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DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA.

REPORTED, EDITED AND PUBLISHED BY

A. & GEO. C. HOLLAND,
OTTAWA.

SECOND SESSION—FOURTH PARLIAMENT.



OTTAWA:

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1880.

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“2. <i>Resolved</i> —That leave be given to the Clerk to furnish, for the use of the Select Standing Committee of the House of Commons on Public Accounts, a detailed statement of the amount paid to each member of the Senate for indemnity and mileage, and also of the number of days each Senator attended the sittings of this House during the year 1879, as per item of \$83,772.48 in the Public Accounts for the year ending 30th June, 1879, page 88, part ii. The Senate, in giving this leave, assumes that the said Select Committee are about to require the presentation to them of like information regarding the attendance and indemnity of the members of the House of Commons.	
“3. <i>Resolved</i> —That a message be sent to the House of Commons with the above resolutions, and to inform that House that, whilst fully recognizing their undoubted right to inquire into every branch of the public expenditure, the Senate, is nevertheless, of opinion that the critical examination of the details of such disbursements as those referred to in the foregoing resolutions is, in the interest of the harmonious relations of the two Houses, best left to the House by whose order payment is made.”—Sir Alex. Campbell.	191

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DEBATES AND PROCEEDINGS

OF THE

SENATE OF CANADA

FOR THE

SECOND SESSION OF THE FOURTH PARLIAMENT OF THE DOMINION
OF CANADA, CALLED FOR DESPATCH OF BUSINESS ON THE
TWELFTH DAY OF FEBRUARY, 1880.

SENATE CHAMBER,

Thursday, February 12th, 1880.

The Members of the Senate having assembled, were informed that a Commission under the Great Seal had been issued, appointing the Hon. David Lewis Macpherson to be the Speaker of the Senate.

The said Commission was then read by the Clerk.

The hon. the Speaker then took the Chair at the foot of the Throne, to which he was conducted by the Hon. Sir Alex. Campbell and the Hon. Mr. Aikins, the Gentleman Usher of the Black Rod preceding.

The Mace (which before lay under the Table) was then laid upon the Table, and it was

Ordered—That the said Mace be carried before His Honor.

NEW SENATORS.

The Speaker presented to the House returns from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor-General had summoned to the Senate,—

Hugh Nelson, of Burrard Inlet, Esq., in the room of the Hon. Robert W. W. Carrall, deceased.

Jedediah Slason Carvell, of Prince Edward Island, Esq., in the room of the Hon. Thomas Heath Haviland, resigned, and

John Boyd, of the city of St. Johns, in the Province of New Brunswick, Esq., in the room of the Hon. Robert D. Wilmot, resigned.

Mr. Carvell, one of the newly-appointed members, then took the oath prescribed by law, and was conducted to his seat.

The House was adjourned during pleasure, and shortly afterwards resumed.

His Excellency the Governor-General being seated on the Throne,

The Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House—"It is His Excellency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

His Excellency the Governor-General was then pleased to open the Session by a gracious Speech to both Houses.

THE SPEECH FROM THE THRONE.

Honorable Gentlemen of the Senate;

Gentlemen of the House of Commons:

I have great pleasure in meeting you again for the despatch of the business of the country.

The abundant harvest with which Providence has blessed Canada is a cause for the

deepest thankfulness; and I heartily congratulate you on the evidences which surround us of a recovery from the commercial and industrial depression which has so long weighed down the energies of the people.

Our returning prosperity should, I think, direct our attention to the less fortunate circumstances of our fellow-subjects in Ireland where so much destitution prevails, and I invite your consideration of the best means of showing our practical sympathy with their distress.

We have reason to congratulate ourselves on the number of settlers who have, during the past year, come into our North-West from Great Britain and the United States, as well as from the older Provinces of the Dominion. The visit of two members of the Royal Commission on the agricultural distress in the Mother Country, and the favorable report of the tenant farmers who, at the instance of my Government, have examined into the farming capabilities of the Dominion, will, it is believed, largely increase the number of immigrants during the present year. Preparations must be made for their reception, and your attention will be specially called to this subject.

Every effort has been made to hasten the construction of the Canadian Pacific Railway from Lake Superior to Red River, and no doubt is entertained that the railway will be opened for traffic between those important points within the time specified in the contracts. Under the authority given by Parliament last Session, nearly one hundred miles, from Red River to the western boundary of Manitoba, has been placed under contract, and tenders are about being asked for for the construction of another hundred miles from the boundary westward. The completion of these two sections will, at an early day, afford railway facilities through two hundred miles of the most fertile land in the North-West. After an exploratory survey of the line from Port Simpson to the Pine River Pass and through the Peace River country, it has been decided to adopt the location of the line to Burrard Inlet, and contracts have been awarded for one hundred and twenty-seven miles of the railway, between Emory's Bar on the Fraser River and Savona's Ferry. This work will be vigorously proceeded with so soon as the spring opens. Its construction will complete the most difficult portion of the Canadian

The Speech.

Pacific Railway, and secure the connection by steam of the fertile district of Kamloops with the capital of British Columbia.

The adoption of a rigid system of economy in the management of the Inter-colonial Railway has, without impairing the efficiency of its working, effected such a diminution of expense as to warrant the belief that the country will in future be relieved from any considerable burden in connection with its operation.

In consequence of the entire failure of the usual food supply of the Indians in the North-West, a large expenditure has been necessarily incurred to save them from starvation. It is hoped that the efforts which are now being made to settle the several bands on the reserves, and to induce them to betake themselves to the cultivation of the soil, may prevent the necessity of similar calls for relief in the future.

Gentlemen of the House of Commons:

The Estimates for the ensuing year will be laid before you; they have been prepared with all due regard to economy.

You will be pleased to learn that the effect of the tariff of last Session in the development of the varied industries of the country has, on the whole, been very satisfactory. The experience acquired since it came into operation in March last, has suggested the expediency of some amendments, to which your attention will be directed.

Honorable Gentlemen of the Senate;

Gentlemen of the House of Commons:

Bills for the better organization of the Civil Service, for the consolidation of the Inland Revenue Laws, and for the amendment of the acts relating to the Dominion Lands, to the Public Works, to the Indians of the North-West, and to the Mounted Police Force, will be laid before you.

The Acts incorporating the Banks of the Dominion will expire next year, and the present would seem a favorable time for a full consideration of our banking system, and of the subject of the currency as connected with that system.

The subject of the laws relating to Insolvency will doubtless engage your attention.

The increasing foreign trade of Canada, and the prospect that Her Majesty's Government will enter, ere long, into negotiations with foreign nations on the subject of their trade and commercial relations, demand our closest attention and watchfulness, while the rapid development of the Dominion is continually giving rise to important matters requiring the support and action of the Imperial Government. With the concurrence of Her Majesty, I therefore recommend you to sanction the appointment of a permanent representative of Canada in London to guard her various interests.

The subjects I have mentioned are of great importance. I commend them, with full confidence in your wisdom and patriotism, to your best consideration.

His Excellency the Governor-General was pleased to retire and the House of Commons withdrew.

BILL INTRODUCED.

Hon. Sir ALEX. CAMPBELL introduced a Bill intituled: "An Act respecting Railways."

The Bill was read the first time.

THE ADDRESS.

The Speaker reported His Excellency's Speech from the Throne, and the same being read by the Clerk,

Hon. Sir ALEX. CAMPBELL moved—That the House do take into consideration the Speech of His Excellency the Governor-General to-morrow.

The motion was agreed to.

THE ORDERS AND CUSTOMS OF THE SENATE.

Hon. Sir ALEX. CAMPBELL moved—That all the 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.

The motion was agreed to.

DEPARTMENTAL REPORTS.

Hon. Sir ALEX. CAMPBELL presented to the House the Report of the *The Speech.*

Postmaster-General for the year ending 30th June, 1879.

Ordered—That the same do lie on the Table.

Hon. Sir ALEX. CAMPBELL presented to the House the Report of the state of the Militia of the Dominion of Canada for the year 1879.

Ordered—That the same do lie on the Table.

The House adjourned at 4 p.m.

THE SENATE.

Friday, February 13th, 1880.

The Speaker took the Chair at Three o'clock.

THE ADDRESS.

Hon. Mr. TRUDEL, (in French)—I intend to propose an Address in reply to the Speech with which the worthy representative of our Gracious Sovereign has favored us, but before doing so I desire to congratulate the Government and this Chamber on the happy events which the year 1880 has brought us. The most important is the safe return to the Dominion of Her Royal Highness the Princess Louise. The joy of the people has been manifested by the numerous addresses which have been presented to her, testifying the loyal attachment of the people of Canada to the daughter of our Most Gracious Sovereign and to the British Crown. I desire, also, to congratulate this hon. House on the appointment of the hon. Senator for Saugeen to the Speakership of the Senate, and his promotion to the position of a member of the Privy Council. This choice is an honor to the Senate as well as to our colleague, and it is a decided advantage to this hon. body to be presided over by so distinguished a statesman, a gentleman who has taken such an active and prominent part in the debates and proceedings of this House. We, the French-speaking people of Canada, are pleased to observe with what purity and elegance the Speaker of the Senate presses himself in our own language and we see in that event the dawn of the fortunate day when the French tongue

will be practically on an equal footing with the English language in this House. It affords me no little pleasure to feel that, in addressing myself to you, Mr. Speaker, in the language which I learned from my mother, that I am thoroughly understood by you who, as President of this hon. body, represent in your person the whole House. I also congratulate the House on the incident which has brought about your promotion—an incident which gave to your predecessor a still more exalted position. It enables me to express, without reserve, my unqualified appreciation of the appointment of yourself as our presiding officer. But, Mr. Speaker, there is nothing perfect in this world; in the most beautiful pictures there are always shadows; in the brightest sky there is always a cloud. There exists in this Chamber an excellent tradition that it is the privilege of every member, even under the circumstances in which I have the honor to be now, to state his views freely and fully. Permit me, then, to express my inmost thoughts upon this subject without reserve. While I congratulate the Government and this Chamber in having made such an excellent choice in the person of our new Speaker, I cannot help expressing the apprehensions which, in some quarters, have been aroused by that appointment. I have no doubt, Mr. Speaker, that the well-known modesty of yourself and your hon. colleagues in this House, the Minister of Militia and the Secretary of State, prevents you from seeing what a preponderance is given in the Council of the nation to the fortunate section of Ontario which has the advantage of possessing men of such superior ability, large influence and force of character as yourself and your two colleagues in this House, over other parts of Canada less favored and not represented in the Senate by such distinguished men. I repeat, Sir, that this has awakened in the minds of some of your brother senators' apprehensions that the equilibrium and equality which should be preserved as far as possible between the different provinces, would no longer exist. The Senate, it is well known, was designed to protect minorities; but what becomes of that equilibrium when the whole weight of such an enormous

influence as is represented by the three members of the Cabinet in this House is thrown into one scale of the balance? No other influence can counterbalance it, and this is why apprehensions are felt. I am sure that when the Speaker, and his two hon. colleagues in this House devoted their whole lives and their great talents to acquiring the knowledge and experience necessary to qualify them for the service of their country and to fit them to respond to the dictates of patriotism, they little dreamed that those very attainments would be a source of apprehension on the part of their brother Senators. But, as I have already said, there is nothing perfect in this world; there is always a cloud in the brightest sky, and what I have alluded to is but a cloud after all. In the Speech which it has pleased His Excellency to deliver to us, he states that he is happy to meet again the Parliament of Canada. It is pleasant to know that there exists between the representative of Our Gracious Queen and the representatives of our people perfect harmony. It is certainly a great advantage to any country when the representative of authority is in perfect unity of sentiment with the people. I have no doubt that this hon. House is equally happy to meet His Excellency at the opening of Parliament. The second paragraph of the Speech expresses a sentiment of gratitude to Providence for the abundant harvest of last year. I believe that it is a faithful interpretation of the sentiment of our people. Providence has blessed us with an abundant harvest, and prosperity is returning to the country. In this paragraph will be found, I hope (indeed I am confident), enough to relieve some of our hon. friends from the anxiety in which they were, that Sir John A. Macdonald's Government would encroach upon the rights of Divine Providence, and attribute the return of prosperity to his advent to power. That returning prosperity I do not attribute wholly to the policy of the Government, but I believe that they deserve a share of credit for having pursued a course which has enabled the people to avail themselves of every opportunity to relieve the country of the depression. Instead of folding their arms and leaving everything to Providence,

they put themselves energetically to work to restore prosperity to the country. Their predecessors followed the example of the unfaithful servant who folded his talent in a napkin and buried it in the ground, trusting to Providence entirely. In the next paragraph, His Excellency calls attention to the less fortunate condition of our fellow-subjects in Ireland, and proposes that we shall manifest our sympathy with them in their distress in a practical manner. I hope that this Parliament will be prompt in accepting the suggestion, and in doing so we will meet with the views of the whole people of the Dominion. He congratulates us, in the next paragraph, on the rapid settlement of the North-West. The development of that great country is of vital importance to the Dominion, and I am glad to observe that the subject occupies such a conspicuous place in the Speech. In fact the question of developing our North-West is amongst all others the question *par excellence*, the main feature of Canadian politics. We possess the means of at once developing our resources and of ameliorating the condition of those who are at present in a state of destitution in the old world. Nothing is wanting in our great North-West but the arms of industrious settlers to multiply its natural wealth a hundred fold. The question of developing that magnificent country overshadows all others with which we have to deal. The true way of accomplishing the work is by completing that part of our Pacific Railway which will put the North-West in direct communication with the old provinces. This, we are assured by His Excellency, is to be done very soon. He tells us that the railway is to penetrate to the very heart of the fertile belt of the North-West, and that we can reach the prairie lands through our own country. When the Pacific Railway enterprise was first broached, apprehensions, which seemed at the time to some perfectly legitimate, were expressed as to the possibility of the Dominion accomplishing such a vast undertaking, but events have justified the far-seeing statesmanship of the men who devised the scheme. There is a phrase in the Address which has specially struck me; in the French version it differs somewhat from the English. In the former we are

assured that the Pacific Railway will be pushed to "the heart of the most fertile country in the world." These are precisely the words uttered by Napoleon the First, when, from the Alps, he pointed out to his soldiers the plains of Italy and offered to their bravery the conquest of "the most fertile country in the world." When I heard that from His Excellency, I at first thought that the hon. Minister of Militia had suggested the phrase, and intended to lead this Parliament to the conquest of the North-West, but as he looks so pacific, I have no doubt that he has reference to a peaceful conquest—a victory over nature in the wilds of the North-West, from which the whole Dominion will derive a lasting benefit. Every patriotic Canadian who has the success of his country at heart should lend every effort to making the North-West what it should be, and what it must ultimately and ere long become—not only the granary of Canada, but also the principal granary of a large portion of the population of Europe. The next paragraph conveys the cheering information that the cost of managing the Intercolonial has been materially diminished. It is a subject on which we may well congratulate the country. Hon. gentlemen will recall the time when the Intercolonial was regarded as a necessity to complete Confederation, and when the expense of maintaining it was regarded as a necessary and unavoidable outlay. Now, we find that, by economy in management, the road is likely, ere long, to earn sufficient to cover the cost of operating it, and may yet become even a source of revenue. In the same way in our Province, apprehensions were entertained for a time that the North Shore Railway would be a burden upon the people, but in both of those great works, I am happy to observe, these apprehensions have not been justified by experience. They have ceased to be a burden, and promise to yield a direct return for the outlay upon them. These indications of prosperity are not only gratifying from a financial point of view, but also because they indicate an increasing trade between the Maritime Provinces and old Canada. They prove that the principal object of Confederation has been attained—that is, giving the British provinces the advantages of

commercial intercourse between each other. The paragraph which refers to the effect of the new tariff will recall to the minds of hon. gentlemen the problem which was presented to them last session—how can a tariff be protective and at the same time be a revenue tariff? We were told by the opponents of the National Policy that there was an antagonism between the two; that if the tariff was protective it could not yield a revenue, and if a revenue tariff, then it could not protect. That was a problem which troubled some of us considerably, but His Excellency informs us that it is in a way of satisfactory solution. He tells us that it is augmenting the revenue, and protecting our industries, and it is, therefore, perfectly successful. We shall be pleased to consider the measures relating to the Civil Service, the Inland Revenue Laws, the Indians and other subjects mentioned in the next paragraph. This is a young country, and we must be guided largely by experience in the administration of our public affairs. I notice that there is a paragraph promising legislation on our banking system. A monetary system having a solid basis is the principal foundation of a country's prosperity. The question is one of great importance and the measure will be watched for with interest. The measure relating to bankruptcy is also looked for by the public. No doubt the debates which took place upon this subject last session will lead to effective legislation, which will put an end to the disastrous effects of the present law. I now come to the last, and, I may say, the most important paragraph of His Excellency's Speech. It reads as follows:

"The increasing foreign trade of Canada and the prospect that Her Majesty's Government will enter, ere long, into negotiations with foreign nations on the subject of their trade and commercial relations demand our closest attention and watchfulness, while the rapid development of the Dominion is continually giving rise to important matters requiring the support and action of the Imperial Government. With the concurrence of Her Majesty, I therefore recommend you to sanction the appointment of a permanent representative of Canada in London to guard her various interests."

This declaration from His Excellency, and the good reasons we have to believe that our expectations will not be deceptive, especially when one of our ablest

statesmen is appointed to represent us at the seat of the Imperial Government, dispose, at least to a certain extent, for the present, of the questions of "emancipation and annexation." I have no doubt that, owing to the intelligent exertions of our Government in that direction, England will either obtain for us, from foreign countries, the privilege of participating in the benefits of her treaties of commerce, or, we will be put in such an independent position as to be able to negotiate for ourselves, and establish directly our commercial relations with foreign nations of the whole world. A very few voices have been, it is true, raised in the Province to which I belong against British connection. A few have seemed impatient to throw off our allegiance to Great Britain. To the existing state of affairs they could have only two grounds of objection: First, our exclusion from the benefit of the treaties regulating the commercial intercourse between England and other countries; and second, the extravagant expenses in which this Dominion might be involved in maintaining monarchical institutions on this continent. The Speech from the Throne disposes of the first objection. There is good reason to hope that Canada will more easily succeed in establishing her commercial relations with the concurrence and assistance of England than if left alone. Instead of being left abruptly to our own resources, with the additional burden of the necessary expenses occasioned by independence, we will be gradually emancipated commercially while secured by the protection of England, and will maintain our political connection with the Empire to the mutual benefit of both countries. As to the second objection, it is true that in this free land of America, we are inclined to believe that there is no reason why monarchical institutions should exist and that in such a new country as ours, without great wealth, without territorial and hereditary aristocracy it may be ruinous to incur the expenses of a court, yet this objection has no foundation when we remember that, in our days, it is not always the princes who furnish examples of ruinous extravagance and luxury. Is it not a fact that some presidents of republics exhibit to the world more princely pomp

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than kings themselves? Is it not well known that mere presidents of popular assemblies (as is the case in France) squander millions to revive the pageantry of the ancient Cæsars? For ourselves, we have the good fortune to live under a sovereign who sets a different example to the world. We have been accustomed to see sparkling on the throne more of the domestic virtues than of the luxury of the courts. We have, in the person of our Most Gracious Queen, a whole life (one of the longest spent on a throne) wholly devoted to the welfare of her subjects and to giving the royal family a precious education. And I ask you, hon. gentlemen, what part of that existence has been absorbed by the pomp of the court? Is it when we have the advantage of possessing in our midst the worthy daughter of our Queen that illustrious princess who for fifteen months has reproduced in Canada all the virtues of her royal mother, that we have reason to apprehend the luxury of royalty? Hon. gentlemen, you are all aware what examples of noble simplicity Her Royal Highness has furnished us since her arrival amongst us. You know that, to the astonishment of a great many, she has, by her example, given our wives and our daughters lessons of economy and industry in the administration of her household. She has condescended to take an interest in all the details of domestic life and has shown herself more proud of her knowledge and practice of domestic economy than of the majesty of the throne to which she has been accustomed from her birth. Indeed, we, the sons of the people, did not expect that such an example should come down to us from the throne. Annexation has been spoken of, but those who give utterance to such ideas show that they do not know the feeling of the people of Canada. Monarchical institutions are deeply rooted in the hearts of the Canadian people. We had an evidence of that lately. When we were told that Her Royal Highness was to confide her precious existence to the inconstant waves of the ocean, was there not universal anxiety amongst our people? And why is it that our thoughts followed her on the ocean, and our hearts throbbled with emotion at the idea that a life so precious for the welfare of Canada might

be lost? Because that noble princess had won our hearts by her amiable qualities, her artistic tastes and the deep interest she had evinced in Canada. But there is still a greater reason, of which we were perhaps unconscious: Her Royal Highness is descended from the line of our kings. She represents amongst us a great principle—the principle of royalty, the principle of legitimacy, the true Conservative principle. With those remarks, hon. gentlemen, I have the honor to move, seconded by Hon. Mr. Vidal, that the following Address be presented to His Excellency the Governor General to offer the respectful thanks of this House to His Excellency for the gracious Speech which His Excellency has been pleased to make to both Houses of Parliament, namely:—

“To His Excellency the Right Honorable Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor-General of Canada and Vice-Admiral of the same, &c., &c.

“MAY IT PLEASE YOUR EXCELLENCY:

“We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, respectfully thank Your Excellency for your gracious Speech at the opening of this session.

“We also thank Your Excellency for expressing pleasure at meeting us again for the despatch of the business of the country.

“We agree with Your Excellency in feeling that the abundant harvest with which Providence has blessed Canada is a cause for the deepest thankfulness, and we thankfully accept Your Excellency's congratulations on the evidences which surround us of a recovery from the commercial and industrial depression which has so long weighed down the energies of the people.

“We heartily concur with Your Excellency in thinking that our returning prosperity should direct our attention to the less fortunate circumstances of our fellow-subjects in Ireland, where so much destitution prevails; and we are grateful to Your Excellency for inviting our consideration of the best means of shewing our practical sympathy with their distress.

“We feel also, with Your Excellency, that we have reason to congratulate ourselves on the number of settlers who have during the past year come into our North-West from Great Britain and the United States, as well as from the older Provinces of the Dominion. The visit of two members of the Royal Commission on the agricultural distress in the Mother Country, and the favorable report of the tenant

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farmers who, at the instance of Your Excellency's Government, have examined into the capabilities of the Dominion, will, we are willing to believe, largely increase the number of immigrants during the present year. Preparations must be made for their reception, and our attention will be given to this subject, to which Your Excellency has been pleased to say it will be specially called.

"It gives us great pleasure to learn from Your Excellency that every effort has been made to hasten the construction of the Canadian Pacific Railway from Lake Superior to Red River, and that no doubt is entertained that the Railway will be opened for traffic between those important points within the time specified in the contracts. We are glad to learn, also, that under the authority given by Parliament last Session, nearly one hundred miles from Red River to the western boundary of Manitoba has been placed under contract, and tenders are about being asked for, for the construction of another hundred miles from the boundary westward, and that the completion of these two sections will at an early day afford railway facilities through two hundred miles of the most fertile land in the North-West. We thank Your Excellency for informing us that after an exploratory survey of the line from Port Simpson to the Pine River Pass, and through the Peace River country, it has been decided to adopt the location of the line to Burrard Inlet, and contracts have been awarded for one hundred and twenty-seven miles of the Railway between Emory's Bar, on Fraser River, and Savona's Ferry, and that this work will be vigorously proceeded with so soon as the spring opens. We concur with Your Excellency in the opinion that its construction will complete the most difficult portion of the Canadian Pacific Railway, and secure the connection by steam of the fertile district of Kamloops with the capital of British Columbia.

"It affords us great satisfaction to be informed by Your Excellency that the adoption of a rigid system of economy in the management of the Intercolonial Railway has, without impairing the efficiency of its working, effected such a diminution of expense as to warrant the belief that the country will in future be relieved from any considerable burden in connection with its operation.

"We regret to learn from Your Excellency that, in consequence of the entire failure of the usual food supply of the Indians in the North-West, a large expenditure has been necessarily incurred to save them from starvation. We hope that the efforts which are now being made to settle the several bands on the reserves, and induce them to betake themselves to the cultivation of the soil, may prevent the necessity of similar calls for relief in future.

"We shall not fail to give our best attention to the Bills for the better organization of the Civil Service, for the consolidation of the Inland Revenue Laws and for the amendment of the Acts relating to the Dominion Lands, to the Public Works, to the Indians of the North-

West, and to the Mounted Police Force, which Your Excellency has been pleased to say will be laid before us.

"We agree in opinion with Your Excellency, that as the Acts incorporating the Banks of the Dominion will expire next year, the present would seem a favorable time for a full consideration of our banking system, and of the subject of the currency as connected with that system.

"The subject of the laws relating to Insolvency will also doubtless engage our attention.

"With Your Excellency, we are of opinion that the increasing foreign trade of Canada, and the prospect that Her Majesty's Government will enter, ere long, into negotiations with foreign nations on the subject of their trade and commercial relations, demand our closest attention and watchfulness, while the rapid development of the Dominion is continually giving rise to important matters requiring the support and action of the Imperial Government. We thank Your Excellency for stating that, with the concurrence of Her Majesty, Your Excellency therefore recommends us to sanction the appointment of a permanent representative of Canada in London to guard her various interests; and we shall not fail to give our most attentive and careful consideration to the subject of such an appointment.

"The subjects Your Excellency has mentioned are of great importance, and we shall not fail to give to them our best consideration, to which Your Excellency has been pleased to say that you commend them with full confidence in our wisdom and patriotism."

Hon. Mr. VIDAL—Hon. gentlemen, I am sure it will be a matter of regret to all of you, as it is to myself, that the hon. member for DeSalaberry, (Mr. Trudel) should have elected to express to us in French the sentiments to which he has given utterance—sentiments which will meet with the entire concurrence of this Chamber. His warm eulogy of Her Gracious Majesty and of Her Royal Highness, and his courteous reference to our respected Speaker, would, I am sure, have been exceedingly gratifying to all who have heard them had he delivered his remarks in English. I shall not follow the hon. member in his opening remarks further than to express my satisfaction at the appointment of our hon. Speaker to the position which he now occupies—a position to which his claims and qualifications so well entitle him. Neither shall I touch upon the somewhat delicate question of Government representation in the Senate, which the hon. member from DeSala-

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berry has handled with so much skill and good taste; nor do I think it necessary to repeat what has already been so well expressed as to the great pleasure which we all feel in again meeting with His Excellency and with Her Royal Highness, and our thanks to a kind Providence which has safely guided her return to Canada over the stormy ocean, to be present at the opening ceremonies of this Session. Passing on then to the proposed Address, I think we cannot fail to agree with His Excellency in recognising, in the abundant harvest with which Providence has blessed Canada, the beneficent hand of God; and we all, I am sure, receive with great satisfaction His Excellency's congratulations on the evidence which surrounds us of a recovery from the commercial and industrial depression which has so long clogged the energies of our people. We all know by our experience and observation—corroborating what is revealed to us by God's word,—that it is the blessing of Providence which alone can make a people truly happy or prosperous; and should never forget that it is to His beneficent hand we are indebted for all that lies at the foundation of our country's peace and prosperity. But while I am making this remark, I feel it also a duty to recognise the human instrumentality which is in operation in connection with it. Just as we know that the farmer may labor in vain and spend his strength and means without avail unless the rain and sunshine bring his crops to perfection, so we also know that whilst the elements must be favorable to secure the growth and ripening of the crops, it still needs the farmer's care, and labor, and prudence to gather in the harvest and preserve its fruits, that he may enjoy the reward of his toil; so it is with us as a people. It would have been but small advantage to us if, after God with a lavish hand had given us an abundant harvest, that harvest, or its proceeds, had been wasted or destroyed, and I think it is due to the Administration of the day, to recognize that they exerted themselves to aid in bringing about and securing the national prosperity. While, then, to God we ascribe the chief glory, let us not forget that to the prudent and skillful management of those who are in author-

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ity we are in some measure indebted for the prosperity which the country enjoys to-day. I do not think it would be just or wise that we should ignore our indebtedness to those who, under God's Providence, have acted so wisely and so well. I am aware that there are those amongst us who would shut their eyes to this return of the prosperity of the country—who profess to see no prosperity, and no advance upon the unhappy state of things to which His Excellency alludes as having existed in the past. They are wilfully blind; they do not wish to see these things. Happily they are few in number, and I am aware that nothing that could be said on the floor of this Chamber could open their wilfully closed eyes; I shall therefore pay no more attention to them. There are others who think, as may hon. friend has hinted, that we are so wholly and entirely dependent upon the hand of Providence that there is nothing they can do but to sit still and wait, and that no Government can relieve depression or enhance prosperity. Now, I rejoice to know that the majority, at all events, of the people of this country are not believers in that doctrine. While they believe that it is to a kind Providence and a good harvest we are indebted for the foundation of prosperity, they also recognise that it is largely in the power of the Government, by wise fiscal policy, to increase that prosperity, and in times when the harvest may be less abundant, to relieve and mitigate, and even to remove to a great extent, the sufferings of the people on account of it. I am glad that the present Government hold such views, and that on assuming office they at once braced themselves for an effort to relieve the depression which existed at that time. When they came into power they found gloom and despondency prevailing everywhere, from one end of the country to the other: but no sooner had they intimated the policy they intended to pursue; no sooner had they availed themselves of the position in which they had been placed by the people, to propose measures of relief, than symptoms of returning prosperity began to appear; confidence immediately sprung into existence and, whereas before the change of Government, you could, in passing through the country, see

nothing but gloom and anticipation of coming evil, very shortly after that change there appeared at once a hopeful feeling, long before any practical result of the policy they had announced could be attained. Subsequent results and growing prosperity have fully justified those hopeful anticipations. I think, therefore, that the course pursued by the Government merits our approval and our thanks. His Excellency very properly suggests that our prosperity should lead us to think of those of our fellow-subjects who are suffering from absolute want. I know that every heart in this Chamber responds to his appeal in behalf of the poor and suffering in Ireland. While we are willing to do, individually, all we can to alleviate the misery which prevails in that country, we are, I trust, also prepared, in any way that may be suggested by His Excellency's advisers, to afford practical and prompt relief, and to give our most favorable consideration to any measure that may be proposed to relieve that suffering, and restore the people of that afflicted country to prosperity and comfort. While touching upon this subject, I must not lose this opportunity of offering a suggestion as to what might be done—among other things—to prevent in future a recurrence of this terrible distress and famine. Now, hon. gentlemen, it is no mere fancy of mine, no mere baseless assertion, but a startling and appalling fact, that in that very country more grain was converted into alcoholic drinks than would have filled every one of those starving mouths with food. It would be well for statesmen to look into this matter of destruction of food, and I would commend it especially to the attention of those who see and mourn over the evils of Ireland, and are anxiously looking for some measure to prevent the recurrence of such dire distress. It would be well, I say, for statesmen to look into this great question, and view it in its national bearings, not merely as a question of the morality or sobriety of the people, but in its direct bearing upon the origin and continued existence of the famine and suffering now prevailing, and see whether such waste is not a chief factor in producing them. The grain which God gave as food for the people has been taken from them and

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converted into that which not only gives them no sustenance or strength, but is a prolific cause of want and misery, of crime, disease and death. I think that it is well, in connection with this subject, that public attention should be directed to the prevention of this waste as one of the suggested remedies against the recurrence of such a dreadful state of affairs. The recognition by His Excellency of the importance of the immigration into our North-West provinces of a large number of settlers, and his reminding us of our duty in this matter, to make provision for increased immigration, suggests to us very important thoughts, for, as you all now know, a very vast and fertile tract of country is under our control and jurisdiction; that that territory is capable of supporting millions of people; and we know well that if they could be brought there, the millions of starving people in the old countries of Europe could be settled upon our fertile plains and could find not only sustenance but plenty and to spare. That we shall have to furnish some assistance to convey them there is very probable. The country has been in the habit of granting such assistance in the past, and I trust that the information referred to by His Excellency, as collected by the Commissioners from the old country and others who have come from there and carried back such very fair, accurate and reliable statements of the resources of our country and its adaptation for cultivation and its suitability for the homes of agriculturists, will have the effect of very largely increasing the settlement of that country. Of course we all admit that our wealth and prosperity as a people depend rather upon the number of our population than upon the number of our acres. It is a very unreasonable thing for us to boast the possession of millions of acres of land, unless they are utilized; but it will be our glory to boast of millions of people cultivating that land and converting a howling wilderness into a fruitful garden, an abode of peace and plenty. A great deal in the future of our country depends upon filling those vast areas with a population able and willing to draw from the soil those rich treasures which lie there only waiting the labor of the farmer and the miner, to be exhumed and utilized. I trust,

therefore, that the anticipations of His Excellency, in this respect, will be very fully realized. We know that nothing will be wanting on the part of the Government to facilitate the ingress of settlers of that class, and their settlement on those lands in the North-West. In connection with this subject, very naturally the question of the Pacific Railway is introduced. We are informed in the following paragraph of what the Government intend to do. I think that the Administration have acted very wisely and well in the prompt and energetic manner in which they have taken up the work left on their hands by the preceding Government. I feel well assured that it meets with the concurrence of this House, because the policy of the late Government in constructing 114 miles of railroad from Thunder Bay westward, and 116 miles from the Red River eastward, and proposing to leave an intervening gap of 180 miles untouched for five years, has been condemned in this Chamber. The folly of it was discussed very fully last Session, and I am glad to see that the intervening gap is to be bridged, and that the construction of that section has been commenced with a view to utilizing the road at the earliest possible date, and I rejoice the more that the Government took hold of this matter instantly, and, while very wisely dropping the Fort Frances Lock and its wonderful works they have directed their energies to complete that link to connect Lake Superior with Manitoba. It is pleasing to be assured by His Excellency that the contracts will be completed within the time specified, and I believe perhaps even a little earlier, for I have no doubt that everything the Government can do in the way of facilitating the completion of the work in anticipation of the time allowed for it will be done. It is evidently well understood by them that the opening up of this great highway to the West is now a first necessity to the settlement of the country. We can get people to Fort William by water, and as soon as a railway to Red River is opened up, so that we can have access through our own country to Manitoba, we can defy all competition from the American lines. As it now stands it is a matter of necessity in going to Manitoba

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to travel over the line of the Northern Pacific and to proceed from a point on that line northward to Manitoba, through American territory. The adoption of the route in British Columbia is also a matter which must give great satisfaction to the whole country and especially to those who are represented in this House by the hon. gentlemen from that distant Province. I am satisfied that the most eligible line has been selected. The difficulties of constructing a road through that country are confessedly very great. They are such as to severely tax our energies and resources, but those difficulties must be encountered and overcome. They are part of the first scheme for constructing a trans-continental railroad and the section which is now under contract will form a link in that great iron band which is to unite us in a few years, I trust, with the Pacific Province. His Excellency gives to us an item of information which, I am sure, is received with great satisfaction by every member of this House; it is the satisfactory financial position of the Intercolonial Railway. We are told that a rigid system of economy has been adopted in the management of that line which, without impairing its efficiency, has effected such a diminution of the expenses of management as to warrant the belief that the country will in the future be relieved from any burden in its operation. In looking into the figures in connection with this matter, I am gratified to find that the language used is very moderate. His Excellency might, with great propriety, have said that, in a very short time, the road will be self-sustaining. In the meantime it is a very important matter to us that a large annual expenditure has been reduced to something which is quite within our means. I do not suppose that the improvement over former years is wholly due to the retrenchment in the expenses of management, though I have no doubt that the expenditure has been nearly brought within the income mainly by that means. I presume that the traffic over the road has increased and yielded larger receipts, and would ask the hon. Minister of Militia is it not so?

