the Niagara Grand Island Bridge Company.

An Act respecting Procedure and Evidence in Criminal Cases.

An Act to amend the Act respecting Offences against the Person.

An Act to amend the Act to make further provision in regard to the Supreme and Exchequer Courts.

An Act to incorporate the "Dominion of Canada Civil Service Mutual Benefit Association."

An Act to authorize the "Royal Canadian Insurance Company" to reduce its capital stock, and for other purposes.

An Act to amend the Act to incorporate "The Ottawa Agricultural Insurance Company."

An Act to provide for the safe custody of prisoners in places where the common gaols become temporarily insecure.

An Act to amend "The Railway Act, 1868."

An Act to extend the Act respecting trade marks and industrial designs to the pro-

vinces of British Columbia and Prince Edward Island.

An Act to incorporate the Union Marine Insurance Company of Halifax, Nova Scotia.

An Act to amend the Act for the suppression of Gaming Houses.

An Act to revive and amend the Act incorporating the Canada Atlantic Cable Company.

An Act to incorporate the St. Lawrence and Pacific Railway Ferry Company.

An Act for the prevention of Gambling Practices in certain Public Conveyances.

An Act respecting the boundaries of the Province of Manitoba.

An Act to make provision for the Extradition of Fugitive Criminals.

An Act to amend the Act relating to the Inspection of Steamboats.

An Act to amend the Act incorporating the Montreal, Portland, and Boston Railway Company.

An Act to incorporate the "Dominion Grange of the Patrons of Husbandry," of Canada.

An Act to incorporate the Union Atlantic Cable Company.

An Act to authorize the Town of Kincardine in the County of Bruce, to impose and collect certain tolls at the harbor in the said town.

An Act to amend the "Coteau and Province Line Railway and Bridge Act."

An Act to remove doubts as to the right to vote of shareholders in certain banks.

An Act to grant additional powers to the Springhill and Parrsborough Coal and Railway Company (limited).

An Act to amend "An Act to impose License Duties on Compounders of Spirits; to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink, and Drugs."

An Act to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway to the person or company constructing a line of railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the strait.

An Act to provide for the employment without the walls of Common Gaols of prisoners sentenced to imprisonment therein.

An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the civil power.

An Act to amend the law respecting appeals from convictions before or orders by Justices of the Peace.

An Act to amend the "Act respecting the Canadian Engine and Machinery Company."

An Act respecting the Beaver and Toronto Mutual Fire Insurance Company.

An Act to amend the Act to incorporate the Bridge Company of Riviere du Loup, in the County of Maskinonge.

An Act respecting tolls in the harbor of Montreal.

An Act to amend the Act to incorporate the National Investment Company of Canada (limited.)

An Act to make provision against the improper use of firearms.

An Act to repeal certain laws making breaches of contract of service criminal, and to provide for the punishment of certain breaches of contract.

An Act to transfer the management of certain harbors, piers and breakwaters, from the Department of Public Works to the Department of Marine and Fisheries.

An Act to amend the Postoffice Act, 1875.

An Act to amend the Act respecting the Culling and Measuring of Timber.

An Act to provide for the payment of the travelling allowances to the District or County Court Judges in the Province of British Columbia.

An Act respecting the Measurement of Steam Ships registered under the repealed Act of the late Province of Canada.

An Act to amend an "Act respecting the Inland Revenue."

An Act to amend and consolidate certain Acts respecting Insurance.

An Act to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the "Union Assurance Company of Canada."

An Act respecting the Great Seals of the Provinces of Canada, other than Ontario and Quebec.

An Act to amend the Act intituled: "An Act to incorporate the London and Ontario Investment Company (limited)."

An Act to incorporate the Pickering Harbor Company (limited) and to authorize it to collect tolls.

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

An Act to amend the Insolvent Act of 1875, and the Act amending the same.

An Act to amend the Act thirty-seventh Victoria, chapter fifty, respecting Permanent Building Societies in Ontario.

An Act to incorporate "La Societe de Construction St. Jacques" as a Permanent Building Society, and for other purposes.

An Act to incorporate "The Canadian Securities Company (limited)."

An Act to amend the "Act to make further provision for the management of Per-

manent Building Societies carrying on business in the Province of Ontario.

An Act to amend the Act incorporating "The British Canadian Loan and Investment Company (limited)."

An Act to Amend and consolidate the Acts respecting the Customs.

An Act for the repression of Betting and Pool Selling.

An Act to amend the law respecting the Incorporation of Joint Stock Companies by Letters Patent.

An Act to amend certain Acts respecting duties of Customs and Excise.

An Act respecting the claim of the Dominion on the Northern Railway Company of Canada.

An Act respecting the Act further securing the Independence of Parliament.

An Act to incorporate "The Dominion Building Society" under the name of "The Dominion Mortgage Loan Company."

An Act respecting the Northern Railway of Canada.

An Act to Amend the Northwest Territories Act, 1875

An Act to amend the Pilotage Act of 1875.

An Act to make further provision respecting the constituting and management of Building Societies in the Province of Quebec.

An Act further to amend the Acts to provide for the management of the Harbor of Quebec and "The Pilotage Act of 1873."

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec.

An Act to provide for the Inspection of Petroleum.

An Act to amend the Act respecting Weights and Measures.

His Excellency the Governor General was pleased to reserve the following bills for the signification of Her Majesty's pleasure thereon:—

An Act for the relief of Mary Jane Bates.

An Act for the relief of Walter Scott.

An Act for the relief of Martha Jemima Hawkshaw Holiwell.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:—

"MAY IT PLEASE YOUR EXCELLENCY,

"In the name of the Commons, I present to Your Excellency a Bill intituled:—

'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1877, and the 30th June, 1878,

and for other purposes relating to the Public Service,' to which I humbly request your Excellency's assent."

To this bill the Royal assent was signified in the following words:—

"In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this bill."

After which His Excellency the Governor General was pleased to close the fourth session of the third Parliament of the Dominion with the following

#### SPEECH:

*Honorable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

In relieving you from further attendance in Parliament, I beg to convey to you my thanks for the diligence with which you have applied yourselves to the performance of your duties.

Among the numerous measures you have passed, are several of considerable public importance.

The improved provision for the incorporation of Joint Stock Companies will, I trust, tend to the establishment of such companies under the operation of sound general rules, rather than by special and exceptional legislation.

The law as to Insurance Companies will add to the existing securities of Canadian insurers.

The alteration of the duties on petroleum will confer a great boon on the masses of the population.

The vast shipping interests of our great inland seas will be benefited by the extension to the trade on those waters of rights and remedies, the utility of which has been recognized by long experience.

The law providing for the extradition of fugitive criminals will enable Canada to discharge efficiently her part of the engagements of the Empire in this important particular.

*Gentlemen of the House of Commons:*

In Her Majesty's name, I thank you for the Supplies you have so cheerfully voted. I will take care that they are expended with due regard to economy.

*Honorable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

The Commissioners to be named under the Treaty of Washington having been at length appointed, the Commission will shortly be

organized at Halifax. I have taken steps to ensure a full and fair presentation of the case of Canada. I trust the negotiations may realize all our expectations.

I have now only to give expression to my earnest hope that on your return to your

several homes you may meet with evidence of growing prosperity, and that before you are again called upon to meet together in your representative capacity the passing cloud on our Trade and Commerce will have disappeared.

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