Hon. Sir ALEX. CAMPBELL—
Yes.

Hon. Mr. VIDAL—And the increase in receipts therefore forms a considerable item in this balancing the revenue with the cost of running the road. I need not dwell upon the paragraph relating to the want among the Indians, and the necessity for supplying that want. This appeals to a sentiment in our nature to which no hon. gentleman will for one moment fail to respond. They are now largely dependent upon us. We have, in the Providence of God, gone in and taken their hunting fields from them. They are gradually vanishing away before our branch of the human family. It is our duty to care for them and use them well, a duty which has ever been recognized and acted upon by the British Government, and by its officers, who have invariably treated them with all honesty and kindness, and we have experienced the blessed results of this fair, honorable and upright treatment; for, while in the United States, trouble after trouble, and war after war has from time to time arisen on account of the way in which their Indians have been treated, we on this side of the boundary line find in every red man a peaceable and faithful subject of Her Majesty, and a brave warrior, if such be needed, to maintain the rights and privileges of our country and our Queen. It will be very satisfactory to us, of course, to devote our attention to the measures which His Excellency alludes to, and which we feel are necessary for the promotion of economy and the right management of affairs in our country, when these are submitted to us. They will, no doubt, receive from the Senate now, as they have in the past, most careful and mature consideration. The Acts of Incorporation of the banks of the Dominion expiring next year, some new banking law will be required; it is unquestionably a measure of very great importance; and if we take up this and all the others referred to, this will be a busy session. We are in a position to deal intelligently with the banks, guided by the experience of the past years, and I think that our legislation will probably be in the direction of giving a uniform banking system to the whole of the Dominion, embodying such amendments as may have been suggested by the experience of the past, in order to protect

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the public from loss and failure in the future. The subject of insolvency is also referred to. It will be remembered that this was before us last year. A measure was brought from the House of Commons repealing the existing Act, but was rejected by this House, not on its merits, but because it was felt by the majority that, bad as the law is, and great as the evils are which result under its administration, the evils resulting from its sudden abrogation would be greater still; and our object was not so much to maintain it as a good or satisfactory law, as to give the Government a year for consideration, in the hope that they would bring down an acceptable measure to Parliament on the subject this Session. We have a new matter presented in the next paragraph, relating to foreign trade, and the suggestion of appointing a gentleman to represent the Dominion in London. It is a gratifying thing for us to know that Canada is at last becoming recognized and known in the older countries; that to a very large extent the lamentable ignorance which has so long prevailed on the other side of the Atlantic in regard to Canada and its resources is at last really passing away. This gratifying change is, I think, in no small measure to be attributed to the wisdom and kindness of our Gracious Sovereign in permitting her daughter to come to Canada and to reside for a time among us, an act which I think has been of great benefit to our country, while I am sure it has strengthened in the hearts of all who have met Her Royal Highness those feelings of loyalty and attachment to our Gracious Sovereign which are so natural to the Canadian people. I do trust that the sojourn of Her Royal Highness in Canada will so fill her mind with pleasant memories of the Dominion that our country will reach and maintain a still higher position in the thoughts and minds of our brethren in the old country. I believe that this will be one of the very beneficial and permanent results which will flow from the present connection of the Governor-General and his excellent and amiable consort with the Dominion of Canada.

Hon. Mr. SCOTT—Before proceeding to make the few remarks which I propose to address to the House on the sub-

ject of the Speech from the Throne, I perhaps may be permitted to note the change which has taken place in our body since we last met in this Chamber. Sir, the gentleman who for one session presided where you are now seated, has, I am happy to say, been promoted to a higher position. I am sure we all rejoice to see that Mr. Wilmot is to be the future Lieutenant-Governor of the Province of New Brunswick. His associations with that Province, and the various positions which he held there during a long and somewhat eventful life, entitle him to that exalted station; and I am sure that the House will join me in offering our congratulations on his promotion.

Hon. Sir ALEX. CAMPBELL—
Hear, hear.

Hon. Mr. SCOTT—At the same time, permit me to record here my felicitations at the selection the Government have made in the gentleman who is presiding over this Chamber. I think, Sir, that promotion was due to the services that you had rendered to the party with which you have been so long associated, and a fitting recognition and tribute to yourself; and although the Speaker of the Senate is not called upon to decide those delicate points which arise in the other branch of Parliament, still there are times when he is called upon to hold the scales equally. I am quite sure in judging questions which may from time to time be submitted to the chair, we shall have the benefit of ripe judgment and long experience, and, at least, of a most anxious desire to faithfully and fairly discharge the duties incidental to the position. There are, no doubt, many gentlemen in this Chamber who, from experience and political training, are fitted for the position; but I think none will be prepared to say that you, Sir, have not justly earned the distinction which has been conferred upon you; and I say again that I express, I am sure, the feelings of this House when I assure you of the confidence that we all repose in your judgment on questions which may from time to time be remitted to you for consideration. I desire to cordially approve of and acquiesce in the sentiments which have fallen, both from the gentleman

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who moved the reply to the Speech and the gentleman who seconded it, in reference to the very great pleasure it has given us on this and on a former occasion to be honored by the presence of a Royal Princess at the ceremony of opening the Parliament of Canada. Let us hope we shall for some years to come have a renewal of the gratification it has afforded us in seeing that highly-esteemed member of Her Majesty's own family take her place with His Excellency on the throne in this Chamber. The presence in Canada of Her Royal Highness will naturally assist in keeping bright the flame of allegiance and loyalty entertained by the people of this country to Her Majesty and the Crown of England. Coming now to the first paragraph of the Speech, reference is made to the bountiful harvest of last year. We can all concur in expressions of gratitude for the bountiful harvest which has been vouchsafed to this land. The latter part of that paragraph seems—I shall not say craftily, because that is unparliamentary—to have been framed with the intention of ascribing to other causes than the good harvest, the return of prosperity in particular sections of the country. The hon. member who seconds the Address expressed the belief that returning prosperity was largely due to the change in the Government of the country. I think it is a bold statement to make to any intelligent body of listeners that the slight lifting of the cloud of depression that has so long hung over this country is due to any other cause than the abundant harvest on this side of the Atlantic and the deficient harvest in the British Isles and the continent of Europe.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—I repeat that he would be a bold man who would say that it was due to any other cause than prosperity in the United States and this country, and the upward tendency of prices of produce in Europe. It is, of course, a very prolific subject and one that I did not intend to touch upon today. Other opportunities will, no doubt, be afforded us to discuss it on occasions when it will be more fitting and when we will have an opportunity of bringing

proofs that possibly may be necessary to satisfy many skeptical minds. At present I desire to express my belief that the paragraph would read very much more harmoniously if the second part were the natural sequence of the first, and acknowledged that the prosperity of Canada is due to the excellent harvest which it has pleased Providence to give us. I am glad that His Excellency's advisers have thought proper to recommend that he should call attention, in the second paragraph of the Speech, to the distress which prevails in Ireland. The fact that at least 300,000 people are absolutely destitute of food, and that in addition to this, some 200,000 more are deprived of many of the necessaries of life, ought to be a reason why we in Canada should not only offer them our sympathy, but give them, in a more substantial way, such material aid as will be a benefit to them in their dire distress. The people of the United States, France and other countries, who are not allied as nearly as we are to the people of Ireland, have, in a generous and spontaneous manner, come to the rescue, and, therefore, I think it is well that we should supplement our individual subscriptions by a national gift. I hope that the Government will feel justified in making it a donation worthy of the occasion. We owe much to Ireland. Her sons have helped to make this land what it is to-day. They have assisted to build up our cities and towns, and it is but fitting that we should remember them in their hour of suffering. Moreover, our prosperity is, in a measure, due to the very destitution which prevails, not only there, but upon the continent of Europe. It is apparent, by late advices, at all events, that in many provinces of Austria and Southern Russia there is almost as great a dearth of the necessaries of life as exists in Ireland. Our prosperity is largely due to the failure of the crops on the other side of the Atlantic, and that is a greater reason why we should be stimulated to give some substantial assistance to them in their great distress. The next paragraph has reference to the success which attended the visit of the tenant farmers' delegates to this country. I think it was a very happy idea, whoever conceived it, to invite the people in the

various rural constituencies of England and Scotland, to select their own judges to come to Canada and enquire and examine for themselves into the representations which had been made to them from year to year by our emigration agents. I am glad that the happy idea is likely to be attended with substantial results, for no evidence could be more satisfactory to the people of the British Islands than the statements of those disinterested judges, selected by themselves to report upon the agricultural capacity of this country. It is quite true that the time and circumstances somewhat favored the result. Plenty prevailed on this side, want on the other. It was a favorable year on this side, an unfavorable one on the other. Rain-clouds and gloom hung over the British Islands during the months when the crops were expected to ripen; on this side there was sunshine and brightness. Their reports, therefore, may possibly be somewhat *enlueur de rose*, but it cannot be gainsaid that the position of many of the agriculturists of Great Britain will be very greatly improved by taking up lands, not only in Ontario and Quebec, but especially in the North-West. The next paragraph has reference to the Pacific Railway, and its early completion between Lake Superior and Red River; and my hon. friend who seconded the Address could not allow the opportunity to pass without giving a slap at the late Administration in having failed to commence the central link between the two sections already constructed of the line from Thunder Bay to Red River. I have only to repeat what I said on a former occasion when this subject was under discussion, that I think it was—and experience has proved it—wise policy to commence to build the two ends before beginning at the middle, in a country where it was utterly impossible to get any supplies, where there were no roads, and no trails, even, such as exist in the North-West. It always seemed to me that it was not a sensible or rational criticism to maintain that the contract for the central section, a distance of one hundred and fifty miles from the civilized portions of the country, should have been given out contemporaneously with the two end sections. How are supplies carried to this middle link now? Either by one road or the other, from Thunder

Bay westward or from Selkirk eastward. The line is being built in that way and no doubt will now, with these increased facilities, be finished within a reasonable period. In my belief, the central part could not have been built any earlier had the contracts been given out contemporaneously either with the Thunder Bay section or the Red River end. I should have liked, had His Excellency's advisers thought proper to inform us, to know how it is proposed to reach Thunder Bay from the eastern provinces. We are all aware that the Province of Quebec has seriously embarrassed itself by the expenditure of some ten or twelve millions of dollars for the construction of a trunk line from the city of Quebec to Ottawa. It was intended to be the outlet for the Province of Quebec to the Pacific Railway. It was projected at a time when the eastern terminus of the Pacific Railway was located at a point south-east of Lake Nipissing. When the land and water route was adopted by the late Government, it was proposed that they should reach the coast of Lake Huron by means of the Georgian Bay Branch. That has been abandoned. The present Government cancelled the contract under which that line was to be built, and the present system of railways connected with the trunk line of Quebec terminate in the woods at Lake Nipissing. That is a matter which I think the House should have been advised upon. They should have been informed what was to be offered as a substitute for the Georgian Bay Branch. Those who read the public prints are, of course, aware that the construction of a line *via* Sault Ste. Marie has been considerably discussed, but it will be a matter of considerable interest to the people of Quebec to learn how they are to reach the waters of Lake Huron and Lake Superior. The distance from Lake Nipissing to Thunder Bay, or to any other point on the Pacific Railway, if the line were to be built on the north side of the lakes, would be from five to six hundred miles. That is a rather formidable distance through a country which presents so many engineering difficulties. Its topography, particularly of that portion north of Lake Superior, is of the most forbidding descrip-

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tion. The country is extremely rough and cut up by ravines. I observe that, notwithstanding the little note of warning which I had, in the opinion of some hon. gentlemen, the audacity to sound at the end of last Session, when many gentlemen now within range of my voice were not present, the Government have given out the contract for a section in British Columbia. And here I may remark that I cordially agree with my hon. friend who seconded the Address, (Mr. Vidal) that if the road had to be built, the selection of the Fraser River route was a judicious one. He might have gone further and said that it was the route which the late Minister of Public Works had reported in favor of.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—In July, 1878, an Order in Council was passed selecting that route. After the change of Government, that, like many other acts of the late Administration, was at once condemned and an effort was made to reach the waters of the Pacific by another channel. New surveys were instituted, and additional money was spent, and finally, after much expense had been incurred, the Order in Council of July, 1878, was revived and the Fraser River route adopted by the present Administration. Speaking for myself, as I said last year when the estimates were up for discussion, I did hope that the Government would pause before committing this country to the expenditure of twelve millions of dollars in constructing this railway in British Columbia. It could be nothing more than a local line, and I do not see that any good results could follow from it to the Dominion generally. In a country where the population was less than in one of the wards of this city, I did not see that it could be justified, and if we had the money to spend it could be more wisely and judiciously employed in developing other parts of the Dominion. I could not recognise in any way that it was carrying out the agreement with British Columbia by the building of an isolated line of 127 miles. When the Canadian Pacific Railway reaches the eastern slopes of the Rocky Mountains it will be quite time enough, in my opinion, to

commence the construction of a line through the sea of mountains between that range and the Pacific coast. I may stand alone in my views, and I speak for myself solely, but I do think that it was an unwise act on the part of the Government to have signed the contract. In regard to those portions of the railway that we are told the Government propose building west of Red River, I can only say that they have my cordial support and approval in any project to penetrate the fertile belt. If the lands of that country can be in any way utilized to subsidize railways, I think that the Government would deserve well of the country if they would in every way aid and stimulate the building of railways in the fertile portions of the North-West. It is there that we are to get our increased population. It is to that country we are inviting the people, not alone of the British Islands, but of Germany, Sweden, Denmark, and other countries of Europe, to exchange their small holdings in the Old World for the large farms that they can obtain in the North-West, and the Government will be justified in giving every facility for opening up that great country. Had the ten or twelve millions of dollars which, in my opinion, are to be wasted in British Columbia, been used for the purpose of building railways in our North-West, I should have given it my approval. Nothing benefits a country like railways. They have built up Kansas and Minnesota, and they are filling up the Western States with a vast population. Thousands of people are pouring into Kansas and other Western States, where railway facilities exist, and we know how Minnesota has grown up by the aid of railways, wherever fertile country offered inducements for farmers to settle. A paragraph is devoted to the Intercolonial Railway. We shall all be glad to know that the half million or three-quarters of a million of dollars spent on that line is to be reduced. I hope, however, that it is not at the cost of running down the road, or the diminution of rolling stock. Up to within the last few weeks we never heard of accidents occurring on the Intercolonial Railway. It was only in the last month or two that we heard of trains running off the track and accidents oc-

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curing by the breaking of wheels and other causes incidental to railways not carefully managed. I hope that this economy is not due to the absence of superior management. Our friends from the Maritime Provinces will be able to speak more positively on that point; they have their own individual experience and can, no doubt, speak on the subject, because it is one that they are at home upon. The paragraph in reference to the Indians is one that does not surprise me. I have long felt that it was a problem which we would have to meet and solve. As the white man encroaches on the hunting grounds of the Indians, their means of support become less and less; their territory becomes more circumscribed, and as civilization advances the problem of what we shall do with our Indians must be met. I am glad that we are taking the civilized idea of at least protecting the savage and endeavoring to reform him and make him a husbandman, if possible, though I doubt very much the success of such endeavors in the first generation. It may be, after the first generation we may domesticate them to earn their bread as white men do by the cultivation of the soil. It will be, however, a serious tax upon the revenues of the country. Speaking from recollection, the cost of our Indian service now reaches up to three quarters of a million, and I will not be surprised to hear this year that it will be up to \$800,000, a very large item in our expenditure. The next paragraph is one that somewhat challenges criticism; it is the mild reference—a milk-and-water reference—that is made to the N. P.

“You will be pleased to learn that the effect of the tariff of last Session in the development of the varied industries of the country has on the whole been very satisfactory.”

Well, it is an extremely qualified approval. All I can say is it does not come up to what was foreshadowed a year ago in this Chamber. It does not realize those beautiful visions that were described by hon. gentlemen opposite, not only in addressing audiences in the country and on platforms in various places, but also in this House and in another place, of what was to follow the adoption of the National Policy. This paragraph tells us that on the whole it has proved satisfactory. I have no doubt that it

has been satisfactory to ten or twelve thousand persons in Canada, to the stock holders of the eight or ten cotton mills, who have been enabled to charge a good deal higher for the goods they have been manufacturing. It has enabled them, no doubt, to give us, perhaps, more goods than they would have given under the old tariff. Some of these cotton mills, under the old tariff, were making from eight to twelve per cent. before the introduction of the National Policy; what they are making now I am not prepared to say; this interesting information they keep to themselves, as it is not to their interest that the public should know that the extra ten or twelve per cent. they are now getting, that ought otherwise to go into the revenue, has been extorted from the pockets of the people to add to the wealth of those who are already rich. The effect in this particular is—like the outcome of all those laws—to make the rich richer and the poor poorer. Take the cotton mills, the sugar refinery and a few other industries at several points, more particularly in cities and towns, and, no doubt, the results are very satisfactory; but I fancy if we could analyse it numerically, we would find that when we had named 15,000 people, that would be the limit of those who had benefited by the introduction of the fiscal policy which the Ministry, through His Excellency, tells us has been “on the whole very satisfactory.” I was rather startled to hear the hon. seconder of this Address say that some people were skeptical of the change. I am not aware where these “some people” are; I am not aware that he was pointing particularly to the opponents of the tariff. I suppose he was, but I think the people of this country are prepared to say a change has taken place in some parts of Canada within the last few months, and I think I could, without detaining hon. gentlemen very long, point out its cause. I think it is very obvious. Let me ask hon. gentlemen if they had a good harvest on the other side of the Atlantic and we had had a bad harvest in Canada, would they have been able to point to any satisfactory results? What are the two sources of dawning prosperity we feel to-day? Our large crop of cereals has given life to the country; it has enabled the farmer to

improve his purchasing power; to buy from the small merchant, who, in his turn, has been able to pay the wholesale man, who, in his turn, has been able to pay his overdue bills at the banks. Our railways have been taxed to their utmost to carry forward the grain; it has aided our shipping trade, and with the demand for cattle, cheese, butter and everything that is produced on the farm, it has given trade a stimulus and we have been enabled to export more heavily than we ever did before. This same course has enabled the United States to send over six hundred millions of dollars' worth of their produce, cotton, cereals and animals, to Europe, but not the manufactures of the United States. Their whole exports this year will be in the neighborhood of \$800,000,000, and certainly 85 per cent. of that will be due to the productions of the soil. These large sales which they have been making in Europe have enabled them to purchase more largely, and to come in and buy our sawn lumber in Canada, which has given to that industry a new impetus—an export which reaches up to \$25,000,000, and in which so many of our people are interested. It is the increased purchasing power there that has given the stimulus to the lumber trade, and, singular to say, by one of those extraordinary paradoxes, so to speak, the people of England were indirectly benefited by the great crops on this continent. The artisan has been enabled, in a year of scarcity there, to get his food at very nearly the same prices he paid for it before. The purchasing power in the United States has set going the mills in England, and the iron and coal interests there are to-day most actively stimulated by the ability of the United States to purchase their exports. Can any hon. gentleman point out that there is any important export of our manufactures under the present tariff? The lumber trade has improved because people abroad can purchase, and our people have been enabled to sell their surplus; but as to the fiscal policy having in any way contributed to this change, I deny. I am free to admit that there are certain people and certain localities that are benefited, but they are restricted to small areas and to few people. Canada is a nation of four millions of people, and to-day you cannot point out more than

20,000 who are benefited by the change. I do not know that I should call attention to any further points in the Speech. There is one other paragraph on which, perhaps, I might make a few comments: that is the one in reference to the foreign trade of Canada. A very important announcement was made in the Speech which was placed in His Excellency's hands last year, that negotiations were then in progress by which we were going to obtain more intimate trade relations with France and Spain. We were told that those negotiations had every prospect of success, and by those trade relations we were to be largely the gainers. I do not find any reference to the success of those negotiations in the Speech this year. On the contrary, I believe that all negotiations have practically failed. It is to be hoped that the efforts being made, as indicated in the Speech, will not also prove abortive, and that we will be more fortunate in securing trade relations with some of the countries of the world. The Speech has some omissions, as all speeches have. Few of them are perfect. One of the important omissions is any announcement of the result that attended the visit of several of His Excellency's Ministers to England last summer with the view of eliciting the aid of the Empire in the construction of the Pacific Railway. We understood from the announcement made last year that it was hoped that the aid of the Mother Country would have been obtained to assist us in building the Pacific Railway. I do not see that any reference has been made to the success that the Government stated would have attended their mission. I, of course, do not intend to suggest any amendment to the Speech, and am not disposed to challenge it very much, except the few paragraphs I have had occasion to criticize—more particularly the one which related to the development of our trade. I should have been extremely glad if I could have complimented the hon. gentlemen on the success which they themselves had anticipated from the new policy, but I do not feel that the country can congratulate them on the result of the fiscal policy of the last year.

Hon. Sir ALEX. CAMPBELL—
After listening to the remarks of the hon. gentleman who has just taken
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his seat, it must be conceded by all who have heard him that the Speech from the Throne has been prepared with some ability. The ability in preparing a speech consists in this: that it should say what it is thought expedient to say, and yet present as few salient points to be attacked as possible, and I think the hon. gentleman, from the speech he has made, has found that difficulty in the present instance. The hon. gentleman, after concurring in the congratulations that were expressed by my hon. friend from DeSalaberry in the very eloquent speech which he has made in moving this Address, and in the remarks of my hon. friend from Sarnia in seconding it, called our attention to the first paragraph to which he thought objection might be taken, which was that, although we had recognized the bounty of Providence in blessing the country with a good harvest, yet we seemed to take some credit to ourselves for the effect which that harvest has had on the country. It occurred to me that that point was put very well by the hon. gentlemen from DeSalaberry when he said that, although it was quite evident that the Government did not, and could not of its own mere force and strength, bring about a return of commercial and industrial prosperity, we had not, at all events, folded our talent in a napkin or buried it in the earth, but had done all we could to facilitate the return of prosperity. I think I may venture to say in this connection that one of the most grievous faults which were found with the late Government was this: that they were not willing to do anything; that they not only folded their hands and buried their talent in the earth, but they ostentatiously proclaimed it to the country; that they destroyed hope by saying there was none; that they would not in any way strengthen the hands of those who were endeavoring to bring about prosperity, but were content to fold their arms and say, "we can do nothing; we must wait and suffer." There was a great contrast between the apathy and want of sympathy which the late Government exhibited and the quick and earnest sympathy and active exertions which have been made by the present Government, at all events to do as much as lay within

our power, in the hope and belief that we could assist to bring about that prosperity. Far be it from us—and no sensible man would do so—to take credit in any other way than in the spirit I have mentioned for the return of prosperity to the country; but, at all events, we have not folded our hands as they did, and ostentatiously proclaimed that we could and would do nothing. The hon. gentleman, with reference to our Pacific Railway policy, finds some fault with the criticism which was offered by my hon. friend from Sarnia, as to his Government not having built the intermediate link between the end of the railway starting from Lake Superior and that section extending from Red River eastward, and he very ingeniously says: "Would you build the intermediate link before you commence the ends? These are the means by which the material necessary for the construction of the intermediate link are to be brought to it; that is the most convenient way to do it, and it could not be done otherwise." But hon. gentlemen will recall what happened in previous years in this House, and the speeches made by the hon. gentleman when he occupied the position that I now unworthily fill. They will remember that the intermediate link of 186 miles was not commenced because it was not intended to be built at that time; and we were then told that it might or might not be built; that it, at any rate, would not be built for four or five years; but that there was to be some other way of connecting the two ends. There was to be a water route by way of Fort Frances Lock, and by means of the navigation of lakes and rivers between these two sections, and that this connection was to serve for years to come. I am speaking from memory merely, and a few years have elapsed since then, but I think the position taken by the then Government, and which I am endeavoring to bring to the memory of hon. gentlemen was really the spirit in which my hon. friend defended the policy of that Administration. His position was that they did not intend to go on with the work upon that intermediate section, but would leave it for further consideration, and would not construct it for some years to come. At

all events that was the course which was defended by the hon. gentleman in this House. That is not the policy of the present Administration. We found the two links in course of construction, and we took the most prompt measures in our power to put the intermediate link under contract with a view to having continuous railway communication between Lake Superior and Red River. I think it is a just matter for congratulation, and the country will think so, that we will have in a short time through our own country an outlet for the products of the North-West, products which I hope by that time will be increased very many fold. In criticising the course which the Government has pursued in another part of their railway policy—that part relating to British Columbia—the hon. gentleman said that my hon. friend from Sarnia had forgotten to mention that the adoption of the Burrard Inlet route was merely carrying out the policy of the late Government. My hon. friend did not say so, for reasons that, I suppose, he is best qualified to give, but most probably because he did not think it fell within his argument. But the Speech, if the hon. gentleman will glance at it, takes no credit to this Government for the selection of that route. The language is simply that the Fraser River route was adopted. It is a mere statement of the fact. It was the route in favor of which we had the strongest evidence. Having explored the Pine-River Pass and the country north of the Yellow-Head Pass, and finding that the railway could not be constructed by that way with increased advantages over the Burrard Inlet route, and considering that the latter was the more southern in latitude and passed through the best populated country, and to the best and most southern harbor, it was adopted—and we acted in continuation of the decisions of the previous Government. But no special merit is claimed in that connection. After having asked Parliament to allow us to enquire into another route which had not been considered or examined, and after having obtained all the information we could upon the subject of that route, we came to the conclusion that the Burrard Inlet line was the one which should be followed. But the hon. gentleman says that to build 25

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miles of the road from Emory's Bar to Savona's Ferry is not really a commencement of the work on the Pacific coast, or of a section of the Pacific Railway; but, if I remember aright, that was the plan of the late Government.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. SCOTT—No.

Hon. Sir ALEX. CAMPBELL—They considered it a commencement of the Pacific Railway.

Hon. Mr. SCOTT—No.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman shakes his head, but I am convinced that I am right. I can hardly be mistaken that this 125 miles was selected as the portion of the work on the Pacific coast which they would begin. But the hon. gentleman says that it begins nowhere and ends nowhere, and asks, "Why did you begin there?" For the very reasons that actuated the Government of the hon. gentleman—that there is steam communication by water up the Fraser to Emory's Bar, and that by constructing 125 miles of railway from that point, you carry the steam communication to Kamloops, where there is a large area of fertile land. These are the reasons which actuated us, and the reasons which, I am sure, actuated the late Government in proposing to commence the Pacific Railway at the very point where we have begun to build it; and believing that it was a real commencement, a *bona fide* commencement, the best under all the circumstances that could be adopted, we have awarded the contracts. The hon. gentleman exaggerated, I am sure unintentionally, the cost of the work which we have commenced on that side of the continent. He says that this large expenditure will bring no return, that there are very few inhabitants there, and that we are simply wasting a large amount of money without effecting any good. Then again comes the question, what was the proposition of the late Government? Simply to do the same thing.

Hon. Mr. SCOTT—No.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman shakes his head, but I am convinced that it was.

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We were obliged to consider the compact which was made with British Columbia, and the good faith of this country which was pledged; we were obliged to consider the undertaking which was entered upon by the Government of which I was a member in former years, and by the late Government of which the hon. gentleman was a member, which had been frequently canvassed on both sides of the continent, which had been made the subject of remonstrance, and despatches by the British Government from time to time, and the subject of decisions by the Colonial Secretary, in his mediation, so to speak, between the Government of British Columbia and this Government. It was necessary for this Government to proceed with the work with promptitude that it might be made apparent that we were desirous of maintaining the pledged faith of the Dominion and wished to build the road as soon as we could get reliable information after full inquiry. We have undertaken the work on, I will not say the best route, but the least objectionable route that could be found. It was the bounden duty of whatever Government was administering the affairs of this country to go on with that work on the west side of the Rocky Mountains. The hon. gentleman concurs—and I feel grateful to him for many parts of his speech—in the policy of the Government in developing the prairie country of the North-West. No doubt the more miles of railway we can build in that portion of the country the better it will be for the North-West, and for the Dominion at large. I should be glad if we could have so managed affairs as to have built the railway to the Rocky Mountains before commencing in British Columbia, but that would not have been keeping faith with that Province. But whilst we are going on on that side of the continent we are still more actively pushing the works of the Pacific Railway in the great plains of the North-West, where the population, which is ultimately to reward us for all the moneys we are expending and all the responsibilities and anxieties we are undergoing, is to find places and homes and a future.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will just allow me to recall

his recollection to a point which escaped my memory at the time I was speaking. Your own compact with British Columbia was made subject to the ability of Canada to carry out the terms of agreement. In the Act of 1874 the following proviso occurs:—"Provided always that the resources of this country are equal to the expenditure." It was on that ground alone that I took exception to it.

Hon. Sir ALEX. CAMPBELL—If the plan which was adopted by the Government which left office in 1873 had been followed up, and the railways had been built, as I still believe it could have been by the grant of land and money, then, perhaps, the question of its cost becoming a serious burden on the people would not have arisen. I believe that the original plan might have been carried out, and would have been carried out, but for the unpatriotic course pursued on this side of the continent. I believe it might have been built for the thirty millions of dollars and the fifty millions acres of land.

Hon. MR. SCOTT.—No.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman says "No." I still believe it, but the question has passed by. The Government of Mr. Mackenzie so changed the mode of constructing the railway as to make it a Government work from end to end in construction, and I fear hereafter in operating it. The policy of their predecessors, declared to Parliament and expressed in resolutions of this and the other branch of the legislature, was to construct it by private enterprise, aided by grants of money and of land. Under the changes thus forced on the country, we can but continue the work for the present, at any rate, as a Government work, but we hope and believe that we are keeping within the means of the country, and I believe that the work will not out-run the resources of the Dominion, and that we still shall be able to carry it on without unduly burdening the people. The pressure of interest will come upon us gradually, and we shall be able to meet it without over-weighting the country, and I hope to be able to keep within the spirit of the lan-

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guage that the hon. gentleman has quoted, but which the action of the Government of which he was a member has rendered it so difficult to comply with. He doubts whether we are justified in using the language which has been employed with reference to the Intercolonial Railway, and expresses the hope that we have not arrived at the result which is mentioned in the Speech by starving the road either in its track or rolling stock. I believe that the economy has been arrived at without starving the road in any respect. It is an economy for which the Minister of Railways and Canals is entitled to great credit, and which will surprise the House when they come to hear the details of the saving in expenses which he has made. It is in the neighborhood of \$200,000, and the Minister has arrived at it in economy of administration without starving the road, and without any infringement of those principles which should govern the management of the railway. Of course, in gradually reaching the equilibrium between revenue and expenditure, we are, no doubt, to a considerable extent indebted to the increase of business over the road, but that of itself would not have done it; and it is not the principal item. The result has been mainly reached by economy of management on the part of my hon. friend the Minister of Railways. The hon. gentlemen who surround me upon all sides from the Maritime Provinces, who have personally been over the road, and who are familiar with the working of it, and possibly some of them with the rolling-stock, and all those considerations which should govern a person before expressing an opinion, will concur with me in saying that the economy is one which has been consistent with good management and the preservation of the road. I cannot speak from personal knowledge, but I speak from information derived from the Department which is charged with the management of that work. My hon. friend referred to the Indians. I, of course, join him in all he has said on that subject. It is a most lamentable thing that we have to undertake the sustenance of large bodies of Indians, and may have to do so permanently in the future, but in that respect the Government has not been idle. We have

set about getting the Indians placed on the reserves to teach them farming. We have sent agents for the purpose of getting them together, and farmers to instruct them in agriculture, and we are endeavoring, as far as it is in human power to do, to induce the Indians to live upon homes of their own, and to look for sustenance to their own industry rather than to the chase and their fishing. The hon. gentleman, in reference to the question which is mentioned in one of the latter paragraphs—the appointment of a representative of Canada in London, and trade with foreign nations—says he finds no reference in the Speech to negotiations mentioned in the Speech of last Session with France and Spain. The hon. gentleman will be glad to know that we do not at all despair of a successful result of those negotiations even yet. The negotiations with France promised great success. I think I mentioned in the House last year that the then Government of France had agreed to the terms proposed on behalf of Canada, and that it was supposed at the time I was addressing the House that the Chamber of Deputies would have adopted the proposition made to the Government; but their system of administration is different from ours. It is not one of Responsible Government, and although the proposition came to the Chamber from the Government it was not acceptable to the House, but was postponed with a view to bringing under the consideration of the Chamber, at one time, the trade relations of France upon the same subject with other countries. I have reason to believe from letters which have arrived in this country within the last month or so that a change is still likely to be adopted by France and that it may be one which will still benefit this country, although not to the extent we then hoped for. With reference to the negotiations with Spain they were conducted up to this point: they were to affect our relations principally with Cuba. At the time that they were broken off a deputation from Cuba was expected in Madrid, and our negotiations were postponed until their arrival. The Spanish Government desired to enlarge the basis of negotiations and to consider terms which would embrace the products of Cuba and also those

of Spain, and the terms of their admission into Canada. This delayed our efforts in Spain last year, and gave rise to the necessity of seeking new powers from the Imperial Government, and the postponement in consequence to this year. We hope that the successful termination of this matter may be one of the results to follow our having a representative of our own in England who will watch particularly over such matters, and be specially charged with the duty of seeing that our interests are represented in any negotiations between Great Britain and other countries in regard to trade relations. We will all admit that it is eminently desirable that such should be the case. We know more about our own interests and how to serve them, how deal with them in detail, than any ambassador or person employed by the British Government outside of this Dominion could possibly know; and in sending to England a person representing us here, and giving him power to act for us, he will be recognized by Her Majesty as our representative, and I have no doubt that he can be of great benefit to the Dominion in all negotiations in reference to our trade relations in the future. In this respect, and in all others that I have mentioned, I think the Government can say that they are alive to the interests of the country, and are active in all directions to take whatever steps seem to them likely to conduce to its prosperity; whereas the late Government folded their arms when they were in power, and said: "Let us wait; Providence will come."

Hon. Mr. SCOTT—And Providence came.

Hon. Sir ALEX. CAMPBELL—Well, if Providence has come, it has come to us and did not come to the hon. gentlemen. It shows how many advantages we have over them, and it shows also—at least we have endeavored to show—that we have deserved those advantages. The hon. gentleman found fault with the modesty of the expressions used in that paragraph of the Speech which relates to the effect of the change made last Session in the tariff, and says that only some fifteen or sixteen thousand people have been benefited by it, and they at the expense

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of the rest of the community. Well, I do not wish now to discuss the tariff question; the language of the Speech is moderate in tone, because we did not wish to present any view which could not readily be concurred in; but merit and modesty often go together, and the hon. gentleman will find that we have not been disappointed in the effects of our tariff. The country at large approved heartily of our intended change in September, 1878, and nothing has occurred since to make us doubt their continued support, or to give the hon. gentleman any hope of our having disappointed those who placed their trust in our avowed policy.

Hon. Mr. ALEXANDER—As several hon. members in this House desire to speak on the question, I beg to move that the debate be adjourned until Monday.

The motion was agreed to.

The House adjourned at 5.30 p.m.

THE SENATE.

Monday, February 16th, 1880.

The Members of the Senate were informed that a Commission under the Great Seal had been issued, appointing the Hon. Amos Edwin Botsford to be the Speaker of the Senate.

The Commission was then read by the Clerk.

The doors were opened at 4.30 p.m.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day having been called—resuming the adjourned debate on the motion of Hon. Mr. Trudel, to present an Address to His Excellency the Governor-General offering him the respectful thanks of the Senate for his gracious Speech to Parliament—

Hon. Mr. SCOTT said—Before the Hon. Senator from Woodstock (Mr. Alexander), proceeds to address the House, perhaps he would allow me to

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call attention to what is an unintentional error on the part of the hon. and gallant knight who represents the Government in this House.

Hon. Sir ALEX. CAMPBELL—Not gallant; not being in the army.

Hon. Mr. SCOTT—Heal of the Canadian army. It is with reference to a statement about the building of the intermediate link between the line of railway which extends from Thunder Bay westward to the line from Red River eastward. The inference from the language he used would be that the policy of the late Government was to postpone the construction of that intermediate link to some indefinite period. Now, as the work was in progress up to English River, a point forty or fifty miles beyond where the water stretches *via* Rainy River could be availed of, it is quite obvious that the intention of the late Government was to construct the intermediate link. In fact the late Administration, in May, 1878, called for tenders for the construction of the entire Pacific Railway line, under the Act of 1874; that is, paying \$10,000 per mile, and granting 20,000 acres of land, and four per cent. upon a sum fixed by the contractor for a period of twenty-five years. That was widely advertised in England and Canada, and fearing lest suitable tenders might not be received for the portion more immediately to be constructed, that is, between Lake Superior and Red River, the Government in August 1878, advertised for tenders under the cash system for the intermediate link. I have in my hands here the *Toronto Globe* of August 16th, 1878, in which tenders for the grading, track-laying, etc., are called for. It reads: "Sealed tenders will be received by the undersigned, until the 1st January next, for the construction of," etc. Then it goes on to describe the portions of the railway for which tenders were asked. The first distance was forty miles, near English River to Raleigh; the next from Raleigh to Eagle River; and the third from Eagle River to Keewatin. The time fixed was the 1st January, and the policy of the late Government was, of course, to submit the several classes of tenders to Parliament. It is unnecessary

to say that with all the advertisement that the scheme received in the English market, no capitalists tendered for the construction of the entire line under the first proposition. Tenders were received, however, for building the intermediate link. It was on those tenders that the present Government acted on giving out the contracts for constructing the line from English River to Keewatin.

Hon. Sir ALEX. CAMPBELL—I do not think I have anything to correct in what I said last Friday. I have not seen the newspaper report of it, but what I said was substantially this: That the present Government on entering office had put under contract the intermediate link; that that had not been done by the late Government, and that I had heard the hon. gentleman himself state two or three times in this House, while he was a member of the late Administration, that it was not the intention of his Government to go on with that intermediate link; that it was reserved for future consideration. This was the statement I referred to, and it was made several times in this House by the hon. gentleman. The course which the late Government pursued anterior to the election of 1878 did not form the subject of discussion the other day, in the debate on the Address, in any way that I know of. The hon. gentleman took occasion, in his remarks, to say that my hon. friend from DeSalaberry (Mr. Trudel), in his speech, had forgotten to state that the late Government intended to have gone on with that work—that it was a part of their policy. He forgot, in the meantime, to make any mention of the policy of utilizing the water stretches, which he had enlarged upon so repeatedly. He said nothing in regard to the policy of taking up the traffic at the termination of the 110 miles of road from Red River to Keewatin, and conveying it by water to the other 110 miles of railway from the eastern end of the water stretches to Thunder Bay. While he was a member of the late Administration he repeatedly told us that that was their policy, and I spoke in allusion to that in the remarks which I made last Friday. The advertisement for tenders, prior to the elections in 1878, did not form a topic of

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discussion. I made no allusion to it in any way, and had no knowledge of it. The hon. gentleman is mistaken in supposing that any tenders from that advertisement were among those accepted by the Government.

Hon. Mr. SCOTT—Oh, yes. The hon. gentleman will find that I am correct.

Hon. Mr. AIKINS—The hon. gentleman is mistaken.

Hon. Sir ALEX. CAMPBELL—New tenders were advertised for and received. In fact, up to that time, the surveys had not been sufficiently advanced to enable us to call for tenders. My colleague's recollection of the matter is the same as mine, that no tenders received by the late Government were acted upon by the present Administration. But that is apart from the subject. The point which I wished to make was this: that the hon. gentleman took credit to his Government for having intended to construct the intermediate link, while I am quite confident that he frequently stated in this House that such was not the intention of his Government.

Hon. Mr. SCOTT—That statement was made as far back as 1875, and that is five years ago. Certainly after the abandonment of the Rainy River improvement, it was not the policy of the Government.

Hon. Sir ALEX. CAMPBELL—The Rainy River improvement never was abandoned. The work at Fort Frances Lock was actually going on when we came into office; and we stopped it.

Hon. Mr. SCOTT—It was abandoned in 1877—as far back as that.

Hon. Sir ALEX. CAMPBELL—How abandoned?

Hon. Mr. SCOTT—The railroad was put under contract as far as English River.

Hon. Sir ALEX. CAMPBELL—But we stopped the works at Fort Frances Lock.

Hon. Mr. SCOTT—We proceeded with the construction of Fort Frances Lock because we thought it better to complete it after so much had been expended upon it. But we had commenced the construction of the line as far as English River.

Hon. Mr. AIKINS—The lock was not completed by the hon. gentleman's Government. In fact it is not completed yet.

Hon. Mr. SCOTT—It was stopped by the present Government, but our intention was to have completed it, because we thought it better to do so after the work had been so far advanced. Our policy was to go on with the intermediate link as soon as sections then under contract were completed, so that we could get materials and supplies to the country through which the line was to be constructed. I think that my hon. friend will find it was on our advertisement and on the tenders received by us that the work was given out.

Hon. Sir ALEX. CAMPBELL—I think not.

Hon. Mr. AIKINS—I beg the hon. gentleman's pardon. His Government divided it into three sections and called for tenders for those sections. After the change of Government, new tenders were asked for and the work was divided into two sections, so that the work could not have been given out in the way that hon. gentleman suggests.

Hon. Mr. ALEXANDER—Before resuming the debate upon the Address, perhaps I might be permitted to embrace this opportunity to state that I share very sincerely the regret which has been felt by the House on being apprised of the illness of the Speaker. And I desire to add that I am sure no appointment could have been made by the Government which would be more acceptable to this House than that of my hon. friend now in the chair. He is a gentleman who has been long in the Parliament of his country, and is highly esteemed by all who know him. I am sure he will discharge the duties of that position in a

manner not only creditable to himself, but to reflect honor upon this Chamber. The leader of the Government, who spoke last, claimed credit that the Speech from the Throne had been so perfectly drawn that it was difficult even for the leader of the Opposition to find one salient point of attack. If the position of the Government is so impregnable, I feel, hon. gentlemen, that I should be only wasting the time of this House to attempt any further criticism. I congratulate my hon. friend upon the state-craft shewn in that document. Now, I do not purpose referring to the speeches of the mover and seconder of the Address, further than to express my admiration of the ability which they both displayed in discharging their duty. There is great utility and value in this old practice of Parliament, offering to us, as representatives of the people, so favorable an opportunity of reviewing the general policy of the Administration. While I do not purpose to review the whole, I desire to avail myself of this opportunity of making some comments on the success or want of success of the new commercial policy inaugurated last year. I am sure that no better proof of the soundness and success of that policy could be advanced than the fact of so little hostile criticism being made by any portion of the press of the country. The hon. seconder of the Address has justly observed that there are politicians who will endeavor to prove the policy of any Government to be wrong. There are some politicians who, even when the country is prospering, will not admit that the policy of the Administration is right; but the very fact of so little criticism—so little hostile criticism—having appeared in any part of the Dominion, is, I think, the best proof that the new commercial policy has been a great success. I am sure that nothing has transpired to show that there has been any material change in the public sentiment which prevailed on the 17th of September, 1878. I am sure that every man of intelligence who is not a mere partizan must feel that such a policy was the only one that could rescue the country from the depressed state into which all our industries had fallen. We all remember how our most enterprising men had been overpowered by the manufacturers of the United

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States having made a slaughter market of Canada. We have not yet seen the full result of that commercial policy, but we must all admit that the evils under which we labored have been somewhat diminished. The old cry of the free traders, which was so delusive to the uneducated and the unenlightened, that they should be allowed to buy in the cheapest market and sell in the dearest, is a principle which is now better understood than it was in those days. The farmers of this country, while they admit that principle in the abstract, know the value of having the markets of Canada for the products of Canadian industry. They know how necessary it is that the Government should foster in every possible way those industries that will create wealth and give employment to the people of the country; they know that the value of developing our native resources, and they are aware from past history that every country which depends solely upon agriculture remains comparatively poor and without influence in the world. Those who advocate free trade principles must have felt that had we continued that policy, it would have led only to national distress and discontent. Our trade was rapidly being absorbed and destroyed by our powerful neighbors, and had it continued our people would have become so impoverished that the only means of rescue would have been to fall into the arms of the United States. For this they were not prepared, and I venture to say that at this moment there could not be found in the Dominion ten men who would raise their voices for annexation or independence, and he who would do so would be looked upon as jaundiced from some misfortune or mental disorder. We all feel the advantages which we enjoy, under the shield of the old flag, as the rising portion of that empire upon which the sun never sets; we all feel the commercial advantages we enjoy in our connection with Great Britain; we enjoy the protection of the greatest power in the world, without sharing the expense of maintaining her standing army, and I am sure there is not one of us who has not felt that the Imperial Government has long shown, by their every act, the desire to strengthen the feeling of devotion and of loyalty to the Mother Country in this part of the Empire. In no way have

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they shown this so much as in the selection they have made of those personages who have been deputed to represent their Sovereign in British America. Those who have enjoyed that distinction have been robemen of the highest standing, who have discharged their duty faithfully and have earned for themselves the gratitude and devotion of our people. I am sure that the advantages we now enjoy in having a daughter of the Royal House in our midst, and her distinguished husband, is one that we warmly appreciate. No greater proof of Her Majesty's confidence and regard for this Colony of the Empire could be shown. We all deeply deplore the unfortunate accident that occurred to the Vice-Regal party on Saturday night, and I am sure the whole of our people throughout the Dominion are thankful to a higher Providence that the result of that accident was not more serious. If the people of Canada have anything to complain of it is the evils which they have brought upon themselves. Many of us begin to feel that we are governed too much—that we have too much legislative machinery, too many Legislatures, and too many officials from one end of the Dominion to the other. When we look at the great commercial struggle our country has been passing through, and consider the amount of governmental machinery we have to support, it seems as if the multitude was too great who live on the revenues of the country,—who live upon the fruits of the people's industry. This evil is one, however, that has been called into existence by the people themselves. They are not satisfied unless they have their Township Councils, their County Councils their Local Legislatures and the General Parliament. If they only had faith in the wisdom of throwing the whole work upon one legislature, what a vast amount of money would be saved. I do not hesitate to say that my own opinion is that the Dominion would be far better and more economically governed to-day if we had no Local Legislatures, and the whole work of legislation and Executive Government thrown upon us. Why should Ontario say they have no confidence in the Federal Parliament? Our whole population is only the population of the city

of London. Is not Great Britain satisfactorily governed under a legislative union? It is true there are evils complained of in Ireland, still, Great Britain, the greatest empire in the world, is satisfied with a legislative union. We hear our people on all sides complaining of the expense of government and extravagant expenditures. Why not diminish this expenditure by the abolition of the Provincial Legislatures? The industry of this country is very great, and its enterprise has been unsurpassed, but with all our progress we are not to-day a wealthy people. We have a great appearance of wealth. We have, no doubt, prosperous towns to all appearance; we have fine cities and palatial residences, but frequently without income to live in them. I should not be doing my duty to Parliament if I did not state my own impressions as to the condition of affairs. I think that many of the richest and most enterprising men have become poor, and there has been more or less a want of employment for the laboring classes. The country is overweighted; every corporation is loaded with debt. From the smallest town or village to the largest city, they are all so overloaded with debt that a multitude of our people complain of the burden of taxation, and I think the evils of the body politic are fostered and multiplied by the Local Legislatures. If hon. gentlemen will bear with me for a moment I shall give you one page from the history of Ontario, to show you how the system has been working. There is a class of politicians and traders who devote themselves to the work of schooling the people to think that they cannot have too many railways, and that they cannot go too deeply into debt for the purpose of multiplying railways through the different counties of Ontario. Certain districts, not satisfied with having already two railways traversing them, have been misled by a dangerous class of unscrupulous schemers to grant subsidies to a third road. The Local Government virtuously steps in, by way of strengthening their political power, and grants a large subsidy. They do not pretend that there is any stock list of the company. The scheme is nothing more or less than one conceived and inaugurated by a few selfish men to enable them to dupe the people of the rural districts and enrich

themselves out of the spoil. Such men are a scourge to this fair and beautiful Dominion in which we live. The subsidies of certain municipalities and the Local Government enable them to commence work, but not to finish the road. Their procedure, then, under most discreditable legislation obtained from the Local Government, is to traverse and injure the farms of our industrious settlers, knowing that they have no money to pay them. If those farmers try to obtain compensation for the destruction of their properties, they are met by a horde of lawyers,—the kind of men to defeat every honest effort to obtain justice. And this is a free country in which we live! We behold, daily, private rights trampled under, our honest, industrious population deprived of the property they have obtained by great labour and toil, under the legislation of one of those Local Parliaments. It is surprising to me that our people have peaceably borne with the wrong and injustice. I have known some who are seriously thinking of leaving their old homes to go elsewhere. Their feeling is, that there is no protection of private rights, and, unfortunately, there is no public sentiment, as in England, to put down abandoned members of the legal profession. Peaceable and industrious citizens have no particular love for the law courts where such legislation is administered, and their only course is to choose another locality where there are less troublesome and obnoxious elements. I consider it to be my duty to advert to such facts, as it is the province and duty of Parliament to provide for the protection of private rights and private property. And now, I desire to refer to one of the evils which we shall have to combat most strenuously in the Dominion Parliament if we are to preserve the public credit and become in the future a great country. No member of Parliament is more favorable than I am to the projection of every public work which will lead to a corresponding increase of our population, trade and revenue. We must expect that the public debt of the Dominion will increase, in order to open out our magnificent country of the North-West. It has been necessary for our Government to construct and operate the Intercolonial Railway and further the Railway from Prince Arthur's Landing

to Selkirk as a Government work. But I am of the number who hold that all railways west of the Red River should be built by private enterprise,—by private chartered companies, with grants of land and money. We should make that magnificent territory build its own roads. And in no case should we operate any railways as Government works where it is possible to place them advantageously in the hands of reliable chartered companies. We all know under what disadvantageous circumstances our Government must operate all such Government works, and that the Dominion will be exposed to never-ceasing deficits, which will be a source of irritation to our people for all time to come. The Washington Government never constructed or operated a mile of railway in their whole territory, and we should be acting wisely to follow their example and endeavor to get most of our Government railways into the hands of reliable private chartered companies. I fear that I have been trespassing too long upon the kind indulgence of the House, and must draw my remarks to a conclusion. If we are to preserve the credit of this country and build up a great future, we must watch very jealously the legion of claims upon the Government for sectional improvements. The Government of the day is unceasingly harassed by the multitude of such claims. We must in this Chamber exercise a firm and controlling power to prevent too rapid an increase of the public debt for premature and unworthy objects. The future of the Dominion is entirely in our hands, and I cannot but express my own feeling and conviction that we have at this moment the ablest and best of our public men at the helm of affairs.

Hon. Mr. POWER—In common with every other member of the House, I regret exceedingly that the gentleman who was so recently appointed our Speaker should have been able to occupy the chair so short a time; and I am pleased to know that so good a substitute has been found. With reference to the appointment to fill the vacancy in the Government, I think the House will feel, particularly at a time like this, when the subjects of banking and currency are about to be considered by the Legislature and dealt with by the Government, that

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it is a very fortunate and desirable thing that a gentleman should have become a member of the Government who has a very large stake in the welfare of the country, and whose views on this subject are pretty sure to be sound and conservative. It affords the country some guarantee that the rumors which we have heard, that the Government were disposed to go a certain distance outside of what has heretofore been regarded as a sound financial course, are not correct. There is one other matter that has not been alluded to by any previous speaker, and it seems to me that it would be an omission on the part of this House if it should not be mentioned. I refer to the fact that since our last meeting—since the last session of Parliament—Her Majesty has been pleased to confer the honor of knighthood upon the gentleman who since 1867 has so ably and admirably led this House. As one member of the Senate, I feel that I have reason to congratulate myself, and I believe that every member of this House shares the feeling. There is no doubt that, if the honor of knighthood had never been bestowed in this country on anyone less worthy of it than the hon. gentleman who leads this House, then it would be universally regarded as an honor indeed. There is also another matter that I should like to say something about before dealing with the speech of His Excellency, and it was referred to by the hon. gentleman who moved the Address in reply to the Speech from the Throne: that is, that while it is no doubt a very desirable thing that we should have a gentleman of Mr. Macpherson's ability and experience in the Government, still there are some members of the House who might take exception to the fact that we have in the Senate three members of the Government all from the one Province, and that Province the one which is supposed just now to exercise a preponderating influence in the Government of the country. I shall not say anything more about it, but merely remark that if it had happened under another régime I know that a great deal would have been said upon the subject, and it is worthy of some attention. I do not propose to say much about the speech of the hon. Senator from Woodstock (Mr. Alexander) for the reason that the greater part of it did not

deal with the matter before the House. I do not see that we are just now concerned with the doings of any legislature in the union. What might have been done wrongly by the Legislature of Ontario is not before us. The hon. gentleman can have an opportunity to bring that before us in a regular manner if he thinks it desirable, but I do not think it is proper now, and I for one must protest against his theory that a legislative union would be a desirable thing.

Hon. Mr. CHAPPAIS—Hear, hear.

Hon. Mr. POWER—I think that the general sentiment of the country is against it, and that if any legislature is to be done away with it should be the Dominion Parliament. I think the Provinces are better able to manage their affairs without a Dominion Parliament than the Dominion could do without the Provincial Legislatures. I do not propose to argue the question out, but that is the way I feel, and I believe that most hon. gentlemen so feel on the subject, and are able to sustain their opinion by sound arguments. Taking up the Speech from the Throne, we all rejoice with His Excellency that the harvest has been so abundant; but I cannot agree with the leader of the Opposition that there has been, so far, any very marked indication of returning prosperity. There has been a good harvest in many parts of the country, but that has not brought about any general or permanent improvement. The number of insolvencies in the country is a moderately fair test of its prosperity. During the year 1879 there were more insolvencies in Canada than in any previous year of the depression, or, in fact, any year since 1867; and this has happened while in the United States, where no change of policy has taken place, the number of failures has been very much less than in 1878. Business has improved and times are much better in the United States than they were for some years before; and the depression is passing away in England also. My feeling is that if it were not for the policy which unfortunately, as I believe, was adopted by this country last year, we should now be sharing in the returning prosperity of the United States. I believe that the tariff

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which has, to a certain extent, built up a wall between us and the United States, has prevented us from feeling as fully as we otherwise would have done, the improved condition of affairs in that country. I may remark here on the tone assumed by the seconder of the Address and the hon. gentleman who has just sat down, with reference to those who, they seem to think, are afflicted with judicial blindness because they are unable to see the prosperity of the country. Why has not the evidence of that prosperity been brought before the House? I have not heard any hon. gentleman bring facts to prove that there was any great improvement. I know that there is not a member of this House from the Maritime Provinces who will venture seriously to state that the people there are more prosperous now than they were twelve months ago. The fact is that, in the Lower Provinces, the manufacturers and commercial men generally are worse off as a rule than they were last year.

Hon. Mr. ALMON—No, no.

Hon. Mr. POWER—My hon. colleague laughs; he will have a chance to reply, and to furnish proof of the improvement, if he can. There has been some in the lumber trade, and freights have gone up; but they do not depend upon the National Policy. That policy has no more to do with those branches of industry than with the good harvest. I do not think that my hon. friend will venture to contradict me when I say that there is more extreme distress and poverty and utter want in the Provinces of New Brunswick and Nova Scotia now than at any time in the last ten years.

Hon. Mr. MACFARLANE—No, no.

Hon. Mr. POWER—It is true, as has been said, that certain manufacturers are making more now than they did twelve months ago—it is true of the Upper Provinces, but not of the Lower Provinces. While the hon. leader of the Government was not able to say that prosperity had come in the degree in which, I presume, he had hoped it would, he claimed credit for his Government because they had at least promised more than their predecessors.

If they feel as the late Administration did, and as I believe they do themselves, that they cannot do anything to remove the depression, I think it is certainly a more honest, honorable and manly course to say to the people, "We cannot help you," than to make promises which they know that they cannot fulfil. That is exactly what the present Government have done, and not one of the promises that they made before or after the elections has been redeemed. With reference to the next section of the Speech, the desirability of our assisting our fellow-subjects in Ireland, there can be but one opinion; and but one has been expressed. I only hope that whatever relief can be afforded will be given quickly. The fourth paragraph refers to the number of settlers who, during the past year, have gone into our North-West from Great Britain and the United States as well as from the older Provinces, and something is said of the visit of Commissioners from Great Britain. The paragraph winds up by saying that something must be done for the reception of the expected immigrants. Now, I am aware myself that large numbers of our own people, natives of the country, have left the Lower Provinces, and I understand, from reports in the newspapers and other sources, that a very considerable number of persons have left Ontario and Quebec to settle in the United States, and there have a share in the prosperity which has returned to that country but has not returned to us; and it seems to me that it would be a very much more desirable thing if the Government had taken means to retain those people in the Dominion, rather than to bring in strangers who are not nearly so valuable settlers or citizens as the men who have been born and brought up in the country. One of the principal results of the policy foreshadowed in this paragraph will be that a very considerable staff of *employés* will be required for the purpose of preparing for the numerous immigrants who are expected. I, for one, cannot see that that is a desirable consummation. It is only two years ago that a very determined attack was made upon the late Government because it was supposed that they had too large a staff in this very Department, and that it was too expensive.

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Now we find the present Government, I have no doubt, about incurring a larger expenditure than was ever made by the late Government. The fifth paragraph deals with the construction of the Canada Pacific Railway. With reference to this paragraph, there is one question that suggests itself to me, the answer to which has not been made very clear by the leader of the Government, and that is this: the Minister of Railways and Canals, during last Session, intimated, if I am not mistaken, that it was probable that at a future day the Government would go on with the construction of the Pacific Railway by the Narrows of Lake Manitoba, as had been originally intended; and Parliament was given to understand then that this road south of Lake Manitoba was only a temporary thing, and, for all we knew, was merely a local road intended to develop the more fertile portions of the country. We have not been informed by the Government whether it is still their intention to build the road by the Narrows, or whether they have abandoned it altogether.

Hon. Sir ALEX. CAMPBELL—It never was the intention of the Government to construct a line by the Narrows of Lake Manitoba.

Hon. Mr. POWER—I can only say that a statement bearing that construction was made by the Minister of Railways in the other House.

Hon. Mr. AIKINS—It is a decided mistake; it could not have been made by him.

Hon. Mr. POWER—I suppose that I shall be allowed to show the authority if I can. It was quoted, I believe, in our own official report of the debate last year. Am I to understand, then, that the line running south of Lake Manitoba is to be a portion of the main line of the Pacific Railway?

Hon. Sir ALEX. CAMPBELL—Yes.

Hon. Mr. POWER—A good deal of credit is claimed by the Government for having undertaken to furnish the missing link between Keewatin and English River. That is a matter that has been

discussed to-day, but there is just one feature in connection with the Pacific Railway that, I think, deserves a little attention. The hon. the leader of the Government said that the old Administration had advertised for tenders for the construction of the missing link, but it did not follow that they were going to build it. That may or may not be true, and may or may not be a good argument; but when we get out to British Columbia, and when the leader of the Opposition says that it is rather an unwise or improvident thing for the present Government to build 127 miles, beginning at Emory's Bar and ending at Savona's Ferry, the leader of the Government says, "You intended to build it yourselves, because you asked for tenders." The leader of the Government should choose one position or the other. If their advertising for tenders meant that the late Government intended to construct a section in British Columbia, then it meant, also, that the late Government intended to construct the missing link of the Thunder Bay section.

Hon. Sir ALEX. CAMPBELL—If the hon. gentleman will pardon me for interrupting him, I would like to explain that I did not say anything about their advertising for tenders for constructing the missing link. In fact, I knew nothing about it. The first that I heard of it was the correction the hon. leader of the Opposition made to-day. In speaking the other day, I was not aware of the fact, and, therefore, I said nothing about it.

Hon. Mr. POWER—I am quite aware of that; but I understood the hon. leader of the Government, the other day, to claim credit for having done something which their predecessors had failed to do—for having awarded contracts for constructing the missing link, which their predecessors had not intended to do for several years. In reply to that, the leader of the Opposition shows to-day that tenders had been called for with a view to going on with that work. I understood the leader of the Government to say that this did not necessarily mean that they were going to construct that section.

Hon. Sir ALEX. CAMPBELL—I did not say that.

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Hon. Mr. POWER—I so understood the hon. gentleman. If advertising for tenders did not mean that work was to be undertaken in one case, it did not mean that it was to be undertaken in the other. I think myself that something would depend upon the nature of the tenders and the financial ability of the country to prosecute such a work. I think that while the financial condition of the country is as poor as it is now, and while we have to face a deficit as large or rather larger than in any former year, it is an unfortunate time to undertake to construct two such important works as the missing link and the section placed under contract in British Columbia. I should not have risen at all to-day if it had not been for the next paragraph in the Speech. It is a matter in which I have a right to be interested, and one that I think deserves to have attention called to it. It is as follows:—

"The adoption of a rigid system of economy in the management of the Inter-colonial Railway has, without impairing the efficiency of its working, effected such a diminution of expense as to warrant the belief that the country will in future be relieved from any considerable burden in connection with its operation."

Now, hon. gentlemen, I think it is very much to be regretted that that paragraph should have been inserted in the Speech, because it is calculated to lead the House and the country, if they believe it to be correct, altogether astray. In the first place the efficiency of the Inter-colonial Railway has been very seriously impaired; and I do not think that it is likely, if the road is to be run at all, that this economy can be permanent. I shall give my reasons for saying so. Members from the Maritime Provinces, and I presume all members of the House, are aware that the construction of the Inter-colonial Railway was one of the principal inducements held out to the Lower Provinces to enter the union. The people of the city to which I belong and of the Lower Provinces generally were told that this road was to be to them a source of untold blessings; it was to make Halifax, and, in a less degree, St. John, the wharves of the Dominion. Halifax was to be the Liverpool on this side of the water; and the whole traffic, not only of Canada, but of a great portion of the United States, was to pass through that city on its way

to Europe. The Government of that day, which is the same Government we have now in power, when they undertook to select the route for the railway, did not select it on commercial principles. In fact, very little regard was paid to commercial principles in connection with the road. I find no fault with the Government for having acted in that way. I think their view was a sound one; they wished the road to do the most good to the whole country, and particularly to the eastern portion of the Dominion. At the present day they seem to entertain different views; and they claim great credit for economy in managing the road. Economy is a very good thing in its way, but it is not the best policy in relation to a public work such as the Intercolonial when it is purchased at the cost of efficiency, or if that vast public work which was constructed at such expense should cease to benefit those for whom it was intended. I hold that the economy that is now proposed on the Intercolonial Railway is of that character, and that it is likely to render the road useless. Before the Government can claim much credit for their economy on the Intercolonial Railway, they must also show that they have been economical in other quarters. At the time the late Government went out of office, the Intercolonial was one of the best railroads in America; in fact, I do not think there was any railway on the continent which was superior to it. The staff, while it was not too large, was large enough to do the work of the road. The track was in admirable condition, and the rolling stock was constructed and maintained in such a manner as to do the business speedily and well. The consequence was that the road had got to be a favorite mode of travel between the Lower and the Upper Provinces; and nearly all the passengers who came by the ocean steamers intending to go to Montreal or the West, up to the last year, landed at Halifax and came over the Intercolonial. The English mail trains made remarkably good time, and the running time from Halifax to Montreal was not more than thirty or thirty-four hours. The regular trains always made good time; a large quantity of freight passed over the road both east and west, and accidents were almost unknown. The Adminis-

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tration now in power had located the workshops at Moncton, and had bought the grounds and undertaken the build-ings. When the late Government went out of power the workshops at Moncton were equal, I believe, to any workshops on the continent, and the work done there and at Richmond was as good as similar work done anywhere in America. The railway from Halifax to Rivière du Loup was in admirable condition, the only defect being the intermediate link between Rivière du Loup and Quebec. That section was owned by the Grand Trunk Railway, and had not been kept up in the way it should have been. The Government, a year ago, took power to remedy that defect, and most hon. gentlemen from the Lower Provinces hoped that, when we came to the meeting of Parliament this Session, we would have found that the Government had done what we were led to believe they were about to do—repair that section and lay it with new steel rails. That has not been done; the road is still in the same condition that it was in last year, and the million and a half dollars that have been expended on the purchase of this section from the Grand Trunk has produced no good result to the country. It is to be hoped that by this time twelve months something will have been done to remedy the existing evil. The present Government came in, and the reign of so-called economy began. Workmen, who were necessary and could not properly be done without, were dismissed in large numbers, and the consequence has been that the rolling stock has deteriorated to such an extent that there is hardly a trip made over the road now during which some accident does not occur. I speak for myself and a number of my honourable colleagues here who came up from the east at the same time. During that trip there were no less than three accidents. The English mail train, which was just ahead of us, lost one of its trucks near Chatham and tore up the track. We were detained five hours at that point owing to the accident. At Bathurst, it was found that a wheel of the first class car was defective, and the car had to be taken off and replaced at Campbellton by another. Again, when we got on the Rivière du Loup branch, it was found that a freight train had got off

the track there, and we were again detained for three hours, so that we had to leave Point Lévis at six o'clock in the morning, instead of eight o'clock the previous evening. My hon. friend from Halifax (Dr. Almon) informed me to-day that no accident had occurred on his way up; but I have since learned that he was in error, as an engine had given out at Metapedia. Accidents are of daily occurrence, caused by the breaking down of the railway stock, and I look upon it as a false and foolish piece of economy to allow the road to run down in that manner. The workshops were built at a very large expense to the country, and they did their work admirably; but the present Ministry thought fit, after coming into power, to discharge the men who were at work and to declare that in future the rolling stock should be built by contract. It seems to me to be an exceedingly unwise policy which throws a great number of men out of employment, renders the expenditure on the workshops useless, and gives less efficient work at probably greater expense. The general staff has been reduced altogether below what it ought to be—below what it would be on a railway conducted by a private company. For instance, at the railway station at Halifax, there was a train despatcher or watchman and a policeman, both of whom were necessary, and neither of whom received a very large salary, but the Minister of Railways and Canals, guided by his economical policy, discharged the policeman, to the very great inconvenience of the public. Some *employés*, who had been in the service of the Government for years at moderate salaries, had their wages cut down, besides a number of men who were discharged altogether. At the same time, Mr. Black, who took a rather prominent part in a recent election, has been appointed as travelling agent for the Intercolonial, to secure business for it. He receives a salary of some \$2,000 a year and travelling expenses, but the country has not seen any good come out of the appointment. Another man named Boggs, belonging to the county of Cumberland, was appointed at Windsor. His work might just as well have been done by one of the financial clerks in the railway office at Halifax. He was not necessary

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before, and he is not necessary now. The salaries of these two men added together would more than cover the reduction in the salaries of necessary officers, and there is really no economy in the case at all. There is another matter of considerable moment to the people of the Lower Provinces. The delay in the transport of freight on the Intercolonial Railway is altogether unjustifiable. No Halifax or St. John merchant who orders goods from Montreal can hope to receive them over the Intercolonial in less than ten days after the order.

It being six o'clock, the hon. Mr. Power moved the adjournment of the debate.

The motion was agreed to.

The House then adjourned.

THE SENATE.

Tuesday, February 17th, 1880.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day having been read—resuming the adjourned debate on the Hon. Mr. Trudel's motion,

"That an Address be presented to His Excellency the Governor-General to offer their respectful thanks to His Excellency for the gracious Speech which His Excellency has been pleased to make to both Houses of Parliament."

Hon. Mr. POWER said—In considering the Speech from the Throne I had got to the 6th paragraph, which deals with the Intercolonial Railway, and had endeavored to show that, whereas when the present Government came into power, the track, rolling stock and staff of that road were in an admirable state of efficiency, they had since that time greatly deteriorated, and the freight traffic had decreased; that the mails which had, under the previous Administration, taken but thirty hours to run from Halifax to Montreal, now occupied nearly

forty hours, and that passengers who had formerly landed at Halifax and proceeded to Montreal over the Intercolonial, under the management of the present Government, continued their voyage by steamer to Portland and proceeded westward over the Grand Trunk. That whereas under the former Administration accidents had seldom occurred, at present scarcely a train passed over the road without some accident more or less serious having to be recorded. I think this is a most unsatisfactory state of affairs, and it must appear to every hon. gentleman that, if the Government continue the present system of economizing on the Intercolonial, in a little while no one will care to travel over the road without having his life very largely insured, and we shall, before many months, have reached the climax of economy, and the road will be closed. Then it will cost the country nothing except the interest on the cost of construction. That may be the goal to which the Minister of Railways and Canals is tending; but if it is not, all I can say is, that the present system of economy is false; that accidents occurring on the road involve a very much larger expenditure in the long run than it would to keep the rolling stock in proper condition. The Minister of Railways and Canals does not even deal with it on commercial principles. He is not as liberal with it as if the road were managed on sound commercial principles, and, as in a great many other cases, the views of the members of the present Government have changed very much since the time when they were in opposition. In order to show to what extent their views have changed, I shall take the opportunity of reading to the House the opinions expressed previous to the general election by two hon. gentlemen who are at present prominent members of the Ministry. I shall first read a letter addressed by Sir John A. Macdonald to the Hon. Dr. Tupper on the 9th January, 1873, and which appeared in the *Herald* of the 26th January, 1878. It is as follows:—

"I have been much pleased to see the energy with which the people of Halifax have taken up the interest of their fine harbor. No effort, in my opinion, should be spared to build up our Atlantic port in the Maritime Provinces with the trade and traffic of the Dominion, rather than a foreign one. I feel a personal interest in this matter, as being res-

possible with my colleagues for the construction of the Intercolonial Railway, and its location (for which I was so heartily abused). I am, therefore, naturally anxious to see that railway a success financially and otherwise; and that can only be secured by directing as large a volume of traffic as possible towards and over it, and thus developing and extending the trade of its great terminus at Halifax. I hope the Government will not be blind to this great object, and that they may be induced to make an extra effort for the purpose. If they do not, they will fail of their duty, and will be reminded of their failure at the next general election."

Those were the sentiments expressed by the present Premier when he was leader of the Opposition. He did not think at that time that the Government of the day were doing enough to forward the interests of the Intercolonial Railway; but as the present Government are not doing nearly so much, and the road is not nearly as efficient or in as good condition as it was at that time, when Sir John A. Macdonald thought that the Government were not doing their duty and would fall in consequence at the next general election, I shall leave hon. gentlemen in the Government to make the application themselves. The hon. the Minister of Railways and Canals is now in a position to carry out the views he expressed before the general election. In a speech delivered by Sir Charles Tupper, at Richmond, on the 2nd January, 1878, referring to an interview had by Mr. Black with Mr. Mackenzie in regard to carrying freight over the road, he used the following words:—

"It means that Mr. Mackenzie is willing to delude you if possible until this election is over; that as soon as that is accomplished we shall have a restoration of the reign of commercial principles. Never was there a greater insult offered to an intelligent people than that letter written by Mr. Mackenzie. The theory of commercial principles was propounded by Mr. Mackenzie's Government two or three years ago. There is one other thing that I feel called upon to say, and it is this: while we are deliberating upon the great question which concerns, not only this city or county, but the whole Dominion as well, as to whether the commerce of the country shall be so directed as to build up a great Atlantic port within the borders of the Dominion, or whether it is to be allowed to go to build up a port in the United States, with such a question before us why chaffer about a few pence? Suppose we could accomplish such an object as that, what would it matter, even though, for a time, we did not pay running expenses? In dealing with a question of this nature we should not come down to too fine a point."

Hon. Mr. Power.

It would seem that the hon. gentleman who is now Minister of Railways and Canals was not so economical then as he is now. He thought then that when the interests of the country were at stake we should not lay too much stress upon mere economy. Now, hon. gentlemen, my sentiments to-day are the same as they have always been, the same as were those of the Minister of Railways and Canals, then one of the leaders of the Opposition, when he made those remarks, and the same as those entertained by the present Premier when he wrote that letter, and I regret that such a very great change should have taken place in the views of those hon. gentlemen. The fact is, not only have those hon. gentlemen conducted this work in a less liberal spirit than that expressed in the extracts I have quoted, but they are actually not conducting the work on sound commercial principles. No private company would manage a railway in so niggardly a spirit as the Intercolonial Railway is managed by the present Government. In the first place, allowing the road to deteriorate as they have done, is false economy, and, in addition to that, while the Government is practising this false economy in connection with the railway itself they do not take the steps that would be taken by a railway company to secure business for their road. It was the impression of a great many hon. gentlemen, when the Government took over the Rivière du Loup section of the Grand Trunk, that it was the desire of the Ministry to make themselves completely independent of the Grand Trunk Railway, and to enable the Intercolonial Railway to be connected at Quebec, by means of a ferry, with the North Shore Railway, so that passengers could be ticketed from the Lower Provinces to Montreal, Ottawa and other points west, without going over the Grand Trunk Road. The fact is, however, that no arrangements have been made by the Railway Department to enable passengers to take that route. One cannot get a through ticket in any of the Maritime towns or cities for Ottawa by the North Shore Railway. One cannot come even by the North Shore Road from Montreal to Ottawa without buying a separate ticket. It is a matter that would have been attended to by any

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private company running such a road as the Intercolonial Railway, and every endeavor would have been made to secure the freight coming from and going to the Lower Provinces. As I stated yesterday, one of the great sources of complaint with business men in the Lower Provinces is that freight ordered from Montreal and other points for the west takes not less than ten days and often as long as three weeks in reaching Halifax or St. John. The principal reason for this, as I have been given to understand, is that the freight is delayed on the Grand Trunk Railway between Montreal and Point Lévis. Now, if the Government were to manage the Intercolonial Railway as a private company, they would have made an arrangement with the North Shore Road to carry freight down to Quebec, and to have it ferried across to the Rivière du Loup branch at Point Lévis. In that way they would have made themselves independent of the Grand Trunk Railway; but nothing of the kind has been done. It seems to me that it would strike anyone looking calmly at the manner in which the Intercolonial has been managed during the past year or so, that it was managed, not in the interests of the Lower Provinces, nor in the interests of the Dominion, which owned the railway, but entirely for the benefit of the Grand Trunk Railway Company. The Government very kindly took over from the Grand Trunk Railway a portion of its line which did not pay the company to keep; and having got that line they allowed it to remain in a very unsatisfactory condition, and have so managed the whole road that both passengers and freight have been diverted to the Grand Trunk line to Portland, instead of going down to the Maritime Provinces by the Intercolonial. Nothing has been done to make the country independent of the Grand Trunk. The paragraph in the Speech goes on to say that His Excellency hopes that in a little while the equilibrium between the receipts and expenditure on the Intercolonial railway will be established. Now, hon. gentlemen, that is something we can hardly hope for. The Grand Trunk Railway, which is managed by a company, and is a road running through a

well-settled country, carrying a great many passengers and a large amount of through freight, besides much local traffic, has only recently been enabled to do more than pay its working expenses; and it seems to me that the country must be satisfied to pay a certain amount of money every year to sustain the Intercolonial Railway for a long time to come. It may be, if a proper course is taken by the Government, and if other roads are constructed west of this city, they may bring down a great deal of heavy traffic to us, and if a large portion of this is secured for the Intercolonial Railway it may eventually pay its working expenses, perhaps a little more; but until that happens we must be content to pay something annually towards the working of the road. The Government could not claim much credit for their economy on this road, even though it had been *bond fide* economy, unless that economy extend to the other branches of the public service as well. There is no doubt whatever that it does not extend to the other branches under the control of the Minister of Railways and Canals. Take the Province of Manitoba, and it will be found that there are far more unnecessary *employés* connected with the railway service at Winnipeg and in that neighborhood than have been removed from the railway department in Nova Scotia and New Brunswick. While the salaries of the men, who were not overpaid, have been cut down in the Maritime Provinces, and a few thousands of dollars saved in that way, the Government have undertaken works in Manitoba and other Provinces which have involved the expenditure of millions of dollars. When we look into the other branches of the public service we find the same extravagance. For instance, take the House of Commons. The salaries of unnecessary clerks and messengers employed there during last Session came to a great deal more than the salaries of the officials who were dismissed from the Intercolonial Railway. The men who were thus employed in the other end of this building were men who had no other claim on the public than perhaps that they had done good service during the general elections. I cannot understand why it is that this Government

should not have been economical in other places. The fact that they have not been economical elsewhere than on the Intercolonial Railway is shown by the Public Accounts for last year. It appears that the controllable expenditure was much larger during the last twelve months than it was in any previous year. I cannot understand why it is that this Department which is presided over by a gentleman who is a native of Nova Scotia, should have singled out the Intercolonial Railway as the only subject on which to try this experiment of economy. It appears almost as though the fact of this being a work in the Maritime Provinces made it a fair subject on which to make an experiment. We have had no such experiment tried on the canals or railways in the Western Provinces, and if the Government continue it on the Intercolonial Railway, it is to be hoped that they will not forget that economy is also necessary on the other public works of the country. It seems to me that the true policy in dealing with the Intercolonial Railway is to keep the road and the rolling stock in such a condition that good time can be made, and that travellers will be induced to take that route instead of any other, and to make such arrangements with the North Shore and other railroads as to cause—as the Premier stated in the letter which I have quoted—the largest possible quantity of freight to pass over the road, and build up the termini of St. John and Halifax. I think that is the true policy, both commercially and politically, and I hope that in the future some such policy may be adopted. The seventh paragraph of His Excellency's Speech speaks of the large expenditure in connection with the Indians in the North-West. I can, of course, only express a very humble opinion on that subject; but it appears to me that the prospect of paying a million of dollars a year, for years to come, is not very pleasing to contemplate. When we consider the enormous expenditure that this country is committed to, and has incurred during the last nine years in connection with that territory since it has been taken over from the Hudson Bay Company, and with British Columbia since it has become a Province of the Confederation, it appears to me

that it would have been better if the Dominion never had anything to do with any territory west of Ontario. The eighth paragraph is the one which speaks of the Estimates for the ensuing year, and it tells us that they have been prepared with all due regard to economy. Last year, whatever the Estimates were, the expenditure was much larger than it was in previous years; but I hope that this year it will be reduced. The tenth paragraph informs the House that Bills for the better organization of the Civil Service and the consolidation of the Inland Revenue Acts will be laid before us. I am very glad indeed to find that the Government propose to deal with this question of Civil Service reform. I think it is to be regretted that they did not deal with it last year. The fact is that since the present Government came into power, although being known by the name of Conservative, and supposed to adhere a little more closely to British precedent and practice than their opponents, still they have in this matter departed very much further from it, and there has been a great number of public servants got rid of, whose substantial offence appears to have been that their political opinions were not in accord with the Government of the day. I hope the reform of the Civil Service will include a substantial test of the fitness of applicants for office, and a guarantee that when a civil servant has once been appointed he can only be removed for such cause as would be recognized as sufficient in England. I presume, that if the measure is to be a thorough one, promotion in the Civil Service would depend upon merit instead of favor. I see the consolidation of the Inland Revenue Laws is promised, and I hope that the Government will take action, when the Bill is before the Legislature, to remedy the great wrong that was perpetrated last Session, in connection with the inspection of petroleum. One of the last paragraphs states that "the charters of incorporated banks of the Dominion will expire next year, and that the present would seem a favorable time for the full consideration of our banking system, and the subject of currency as connected with that system." I can only say that our present banking system is working very satisfactorily, and that we

have as much currency as is necessary to carry on the business of the country, and I trust that no very radical change will be made in it. I have been much struck by one fact in reference to the present Government, that they have been much more successful in prophecy than in history. Last year, at the time of the general election, and before that event, we were promised immediate prosperity—unprecedented prosperity if these gentlemen were returned. They were returned, but the promised prosperity has not come to any alarming extent as yet. Then in the Governor-General's speech, last Session, the House of Commons were given to understand that the steps which were being taken by the Government for a change in the tariff, and rigid economy that was to be practised in every department of the public service, were going to restore the equilibrium between revenue and expenditure. A year has passed away, and instead of the rigid economy which we were promised, the expenditure of the past year was greater than it was in any former year; and instead of the equilibrium between revenue and expenditure being restored, the deficit is greater than it was in former years. We are not told some of the things that might have been told, but we are told with reference to immigration that something very great indeed is about being done in that way. I only hope that when we meet next year the prophecies of the Government in this respect will not prove to have been more erroneous than they have been in other matters promised in a similar way. The hon. leader of the Opposition refers to one or two things that were not mentioned in the Speech, and about which we might have expected something to have been said. There is one other subject to which I regret, (and I think most hon. gentlemen from the Lower Provinces will join with me in that regret), not to see any reference in the Queen's Speech. I refer to the disposition of the Fishery Award. We find in the Public Accounts, that the money has been paid over, but nothing has been said in the Speech from the Throne as to its disposition. We had hoped that the Government would have promised the country some measure with reference to the disposal of that award.

Hon. Mr. Power.

Hon. Mr. BELLEROSE—In rising to offer a few remarks on this occasion, I cannot help, before doing so, expressing the deep sympathy which has been aroused by the announcement of the sad accident which His Excellency the Governor-General and Her Royal Highness the Princess Louise met with on Saturday evening. The feeling of regret so universally expressed on this occasion is the best proof of the attachment of our people to their Excellencies. Happily this accident, which might have had fatal results, is now proved to be comparatively little consequence, and the news received daily that their Excellencies are rapidly recovering, is received with much pleasure. Coming now to the question under consideration, I may say at the outset, that I do not propose to go over the whole ground covered by the Address, as I would only be repeating what has already been said, and ably said, by the hon. senators who moved and seconded the resolution under consideration. But I cannot refrain from assuring His Excellency of our gratitude for his gracious Speech at the opening of Parliament, and the very many good things it contains. Indeed, if I except that part of the Address wherein His Excellency alludes to the state of destitution which at this very moment prevails in Ireland, and for which I am sure every hon. member in this House feels a deep sympathy, is not His Excellency's speech such as to make us feel that we may fairly congratulate ourselves on the fact that, though we have to acknowledge that to Divine Providence we owe the blessings of a recovery from the commercial and industrial crisis from which this country has suffered, we may also congratulate ourselves on the fact that the Government of this country have done all in their power to help the people in this great depression which has weighed down their energies? Have we not, on the one hand, the financial policy of the Government of the day, which, it cannot be denied, has been so far, a success; while on the other, we have the fact that a rigid system of economy has been inaugurated, both deserving on our part a cordial acknowledgment, and entitling this Government to the confidence of Parliament and of the people of

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this country at large. Hon. gentlemen, let me also offer my congratulations to the Government for the very good choice they have made of the hon. Senator for Saugeen to preside over the deliberations of this hon. House. No better selection could have been made, and we especially, whose mother tongue is the French, have reason to be satisfied with the choice of the Government, a choice which will give us the advantage of hearing Mr. Speaker using our language, and the other great advantage to know that we are understood by the hon. gentleman to whose decision we have sometime or another to appeal. But, unfortunately, the very day this hon. House had the pleasure of seeing that hon. gentleman presiding for the first time over its proceedings, Mr. Speaker Macpherson was taken ill and is now confined to his bed, and will, no doubt, have to remain there for many weeks. This House will, therefore, be deprived of his attendance. It is a misfortune which has excited the deep sympathies of every hon. member of this Senate. I have also to congratulate the Government on their choice of you, Mr. Speaker, to fill the vacancy caused by the illness of the hon. Senator for Saugeen. No hon. senator is better posted than you are in the rules and precedents which govern this hon. body, and it is a pleasure to me to be in a position to congratulate, so far, the Government for their appointment. But, hon. gentlemen, if I am bound by a sense of what is right to congratulate the Government in their choice of a gentleman to preside over the Senate, I cannot do so when I have to deal with the choice of a fourteenth Minister of the Crown. On this subject I feel that I have to express my sincere regret that the Government has not seized the first opportunity to do justice to the Province of Quebec, whose rights have been infringed upon, and whose representatives complained, last Session, of the position in which she has been placed in this Senate. The Province of Ontario, which has been allowed, since Confederation, five seats in the Cabinet, while Quebec has had but four, has, under the new arrangement, six.

Hon. Sir. ALEX. CAMPBELL—Perhaps my hon. friend will allow me to

correct an error into which he has fallen. The Premier represents a British Columbia constituency, and although long resident in Ontario, yet he does not now consider himself a representative of this Province, his constituency not being within it, and I do not think that my hon. friend is quite right in saying that there are six Ministers from Ontario now. There are five from this Province and one from British Columbia.

Hon. Mr. BELLEROSE—I am not mistaken. Although the gallant knight who is at the head of the Government now has a seat in the House of Commons as member for the city of Victoria, it is well known that he is an Ontario gentleman, and the whole force of his great influence is given to this Province. And whether Sir John A. Macdonald has a seat in Parliament as a representative of British Columbia or not has nothing to do with the point that I am now raising. It is well known that in times gone by, when the Hon. Robert Baldwin lost his election in Ontario, we in Quebec gave him a seat, but no one, even among his opponents in Ontario, ever dreamt of raising such an objection as the hon. Minister of Militia now does. The gallant knight who is at the head of the Government knows too much to use such an argument in support of giving to Ontario such a large influence compared with Quebec in the Government of the Dominion. I may fairly repeat what has been so well stated by the hon. mover of the resolution under discussion (Mr. Trudel), "that the appointment of the fourteenth Minister had roused much apprehension," and, let me add, at this moment especially, when that Province, which has never had its fair share in the Government of the day, is now reduced virtually to three Ministers, the fourth (Mr. Masson) being in such ill-health that he had to offer his resignation, or surrender his Department and take that of President of the Council. I have no intention of uttering a single word against the hon. Minister I am alluding to. On the contrary, I am quite ready to admit that he was well fitted for the post he filled so ably. He did much for the militia force of this country, and it must be a matter of regret to us all that his health did not

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allow him to continue his efforts in that direction, but, with all that, I am bound to say that the Province he hails from ought not to suffer from his present inability, and that she ought to have her fair share in the Government of the country, and her cause better attended to. I heard with pleasure the speech of the hon. gentleman from Halifax. That part of his remarks wherein he alluded to some of the utterances of the hon. senator for DeSalaberry (Mr. Trudel), was particularly pleasing. The latter gentleman had said, as I have already stated, "that the appointment of the fourteenth Minister had roused apprehensions." The hon. senator from Halifax (Mr. Power) exemplified this statement and showed that such an increase in the number of Ministers from Ontario was a menace to the other smaller provinces. And so it is. Let me, then, express the hope that the different smaller provinces will see the advantage it would be to them if they would insist on having fair play extended to every province in the Dominion. And it is by so administering the affairs of this country at large that we may expect to see peace and harmony reigning throughout the whole land. Such are my conscientious views on this important subject. The more I think of it the more I feel that the Province of Quebec should receive justice at the hands of the Government, as a matter of course. The 133rd clause of the British America Act impliedly enacts such a right, as will be seen by referring to the clause which I will now read:—

"Either the English or the French language may be used by any person in the debates of the Houses of Parliament of Canada."

Now, hon. gentlemen, how can this enactment be followed practically unless we have either a Minister thoroughly acquainted with both official languages, or we have in each House two Ministers, one speaking the one and another speaking the other language? And this is what we ask for. But as we are just now situated, this clause has no effect whatever. It is a matter of daily occurrence that an hon. senator, not knowing English, rises to put a question to the Government, and is met by an answer given in English, and prefaced by the words, "I am sorry that I can-

not give my answer to the hon. gentleman in his own language." The hon. Senator who is thus answered has to listen to words which he cannot understand, and do without a reply or go to some of his friends in the Senate and ask of them the translation of the answer given. Such a state of things I cannot willingly accept; my duty is to protest against it, because it is unjust, unfair and practically unconstitutional. The people of my native Province may possibly submit to such treatment. It is for them to judge for themselves, and to say whether their representatives in both Houses of Parliament are doing their duty towards them when they suffer the Government to trample their rights and privileges under their feet; but let me say that, if they do not feel the insult and do not resent it, the sooner they cease crying out for the preservation of their rights and privileges the better. Every day the French press of the Province of Quebec have long articles, wherein they vindicate the rights of the people of that Province to a share of the public patronage. Every day articles are published wherein much blame is thrown upon those who seem to attach very little importance to the maintaining of the laws, usages and language of that Province. But, I ask, what is the use of all that, if they fail to vindicate the most important of their privileges, and if they neglect to protest against such changes as those I have alluded to, which tend to deprive that Province of the advantages gained to her at the time of Confederation by the great statesman who is no more—the lamented Sir Geo. E. Cartier? What is the use of writing so much, if they fail to blame the representatives of the people of that Province, who readily submit to such a denial of justice? But, hon. gentlemen, let me admit, for the sake of argument, that the 133rd clause of the British North America Act can be interpreted in different ways; have we not, then, in our favor the practical interpretation given to that clause at the time of Confederation by the very framers of that law, who gave to this Senate the advantage of having always, since those days, a French member on the Treasury benches of this House? It is only since the present Government have taken

office that Quebec has been deprived of that which had always been considered, since Confederation, as a thing to which she had a right. If such be the case, how can the people of Quebec submit to this innovation? What guarantee have they that, if such an interpretation should be admitted, at some future day the four Ministers from that Province might not be chosen out of the English-speaking members of both Houses. Every member of the smaller Provinces, whether in this House or elsewhere, as well as the people of that Province, ought not to lose sight of such a danger, but ought, on the contrary, to see that their best interests depend upon the carrying out of the constitution as interpreted at its very beginning by those who knew best the spirit of the law and were then forced to give it its correct interpretation. I am sure that the people of Quebec recollect too well the events which occurred in times, happily gone by, to accept a change, which, in itself, is a menace to them for the future, and that they do expect from us, their representatives, that we will use our best energies to prevent such an order of things. Strange to say, while throughout the whole civilized world, I may say, and particularly in England, our mother tongue is honored and is taught in the highest circles of society as being a language which cannot be dispensed with, only here in Canada, where it may be spoken as a matter of course, the greatest efforts are made to banish it. But while I am bound to say so much, I cannot help expressing my gratitude to so many of my hon. colleagues in this House speaking the English language for the help they have given us in different circumstances, when we had to advocate this question. Last year, particularly, many of those gentlemen raised their voices in favor of our pretensions, and expressed their unprejudiced opinion that we were right, and that we were demanding no more than was due to us. Let us, then, hope that with such help and with so good a cause, we will succeed in having justice done to our Province. I do not see that I have much more to say on this question at present, and I would at this point resume my seat were it not for some remarks which were made before in like circumstances.

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No doubt, after having served my country faithfully for many years I might, without being open to the charge of being too ambitious, manifest a desire to receive at the hands of my friends the reward to which long services entitle a man; but that I have shown such a desire, or done anything that might be so interpreted, I deny emphatically. Any individual occupying a seat in this or the other House must make friends for himself before he can entertain such desires, otherwise he will not succeed, as everyone knows. It is well known that during the seven years I have had a seat in this Senate, I have, every Session advocated the rights of the French-speaking minority in this House to the translation of the proceedings *viva voce* during the sittings. Everyone knows the difficulties I met with, and the awkward position I often stood in; so much so that more than once my private friends thought I had better drop the matter, lest it should injure me personally and diminish the number of my friends. But I thought I could not do so without being untrue to my Province, and I continued and fought out the battle, till I succeeded in getting the proceedings of the House conducted in both official languages. But after I had won for my Province this great advantage, the present Government came into office, and, as if in disapproval of what had been done in favor of the French-speaking minority, no senator speaking the French language was taken into the Government. Could I stand still? Could hon. members hailing from that Province submit without a protest? Certainly not. We were all, and I was particularly, bound to protest against it, and I did so. We Quebecers on both sides of the House united in condemning it. Placed in such circumstances, how can I be attacked or charged with being actuated by motives of selfishness? No honest man, no honorable man could be, and I am sure that none of my brother senators has even dreamt of making such a charge. Some young men may have done so in their ambition to rise before the proper time had come, but it is a sufficient punishment to them that their intrigues and their utterances are known, and that occasion is given to appreciate them for what they are worth. But I

have further evidence to furnish that I am not actuated by self-interest or desire for personal promotion. Let me tell you that I have long ago, either directly or indirectly, received the assurance that I would never have a seat in the Government of the day. For twenty-five or thirty Sessions I have had a seat either in the Assembly, the Commons, or the Senate. I have always been a true Conservative, and as such stood by my friends, as the Journals show. But it has been my good or bad fortune to have a true sense of my duties as a public man, and thus I have been sometimes placed in circumstances wherein I thought I could not follow my political leaders, whom I then considered to be wrong. As an illustration, I may mention the question of the New Brunswick School Law. I was the first to raise my voice upon it, and to show that in that instance we could not support the Government of the day. So also in the case of the Government bill providing for the appointment of a Judge of the Court of Divorce in New Brunswick. And a few other instances when I had to follow my conscientious convictions. This independence of mine, hon. gentlemen, worked injuriously to me. On one of these occasions one of the Ministers at the time, who is still a prominent adviser of the Crown, gave me to understand that he would not forget me, and that I would suffer for it. And let me add, that since those days which have long since passed, he has kept his word and has treated me more like a foe than like a friend. Nevertheless, as is well known, I have ever been true to the flag in the past, and hope I shall continue to be so in the future, whatever the treatment I may receive from those who have it in charge. I am a Conservative by principle, and to Conservative principles I shall always be true. I know full well the responsibility I am assuming; but I wish to shew that, in adopting the course I have taken on this question of the rights of the French language in both Houses, I have done so with no hopes whatever that it would be personally advantageous to myself. Knowing, as I do, that, at the time of the formation of the Government of the day in October, 1878, the difficulty about the choice of a senator from the Province

of Quebec was that I was in the way, and that it was suggested by a gentleman who is much indebted to me for the high position he now holds, that this difficulty could be met by taking into the Government no senator from Quebec speaking the French language; let me state here, from my seat, that I waive all pretensions whatsoever that I may have to a seat in the Cabinet, and that I hope that my native Province will recover that which has been taken from her unjustly. Now that I waive any claim which I might have been supposed to have in consequence of my past services, I hope that my native Province will be given the representation to which she is entitled in the Cabinet.

Hon. Mr. KAULBACH—I do not wish to follow the remarks of the hon. senator from De Lanaudière, as they relate to a question which interests Quebec alone. They bear upon his indomitable perseverance on all occasions in this House to bring the attention of the Government to the rights and grievances of his native Province. I admire the persistency with which he advocates his case and the success which has attended his efforts in this Chamber; and no doubt the Government will, in their wisdom, do for the Province of Quebec what they can, consistent with the proper administration of the affairs of the Dominion. I rose more particularly to reply to some remarks of the hon. senator from Halifax, Mr. Power. We are both from the same Province and members of the same profession, and had it not been that the hon. gentleman represented Nova Scotia as a poverty-stricken country, as being in a state of distress unparalleled in the history of the Dominion, or of that Province, probably I should have been content to let the Address pass without comment on my part other than to express my entire accord with everything so pleasingly and ably said by the mover and seconder thereof. I do not intend taking up the clauses of the Speech *seriatim*, or following the course of my hon. friend in criticising it, but I shall take up some salient points raised by him today, and endeavor, so far as I can, to express my views and refute some of the conclusions at which he desires to arrive. As regards the Intercolonial Railway,

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which formed the principal subject of his speech, his objection is that there has been too much economy practised upon that line during the last year, and that the economy has not been consistent with efficient management. This appears to me a bald assertion; he has given us no data upon which it is based. He might have gone back to the time before the present Government came into power and enquired into the efficiency of the management of that road under Mr. Brydges, which was a huge blunder from beginning to end. In those days, accidents, loss of life, detention and delays formed the subject of comment in this House and the country. We found hon. gentlemen in this House rising to their feet and denouncing that road, and suggesting that it be given away to a company to run it, and stating that it was a drag on the revenue of the country. The present Government have effected economy without interfering with the efficiency of the road; they have saved \$200,000, and yet my hon. friend from Halifax complains. He furnishes no proof that this result has been arrived at through false economy, or that the rolling stock and equipment of the road are suffering any. The management, I believe, has been satisfactory, and I have been informed that the Minister of Railways, in answer to a formal enquiry just now made of him in the Commons, has invited the most searching investigation into the entire management of the railway, and assured the House that the rolling stock and permanent way are better now than they ever have been. There has been no increase in the rates. I believe that economy which has been effected by the Minister of Railways will ultimately bring about a reduction in the freight and passenger rates. When we can state to Parliament that the road can be run at less expense to the travelling public, and that thereby traffic can be facilitated between the Provinces, there will be a reduction in this respect. It never was contended or supposed that the Intercolonial Railway should be run on mere commercial principles; it was regarded from the first as a commercial highway between the Provinces, uniting the eastern and western portions of the Dominion together. It was a part of the scheme of Confedera-

tion, and I am in hopes that, in conjunction with the system of canals of the St. Lawrence, it will accomplish the object for which it was designed. Our bounden duty, therefore, is to encourage economy in the management of the road consistent with efficient administration. I contend that this has been done; I have given good evidence of it; but my hon. friend from Halifax has not given us a solitary fact that can in any way sustain his assertion to the contrary. It seems to me that the freight detentions of which the hon. gentleman complains have been on the Grand Trunk Railway and not on the Intercolonial. I am sure we cannot complain of the additional link we have got through the purchase of the Rivière du Loup branch. We have reason to congratulate ourselves that the Government have helped us to get our Intercolonial highway extended to Point Lévis independent of the Grand Trunk, and that it is being laid with steel rails and will receive full repairs. I shall now refer to the National Policy. From the first I was a strong advocate of it, believing it would help to build up our home industries, promote foreign trade, and develop our great and varied resources, and I have seen no reason to regret the support which I have given to that patriotic Canadian policy. We were told by its opponents, when the policy was first announced to the people, that it was merely a delusion; an electioneering kite; that the Conservative party would never carry into it effect. The present Government surprised the opponents of that policy. They introduced a new tariff and made a thorough change in the policy of the country. They stand now in the presence of about nine months' experience of their legislation, and can, with becoming pride, look at its results. They found, when they assumed office, the country in a state of distress and despondency. The late Government had told the people that nothing could be done to relieve the depression. Their inaction and expression of helplessness had a material effect in deepening the prevailing gloom. When the present Administration came into power they redeemed the pledges they had made to the people, and inspired new hope among them. We all know

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what an important effect hope has upon ourselves; what avail it has in the affairs of men, and how it effects our actions. It inspires us with energy. The very act of the Government, in endeavoring by some means or other to lift the country out of its despondency, has had a good deal to do with the improvement in the condition of our people. The Province of Nova Scotia, my hon. friend from Halifax contends, is in a dreadful state, and as a first proof of it he shows that there were more insolvencies in 1879 than in the preceding year. That is just what, I expected and expressed last Session, would be the result of the course pursued by this House when it did not endorse the repeal of the Insolvent Act. I then contended that the effect upon the country would be to increase the number of bankruptcies. The National Policy had nothing to do with it. I think we have every reason to congratulate ourselves, in view of the very large amounts—the hundreds of millions of dollars—that have been lost through insolvencies, that the country has taken heart, and that the reaction has set in. We have every reason to feel satisfied that we are in the dawn of commercial prosperity; that there is already an improvement in the trade and industries of the Dominion, and that an amount of energy is being displayed which will tend to the advancement of the country's prosperity. My hon. friend from Halifax says that not a promise made by the present Government has been fulfilled. That is another bald assertion. I cannot see on what it is founded. Where are the pledges that were not redeemed? They promised a change in the tariff; to go on with the Pacific Railway, and to protect our industries. In what instance have they failed to redeem those promises? Not only have they done all that they said they would do, but we already have the proof before us of the beneficial effects of what they have done and of the policy they inaugurated. Now, as regards the coal trade—

Hon. Mr. POWER—Hear, hear.

Hon. Mr. KAULBACH—I am glad my hon. friend says "hear, hear." What was the result of their policy upon that trade? When they assumed office they

found millions of dollars of capital lying dormant, some mines closed up, and others working slowly with no profit. That branch of industry was thoroughly paralyzed. What has been the result of the new tariff? I anticipated myself that the fifty cents per ton imposed upon coal would probably be more of a tax than anything else; but, so far, the result has proved to some extent the contrary. We sent to Montreal last year 60,000 tons more coal than during the preceding year. This is the statement made in the report of the Harbor Commissioners of Montreal. Has that not been the result of the National Policy?

Hon. Mr. POWER—Can the hon. gentleman inform me how much came to Montreal from the Maritime Provinces during 1877 and 1878?

Hon. Mr. KAULBACH—If my figures are right—and I think they are, as they are from the report of the Harbor Commissioners of Montreal—the amount in 1877 was about 55,000 tons; and in 1879, 117,000 tons, an increase of over 60,000.

Hon. Mr. POWER—What was it in 1878?

Hon. Mr. KAULBACH—I have not got it for that year; but I need not assure my hon. friend his observation and his own knowledge must convince him that there was little or no difference—probably less in 1878 than in 1877. It shows that even with the trifling protection which the tariff affords, we can get coal up as far as Montreal, and I am in hopes that the Government will see it in their wisdom possible to so arrange the tariff and help the coal industry as to enable us to convey it up the St. Lawrence canals, probably as far as Sarnia. With the addition of say 25 cents a ton we can accomplish that, and besides, get return freights of grain, flour and other products of our great West. In that way we can show that there is a reciprocity of feeling and interest between the Provinces of this country; that Parliament is not legislating in a sectional way; that we are not to put trade against trade, and section against section; but that we are looking to the benefit of the whole Dominion, believing that if any one portion is benefited, its

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prosperity will react upon the whole. My hon. friend the ex-Secretary of State says that huge monopolies are getting wealthy. In doing so are they not utilizing their capital and employing the labor of the country, and will not this benefit the whole Dominion? These large industries cannot prosper without the farmers receiving some benefit. It seems as if the hon. gentlemen desired to set class against class; to lead the farmers to believe that there was an antagonism between them and the manufacturing and other industries of the country. Such seems, at least, to be the policy of the Opposition, and if they succeed they will become masters of the situation and sweep the field. But I contend that there is no cause or reason for such antagonism between manufacturers and farmers, and no such antagonism is likely to arise, but that their industries must tend to benefit each other. The best market that the farmer has is the home market. We know that the fields of the farmers of Ontario are diminishing to some extent in capacity of wheat production for want of variety and rotation of crops; and, therefore, it would be a benefit to them to be able to cultivate other crops of a more perishable character for which they can find a market at their own doors, among the manufacturing industries of the country. To attempt to set up the farming community against the manufacturing industries of the country is, it seems to me, suicidal to the farmer himself. It cannot be said that the increase of the tariff bears hardly upon the agricultural community. They must proportionately increase in wealth with increasing prosperity of the manufacturing industries. The motive of the hon. gentlemen who try to create this antagonism between the various interests of the country cannot be for the general good of the whole Dominion. I have spoken of the improvement in the local trade, and I shall now refer to another industry. I would ask my hon. friend to what does he attribute the increase in the sugar trade of 62,000,000 pounds imported into Montreal during the last twelve months? Is it due to the saying of the late Government, "we can do nothing" to develop the industries of the country, or is it

owing to the National Policy? My hon. friend (Mr. Power) knows very well that our West India trade has largely increased and must necessarily increase under the present tariff, and with the development of our home industries. Is it not due to the public confidence in the National Policy that the capitalists of Halifax have been induced to invest \$300,000 in establishing a sugar refinery in Halifax? My hon. friend will not, surely, contend that that enterprise is an injury to his native city, and that it is not the result of the present fiscal policy? I do not know whether he has taken any stock in the refinery; but I do know that men, holding such views as my hon. friend has expressed, have invested largely in it, and, if I mistake not, the preponderance of the stock in that company is held by men of the same political views as the hon. gentleman from Halifax, and we have reason to believe that another refinery is being started in Moncton. There is no doubt the country is benefiting by the establishment of such industries; and the huge monopolies that the hon. gentleman speaks of will not exist, because the competition in any branch of trade in which money is to be made will be too keen to allow prices to rise higher than are necessary to give a fair profit for the capital invested. I am surprised, therefore, to hear the hon. gentleman say that nothing but distress has come out of the National Policy. Speaking for Nova Scotia, I feel assured there is no other Province in Canada to-day more prosperous. Our fisheries have yielded an abundant harvest; our shipping is profitably employed. To be sure many of us were scared at the abundant catch of fish, and sold out at low prices. If we had not done so we would have been better off to-day. I am prepared to say that there is a want of money amongst us; but that any branch of industry has gone down in consequence, or that we have suffered materially in any way, my hon. friend will fail to convince this House; on the contrary, hope has taken the place of despair in every branch of trade and industry in Nova Scotia. There has been a revival and a zeal to press forward.

Hon. Mr. POWER—How about real estate?

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Hon. Mr. KAULBACH—I will not pretend to say how it is in Halifax, to which my hon. friend's knowledge seems confined, but I know in the country real estate brings fair prices, when sold on time. There is a scarcity of money, but there is no poverty in the country; farmers generally have their cellars well supplied with provisions, and although money may be, for a time, scarce in the Province of Nova Scotia, yet every branch of trade is comparatively prosperous—very prosperous when compared with what it was when the late Government was in power; we were then in a state of dependency. We were told by the Government that we could not help ourselves, but the present Administration placed the country in such a position that when the reaction set in we were prepared to take the benefit of it. The very hope and confidence which it inspired in us gave new life and energy to the people, as there is no doubt those promptings have very much to do with the prosperity of every man. One remark was made about our Nova Scotia fishing industry which probably adds more than any other industry to the prosperity of the people. In 1878 there were 95 fishing vessels built; tonnage, 3,770. In 1879 there were 155; tonnage, 5,968; making an increase of 60 vessels in the fisheries in 1879 over 1878, and an increase of 2,198 tons burthen. Has the policy of the Government nothing to do with that? I contend it has. My friend looks doubtful. Have not the fisheries received the benefit of the drawbacks?

Hon. Mr. POWER—There must be some mistake in your statistics.

Hon. Mr. KAULBACH—There is no mistake in my statistics. I contend that the increase of vessels engaged in the fisheries in 1879 over 1878 is just what I have stated, as I have taken some pains to get accurate figures. That is the state of the fisheries to-day, and I contend that it is largely due to the policy of the Government. Our ships are well employed, taking large freights at remunerative rates. I might also refer to the revival of the lumber trade, not only in Nova Scotia, but also, more particularly, in this portion of the Dominion. And then there is our great and important iron industry, which has revived. In

Nova Scotia we can refer to the London-derry mine, which has made a new departure, and is said to be paying handsomely, and which, under the late Government, threatened to close up. But we are told that whatever prosperity has come is owing to our proximity to the neighboring Republic. I agree in that, for the nearer we approach the tariff policy of our neighbors the better. What is good for them is good for us—reciprocity in trade and reciprocity in tariffs. But what does astonish me most is the doctrine propounded by the Grits of Ontario, that the tariff is actually cheapening grain to the Canada consumer. This, certainly, if true, is also of great importance to us in the Maritime Provinces, who look for cheap flour and Indian corn. I find my hon. friend has left his seat. I intended to ask him to name any other industry that he considered was suffering from the National Policy. He spoke of immigration to this country. I am sure it cannot be denied that the policy of the Minister of Agriculture has largely to do with the anticipated increase of immigration into Canada. The very fact of bringing out delegates representing the tenant farmers of England to inspect and judge for themselves of the capabilities of the country will be of great benefit to Canada, and will do wonders in increasing the immigration. The late Administration gave tens of thousands of dollars to paid agents, in whom the people have no confidence, to promote emigration, but the delegates who have visited Canada and have seen for themselves have reported more favorably on our country and the prairie lands of the North West than of any part of the United States, and it will do more for us than the paid agents; therefore, I say that the Government have adopted the wisest policy, they have not remained inactive, saying they could do nothing, or that we would have to wait until Providence helps us. As I have remarked before, Providence only helps those who help themselves, and we find to-day in every branch of trade, help has come to us from Providence, because we have done what Providence required of us: we helped ourselves. With respect to the Fishery Award, I believe, and our fishermen rightly claim, that what the fisheries

have gained, the fisheries should keep, and the money should be applied towards the establishment of a well-regulated system of communication along our coasts, by which fishermen could be kept posted as to the locality of the fish. I hope that nothing will be done with this money until Government have matured their policy regarding it, and see that it is used to the permanent benefit of the fishermen. We were told that the tax on wheat would destroy our carrying trade, as far as American grain in transit was concerned—that we were going to deprive our shipping of the grain of the West, but it has not had that effect so far. We find that during last year in Montreal there were shipped 4,000,000 bushels of wheat more than the previous year, or during any previous year. We are told that this has been in consequence of the extraordinary wheat crop in Canada and the United States. It cannot be attributed to that cause, however, as there were over 3,000,000 bushels of an increase up to the end of September, 1879, before the new harvest was ready for exportation. Therefore, I am prepared to say that, instead of that tax being injurious to this Dominion or the shipping trade, it has had the very opposite effect. And we have not only been able to send up our coal to Ontario, but we have obtained for our ocean vessels the transport of the grain of the Western States to Europe. The arrivals of ocean vessels at the port of Montreal last year shew an increase of 100 over those of any previous year. This does not shew a state of distress in the Dominion; on the contrary, it is to me a sign of prosperity. I regret to find that any hon. gentleman should introduce a feeling antagonistic to the construction of the Pacific Railway, and that members holding prominent positions in the late Government should virtually repudiate that great public work. They may state, as they do in effect, that we should sever our connection with British Columbia; that disintegration of the Union should take place, and that the cohesive power that unites these Provinces altogether should be set aside. Coming from Nova Scotia, a Province holding a similar position on the eastern coast of the De-

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minion as British Columbia occupies on the west, and whose interests are nearly identical, I contend that it would have a demoralising effect on the whole Dominion should British Columbia sever her connection with the Confederation. The late Administration were largely responsible for our present position. The Government of Sir John A. Macdonald, it is well known, undertook to complete the Pacific Railway by a wise policy, through a company, by means of a subsidy of land and money; but through the intrigues of the Opposition the project was destroyed, and the construction of the railway by that means had to be abandoned. As soon as these men came into power, gloating over the destruction they had wrought, they proceeded to construct the railway as a Government work, and after having expended over \$10,000,000 in that way, they would now virtually repudiate it altogether. My hon. friend has complained of the original terms with British Columbia, but has forgotten the obligations which his friends entered into to construct the road on Vancouver Island at a cost of five or six millions of dollars.

Hon. Mr. MACDONALD—Two millions of dollars.

Hon. Mr. KAULBACH—I am sure it would be double that by the time it was built. In addition to that, they promised that \$2,000,000 a year should be the minimum expended on the mainland, even before they knew where the road was to be located, or whether they could find any practical route. They referred this matter to Lord Caranvon, and agreed to be governed by his arbitrament. What is the result? The Government, as far as they could, pledged themselves to this enormous expenditure in British Columbia. Fortunately for this country, there was a Senate to defeat such a monstrous undertaking. But now that we have undertaken to build 120 miles of railway through British Columbia, they raise the objection that we are squandering the public money, and repudiate all that they have themselves done. I cannot understand how men who know their own history can so stultify their own actions and their own principles in relation to the position of the railway. Yes, fortunately for the

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country, we had a Senate in 1875, who rejected the policy of the Government—at that time a policy which would have ruined the country had it been carried out. My hon. friend from British Columbia (Mr. Macdonald) has informed me that if the 120 miles from Emory's Bar to Savona's Ferry, now under contract, were built, flour and grain now raised in the Fraser River Valley, which is sufficient for the consumption of the whole of British Columbia, could be utilized instead of importing it from the United States, and that it would lead to the development of a larger tract of fertile country. I cannot see how hon. gentlemen who were pledged to the policy of the late Government in relation to the construction of this railway can come forward and raise an objection to the building of this 120 miles of road in British Columbia, when it is the very same section of the railway for which they had tenders out for construction just before the elections in 1878, and to which they had shipped the steel rails for the track. Could it have been done merely to deceive the electors? What other inference can be drawn when comparing their present with their past conduct? My hon. friend from Halifax would lead us to believe that the commercial depression is worse to-day under the National Policy than it was before; that there is no reaction, and that the country is opposed to our fiscal policy. The interim elections tell a different tale. In all the elections that have taken place since the 17th September, 1878, the Government have not lost a single seat, whilst they have gained four. Even the rural districts have given a large support in favor of the present policy. Therefore, how the hon. gentleman can contend that there is a reaction against the policy of the Government, especially in the farming districts, I am at a loss to conceive. We find new life, new hope, new vigor and new energy throughout the Dominion, and in every instance when the Government appealed to the people they came back strengthened by the contest. My hon. friend from Halifax referred to the extravagant expenditures of the Government. On that matter I think the Public Accounts will shew proper economy in the administration of public

affairs. For instance, under Legislation, the increase is mainly due to the cost of the general election, which was in round numbers \$120,000. Another large increase is in the Militia Department, for drill, which was starved to death under the late Government. Another in the Post Office service, and then an increase in the interest on our public debt rolled up by the late Administration. Those are matters which can be better discussed at a later stage of this Session. I shall, at present, not further trespass on the patience of hon. gentlemen. I would not have taken part in this debate but for the remarks of my hon. friend from Halifax (Mr. Power) and the deplorable condition he represented the Province of Nova Scotia to be in. I arose to express my views in favor of the National Policy, and to bear my testimony to the better feeling that prevails amongst our people, and to the energy and life that have dawned and have sprung up under the present condition of things. There is an earnest hope, an earnest confidence and an increase of prosperity in the country. So far I have been a strong advocate of the National Policy, and although there are some things in it that can be improved upon, I feel that upon their tariff I can strongly support the Government, and in doing so I am satisfied that I am not misrepresenting the interests of the Province of Nova Scotia.

Hon. Mr. ALMON--I would not have risen to speak on this question if it had not been for the challenge thrown out by the senior member for Halifax (Mr. Power), and the jeering way in which he spoke when he asked me to answer the observations that he made. He did so in a way that would lead the House to suppose that I could not do so. That, I thought, came with a very ill taste from the hon. gentleman, whose father was a member for the county of Halifax for ten years, and made no speeches during that time except two, which were written, and said to have been inspired by a gentleman not a hundred miles from me just now. Perhaps I am wrong in saying that he made only two speeches; he made another one that I remember, in the course of which he said that the Maritime Provinces had nothing to expect from the Grits of the

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Upper Provinces. That was often quoted and never denied, and, therefore, may fairly be accepted as his utterance. I say it in no disparagement of that gentleman. He was a silent member, but the people of Halifax felt that with regard to trade and commerce he was a good authority. If the mantle of silence had fallen on his children, the Province would be no worse off and we would have been less bored in this Chamber. When the hon. gentleman challenged me to speak of the bad state of things in Nova Scotia and the country generally, he instanced the number of insolvencies which had taken place in 1879. When a person fails in 1879, when do his losses commence? Did they commence that year? No; in all probability during the five years preceding it, when every one was losing money hand over fist. His losses culminated in 1879 because prices were then beginning to rise. What was the use of bringing actions against a party sooner? Nothing could be got for goods or property, and, therefore, the creditors waited until the good times commenced, and then pushed the man into bankruptcy. Take an analogy from my own profession. Consumption is said to run, on an average, for two years. A man dies of consumption in 1879. Did the cold which developed the tubercles on his lungs commence that year? No, it commenced two years previous. I take another illustration from my own practice. Take a case of fever and ague, contracted from malaria in the district of New Orleans. The disease does not break out there, but when the man comes to Nova Scotia. Will any one tell me that our invigorating climate and sea breezes occasioned that attack? No, it is the seeds of the fever and ague as laid at New Orleans. The hon. gentleman asked if the trade of Halifax has decreased. I think the senior member is acquainted with one Alfred Jones who is said to be one of the largest sugar importers there. Under the old *regime* he had two ships engaged in the West India trade, he now has six; that means a voyage made every four or six weeks, and you all know the value of a cargo of fish sent out there, or of sugar brought back. That certainly does not look as though Alfred Jones thought that the duties on sugar were inimical to

the West India trade. I am glad to be able to give the senior member for Halifax credit for sincerity when he states that the workshops at Moncton were built by the Mackenzie Government.

Hon. Mr. POWER—I stated nothing of the sort.

Hon. Mr. ALMON—On the contrary, he did not say built, but very much improved, and he spoke of their being such very fine buildings and a credit to the country. I think he said, if the reporters took him down, that the workshops at Moncton were largely improved, and made models of workshops under the old Government.

Hon. Mr. POWER—It is true that I said they were improved by the old Government.

Hon. Mr. ALMON—Likewise he went on to say that this has since been done away with and that the work is to be done by contract in future. I am very glad to hear it. I am not acquainted with the manufacturers of St. John and other places, but I am very glad that the Government has gone out of that business and given the mechanics and workmen of Halifax a chance to compete for the work of those shops. He likewise spoke largely of the Intercolonial Railway, and accused me of making a mistake when I told him no accident had occurred in my journey up. I contrasted the journey from Halifax up with the trip I took seven years ago when I travelled to Portland, partly by way of the Intercolonial, partly by the St. John & Bangor, and partly by the Grand Trunk; for 3 days I slept in the train, in a snow bank, and not in a Pullman. This time I left Halifax at the usual time and got into Quebec only an hour and a quarter behind time. The cause of that delay was, the engineer tested the engine and found she was too weak to take us through the snow, so he put on another engine, that was why we were an hour and a quarter behind time. I asked what became of this engine, which, according to the senior member from Halifax must have been smashed to smithereens, and was informed that it was sent back to Moncton by itself. I may have been in very great danger; I certainly did not know it.

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The hon. gentleman spoke of the discharge of men employed on the railway. A good many have been discharged and some of them I feel very sorry for. I remonstrated in several instances, and what was the answer? I was told that the road had been overcrowded with men by the late Government. The managers had been instructed to take them on. Some were good men, if there had been anything for them to do, and they would like to have kept them on; but there were others who were not able to do a day's work, and had been put on merely through political influence. I asked why they had taken on more than was necessary and was told: "It is all very well, but we would get a note from Mr. So-and-so, telling us to take on somebody and give him work, and we could not refuse." I have heard the senior member for Halifax address the House on the subject of a railroad from Lake Nipissing, westward, a matter of which he could know nothing but what he could get from a blue book. I have heard him dīate for hours upon it; but his eloquence was not expended so much on that subject as on the discharge of a constable from Halifax station. I am interested in the prosperity of Halifax and am very willing that the Dominion Government should carry the Intercolonial to the deep-water terminus at West's Wharf, but I am not so deeply interested as to ask them to find a constable for the Halifax depôt. If a constable is wanted, I think, from what I know of my countrymen, that they will not expect their senior member here to appeal to the Government for God's sake to keep a constable for them and pay him out of the Dominion revenue. The hon. senator alluded to the appointment of Mr. Black and Mr. Boggs, and sneered at those gentlemen. Mr. Black is a Southerner who, at the unfortunate termination of the civil war, came to Halifax. He was agent for a steamer which ran from Halifax to Portland, and conveyed to the former city the greater part of the flour used there. After the Intercolonial Railway was opened for traffic that freight was cut off, most of our flour coming to us by rail. The Minister of Railways appointed Mr. Black an agent to go up the road to look after the trade which formerly

came by his boat. Mr. Black was appointed by the Halifax Chamber of Commerce, which I cannot accuse of any Conservative leanings, to go up to the Upper Provinces to negotiate with the Hon. Mr. Mackenzie for the transportation of grain to Halifax. He did so and failed to come to any arrangement. In the election of 1878 he and his two sons took the oath of allegiance and voted for Richey and Daley and against Jones and Power, and this accounts for the senior member's attack upon him. I am happy to say that the good times have commenced in Nova Scotia. I cannot say but that I am pleased with the hope that has been held out in the other House of certain changes to be made in the tariff. I think that Indian corn should be imported free of duty, and the poor man's serge should not be made to pay as high a duty as the rich man's broadcloth. I think, also, that the duty on champagne ought to be reduced. As a medical man I know that there is nothing more useful as a stimulant than champagne. The duty now is \$8 a case. Very often it agrees with the stomach when nothing else will, but a poor man, at the present rate, is deprived of an article which in some cases of sickness is a necessary. I think all the doctors who hear me will agree with me that the duty on champagne should be reduced.

Hon. Mr. POWER—I wish to explain that the hon. senator misunderstood my remark the other day altogether. I had no desire, whatever, to sneer at that hon. gentleman. I should not sneer at any member of the Senate, and certainly my junior colleague is one of the very last I should think of treating in such a manner.

Hon. Dr. ALMON—I apologize if I have said anything offensive, but I thought from the tone of the hon. gentleman that he considered that I was unable to address the House.

Hon. Mr. READ—I am sorry to detain the House, but I cannot allow this Address to pass without having a few words to say in commendation of it. Some of our hon. friends, especially the hon. senator from Halifax, Mr. Power, have told us that the good harvest and the general prosperity in the United States are the cause of the increased

prosperity in Canada. I am glad that he admits that there is prosperity, although his language is peculiar. He says "there is no prosperity to any alarming extent." I want to know what he means. Is he alarmed at the prospect of prosperity? I am not going to be alarmed, but will be delighted if the whole country becomes prosperous, as I feel convinced that we are on the road to prosperity. There is evidence of it in the step of every commercial man as he enters his office in the morning. He does not go now with his head down, feeling that every letter he opens may contain bad news from his debtors—that one man has failed; that the next has cleared out, and the next cannot meet his payments. He feels that the country is becoming prosperous, that his business is getting into shape, and that he will realize something from his investments. I have no doubt that the harvest is to some extent the cause, but not solely the cause. The harvest was only saved in October and one half of it has not yet been marketed, and the country will not receive the full benefit until next fall. The hon. gentleman tells us that the reaction in the United States is the cause of our prosperity. It may help us some, but have they altered their policy of protection? Not a bit of it, and I am sure that under the system we have adopted we will have prosperity too. There is only an imaginary line between us and our neighbors, and I have always believed that whatever trade policy is good for them cannot be injurious to us. Four years ago I had the honor of moving the first resolution in Parliament affirming the principle of a national policy. I remember the question was taken up laughingly, and debated when there was nothing else to do, but I am happy to know that I have lived long enough to see that that policy has been affirmed by a change of Government, and I look back with no small degree of pride to the time when I had the boldness to move the resolution that introduced the debate on the subject in this House. I see that the Speech from the Throne refers, amongst other things, to the visit to this continent of two distinguished members of the Royal Commission on Agricultural Depression in the Mother Country. I may say that I had the pleasure—the very great plea-

sure—of meeting those gentlemen, and accompanying them through a portion of this Province. I intercepted them at New York. They had mapped out their route of travel, and had not decided to visit this Province until late in the fall, not perhaps until December. I showed them that they could visit a considerable portion of Ontario and not be detained over a week, and upon my assurance they changed their plans and visited this Province. I am happy to say that the opinion they formed of this country was a most favorable one. I recollect when we got to Toronto they remarked that we seemed to be a different people here to what they had seen during the ten days they had previously spent in the United States. It was a very opportune time to visit Canada, because it enabled them in a very short time to see the principal products of the country. They would have been very glad to have visited Eastern portions of the Dominion, but their time would not admit of it. They visited most of the grain and cattle-producing portions of this continent, with the exception of California and the extreme south, and, when their report is issued, I am quite prepared to expect that we will find it very favorable to Canada. When they got to Manitoba, Mr. Read expressed his opinion that we might look forward to seeing our North-West country competing with Russia and the United States for the food supply of Great Britain. The food supply is a question that must engage the serious attention of the people of England. No doubt the Commissioners were sent out more particularly to satisfy the tenant farmers with a view to establishing a basis for an arrangement between landlord and tenant hereafter, as the products of this country are entering so largely into competition with the products of Great Britain and Ireland, that, with the bad harvests they have had, the agricultural interest has become so very much depressed that we may now direct our attention towards supplying the food which they must have. Statistics brought down by Mr. Caird, who is the great authority in such matters in Great Britain, show that the agriculturists of the mother country are not able to produce any more now than they were a

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number of years ago; in fact, they have rather decreased the production than otherwise. At the present time the comparative quantities and value of home and foreign products consumed annually in Great Britain are as follow:—

TABLE shewing Comparative Quantities and Value of Home and Foreign Products consumed in Great Britain.

	Home Growth.	Foreign Growth.	Value of Home Growth.	Value of Foreign Growth.	Total.
	Cwts.	Cwts.	£	£	£
Wheat.....	35,000,000	55,000,000	32,187,500	32,187,500	64,375,000
Barley.....	44,000,000	11,000,000	19,800,000	4,950,000	24,750,000
Oats.....	64,000,000	12,000,000	28,800,000	5,400,000	34,200,000
Beans and peas.....	14,000,000	5,000,000	6,300,000	2,250,000	8,550,000
Indian corn.....	20,000,000	7,000,000	7,000,000
Potatoes.....	111,000,000	5,000,000	16,650,000	750,000	17,400,000
Wool.....	1,214,000	3,160,000	8,500,000	22,120,000	30,620,000
Butchers meat, hams, bacon and pork.....	24,500,000	6,300,000	87,000,000	22,050,000	109,050,000
Cheese and butter.....	3,000,000	3,100,000	13,500,000	14,000,000	27,500,000

This country could supply a large quantity of oats for the British market. In

the articles of butter and cheese we have made wonderful progress. It is only a few years ago since we were large importers of cheese, but we now not only manufacture all we require for home consumption, but export largely. Out of 140,000,000 of pounds of cheese exported from this continent to England, Canada sends about 40,000,000 of pounds, whereas, to show the advance made in the supply of that article in 1861, the United States only sent 10,000,000 of pounds to England and Canada in 1866, when we were large importers of cheese from the United States. We are very intimately interested in the supply of meat for the Mother Country. Under the present regulations, Canada, to-day, has an advantage of \$25 on each ox that we export to the British market above the United States, in consequence of this country not being scheduled by the British Government, we having escaped the pleuro pneumonia. Speaking of the Intercolonial Railway, I must say that dealers who export cattle *via* Halifax speak in the highest terms of the excellent accommodation afforded for the transportation of cattle by that line. Every convenience is given for the safety, comfort and dispatch of stock. A friend of mine who shipped two hundred head of cattle the other day for the British market informed me that he was afforded every facility for rapid and safe transport on the Intercolonial, and the rates will show that the Government have not neglected that branch of the public service. If the United States continues to be scheduled as it now is, our cattle trade in the English market must largely increase. I think that the Government are entitled to the thanks of the people of this country for taking the prompt action they did last year to prevent the introduction of contagious diseases of cattle into Canada from the United States, and thus maintaining the high reputation of our native herds. We can easily understand what anxiety the Government of England must have in relation to the welfare of the tenant farmers, and what influence that class of the community must have in the legislation of that country when we consider that there are 561,000 tenant farmers in Eng-

land and Scotland, and 600,000 in Ireland. In Great Britain the average area of land held by tenants is fifty-six acres; and in Ireland it is twenty-six acres. When I inform this House that one of the Royal Commissioners who visited Canada last autumn is a member of the House of Commons—the representative of the 561,000 tenant farmers of England—they can understand the importance of that visit. As the only tenant farmer in the House of Commons last year the Government selected him, along with another member of Parliament, Mr. Pell, who thoroughly understood the mission which was entrusted to them. Mr. Read was for two years a member of Mr. Disraeli's Cabinet, but he left it in 1876, because the Government would not carry out his views on the land question, in which he took a great interest. The mission with which these gentlemen were charged was to ascertain the capabilities of this country and see whether our capacity to produce food supplies was likely to continue. The arrival of food supplies from this continent in England had been enormous, and they wanted to ascertain if those supplies could continue five years longer. There were some doubts existing in the old country on that question. Mr. Caird in his last work, says: "The American people themselves are much greater consumers of meat, man for man, than the English, and when prosperity returns to that country the home consumption will increase, and the surplus for exportation will diminish." I fancy he is wrong in that. I think he will find that the food supplies on this continent—especially meat supplies—will increase very materially, and to an extent that they are not prepared for. It is astonishing how the price of meat has continued to increase in England, while the price of flour has kept about the same standpoint.

The following is a table prepared by Mr. Caird shewing the prices during the past century :

TABLE shewing the rent of cultivated land, the price of provisions, the wages of the agricultural laborer, the rent of cottages, the average produce of wheat, in three periods, during the last hundred years in England : —

	1870.	1850.	1878.
	s. d.	s. d.	s. d.
Rent of cultivated land per acre.....	13 0	27 0	30 0
Price of bread per lb....	0 1½	0 1½	0 1½
“ meat “	0 3¼	0 5	0 9
“ butter “	0 6	1 0	1 8
Agricultural laborer's wages per week.....	7 3	9 7	14 0
Rent of laborer's cottages	0 8	1 5	2 0
Produce of wheat per acre in bushels.....	2 3	2 6½	2 8

You will see by this that in a hundred years the price of bread was about the same; but when we come to meat, butter, and other articles of food, you will see how rapidly they have increased in price. During that period the production of wheat has not increased to any great extent in Great Britain, and there has been a decrease in the number of sheep in the ten years ending with 1878. In 1868 there were 35,607,812, and in 1878 only 32,471,504 sheep. The number of cattle in 1868 was 9,083,416, and in 1878, 9,723,227. In 1858, twenty years ago, the value of cattle, sheep and pigs imported into the United Kingdom was £1,390,068; in 1877 it had increased to £6,012,564. Not only has the consumption of imported meats increased, but the prices have also gone up gradually, and the question arises among the consumers in England: “Where are our supplies to come from?” and among the producers in England: “Can we compete with other countries with the improved means of transportation now existing?” Mr. Washburn, the United States Minister to England spoke a few days ago on the famines of the world. In the course of his remarks he says that there are now being built, in England and Scotland, seventy ships for the transportation of live stock from America to England. We may well ask ourselves how much of the trade which those ships are being built to accommodate, will Canada secure? We have an opportunity to supply a portion of the demand from our fertile prairies in the North-West and from the older and already cultivated parts of the Dominion. I have no doubt that the skill and industry of our people, the invigorating climate which renders labor easy, and the productiveness of our soil will enable us to furnish the people of Europe with a large portion of what they may require

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for their sustenance. Last year Great Britain produced only one-half of the wheat that she needed. Mr. Caird, who is a careful statistician, gives the exact figures of the amount imported and the amount consumed. Of course, we do not supply much of the £22,050,000 worth of wool imported into the United Kingdom, but we send them a good deal of cheese and butter. They received of the latter articles of produce from this continent in 1861-2, only 10,000,000 lbs; last year it had increased to 140,000,000 lbs. As late as 1866, Canada produced no cheese for export, but bought \$306,000 worth from the United States for consumption in this country. Last year we exported 40,000,000 lbs. of cheese. In butter we must improve our production, and we can find a good market for it also. The increasing manufacturing and other industries at home will create a larger demand for all kinds of farming products here, and we can dispose of the surplus abroad. I am sure, therefore, that the Dominion will be regarded as a desirable portion of the British Empire, to be made the home of the tenant farmers who are about to emigrate from the Mother Country. Any man who possesses health can make a good living here; if he does not, it is his own fault. One paragraph in the Address refers to the famine which prevails in Ireland. We must all deplore the existence of such a condition of affairs in any portion of the world. In looking over this book—“The World, Past and Present”—I see that there was a dreadful famine in Ireland in 1822, caused by the failure of the potato crop. There was another in 1831, and Parliament granted £40,000 for the relief of the destitute population, and this was supplemented by large subscriptions in England, amounting to £74,410. In 1845 another famine occurred, and the Government spent £850,000 to relieve the sufferers. The famine of 1846 and 1847 was but a continuation of the distress of the previous year. Every one who hears me remembers that dreadful time. The Government spent £10,000,000 during that famine to relieve the prevailing destitution; but the population decreased enormously. It has been estimated that 250,000 persons died in Ireland from the famine, and a great many others died after they came

to this country. The population decreased in Ireland from 8,500,000 in 1846 to 5,412,000 in 1871. I see that our Government intend to give some assistance to the destitute population of Ireland. I would suggest that a portion of it should be devoted to aiding families to emigrate to and settle in Canada. It seems to me that it would be a practical way to help to relieve the distress in Ireland, and to ameliorate the condition of the population by giving them an opportunity to secure homes and a means of earning their living. I would assist families, because they are likely to remain with us when they come. Families cannot move about as individuals can when they have no family ties. It seems to me that this famine must have come upon Ireland very rapidly. Two months ago, as I observe by the following letter, such pressing and deplorable destitution was not anticipated:—

“ We think the proposal to collect funds in Montreal for the relief of certain portions of Ireland is premature. At home, where the nature and extent of the want must be well and correctly known, no general movement has so far taken place to draw help from the more favored portions of the country, and no appeal has been made to obtain relief from abroad by any responsible organization.

“ We are of opinion that the pastors of the people, who would be the first to sound the alarm did danger really threaten, must be convinced that the distress apprehended is not beyond the ordinary resources of Ireland's charity to meet ; and they probably have reason to rely on timely assistance from the expenditure of large sums of the public money in giving employment in the impoverished districts. At the same time we think the moment opportune to give a helping hand to the tenant farmers of Ireland in their struggle to secure for themselves the legal as well as the natural right to live, and to enjoy the fruits of their labor and industry on the holdings that have come down to them from their ancestors. The voice of Montreal, heard on this vital question, in words of wisdom, justice and moderation, would do good.

“ P. DOWD, Priest.

“ J. HOGAN, Priest.

“ Js. LONERGAN, Priest.

“ J. J. SALMON, Priest.

“ Montreal, December 11th, 1879.”

It would seem, from this, that the clergy were not prepared for such a sudden calamity. While we have no sympathy with agitators, and while I hope that this House will not be opened to them

Hon. Mr. Read.

when they come here, we have every sympathy for the suffering people of Ireland, and hope that the Government will be liberal with whatever aid they feel justified in offering. I feel satisfied that in the legislation of the British Parliament justice will be meted out to every portion of the empire. I should like to refer briefly to the remarks of my hon. friend from Halifax (Mr. Power) in which he says that the portion of the Intercolonial Railway acquired from the Grand Trunk last year is not in such good order as it should be. It is too soon to expect the Government to have it in perfect order. The Minister of Railways only purchased the rails last summer and I doubt if they are delivered yet. By-the-way, we will, on some future occasion, compare that purchase with the price paid for another lot of rails by the late Government. When the rails reach this country, no doubt the Rivière du Loup section of the Intercolonial will be put in proper order and the hon. senator from Halifax can travel with speed and comfort.

At six o'clock Mr. Read moved the adjournment of the debate.

Hon. Sir ALEX. CAMPBELL suggested that it was almost time that the debate should be brought to a close. He thought that it should be adjourned on the understanding that it would be closed to-morrow.

Hon. Mr. HAYTHORNE said that the time of the House had been taken up to-day mainly by speakers on the Government side. The Opposition should have an opportunity to be heard.

Hon. Sir ALEX. CAMPBELL said that there was nothing to prevent that. The House could sit after six o'clock, to-morrow, if necessary.

Hon. Mr. WARK thought, as the Senate had heard extensively from Ontario, Quebec and Nova Scotia, that New Brunswick and Prince Edward Island would like to say something on a question of such importance.

Hon. Sir ALEX. CAMPBELL did not object to the adjournment, but suggested that the debate should end to-

morrow, either in the afternoon or the evening.

The motion was agreed to.

The House adjourned at 6.05 p.m.

THE SENATE.

Wednesday, February 18th, 1880.

Prayers and routine proceedings.

THE DEBATE CONTINUED.

The Order of the Day having been read for resuming the adjourned debate on the Hon. Mr. Trudel's motion,

"That an Address be presented to His Excellency the Governor-General to offer their respectful thanks to His Excellency for the gracious Speech which His Excellency has been pleased to make to both Houses of Parliament."

Hon. Mr. READ said—When the House rose yesterday, I was just about closing my remarks, but there are a few other points I shall refer to. I was assuring my hon. friend from Halifax, (Mr. Power) that I had no doubt that,

by this time next year, the Government would have that portion of the Intercolonial Railway, from Quebec to Rivière du Loup, in such a satisfactory state of repair that he would be able to perform his journey to Ottawa with comfort. I feel satisfied that that line will yet become a very popular one with our shippers, although it is a long distance to carry produce by rail. But I have no doubt it will become a favorite route for the shipping of live stock to Great Britain in winter. It will be interesting to notice the great demands Great Britain is making upon the world for food supplies. The increase is not only in accordance with the increase of population, but the demand *per capita* is also increasing. I find, from a statement I hold in my hand, that the demand for the products of foreign countries for the sustenance of life, such as meat, flour, cattle, etc., has risen from eighteen shillings and three pence, per head of the population in 1858, to two pounds, nineteen shillings and seven pence, in 1877. Now, that shows that the people are able to consume more—at all events they do consume more valuable food than they did twenty years ago.

IMPORTS INTO THE UNITED KINGDOM.

Year	Wheat.	Other Grain.	Value of Grain and Flour.	Value of live Cattle, Sheep and Pigs.	Value of Dead Meat and Provisions.	Total value of Grain, Cattle and Provisions.	Value per head of Population.
	Cwt.	Cwt.	£	£	£	£	£ s. d.
1858	18,380,782	25,358,418	20,164,811	1,390,068	4,343,592	25,898,471	0 18 3
1859	17,337,329	22,327,016	18,044,203	1,634,766	4,680,629	24,359,598	0 17 0
1860	25,484,157	30,721,487	31,676,353	2,117,860	8,076,304	41,871,517	1 9 1
1861	29,955,532	34,048,077	34,922,095	2,211,969	9,151,078	46,285,142	1 11 11
1862	41,033,503	33,071,858	37,774,148	1,888,236	10,630,734	50,293,118	1 14 5
1863	24,364,171	35,467,874	25,956,520	2,655,072	10,841,324	39,452,916	1 6 10
1864	23,196,714	23,822,668	19,882,181	4,275,322	12,157,010	36,314,513	1 4 6
1865	20,962,963	28,529,148	20,725,483	6,548,413	12,667,838	39,941,734	1 6 9
1866	23,156,329	39,794,780	30,049,655	5,839,058	13,483,715	49,372,428	1 12 10
1867	34,645,569	31,376,924	41,368,349	4,148,582	12,489,331	58,006,062	1 18 3
1868	32,639,768	34,369,601	39,432,624	2,698,496	13,277,683	55,408,803	1 16 2
1869	37,695,528	42,226,108	37,351,089	5,299,087	15,189,933	57,840,109	1 17 5
1870	30,901,229	43,202,284	34,170,221	4,654,905	14,773,712	53,598,838	1 14 4
1871	39,389,803	44,568,186	42,691,464	5,663,150	16,593,668	64,948,282	2 1 3
1872	42,127,726	60,068,508	51,228,816	4,394,850	18,604,273	72,227,934	2 6 8
1873	43,863,098	50,538,249	51,737,811	5,418,584	23,854,967	81,011,362	2 10 5
1874	41,527,638	51,470,198	51,070,202	5,265,041	25,224,958	81,560,201	2 10 4
1875	57,876,517	55,645,125	53,086,691	7,326,288	25,880,806	86,293,785	2 12 8
1876	44,454,657	73,520,939	51,812,438	7,260,119	29,851,647	88,924,204	2 13 9
1877	54,869,800	70,358,393	63,536,322	6,012,564	30,144,013	99,692,889	2 19 7

Hon. Sir Alexander Campbell.

It will be interesting to see what share of this food supply we furnish. I notice that the value of grain, corn, and flour has increased from £20,000,000 in 1858 to £63,000,000 in 1877. The importation of live stock increased from £1,390,000 in 1858 to £6,112,000 in 1877. Dead meats have increased from £4,343,000 in 1858 to £30,144,000 in 1877. The importation of produce of all kinds has increased from £25,898,000 in 1858 to £99,692,000 in 1877. The number of oxen and bulls imported from the United States in 1878 was 68,903; from Germany, 28,000; from Denmark, 29,000; and from Canada, 17,807, although we have only just commenced that trade. Of horses, the United States sent 3,632; the Dominion, 689. Of sheep and lambs, the United States sent 45,567, and this country 40,132, so that we exported nearly as many sheep in 1878 to England as did the United States. In the article of butter, France sent the greatest quantity, valued at £3,179,000; Holland contributed £2,494,000; British North America only £293,000, and the United States £998,000. So that it will be seen we sent only about one-third as much butter to England as the United States; and when we come to notice the large supplies they receive from Holland, France and Sweden, our farmers may well consider whether they cannot compete in so important a branch of industry in the English market. I think our farmers are not particular enough to prepare their produce to meet the taste of the English people. There is a very large quantity of oats consumed in England. The imports, 1878, amounted in value to £4,557,665, of which Russia and Sweden furnished the greatest portion; Germany next, and British North America third. The United States sent only £48,809,000 worth, whilst Canada sent £233,832 worth. Peas, out of £718,947 imported in 1878, Canada sent £400,957. It seems we should compete with Russia, Germany and Sweden, in the supply of oats to England. It is interesting to know that Russia no longer controls, or very seriously effects, the wheat markets; literally the United States seems to have totally eclipsed her. Russia sent to the English market in 1878 about £4,280,000 worth; the United States

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£17,000,000 worth. In fact, in the articles of wheat and flour, the United States supplied in that year considerably over one-half the quantity imported into Great Britain. We sent only a small quantity—£1,408,536 worth. It is evident that when the resources of our great North-West are fully developed we may look forward to a great future, and to competing with our neighbors across the line for the supply of this large and annually increasing demand in the British markets. I am pleased to learn that the Government have stopped the works on the Georgian Bay Branch Railway, by which the country is going to make another loss. We have already had one loss by the Georgian Bay Branch of \$109,000; and how much the blundering policy of the late Government would cost in reference to this project, we are not informed. No doubt it will be more convenient to discuss that question when the proper time comes. However, I cannot permit this opportunity to pass without complimenting the Government upon the step they have taken in stopping the work on that branch at the present time. I am pleased to see that the Government arrived at the same conclusion as was reached by myself when I moved the resolution I had the honor to submit to this House last Session, that it is not expedient just now to go on with that project. The hon. the ex-Secretary of State has hinted that the late Government advertised for tenders to build this missing link of 180 miles between Thunder Bay and Winnipeg, and that it was their policy to build it. I have referred to a speech of his the year before they left office, 1877, and I shall read it. There have been so many changes in the policy of the late Government in respect to this Pacific Railway, that we scarcely know what their policy was. At one time they were going to make it an all-rail route, then the Georgian Bay Branch Railway was projected and abandoned, then a contract was given out for it, and after that it was again abandoned. The hon. gentleman will recollect that in 1877, when the discussion took place on the Fort Frances Lock, the utility of which this Government does not seem to have understood, because they have abandoned it, he made use of these words:—

"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 years, the expense of constructing this 180 miles of Railway. He would put it to the sense of the House, whether it would not be better to utilize these water stretches for some years even at an expense of two or three hundred thousand dollars than to incur an expenditure of six millions and the postponement of communication until the 180 miles of road was constructed. That was the policy of the Government in 1877."

I shall not trouble the House any further, and I thank hon. gentlemen for the attention with which they have listened to my remarks.

Hon. Mr. MACDONALD—To the expressions of satisfaction already so eloquently uttered in this Chamber at having Her Royal Highness back in Canada, and taking a prominent part in the affairs of the country, I beg to contribute my humble share of satisfaction. I am sorry, however, with the same breath to have to express regret at the accident which happened to the Vice-Regal party on Saturday night, but there is room for congratulation, inasmuch as what might have been attended with the most serious consequences is likely to result in little injury. Those portions of the Speech from the Throne having reference to the abundant harvest and revival of trade, are most gratifying, although the prosperous wave, or "boom," has not yet reached the Pacific Province; yet it is beginning to be felt in other parts of the Dominion, and I have listened with much pleasure to the testimony to that effect coming from the Province of Nova Scotia. Whether Government had anything to do with the harvest or not, probably a connection can be traced. It seems to me that the prospects of a better home market would lead farmers to exercise more care in putting in their crops and in securing them; and, as many of us are believers in Providence, why should we not believe that Providence smiles on the country when a Conservative Government is in office? A writer of political history has proved to his own satisfaction and, I suppose, to that of the Conservatives in England, that Providence has always been on the side of Conservative Governments. It would be difficult to make the

Hon. Mr. Read.

Liberals believe this to be the case, I suppose, but for all that there may be truth in it. Since the gentlemen from Nova Scotia spoke, I have noticed the most marvellous account of an abundant harvest and prolific soil—for which the Government, perhaps, may claim some credit, as a result of the National Policy. It is that a family in the county of Pictou has been blessed with five children at one birth. I should think this would cause a decline in the olive-branch line. The announcement that contracts have been awarded for 127 miles of railway in British Columbia is satisfactory, and I have to congratulate the Government on its commencement to keep faith with that Province. I cannot now congratulate the Government on the route adopted; at the same time I would not take upon myself to say, if another year's delay were caused, stay the present contracts, and next year take another line. But I did hope that Government would have deemed it wise to have selected the line through the fertile Peace River country and the mineral lands of Vancouver Is'land. I am however, willing to hope that what has been done will turn out to be a wise and good selection. In discussing the railway contracts awarded in British Columbia, the hon. gentleman from Ottawa, (Mr. Scott), has made use of extraordinary language. Coming as it does from a member of a former Administration who, if they meant nothing—as the words of the hon. gentleman would indicate—meant deception. The Government to which the hon. gentleman belonged selected and adopted the piece of road now happily under contract in British Columbia. Was that done to deceive, or what was it done for? The Government to which the hon. gentleman belonged called for tenders for the construction of that piece of road. Was that done to deceive, or what was it done for? The Government to which the hon. gentleman belonged moved a lot of steel rails a distance of 140 miles at a cost of \$30,000 to the very spot indicated for the commencement of this piece of road. What was that done for? Did it mean nothing? Was it to deceive? I blame no Government or person who would boldly state that the bargain with British Columbia was incapable of fulfilment, and would.

recommend placing the Province back where it was in 1871, but I do blame any person or Government who would practice deception on a young and weak Province; who would go on wasting time and money in deception. I think it is well that the Government which received British Columbia into the Federal system is placed in a position to treat it with some justice. I have listened with pleasure to the remarks of the hon. gentleman from Belleville about the visit of the Agricultural Commissioners from England to this country last year. It is gratifying to know that they formed favorable opinions of the resources and capabilities of Canada and the North-West, which may lead to a desirable class of people coming to and settling in this country.

Hon. Mr. HAYTHORNE—I think the hon. Senator from Belleville (Mr. Read) is entitled to the thanks of this House for the very useful statistics which he has placed before us in the speech that he has just finished. They cannot fail to prove useful both to the growers of grain and other produce in the Dominion, and to the merchants who are engaged in the exporting of those products. I, for my part, tender him my thanks for the trouble that he has taken in collecting those statistics. In his long speech, there were very few expressions which I feel at all inclined to criticise. Yesterday, when speaking in support of the view which he took of the success of the National Policy, he said that the Canadian harvest time was about the month of October. I was under the impression that at Belleville, at least, all the harvest is safely housed in the barn, or sold to go across the line by the first of September, at all events. It is a fact, certainly, that in the Maritime Provinces, and especially the one from which I come, our grain fields are rarely cleared before October, and we suffer sometimes from that cause, but it is a surprise to me to learn that in one of the best parts of Ontario the harvest should be so late as the hon. gentleman intimated. In Prince Edward Island we have undoubtedly been blessed with a more than usually abundant harvest. In a general way our Province is not remarkably well adapted for the growth of

wheat, but farmers, of late years, have taken to growing that cereal to a greater extent than formerly. During the past season the crop sowed was very large and the yield was exceedingly satisfactory. In fact, it is stated with confidence by experienced parties there that we have grown enough wheat to support our population. Our other crops, oats and potatoes, are quite an average, I think. I cannot, however, see that the prosperity which seems to have followed the abundant harvest in the Western Provinces has visited Prince Edward Island, and for this reason: although we have had an abundant crop of wheat, we do not export that article, and the prices realized from the sale of the coarser grains and potatoes, which form the staple of our exports, have been remarkably low. Consequently, our farmers have not at their disposal as large sums to expend in the merchants' stores as they would have received had ordinary prices prevailed. I may also state that some, not inconsiderable, want of employment exists in the Island. There are a great many unemployed laborers about Charlottetown who are in part supported by charitable subscriptions, and that is a state of things that could not well be called prosperous. In prosperous times those men would probably be employed in wharf building and cutting timber, and other materials connected with that industry. There does not seem to be so much general work going on, consequently workmen are out of employment. I must bear my testimony to the character of the speeches that we heard from the mover and seconder of the Address before us now. I was pleased in general with the tone of those speeches, but, being opposed to the views entertained by those gentlemen, and expressed in their speeches, it is not unnatural that I should see those questions in a different light from them. But, in any criticism that I may offer, I hope I shall not transgress the bounds of courtesy, at all events. The hon. gentleman who moved the Address intimated that he would take the House into his inmost confidence. Well, we ought all to do that. We ought to all speak out our minds freely and with frankness, and, I have no doubt, the hon. gentleman did so. We are told that there are grave reasons to fear the predominance of

Hon. Mr. Macdonald.

Ontarian influence in the Cabinet, and that such influence will prove injurious to other parts of the Dominion, especially to his own Province. He says that no picture is without a shadow and no sky without a cloud; but his apprehensions seem to have been easily quieted because, after a few sentences on the subject, he comes to the conclusion that, after all, it was "only a cloud." Then at a later period in the debate we had a similar sort of statement from the hon. gentleman who spoke from this side of the House (Mr. Bellerose), who read a most interesting essay, in which he gave his mature opinions upon this same question of Ontarian influence. He, however, was not so easily satisfied. He pushed the question to its extreme limit. I must say that I entirely disagree with the view that both the hon. gentlemen took on that subject. It seems to me that it is a reproach to our statesmen, if it be a fact, that every Province should be represented with exact reference to its population, in the Cabinet of the Dominion; that no justice will be done to a Province unless it be fully represented on that Board. That, I think, is a dreadful picture and a dreadful doctrine to propound, and one which stigmatises our statesmen very unfairly. Even I, who am opposed to the present Government, do not think so badly of them as to imagine that they would do an injustice to my Province, small as it is. Although we have at this moment a representative in the Cabinet I do not consider that the Cabinet ought to be a representative body, nor that every Province should be represented according to its population, and it seems to me that the view of this question taken by hon. gentlemen is altogether a mistaken and mischievous one. I hold that any Minister who from his inadequate sense of justice to the several Provinces fails to protect equally the rights of all is unfit to hold a seat in the Cabinet. I hold further that such a man is unfit to become a useful member of Parliament. Holding these views, I differ entirely from the hon. gentleman who moved the Address and the other hon. gentleman who favored us with similar views on this side of the House. I wish that the sentiments I have expressed to-day were more generally held in this

Hon. Mr. Haythorne.

country, because if it were so I think the whole of our public men and our members of Parliament would be greatly benefited thereby. Then the hon. gentleman who moved the Address thought it necessary to offer an apology lest the leader of the Government should be supposed to have been encroaching on the rights of Divine Providence. I think that apology is entirely unnecessary and uncalled for, and it seems to me in making it the hon. gentleman forgot the French proverb which is to the effect that he who excuses himself accuses himself, *qui s'ex-cuse s'accuse*. The hon. gentleman seems to have forgotten that altogether. Nobody charged the Premier in this House, and nobody could have done so because the hon. gentleman (Mr. Trudel) was the mover of the Address, and I think he might very well have omitted that from his speech altogether, without any injury to the effect of his address.

Hon. Mr. TRUDEL—I alluded to facts which are well known to everybody in our Province. This was stated repeatedly in the newspapers, and recently, so that I alluded to a fact in existence.

Hon. Mr. HAYTHORNE—I believe it is not usual, in this House, to answer charges of that sort that may appear in newspapers, or are made outside the walls of this Chamber. However, I am quite willing to accept the hon. gentleman's explanation, and, as I said before, I hope he will not consider me discourteous in referring to the matter. But, as the hon. gentleman proceeded with his speech, he made use of an expression which, I must say, rather hurt my feelings at the time, being, as I have ever been since I have held a seat in this House, a supporter of the late Administration, and I think the reflections which the hon. gentleman cast upon those with whom I co-operate are rather severe, and perhaps uncalled for. The hon. gentleman likened the conduct of Mr. Mackenzie's Government to that of the unfaithful servant who hid his talent in a napkin and buried it in the earth. Now, certainly, the hon. Senator must have mistaken the relative positions and the relative policy of the rival politicians in this Dominion. It seems to me that if he had observed the

difference between the policy which Mr. Mackenzie and his friends advocate and the policy which the present Government pursues, it would have sufficiently explained the conduct of the late Administration in not taking such measures as are now called the "National Policy." Mr. Mackenzie's policy, if I understand it aright, was based on the non-interference principle. The National Policy, as I understand it is based on what is known as the principle of paternal government. The former is the outcome of modern studies in the art of political economy; the other is the outcome of the old despotisms of Europe. Let us compare these two systems a little. The system by which Mr. Mackenzie sought to govern the country was to draw out to the full the energies and capacities of the people, and not to interfere in any way with the investment of capital and the application of labor. He thought, and I believed rightly—I hope I do not misrepresent the opinions of political friends and I think I do not—that the people should have every opportunity of judging and thinking for themselves how to invest capital in speculations which their experience and knowledge taught them would be successful and remunerative, in a way that the labor which they would employ would be self-sustaining and not liable to the vicissitudes which we have seen in the United States often attend such investments. On the other hand, the paternal government says: "Go and invest your money in cotton mills, build factories, purchase machinery and material, spin and weave. We will see that you shall not be open to the competition of foreigners against you. You shall, at all events, have the home market for yourselves, and if we cannot give you absolute control of the home market, we will give you such an advance upon the price at which foreign goods can be sold us that you shall have remunerative returns for your industries," forgetting all the time that such a course saddles the rest of the community with an increase of prices upon the products of the protected industries. I suppose it is because the custom house intervenes between the consumer and producer that it is not perceived that a protected industry

Hon. Mr. Haythorne.

must be supported from the resources of the general public. But, if it were so, that every protected citizen had to go once a week to some other citizen, whose industry was unprotected—say to some industrious blacksmith, for instance, or to a farmer who rose at daylight and worked until dark, and earned a living for himself and family, and something more—I say, if the protected citizen went to one of these persons and said, "Give me of your supplies, you have more than you want, my industry is less productive than yours," that would be at once set down as abominable tyranny, and an anomaly, in our time, quite impossible. But, when the same process is carried out through the agency of the custom house, nobody seems to see the absurdity and injustice of it. In looking into the subject, I was led to turn to "Mills' Political Economy," where I found a remarkable description of what paternal government was under the old kings of France, more than 150 years ago—pretty nearly two centuries ago. Mr. Mills quotes a French writer, Mr. Dunoyer, to this effect:—

"The State exercised over manufacturers the most unlimited arbitrary jurisdiction. It disposed without scruple of the resources of manufacturers. It decided who should be allowed to work, what things they should be permitted to make, what materials should be employed, what processes followed, what forms given to construction.

"A decree of March 30, 1700, limits to 18 towns the number of places where stockings might be woven. Another decree enjoins the Rouen manufacturers of Rouen to suspend their works from the 1st of July to the 15th of September, to facilitate the harvest.

"Louis the XIV, when constructing the Colonnade of the Louvre, forbade all private persons to employ workmen without his permission, under a penalty of 10,000 livres; and forbade workmen to work for private persons on pain of imprisonment, and for second offence, so called, the galleys. Such was 'paternal government' in France."

Such was paternal government in France. If it were not that I am unwilling to detain the House unnecessarily, I could give more striking illustrations than those in the passage I have read. I do not assert that the advocates of the National Policy wish to imitate the paternal Government of old France; but when you once begin protecting native industries, I say you never know where you can stop. The experience of the United

States shows us to what extent the manufacturing industries can be protected, and we know pretty well what the results of such a policy have been in that country. It used to result in the production of large stocks which could not be sold in that country, and which were brought to the Dominion and sold here at a sacrifice. We call it slaughtering. But when the surplus stocks and proceeds of bankrupt sales were taken from the United States and sold in Canada for less than it cost to produce them it was called by quite a different name, it was then "successful competition." I am well aware that those protected industries are very much liked by Governments and it is not unnatural that it should be so, because they give Governments much of influence; Governments are fond of them and the protected industries are fond of Governments. They know very well they are dependent upon each other. A Government which protects such industries in the Dominion is likely to be followed to the polls by those interests, therefore it is no wonder that they try to increase the number of them; but, on the other hand, the greater their number, the greater evil to the consumers. I am by no means opposed to the establishment of manufacturing industries in the country. I merely say that they should be let alone. They should not be protected in the way the National Policy is supposed to protect every manufacturing industry here, instead of allowing them to stand or fall on their merits. We may be pretty sure of this, that no industry will be undertaken without a prospect of success, and those who embark in such enterprises will exercise much discretion before doing so that the chances of failure will be still less. Your protected industries remind me very much of what I have seen on our Parliament grounds here. Every hon. gentleman may see a building of glass heated by steam in which the plants of the tropics are growing and flourishing; in which plants that cannot endure the native air of Canada display great perfection. Those plants are, some of them at least, brought out into the lawns and flower borders connected with our grounds every summer, but you have to take the precaution on the approach of

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winter to move them back to the greenhouse. Just so with the protected industries. They will live so long as they are protected by the warmth of the Tilley tariff.

Hon. Mr. AIKINS—They will have a long life.

Hon. Mr. HAYTHORNE—There is a clause in the Address I certainly do feel deeply interested in, in which I feel a personal and national interest. In the case of the suffering Irish, it is not necessary that we should enquire into the cause of the distress, nor are we called upon to seek for it a remedy. It is enough for us to know that a large portion of our Irish fellow-subjects are suffering from want of food, and as we have here in Canada an abundance of food, and as our credit is good, it is clearly our duty to come to the rescue of these sufferers. I do not know what course the Government intend to pursue in this matter, but I will remind them of the ancient proverb, that he gives twice who gives quickly. It is, perhaps, quite unnecessary for me to say anything of that question; but at all events there can be no harm in mentioning it, and I have no doubt that the members of the Government will take it in good part.

Hon. Sir ALEX. CAMPBELL—Notice of a resolution has been given already in another place.

Hon. MR. HAYTHORNE—Then there is the paragraph in the Address relating to the "tenant farmers" and preparations for settlers. I think the people of Manitoba will congratulate themselves on the acquisition of settlers from the older Provinces; but I am not quite so sure that the older Provinces have reason to congratulate themselves on the loss of those settlers. It seems to me not to be an evidence of prosperity when you find settlers leaving their old farms to settle in the West, although I have no doubt that they who make the change will be exceedingly successful and will not ultimately regret it. There is a passage in the paragraph relating to certain tenant farmers. It seems to me to be somewhat obscure. I think the Government might introduce some slight change

in the clause which would elucidate its meaning a little. We in this House know who those tenant farmers are, and what their object was; but it does not follow that all readers of the Speech and the Address will be equally familiar with the circumstances; and, as I take it that the Speeches from the Throne, and the answers to them, are to become historical documents, I think it is essential that they should be particularly clear in phraseology. Some person, not acquainted with Canada, some historian, perhaps, years hence, when this building, now fresh from the masons' hands, may have become grey with age, may be hunting through our records for facts relating to the early years of the Dominion, and if he finds this term, tenant farmers, used here, he will say: "Is it possible that there were tenant farmers in Canada in 1880," at a time when he supposes that it was peopled with freeholders. Mistakes might arise among ourselves in connection with this Speech, and we might be puzzled to account for the term used in this paragraph. However, that is a matter of comparative unimportance. The preparation for the settlers is another matter which is of some importance. It seems to me that passage has hardly attracted so much notice in this Chamber as might be expected. I believe that the Government surveys in Manitoba and the North-West are in a state of forwardness, judging from the maps furnished to members of this House, and I imagine that very little more is required to be done in that direction. But a great deal is required to make adequate preparations for settlers coming from the old countries and accustomed to all the conveniences of civilization. I think those who have read in the *London Times*, as most of us have, the vivid description of Minnesota, of the high pitch of civilization which the towns and that State have reached, must recognise in it an indication of the rapid march of civilization, which may be anticipated in our North-West. I have read descriptions by the correspondent of the *Times* of educational and private establishments in that new State on a remarkably liberal scale, and it has seemed to me that the Government should take early steps to provide educational estab-

lishments for our North-West, which would prevent the separation of children from their parents, and hold out inducements to settlers to go and cast their lot in our new territories. It is a matter, in my judgment, of the greatest importance that the earliest possible steps should be taken to establish first-class educational facilities in the North-West, because our youth in that part of Canada will have to compete with the active minds who are training up in the State south of the boundary line, and who are educated in establishments of the very highest character. If we want our people to hold their own in the future with the American youth of the same age, we must, without delay, give them the same opportunities for first-class education at home. In Manitoba, I believe, the education of the youth lies with the Local Government, but I believe it is not so in the North-West, and that the education of the people there rests with the Dominion Government.

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There is no provision to the contrary.

Hon. Mr. HAYTHORNE—At all events no time should be lost to draw public attention to it. The so-called missing link was referred to, and I wish to offer a few remarks upon it, because I have served upon several Committees of this House in which the subject of railway from Lake Superior to the North-West was very closely investigated. I must say I think it is unjust to cast reflections upon the late Government for not accomplishing all that could be hoped or expected from them. Those who are disposed to criticise their conduct unfairly should remember the state of affairs when they took office — should remember how very little was known of this region which has since been penetrated by so many surveyors and explorers. At that time our knowledge of that country was confined to the Dawson route. Mr. Dawson is a gentleman for whose attainments I have the very highest respect and who, I believe, is perfectly sincere in his belief that the best line lies in a different direction from that which the Government finally selected. At the time Mr. Mackenzie took office the

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materials at their disposal were very much in support of Mr. Dawson's ideas. That gentleman's opinion—I hope I do not misrepresent him—was that the best line to penetrate from Lake Superior to Manitoba was by Sturgeon Falls, and from thence through the Narrows of Lake of the Woods to Rat Portage. That, I believe, was the impression which prevailed when Mr. Mackenzie took office, unless I am greatly mistaken. Their first contract was let in the direction of Sturgeon Falls, and it was not until by subsequent investigation the route by the Narrows was found to be impracticable that it was abandoned, a portion of the contract rescinded, and the line deflected in a northerly direction. I cannot hold the late Government responsible for those changes. They believed, and I suppose if Sir John A. Macdonald's Government had remained in power they would have been under the same impression, guided by the advice at their disposal that that was the proper route. It was known to be a very difficult country for railway construction, and the circumstances of the country were not at that time encouraging. Mr. Mackenzie and his colleague the hon. Minister of Finance were both, I believe, under the impression that the depression which was then at its deepest, would continue perhaps for five years. I believe that Sir Richard Cartwright had expressed an opinion to that effect and it appears that he was not far wrong in forming that estimate. At the time that these operations were in progress the depression was at its deepest, and no one could undertake to say how long it might endure, and how much deeper it might go; but times have somewhat improved since, and accordingly we find that taking advantage of the improvement, Mr. Mackenzie's Government advertised for tenders for that part of the line now called the missing link. They only exercised ordinary prudence in not going beyond their depth. It was desirable that the road should be built, but one thing was more essential—the safety of the State of which they were the guardians. I have but little to say of the Fraser River route, except this, that the present Government having selected that route on the same line which Mr. Mac-

kenzie had chosen gives me confidence, at all events, that in this particular the best route has been selected. If we find two Governments coinciding on an important question of this sort, we may safely conclude that after all those years of delay—and I do not think they were unprofitably spent if they have resulted, as I believe they have, in obtaining for us the best and most eligible route—the time and money have not, in my judgment, been wasted. One paragraph relates to the Intercolonial Railway, and I feel bound to express my regret that the subject was mentioned in this Speech at all. A strange commentary on this paragraph in the Address, has been supplied upon by the working of that line during the past fortnight. I believe that if every hon. gentleman in this House, who comes from the Maritime Provinces were to give us the benefit of his experience of his journey up to Ottawa he would say that it had been attended with some disaster or delay. That is a strange commentary on the statement that the Intercolonial Railway has been managed with greater economy without impairing its efficiency. I believe in economy where it can be effected judiciously, but there is one general principle which should guide the managers of all railways, and especially Government lines, and that principle is, first and foremost, the safety of passengers and of the traffic committed to their charge. I would only just suggest to the Government to consider the matter in this light. Should a few accidents such as those which have unfortunately happened during the past fortnight or three weeks prove fatal and cause large destruction of life and property, the result must be that public confidence in the railway would be shaken. What greater damage could be done than to drive the freight and passenger traffic from the Intercolonial to some other line? It was our boast, a year ago, that the Intercolonial Railway was one of the safest and best in North America. I do not wish to make a party question of this, but I do hope that the Government will not persevere in trying to save a few thousand dollars by running car-wheels after they should be condemned, and incurring risks of

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costly and, perhaps, fatal, accidents upon the line.

Hon. Sir ALEX. CAMPBELL—I feel obliged to deny that assertion. There may have been some accidents, and in another place a return of such accidents has been asked for. When that return comes down I believe it will show that they have not occurred from any false economy or from using car-wheels after they should have been condemned as unsafe.

Hon. Mr. HAYTHORNE—The natural inference when a car-wheel breaks is that it should have been taken off.

Hon. Mr. AIKINS—You would take them all off?

Hon. Mr. HAYTHORNE—Then we should have to travel by balloon. The Indian policy is also referred to. Canada has been, not improperly, proud of her Indian policy in the past. I see, with great pleasure, that the Government have taken hold of this question in a serious spirit, with the determination that the Indian policy of the country shall not suffer at their hands. I would just point out the fact that Indian affairs are now at an important crisis in the North-West. The food of the tribes, it appears, has been cut off. The buffalo no longer exists in sufficient quantities to feed them, and they are in a starving condition. To leave them to their own resources, and thus compel them, perhaps, to deeds of violence to keep themselves and their families from starving would be a most fatal error. Up to the present time our Indians have been, on the whole, well conducted and peaceable, but if they are obliged to save their lives by committing acts of violence they will become as difficult and as costly to manage as the Indians of the United States. There is no reasoning with starving men, and particularly with starving Indians, and, therefore, I think it would be best for the Government to provide those people with such supplies as their temporary wants require, and at the same time induce them to resort to agriculture to maintain themselves and to abandon their old nomadic habits. I wish to say, in concluding my remarks,

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that I, for one, am not at all disposed to despair of the future of this Dominion. I have the firmest confidence in its future, provided always that as I am sure it will be, it is governed on principles of equity and justice. As to whether it is well governed or not there are differences of opinion. I believe that the protective policy of the Government is not the wisest or best, but, for all that, if the country were governed on principles even more unsound than those which form the basis of the National Policy, I should still feel confidence in its future. The fertile lands of our country, our vast forests, our shipping, our various industries and the indomitable energy of our people are such that we need not despair of success. One or two things we have to avoid; one is the principle of Communism, and the other is that idea that greater liberty and better institutions prevail over the border than here; that everything in Canada is in a state of permanent stagnation, for which the only remedy is annexation to the United States. I do not believe in any such doctrine. I believe that we enjoy one of the best and freest Governments that exist under the sun; and I believe that in ten years' time, if we only proceed with our undertakings in the North-West and fill up that great region with prosperous settlers, and supply the nations of Europe with wheat and cattle, our prosperity is certain.

Hon. Mr. MACFARLANE—I had not the smallest intention of mingling in this debate, and I should not do so now were it not for the extraordinary statements made by some hon. gentlemen from the Lower Provinces, referring to the Intercolonial Railway management. I have had as good an opportunity of knowing how that railway is managed as any member of this Legislature, and I do not believe that it is mismanaged. Now, it is true that within the last few weeks some small accidents and delays have occurred on that road, but it is also true that these accidents and the destruction of property are nothing to be compared in extent or number to those which took place under the able management of Mr. Brydges. The Intercolonial was no doubt put in a very efficient state by that gentleman, by a very lavish expenditure

of money, and it was the general opinion of the country that the expense could not be continued; that if we had to work the road at a loss of two or three hundred thousand dollars a year, it would be very difficult to maintain it at all as a public work. Now, while I believe that the expenses on that work have been largely reduced, I do not pretend to say that in some instances, perhaps, the Minister of Railways, in his desire for economy, may not have cut down expenses, and probably dismissed some *employés* where perhaps they might have been useful, but that its efficiency has not been at all destroyed is plain from the work it is doing. I do not want to trouble the House with statistics, but it is well known that the work on that road has very largely increased, that the amount of traffic and travel over it during the last few months far exceeds that of any other period. Within the last three or four months, when, according to some gentlemen, the road was impassable, the increase of freight and passenger traffic has been such as to astonish everybody. I think it is most unwise and unjust to endeavor to destroy public confidence in such a work; we ought all to feel that it is necessary to encourage travel by that line. I am sure that the Minister of Railways, who expressed in another place his delight when a member moved for a return of the accidents upon the line, will be able to shew not only that the earnings have increased but also that the efficiency of the road has not been in any degree impaired. Accidents occur upon all lines occasionally. I noticed in a late paper to-day an account of an accident, attended by large loss of life, on one of the best managed railways on the continent. On the Intercolonial there has been no such casualty, attended with any large loss of life. Some persons have been injured, but probably through their own carelessness. There is, probably, no line of equal length on the continent, which has been so long running, on which fewer accidents have occurred, and none where the loss of life and property has been so small. I am satisfied that the management of the road under the Minister of Railways will compare favorably with its management by Mr. Brydges, when the expenditure was from two to three hundred

thousand dollars greater than it was last year. I had not intended to address the House, and I have only done so now in justice to a work in which we ought all to feel a deep interest.

Hon. Mr. LEWIN—I wish to say a few words on the paragraph expressing thankfulness for the returning prosperity of the country. Coming from New Brunswick, as I do, and having a general knowledge of the mercantile affairs of that Province, and more especially of the city of St. John, I regret to say that I fail to see any evidence of returning prosperity. The number and amount of failures which took place in New Brunswick last year exceeded the insolvencies of any previous year. Some of the oldest houses which had been in business between sixty and seventy years, failed, in addition to a number of smaller houses. If you look at the manufacturing industries you will find that a very large number of workmen and operatives have been discharged from the foundries and factories, and these persons have had to leave the Province to seek employment abroad. The large Coldbrook rolling mills and nail factory have been shut up and many mechanics who formerly lived in that neighborhood and worked in those establishments have gone to the United States for employment. These are not evidences of returning prosperity. Take the emigration returns; it is very difficult to find the number of persons who left the place, but the International line of steamers alone carried away between five and six thousand of our people. How many left by the railways and by schooners and small vessels, it is impossible to say. On the whole, I think we lost fully ten thousand persons by emigration to the United States during last year. Since 1844, I do not know any period that has been so disastrous as the past twelve months. The distress has not been confined to the manufacturing and mercantile classes, but affects all alike. Men who had retired from business to live upon their incomes from property and stocks have suffered severely by the depreciation in the value of their investments. I have not heard, during the past year, any man speak of prosperity or anything of the kind. I do not mean to say that the

National Policy has caused all this, but I certainly say that it has aggravated the distress and is creating a feeling of irritation in the minds of a large portion of the population that suffers from its effects. Next to the lumber trade the shipping interest is probably the largest in our Province. Under the new tariff large additional duties have been imposed upon imported articles used in shipbuilding. One of our largest and most intelligent shipbuilders estimates the increase at a little in excess of \$1.30 per ton; that is to say a tax of \$1,300 is imposed upon the materials which enter into the construction of a ship of 1,000 tons burden. There is a drawback it is true, but for a long time it was found difficult to ascertain what it was. At last it was fixed at 50 cents per ton, or \$500 on a ship for which \$1,300 additional duties had been paid. Those to whom the drawback was offered declined to take it and the matter has not been settled yet, so far as I can learn. I regret that there is no symptom of the returning prosperity mentioned in the Address. The hon. gentleman who moved the reply to the Speech gave the Government credit for having done something; they have done something, but it is a question whether it has not been of a mischievous character. Undoubtedly it has been injurious to the people of New Brunswick; it has increased their burdens without giving them anything in return. A short time before coming to Ottawa I was talking to a manufacturer of rails, who told me that he was suffering from the duty on iron and coal. As to giving him any protection, he said that he had had a monopoly of the business in the country before. No foreign industry could compete with his under the old tariff. The same thing applies to the foundries, and, so far as New Brunswick is concerned, the depression in the Province has been increased by the tariff. There are other matters in the Address to which I should like to refer, but they have already been dealt with by the hon. Senator from Prince Edward Island (Mr. Haythorne) in his admirable speech. New Brunswick is in a deplorable state of depression, and without the slightest prospect of relief. Our lumber trade alone has shewn any improvement,

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but that is due to a slight advance in the price of deals, and only those who held them were able to take advantage of it. The Province is suffering, and the feeling is one of great dissatisfaction with the working of the National Policy.

Hon. Mr. ARMAND (in French)—Before entering into the subject under discussion, I desire to express my gratitude to Divine Providence for preserving His Excellency the Governor-General and Her Royal Highness the Princess Louise from death in the accident of Saturday last. A Conservative in principle, it is easy for me to assure this hon. House that I am happy to be able to concur, without qualification, in all that is contained in the Address in reply to the Speech from the Throne. The Government certainly deserve to be congratulated on the choice that they have made of the hon. Senator for Sauguen (Mr. Macpherson) to preside over our deliberations in this Chamber. That hon. gentleman understands and speaks very well the two official languages of the country, and I am happy to express to the Government my recognition of the wisdom they have displayed in making such a selection. Unhappily, the sickness with which he has been smitten may, for a long time, deprive the House of his services, and I regret that the hopes which had been raised among those of us who speak the French language by his appointment, should have been so soon dissipated. I also congratulate the Government on the efforts that they have made to convince England of the advantage which it would be to Canada if she should participate in the benefits of her commercial treaties with other nations of the world. We would then have no longer any cause to envy our neighbors on the other side of the forty-fifth parallel. Having congratulated the Government as far as I possibly could on all matters in which they are entitled to credit, I regret that my duty towards my Province forces me to reproach them with having violated the usage, custom and, I may add, the constitutional practice of giving to each House a Minister speaking the French language. To tell the whole truth, I must admit that the Government is possibly not as culpable in this matter as a certain number of young men of our

Province who are blinded by ambition to the point of forgetting what they owe to their nationality in their desire to secure their own advancement. Why do the representatives of Quebec in the Cabinet not imitate the conduct of their illustrious predecessors, the Lafontaines, the Papineaus, the Tachés, and the Cartiers? When the new constitution of the united Provinces of Upper and Lower Canada was adopted, Mr. Lafontaine made an unconditional amnesty to all his compatriots in exile a *sine qua non* condition of his accepting a position in the Government. Mr. D. B. Papineau only consented to enter the Administration on condition that the Governor should restore the use of the French language, which he had proscribed. But why need I go so far into the past to cite examples and to find models for our young Ministers of the day to imitate? What did the Tachés and the Cartiers reply to us, when we, their devoted supporters, spoke to them of our fears and apprehensions at the thought of projected constitutional changes? "Calm your fears," said they, "have confidence in the loyalty and liberality of our fellow-citizens of English, Scotch and Irish origin. Do you think that we would remain one moment in a Government which would endanger our rights and privileges?" Last year in this House we received assurances from a number of our colleagues in this Chamber whose liberality inspired Sir Etienne P. Taché and Sir George E. Cartier with such confidence. A number of our hon. colleagues have already pronounced their views upon this subject and have not hesitated to declare that our claims with respect to the French language are rational. It is true that some, as for instance the hon. Senator from Prince Edward Island (Mr. Haythorne), who preceded me, wish to establish a new system, and take Ministers indiscriminately from any part of the Dominion; but not only the precedents of Parliament, but also the interest of the smaller Provinces will be opposed to it always. Hoping for better days for the French language in the Senate, I feel that I should end my speech with a protest against the order of things inaugurated by the present Government.

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Hon. Mr. WARK — Although this debate has been extended to so great a length, yet so little time has been taken up by members from the Province of New Brunswick, I hope I shall not be trespassing on the time of the House if I say a few words on the subject under discussion. I do not intend to enter upon a criticism of the several clauses of this Address, as they have been very fully ventilated. Questions have arisen in the controversy which I do not care to enter upon at present, but I would not be doing my duty to the Province of New Brunswick if I did not rise in my place and corroborate every word that has been stated by the hon. member for St. John, when he says there is no appearance in New Brunswick of a return of prosperity. He has stated to you the misfortune, almost, that has overtaken the Province; he has told you that an immense number of the population has been leaving our shores. I have been informed myself that, out of twenty-one saw mills, that had usually been engaged in manufacturing lumber in and around the St. John Harbor, only five were in operation last year. Is it any wonder that the people have become disheartened and seek employment in another country? I have heard of one of these mill owners who usually employed 70 men, but last summer, having no employment for them, they every one left the country with their families. There is a saw mill in my own neighborhood and it only worked a few weeks last season. I am told that the agents of the International Steamship Company reported in the first of October to the American Consul that 4,500 persons had left St. John; three months of the year has since then expired, and, I dare say my hon. friend is quite correct when he says that 6,000 people left St. John alone during the past twelve months. We see young people leaving New Brunswick from all parts; parties of them are formed for the purpose of leaving in a body, and, consequently, we can shew no appearance of a return of prosperity, with the exception of a little stir that took place in the lumber market in England, which held out some hopes that employment would be obtained in the woods in getting out logs with the

expectation that the trade would be better during the coming season. Although a large number of people have left the country, there are still a great many unemployed remaining at home, and it is amongst those who are unable to find means to leave the Province that we must expect to see a great amount of privation and misery. That would not deter me, however, from supporting the Government in their proposition to do something towards the alleviation of the distress in Ireland, although we have a great deal of suffering amongst ourselves. The speech refers to the immigration into the North-West, not only from abroad but from the other Provinces. It has been observed in the course of this debate by the hon. gentleman from Prince Edward Island (Mr. Haythorne), that it is not a matter that the different provinces can congratulate themselves upon that their population is leaving, even to go to the North-West of our own Dominion, but I believe that of those who have left New Brunswick, not one in twenty has taken that direction. They have gone to seek employment, to seek homes, to seek food for their families in the neighboring Republic, and I look upon them as lost to the Dominion. The leader of the Government has accused the late Administration of folding their hands, looking on and doing nothing to remove the commercial depression. I believe if the present Government had pursued a similar course, the state of things in New Brunswick to-day would be far better than they are now under the increased taxation and lack of employment. With regard to the controversy as to the Pacific Railway, my recollection and understanding of the whole matter is this: that the late Government determined to make use of what they called the water stretches; that they had been acting too much on the reports of the engineers and surveyors that there was no difficulty at any time to build a line from Sturgeon Falls to Rat Portage, and, in the meantime, after they had connected Thunder Bay with Sturgeon Falls, there would then be no obstruction from the ocean to the Lake of the Woods but at Fort Frances Falls. On overcoming that difficulty by a lock, and Keewatin being connected with Red River by rail, they would have uninterrupted communi-

ation by water and rail the whole distance from the ocean to Red River. That was the intention of the scheme, but before much progress was made on the line from Thunder Bay to Sturgeon Falls, it was found that the proposed route from Sturgeon Falls to Keewatin was impracticable. I believe the Government made a mistake in undertaking to construct the Fort Frances Lock until they were assured that the route from Sturgeon Falls to Rat Portage was practicable, and perhaps they made a mistake in proceeding with the work on the lock after they found that the connecting link could not be built. However, it was reported that there was a large quantity of lumber in the district around Rainy Lake, which might render the lock of much service. I do not blame the present Government for dropping the work there, as it properly belongs to the Province of Ontario, and no doubt the Government of this Province will finish the improvement and pay something to the Dominion for what has been spent on it already. When it was found that for the reason mentioned the water stretches were impracticable, the Government thought they would construct the connecting link of the railway. I have no doubt of that. They advertised for tenders, and it would have been folly for them to have set men to work on that section until the portion between Thunder Bay and English River was in such a condition as to facilitate the transporting of supplies for the work. With respect to the Intercolonial Railway, it has been reported that a large number of accidents have recently taken place. Some say they are merely accidents, but there are some accidents on railways that might be avoided. It is not sufficient that the wheels may be made of the best material, or that they are tested when they are put on the road, but they require frequent examinations. When the railway track becomes uneven, and I believe the road bed on the Intercolonial is settling in places and heaving in others, on account of the severe frost and heavy traffic, there is all the more necessity for careful and frequent inspection of the wheels. I remember travelling once between Glasgow and Liverpool, two hundred miles. On that line they travelled at double the rate that we do in this

country, and yet they took time at the half-way station to test every wheel of the whole train by tapping them with a hammer, in order to detect if there was the least flaw in them.

Hon. Sir ALEX. CAMPBELL—That is done on the Intercolonial Railway.

Hon. Mr. FERRIER—You do not mean to say that this is not done on our railways. I have always found it done when I travelled over them.

Hon. Mr. WARK—I did not say they did not do it, but I say that when, from the above or any other cause, the state of the road seems to demand it, more frequent examinations may be necessary in order to detect cracked wheels, and fewer accidents would occur. We are much indebted to the hon. Senator from Belleville for the information he has given to the House, but I would like to know what view he supposes England will take of the extension of trade from this country. England, he says, wants a very large quantity of nearly everything that we can spare; they want our wheat, our oats, our barley, our cattle, our sheep and swine, whether dead or alive. They want our butter, cheese and lumber. Now, supposing that the hon. Senator went home as a delegate, and tried to extend the trade of Canada in England, and talked over this question with Englishmen, they would tell him that their manufacturing population had outgrown the means of their agricultural population to feed them, and that they must import a large quantity of food from abroad. The hon. gentleman would tell them of the immense quantities we can supply. They would say, "We will buy from you, but you must take something from us in return. Do you not want some of our cottons?" "No," my hon. friend would reply, "we have adopted the policy of 'Canada for Canadians.'" The English manufacturer would ask, "Do you want any woollens, or the products of our mines?" The reply would be, "No; we want to manufacture our own woollens and iron, but we must take some of your hardware from you, because we are not prepared to go into the manufacture of

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cutlery extensively as yet, but as soon as we can do so we will do that also." Under such circumstances, how do you expect an Englishman to say that he will take your products if you will take nothing from him in return? And where are you to begin that trade?

Hon. Mr. READ—Their necessities are our opportunity.

Hon. Mr. WARK—Supposing every country should call upon them for their gold in exchange for their products, instead of manufactures, where would they get it? I think that it is a selfish view for us to take of it. The delegates from the tenant farmers have come out to this country. The Government have paid the expenses of these delegates, and they are expected to encourage their countrymen to come out here and settle in our North-West Territories and raise food to send home to the Mother Country. The people at home will say "You want to take out our farmers and raise food for us, but you will not allow us to send them back a single article that we manufacture in return." How long is that system of trade likely to last? Then again the Englishman may very well ask you what are you going to do with your ships? Our ships go home with cargoes of lumber and produce. What are we going to do for return cargoes? Will they load themselves up with gravel and stone as ballast and return without freight? If lumber cargoes have to pay the whole expenses of the round voyage, how are our lumber merchants to compete in the English market with foreign countries that take return cargoes of English manufactures? I have briefly gone into this question in order to shew what the result of this National Policy will be if it is adhered to. It bears more heavily on New Brunswick and Prince Edward Island than upon any other portion of the Dominion. Whether New Brunswick can bear up under the load that is placed upon it, I have very grave doubts. There is one matter that I ought not to sit down without referring to. The Minister of Finance has been taunted a good deal about what his estimates of the additional revenue would be under the new tariff. If

the Government had simply contented themselves with letting us have a revenue tariff and have added about, say, 2½ per cent. on the 17½ per cent. tariff, I believe they would have had the additional amount of revenue he estimated. Why have his calculations not been carried out? Simply because high duties have induced smuggling to such an extent that it is demoralizing the people. A gentleman who was here last session from Nova Scotia, from whose section of the Province a considerable trade with the United States was carried on, bringing back return cargoes in his vessels, was asked how they would do under the new tariff when they could not bring in United States produce as formerly. His reply was that they would do very well as they would smuggle. I know that a good deal of goods are brought into the country in that way now, and are sold cheaper by the retail merchants in New Brunswick, in the vicinity of the lines, than the wholesale importers can afford to sell them. There is one extraordinary regulation with respect to American oil. We, in Canada, are burning Canadian oil requiring a test only of 105; but Government have decided that American oil must stand a fire test of 130. I have heard of several instances where a quantity of oil was brought into St. John, and, because it did not stand the test of 130, it had to be sent out of the country. I have heard of small inland places where very little consumption may be expected and where a quantity came in that stood 122½, but they were forced to send it back, though there was no doubt it would be smuggled into our Province again. The collector of that port stated that formerly, when the high duty was imposed on oil, he collected nothing, but when it had been put down to 6 cents a gallon, he collected \$500 a year from it, although it was only a small port or station. Now, all that comes into the Province must be smuggled. Canadian oil sent down there is of so poor a quality that it is not fit for use. Manufacturers have things so much their own way that it is said they only sell inferior oil in the country and export their best oils to foreign markets. I have heard also of smuggling being carried on in Lower Canada. I believe it is practised along the whole line.

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Hon. Mr. FERRIER—What about cotton goods?

Hon. Mr. WARK—I am told that cotton goods are selling in the interior of New Brunswick cheaper than wholesale merchants can sell them in St. John, and I have been informed by a hardware-merchant who formerly sold \$1,000 worth annually of carriage springs, that he could not now sell a spring, the whole consumed by his former customers being smuggled at present. Smuggling is carried to such an extent that Americans do not even require Canadians to run any risk, but place the goods, I am told, in the merchants' stores for them.

Hon. Mr. FLINT—I was not in the House at the time that the leader of the Opposition made his statement in reference to the number of persons who, he said, had been benefited by the National Policy, but I find from the official report that he states the number to be 10,000 to 12,000 persons, and further down he states "not to exceed 15,000 persons." I would like to ask my hon. friend if he means this 12,000 or 15,000 to be persons employed and receiving wages from the effects of this new fiscal policy or whether he means that number altogether?

Hon. Mr. SCOTT—I mean the number of heads of families benefiting by the fiscal policy of the country does not exceed 15,000.

Hon. Mr. FLINT—Taking it for granted that it is only 12,000 that have been benefited, then I should like to ask how many? If you take four as the average of a family having been benefited, including the head of the family too, or the 12,000, certainly it cannot be less than 48,000 persons, because every member of a family must have been benefited by the earnings of the head of it.

Hon. Mr. SCOTT—At the expense of the other three and a half millions.

Hon. Mr. FLINT—These 15,000 persons could not have received less than one dollar a day as wages, and that for a year would be \$450,000 paid out to them, which would not have been paid had this policy not been adopted.

Hon. Mr. HAYTHORNE — They would have been employed at something else.

Hon. Mr. FLINT—We are told that people are going from the Lower Provinces to the United States, and would it not be more likely that all those persons would have moved to the United States also, to seek employment there if they did not obtain it in Canada? If they went from the Lower Provinces because they could not get employment, these also would certainly have gone. The \$450,000 paid for wages would have gone to benefit the manufacturers of other countries and not ourselves. This very labor was the cause of an immense amount of manufactures being produced in this country. The manufactures which are consumed in Canada and the amount that would otherwise have been paid for them abroad were retained in the Dominion. As a consequence we are so much better off by that policy, as the money has gone into the pockets of our farmers and merchants, consequently we may say that double the number I have stated have been benefited. Now, if during the past year the National Policy has benefited so many during the short time that it has been in operation, it stands to reason that, in the five years that the present Government are likely to hold the reins of power, we shall see a vast change in the country. We cannot expect to see that change take place immediately; we might as well expect to set a hen on ten eggs in the morning and expect, by night, to see ten chickens peeping out of their shells, as to expect that the country is going to be prosperous in one year under the National Policy. A child must creep before it can walk, and walk before it can run, and it is the same way with the policy introduced by the Government. This being the case, as a matter of course, we must allow the National Policy to work before we can look for our former prosperity. While our fiscal policy was being inaugurated, this country was being over-run by the manufacturers of the United States, and it took some time to get rid of our surplus stocks. I take one instance—the hammer manufacturing industry. I believe there is one manufacturer of hammers in this country, and he could not succeed last

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spring in selling a bill of hammers from one end of the Dominion to the other. As the result of this tariff he established himself in Canada, greatly increased his staff, and now turns out some \$25,000 worth of work in the course of a year. Although this man is an American, he has settled on Canadian soil, adopted our policy, and charges us not one cent more for his hammers than we paid before.

Hon. Mr. McLELAN (Londonderry) — He has hit the nail on the head.

Hon. Mr. FLINT—I mention these facts to shew that the National Policy has, to a certain extent, worked well, and if it continues to work as well in the future as it has during the past few months, before four years are past those who now abuse the policy will have to give in and acknowledge that it is a sound one for the country. I have also been accused of being a protectionist, although in principle I am a free-trader. I do not believe in one-sided free-trade, however; I do not believe in allowing the Americans to have the run of our markets while they exclude us from theirs.

Hon. Mr. WARK—England admits all our products free of duty, and yet we tax theirs.

Hon. Mr. FLINT—We have no reason to find fault with them for that. You have no reason to find fault with me if I take a dose of pills that does not affect you. I think it is only fair, as long as we are willing that we should manage our own affairs, that they should allow us to do so. I happened to meet two men in the streets of Belleville a short time ago. One of them had a pair of new boots that he had just got made by hand. The other said, "What did you pay for those boots?" He replied, "\$4.50." "That's a very high price," said the other. "Ah, but you must recollect that hides and leather are dearer," said his friend. "That's all the result of the National Policy," said the other as he walked away. But the man with the new boots was perfectly satisfied with the National Policy, he was willing to pay a little more for his feet

wear. I wrote a short article on the incident and a certain paper took me up on the question, and went on to state with reference to the hide question, that if the farmer who had bought the boots had no duty on the hides he was badly treated, that there were over 1,200,000 hides brought into the country last year, that these hides were manufactured here, paid no duty and that this was contrary to the interests of the farmers, who had no protection for the hides which they sold from the animals they slaughtered, but the Government, in their wisdom, allowed the hides to come in free of duty, as being raw material used by the manufacturer, on the same terms as the United States allowed them to be imported into that country. Supposing the Government, in their wisdom, had put a duty of 10 per cent. on hides, and that hides were worth \$8 per hundred; that would have been on a hide of 50 pounds, worth four dollars, a protection of forty cents, but ten per cent. would have to be added to the price of the boots, and on the boots and shoes he would have to purchase for his family it would amount to about three dollars extra, whereas he would only have received 40 cents for the hide. In the attempt to do away with the principle of the protection of our industries, every artifice is used to belittle the National Policy and the building up of our national industries, under which our country has prospered. I cannot say that every locality has prospered. In the section where I live it has to a certain extent. I have heard it is so elsewhere. I met a gentleman the other day, after the Finance Minister had been up our way, who is and always has been a strong Reformer, and he said to me "I am a Reformer, but I am bound to support the National Policy because it has supported me; it has not given me a better price for my labor, but it has given me an amount of work that I would not otherwise have had, because I would have been flooded out with furniture from the United States." This man, although a Reformer, believes that he has some interest in the country, that his interest has been protected by the policy of the Government, and that he can build up a better business under a protective system than he

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could under the policy of the late Administration. My hon. friend from Prince Edward Island has stated that the car wheels of the Intercolonial should be taken off before they are cracked.

Hon. Mr. HAYTHORNE—No; but before they are too much worn.

Hon. Mr. FLINT—It is impossible to tell whether a car wheel is too much worn or not until it gives out. We have got to run those risks, and from all we can learn there have been no more accidents on the Intercolonial Railway than on the Grand Trunk or other railways throughout the Provinces or in the United States. I think the outcry against the Intercolonial is simply because the Government have given us to understand that they are economizing and are going to save a large amount of money in the management of the road. If that economy was likely to destroy the railway, or the business of that railway, or endanger the lives of the people, then they would certainly be subject to blame; but until something of that kind can be shewn, and until it is proved that such is the case, I do not think the Government should be blamed for doing what they can to save the people's money.

Hon. Mr. McLELAN—It would be very unwise for me, coming in at this stage of the debate, to offer any extended remarks, but I cannot help expressing my surprise that the reduction made in the expenses of the Intercolonial Railway should have been challenged and found fault with, or that it should have been charged that the road is not in as efficient a condition as it was twelve months ago. I profess to know something about the Intercolonial. I have just travelled over it, and I am free to say that I consider it is in just as good a condition to-day as it was twelve months ago; and I was informed, by the officials, on my way here, that there has been quite as much expended on repairs to rolling stock in the last twelve months as there was the previous year. It is impossible to operate a road of that length without accidents occurring more or less frequently, but, that hon. gentlemen should come here and magnify the few accidents that have taken place, and declare that the

road is being neglected, is, in my opinion, unjust and unwise; unjust as tending to create abroad a false and injurious impression as to the condition of that public work, and it certainly is unwise as an opposition or party attack, because the more inquiry that is directed to this matter, the more strongly will it place in striking contrast the results under the late and the present management. I take the figures which have been given since this session opened, and I find in the comparison of six months under the management of the late Government, with six months under the present, that whilst the deficiency under the former was \$217,000, that now, under this management, which has been so strongly condemned, it is only \$32,000, or a difference in the six months of, in round numbers, \$185,000, or for a year \$370,000. The more public attention is drawn to this matter the more clearly and indelibly will these figures be impressed upon the public mind, and the more emphatic the approval of the present management, provided the road be not injured. I am happy to believe and to say that the proviso is fully met, and that all investigation, official or experienced, will fully prove that the road is in the very best condition. Unfortunately for very many *employés*, the large reduction made in expenses led to their dismissal, and too many of them, unable to see the great public necessity there is for the strictest economy in all branches of the public service, resent their discharge by magnifying the usual mishaps attending the running of every road, and furnish gentlemen with distorted cases, who are only too willing to proclaim them in the hope that they may damage the Administration. But the oftener the charge is made the oftener will the result favor the present Administration. My hon. friend from Kent says there is not sufficient care in testing the wheels.

Hon. Mr. WARK.—I beg the hon. gentleman's pardon. I did not say anything of the kind, I said that I saw the wheels tested every 100 miles when travelling on railways in England, but I did not say it was not done here.

Hon. Mr. McLELAN.—I may not have correctly heard the hon. gentleman,
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but I certainly understood him to contrast the practice in England with that which has been reported as pursued on the Intercolonial. I have no doubt, however, that those who have been reporting that the wheels of cars are not tested on the Intercolonial, on the trip, may not have observed the testing and yet it have been regularly attended to, just as I did not observe any test of the wheels this morning on the Grand Trunk end of the road. The hon. gentleman says that the wheels are always tested in England, although the rate of travel is double what it is in this country; then so much more necessity for inspection—the higher the speed, the more frequently should the wheels be examined.

Hon. Mr. FERRIER.—What does the hon. gentleman mean by "the Grand Trunk end of the road"?

Hon. Mr. McLELAN.—It occurred to me, as we started to cross the Victoria Bridge, that I had not heard the usual test of the wheels, and I mentioned it to some of my fellow-passengers on the train, but it may have been done without attracting my attention.

Hon. Mr. FERRIER.—This morning?

Hon. Mr. McLELAN.—Yes, this morning, on my way up.

Hon. Mr. FERRIER.—I think I will be able to prove to the contrary.

Hon. Mr. McLELAN.—It may have been done, but it did not catch my ear.

Hon. Mr. FERRIER.—The hon. gentlemen must be mistaken, as it is the most important part of the road, and the wheels are invariably tested there.

Hon. Mr. McLELAN.—I regret to hear the condition of affairs in St John, as stated by the hon. Senator from that city. I am sure the whole House will join in that regret, but I may say that it is a condition of affairs that was not wholly unexpected. A comparatively small city like St. John to be scourged by a terrible fire such as occurred there, must inevitably be suffering from the effects of it. The money brought in from

the insurance effected upon the buildings destroyed, for a time staved off the depression, but I am informed that there was a loss of about \$12,000,000 outside of the insurance, and that enormous loss, compared with the size of the city, is now telling on the mercantile community. However, I am indisposed to believe that the state of affairs he describes as existing in St. John prevails generally throughout New Brunswick. My hon. friend from Kent (Mr. Wark) tells of sixty or seventy saw mills that have been closed up and deserted, while other men, who are in the lumber business, and know whereof they speak, say that that business has largely improved. I had the pleasure of travelling to this city with one of the lumber kings of New Brunswick, who is also dealing in other wares, and he says that he held considerable of his stock over, and cleared \$40,000 by the improvement in prices. When one man has benefited to that extent by the improvement in trade, I think that there must be, throughout the whole Province, a general benefit, except, perhaps, in the unfortunate city of St. John. The hon. Senator from Kent tells us that, in consequence of the increased duties, prices of goods have increased, and smuggling prevails to a large extent. At the same time he tells us that goods are sold at cheaper rates than they can be imported legitimately into Canada for.

Hon. Mr. WARK—I said that was the case along the lines.

Hon. Mr. McLELAN—The hon. gentleman's statements are conflicting. My hon. friend from St. John refers to the tax on shipping, and charges the National Policy with having imposed a tax of at least two dollars per ton on ships. I have had some experience in that business. I have launched ships every year for the last five or six years—under the old tariffs and under the new—and I know whereof I speak when I now state that the taxation on shipping is less under this tariff, with the drawback, than it was under the old one. I know that we paid less duties on the ships we launched last October, when we got the drawback, than we paid on any vessel launched under the previous tariff. My hon.

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friend says England takes our beef and pork, wheat, cheese and butter, without imposing any tax upon them, and he seems to be very much troubled because we will not take their manufactures on the same terms that they take our produce.

Hon. Mr. WARK—I did not say that. We could not do so, as we must raise a revenue.

Hon. Mr. McLELAN—I certainly understood the hon. gentleman to complain that we could not say to England "we will take your manufactures on the same terms as you take our produce." It is true we do not and cannot say that, but we can say this: "You require the beef, pork, butter, cheese and grain of Canada and of the United States, and you take both on the same terms, whilst we, in return, take your manufactures at a very much less rate of duty than the Americans do, and whilst you make no discrimination in our favor, you cannot expect us to do more in your favor." There has been a considerable outcry in Britain against our tariff as tending to lessen importations and thereby diminish the employment we give to the mechanics of other countries. The outcry is made under the name of free trade, and yet it is on the part of Britain, the very essence of protection. It is the living, active spirit of that policy which built up her industries and multiplied her mechanics, and which now seeks to protect those mechanics by giving them employment. And, that her mechanics may have employment, she is desirous that we take her manufactures free of duty and let our own people go idle. I read, a few days ago, the report of Mr. Potter's speech at Rochdale, on his return from his free trade mission to the United States, and, whilst the whole intention of the speech and meeting was to favor free trade, there was one sentence uttered by Mr. Potter and repeated by Mr. Bright, that should be taken home to ourselves in its true protective spirit. Mr. Potter says: "It will be a sair day for Britain when our mechanics and workmen have to leave this country for want of employment." Let us remember this sentence, which Mr. Bright emphasised, and apply it to our

own country and people. "A sair day it will indeed be for Canada when our mechanics and workpeople have to leave us for want of employment;" and the Government have well discharged their duty in adopting a policy which must tend to furnish employment for our people, increase the numbers of our mechanics and workmen, and thereby promote the general prosperity.

Hon. Dr. PAQUET (in French)—I appreciate the well justified impatience of this hon. House, and its desire to finish the debate on the Address in reply to the Speech from the Throne, but, notwithstanding this desire, which I share, I cannot refrain from making a few remarks, which, I promise, shall be as brief as possible. In last year's Speech from the Throne, allusion was made to a question of deep importance, in the following words:—

"Parliament has recognized the importance of providing for the safe deposit of the surplus earnings of the people, by arranging for their being placed with the Government at a fair rate of interest. It may be well for you to consider how far it is practicable to give alike security and encouragement to persons who may desire, by an insurance upon their lives, to make provision for those dependent upon them. Your best attention will, I doubt not, be given to the important subjects I have alluded to, and to the general interest of the country."

We awaited during the whole of last Session the introduction of such a measure, but had not the pleasure of seeing the promise fulfilled, and this year no reference is made to it at all in the Speech from the Throne. Can its omission this Session be the result of chance to prove to us that the present Government can give without promising as they have shewn that they can promise without giving? The hon. Minister of Militia and Defence should give us an answer. Is this question one which is trivial, or is it important? The answer can be found in the official report of the Superintendent of Insurance for 1878. From 1869 to 1878, that is to say, in a period of ten years, we find that the Canadian companies received in premiums \$5,301,662; the English companies, \$5,816,255; and the American companies, \$12,083,192, making a total of \$23,201,109; in other words, an amount equal to the entire revenue of the

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Dominion. It is, therefore, equal to one-tenth of the revenue annually. The most striking fact demonstrated by these figures is that our companies receive nearly twenty per cent. of the amount, and that foreign companies receive eighty per cent. Nothing astonishes me so much as to see the Government shirking such a question, when they claim that the object of their National Policy is to secure "Canada for the Canadians." They count more upon protection than upon Providence, as we have been given to understand by the hon. Senator from Victoria (Mr. Macdonald). At all events, the hon. Minister of Militia will understand that this subject merits his careful attention; and that, in these times of unsettled finances, the country would be pleased to have its doubts and fears upon this question dissipated. There is another matter on which I wish to speak before the Address is adopted: that is, the representation of the French-speaking people in the Cabinet. I concur, with all my heart, in the judicious remarks made yesterday by the hon. Senator from DeLanauidière (Mr. Bellerose), relative to the injustice to which the Province of Quebec is subjected in the Ministerial representation in the Senate. That hon. gentleman, in thus criticizing this act of his friends, has paid a well-merited tribute to the late Government, which never was guilty of a like ostracism, but which, on the contrary, in the person of the hon. Senator from Grandville (Mr. Pelletier), rendered perfect justice to the French-Canadian people in this House. I congratulate the hon. gentleman (Mr. Bellerose) on his firmness and independence, and when he is charged with having, perhaps, gone too far, I contend that he has stopped short of the whole truth in saying that Ontario is represented in the Cabinet by six members; the fact is that Ontario has seven, for nobody can deny that Sir Charles Tupper, the Minister of Railways, is a resident of Ontario rather than of Nova Scotia, having lived, since 1867, constantly in this Province, and possessing here considerable property, which strongly connects him with it.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman is quite mistaken in supposing that the Minister of Railways

and Canals is more a resident of Ontario than any other Minister from the Lower Provinces, such as the Finance Minister or the Minister of Justice. He lives here because, as a member of the Cabinet, he is required to do so, but in no other sense is he a resident of Ontario.

Hon. Dr. PAQUET—But is he not an actual resident of this Province?

Hon. Sir ALEX. CAMPBELL—All the members of the Cabinet are.

Hon. Mr. PELLETIER—The hon. gentleman (Mr. Paquet) means that before becoming a member of the Government the hon. Minister of Railways and Canals had become a resident of Ontario.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman did not say that, but, in explanation of it, I may state that I know that the Minister of Railways parted with all his property in Toronto, and ran his election in Nova Scotia, and afterwards, when he became a Minister of the Crown, he purchased property in Ottawa and came to reside here, but he is no more a Minister from Ontario than any other member of the Cabinet who comes from the Lower Provinces.

Hon. Mr. PAQUET—The statement of the Hon. Minister of Militia proves, better than anything I can say, that his argument has no force. Has he not declared, in effect, that the hon. Minister of Railways (Sir Charles Tupper) resided in Ontario and had property in Toronto when he became a Minister, that he sold it when he presented himself as a candidate in Nova Scotia, and that when elected he returned to Ottawa to live, as a Minister of the Crown, and purchased property here? I had good reason, therefore, to say that the hon. gentleman (Sir Charles Tupper) was an Ontarian, and that he had property in this Province for many years. Therefore, I conclude, logically, that Ontario has seven Ministers whilst the other six Provinces have only seven. It must be admitted that Ontario occupies an important position in the Union, but I have yet to learn that the people of Quebec and of the other Provinces find such a state of affairs acceptable, or that

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they will long hesitate before calling their representatives in the Government of the day to account for this act of treason. I was also pleased with the co-operation and the remarks of the hon. senator from Repentigny (Mr. Armand), and the Government ought to be assured that in the vindication of this right, as of all others, we French-Canadians will be united as one man, and that we shall not cease to demand justice whenever we find that it has not been done to us.

Hon. Mr. BUREAU (in French)—I had not intended to take any part in this debate, and I only do so now to express my approval of the stand taken by the hon. Senators who claim representation of the French-speaking element of this branch of Parliament in the Ministry. They are merely expressing the sentiment which prevails to-day throughout the length and breadth of Quebec. As the hon. Senator from La Vallière has shewn, there are now seven of the fourteen Ministers from Ontario. It is clear that the Government must have some motive for pursuing such a course, but whatever that motive may be, I regret the fact all the same. It is destructive to the harmony which has hitherto prevailed throughout the Confederation. I was opposed to the Union, as many others were, but when it was an accomplished fact I accepted it loyally as a means of doing away with the prejudices of race and creed which had been excited by evil-disposed persons. Last session I felt satisfied, from the liberal sentiments expressed by the leader of this House, that he would take the first opportunity of doing justice to the Province of Quebec. I regret that it was not done in the recent change.

The motion was then agreed to.

Hon. Sir ALEX. CAMPBELL moved the appointment of the Standing Committees.

The motion was agreed to.

The House adjourned at 5.45 p.m.

THE SENATE.

Thursday, February 19th, 1880.

Prayers and routine proceedings.

SYDNEY POST OFFICE SAVINGS BANK.

MOTION FOR A RETURN.

Hon. Mr. BOURINOT—To-morrow is the day mentioned in the Minutes of Proceedings that I would make my motion respecting the Post Office Savings Bank at Sydney, C. B., but my hon. friend the leader of the Government wishes me to introduce it at once. As the matter is a simple relation of facts, my observations will, therefore, be brief. It appears that on the 26th December last, a rumor got abroad that the young man in charge of the Sydney Post Office Savings Bank had suddenly disappeared, owing to some defalcations of the moneys entrusted to him. This having become known at Ottawa, an Inspector from the Finance Department arrived to make an investigation; he was so occupied for some days; the result is not yet known. Very contradictory reports were whispered of the amount embezzled, and that some of the pass books had false entries made, documents forged, etc. It is quite natural the public, who is so identified in this Government bank, wishes to get at the truth. I need not, I am sure, observe that public confidence is now much shaken in this Savings Bank, and it will be difficult to restore it unless the apparent defective system is remedied; as it seems strange that these defalcations, which had existed for some years past, had not been detected by the Inspector in his annual visits, there must be something defective in this supervision, and, to some extent, the Inspector is responsible in having allowed this state of things to remain undiscovered. I hope he will have it in his power to justify himself. The Minister who leads this House had suggested that I should visit the office, where the documents would be submitted to my perusal, but I have not availed myself of it, and prefer to have them laid on the table in accordance with my motion, where all can have access to them. It is expected that a thorough investigation of all the circumstances relating to this breach of trust will take

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place, and the matter sifted to the bottom. What has occurred at Sydney may be in existence in some other offices in the Dominion, where the Inspectors may have failed to detect wrong-doing. The public, therefore, demands a searching inquiry, and will not rest satisfied until this is accomplished. I therefore move:

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, all reports, correspondence, telegrams, etc., respecting the Post Office Savings Bank at Sydney, C.B., during the past six years, and more especially the last Report of the investigation held by Mr. Anderson, the Inspector, relative to the defalcation in that office, the amount so deficient, and when such deficiency was first discovered.”

Hon. Sir ALEX. CAMPBELL.—All the information upon this subject that can properly be brought down will be laid before the House. The Savings Bank is connected with the Department of Finance, and not with the Post Office Department. I have not called at the Department to inquire about the matter myself, but if the report of the Inspector is not confidential it will be submitted. I believe that the investigation is now going on as to the management of the Savings Bank, and perhaps when the result of that is made known, it may afford my hon. friend some further information and satisfaction on the point in regard to which he has made this inquiry. Of course, I agree with him that nothing can be more important than to maintain public confidence in the Government Savings Banks.

The motion was agreed to.

TESTING CAR WHEELS.

A. CORRECTION.

Hon. Mr. FERRIER—I am anxious, before the House adjourns, to read a telegram with regard to that rash statement made by the hon. Senator for Londonderry (Mr. McLelan) yesterday. In accordance with the advice of the hon. the leader of the Government in this House, I telegraphed down to the Superintendent of the Grand Trunk Railway, and received the following telegram, from which my hon. friend will be glad to learn that on our railway, as well as on the Intercolonial, there is no

inattention in reference to examining wheels at all important points. It is as follows:—

“Ottawa, Feb. 19, 1880.

“By telegraph from Montreal,

“To Hon. JAMES FERRIER.

“The wheels of all cars on number two express were examined at St. Lambert, on morning of 18th, by our regular car inspector, Geo. Peck. Our agent assures me that this duty has never been neglected. We have regular car inspectors also at Chaudière Junction, Richmond, Montreal and Cornwall, on duty night and day.

“W. J. SPICER.”

Hon. Mr. McLELAN — I think the hon. gentleman did not understand me, otherwise he would not have characterized my statement as “rash.” I simply stated I did not hear the testing of the wheels. We had been speaking previously of a report that the wheels had not been tested on the Intercolonial Railway, and I stated that while travelling on the Grand Trunk my ear did not catch the testing of the wheels. What I meant to convey was that a person travelling on the Intercolonial Railway might, also, not observe the testing of the wheels. I did not want to charge the *employés* of the Grand Trunk Railway with neglect, because I have every confidence in the management of that road, just as I have in the management of the Intercolonial Railway.

Hon. Mr. FERRIER said that the impression had been made upon the minds of other members of the House, as well as on his own, and if reported to the country would make a similar impression on the mind of the public. If the hon. gentleman did not want to make such a charge against the Grand Trunk Railway, why had he referred to that road at all? The hon. gentleman had stated distinctly the care that was taken in examining wheels on the Intercolonial Railway, but that it was not so on this end, and, on being asked what end, replied: “The Grand Trunk.” On being asked at what place, he said: “At the entrance of the bridge,” a most important point, because if any accident should take place there it would be like the Tay Bridge disaster. No wonder it had produced a feeling of anxiety in his (Mr. Ferrier's) mind lest there should be loss

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of life on the road through neglect. If the hon. gentleman believed that the wheels had been tested, it would not have led him to make such a statement.

Hon. Mr. McLELAN repeated that he had merely wished to convey to the House the idea that a person travelling on the Intercolonial Railway might not have heard the testing of the wheels, just as he had not observed it at this end. He had not intended to say that it had not been done.

Hon. Sir ALEX. CAMPBELL said his recollection was that the hon. Senator from Londonderry had simply stated that he had not heard the wheels examined.

Hon. Mr. DICKEY thought that after the distinct disclaimer of the hon. Senator from Londonderry, the hon. gentleman opposite (Mr. Ferrier), who took a deep and natural interest in the Grand Trunk Railway, ought to be perfectly satisfied.

The matter then dropped.

The House adjourned at 3.35 p.m.

THE SENATE.

Friday, February 20th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

TREATIES OF COMMERCE AND NAVIGATION.

MOTION FOR A RETURN.

Hon. Mr. BUREAU 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 list of all Treaties of Commerce and Navigation between Great Britain and foreign powers, containing “most favored nation” clauses; stating the period when terminable, and shewing whether they apply to British Colonies.”

Speaking in French, he said—This is not a new subject. It is one which I brought before this hon. House last session and on other occasions, believing that the publication of an abstract of those treaties would be of great advantage

to all persons in this country engaged in trade, commerce, navigation and agriculture. It would enable them to understand the rights, privileges and immunities which they enjoy under certain of those treaties. Last session, on the 1st of April, I moved an address similar to this, but was informed by the hon. Secretary of State that there were no such documents in the possession of the Government. I believe that, in reply to an address moved in the Imperial Parliament on the 9th of May last, a return was brought down in the House of Commons, giving the very information which I require, and has been printed for circulation. I have now a copy of it before me, and I observe that in the commercial treaties between Great Britain and forty-three different nations, twenty-eight British colonies enjoy the rights and privileges of those treaties, or of parts of them. Between the extremes of free trade and protection there is a middle course, which is sometimes recognized as necessary, and leads to the negotiation of commercial treaties. Thus we find a treaty of commerce between France, which has a high protective tariff, and England, whose policy is free trade. It is very important to our merchants and others engaged in trade in this country to ascertain what those rights, privileges and immunities are, and to know on what conditions they can enter into trade with those countries. Fortunately for the Dominion, we are not weighted down with the burdens which press European countries. We are not obliged to maintain large armies, and we have none of those turbulent populations within our borders which cause so much trouble in the old world. Our Government and our institutions are so free that there is no danger of such dreadful events as take place in Russia so frequently, as, for instance, the late dastardly attempt to destroy the Czar and his family. To the people of the old world we offer homes in our vast and fertile North-West and the advantages which we enjoy as citizens of a free country. The object of my motion is to have this return of the British House of Commons laid officially before this House, in order that it may be referred to the Printing Committee with

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a view to having it re-published for circulation throughout the Dominion.

Hon. Mr. CHRISTIE—I hope the Government will yield to the request of my hon friend. The papers which he asks for are very important to the whole community, and particularly so to every man employed in business. I hold in my hand a return made to an Address by the House of Commons in England, and communicated to the Imperial Parliament by command of Her Majesty. It is dated May 9th, 1879, and contains the information asked for in the motion of my hon. friend. The difficulty, as the hon. knight at the head of the Government in this House will see, is to obtain this information unless brought down to our own Parliament. It would be of great service to the people of the whole Dominion were the Government to consent to the motion made by my hon. friend, and have the information brought within our reach by being placed on the table of the Senate. The printing will not be a very costly affair, and, as it is a matter of great importance, it could be at once sent to the Joint Committee on Printing.

Hon. Sir ALEX. CAMPBELL—Of course, the Government have no objection to bringing down the return asked for, the object being to lay it before the House in order that it may be referred to the Printing Committee. It will be for the Committee to determine whether it should be printed or not. The hon. gentleman (Mr. Bureau) thought, last session, that these papers might have been brought down by us, but, as we told him then, we had no such documents in the archives of the Dominion. There were no special means in the hands of the Government to bring down those treaties, and, therefore, we were not able to assent to his motion, under the apprehension that we might not be able to furnish the information. The subject is, of course, an exceedingly important one, and it may be very desirable that portions of these treaties be published, but I cannot think that it would be necessary to print all that is found in this return submitted to the Imperial Parliament. I have no objection to the address.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. POWER—I wish to ask the indulgence of the House while I make an explanation personal to myself. In the debate on the Address in reply to His Excellency's Speech, my hon. colleague from Halifax used language that was somewhat stronger than was called for. I did not answer in the same manner because I felt certain that he was under a misapprehension of the facts. When my hon. friend had concluded his remarks, I explained to him and to the House that he had altogether misunderstood me, and that I had not desired in any way to reflect on him in my remarks. In the official report of the debates, my hon. friend is reported to have said, "I apologise if I have said anything offensive." I was perfectly satisfied. I had a conversation with my colleague that day, after the House had arisen, or the next forenoon, and explained to him that the statement he had made had no foundation in fact. I understood him to accept my explanation, and, after his doing so, I did not expect that his statement would appear in the official report. I was going to bring the matter before the House yesterday, but for the fact that my hon. colleague was absent at the time. He is reported as having said:—

"That, I thought, came with a very ill taste from the hon. gentleman, whose father was a member for the county of Halifax for ten years, and made no speeches during that time except two, which were written, and said to have been inspired by a gentleman not a hundred miles from me just now."

I understood my hon. colleague to refer to myself as being the "gentleman not a hundred miles" from him. I wish now to say, in the first place, that the statement that my father made only two speeches in ten years is altogether incorrect; and in the second place, that the statement that those speeches, or any of his speeches, were inspired by me or by anyone else, except the late member for Halifax himself, is altogether unfounded in fact.

Hon. Mr. ALMON—The reason why it was published is that I had no power to alter the report of my speech, and could not say things in the printed report of my speech that I had not said in the

Hon. Sir Alex. Campbell.

House. What I intended to say in my remarks was that the hon. gentleman's father, like myself, was not an eloquent man; but I stated that he was a man of business, and that the people of Halifax, apart from his politics, thought the commerce and trade of their city were safe in his hands. I did not say that the speeches of the hon. gentleman's father were inspired by anybody. I stated that they were said to have been inspired, and I say so now. That was the report, and it had not been denied up to that time. I stated that it was said they had been inspired by a certain person, but, that person having denied it, I take his assertion as correct.

The matter then dropped.

The House adjourned at 3.30 p.m.

THE SENATE.

Monday, February 23rd, 1880.

The Speaker took the chair at three o'clock.

NEW SENATOR INTRODUCED.

Hon. HUGH NELSON, the newly-appointed Senator from British Columbia, was introduced and, having taken the oath prescribed by law, took his seat.

The House adjourned at 3.20 p.m.

THE SENATE.

Tuesday, February 24th, 1880.

The Speaker took the chair at three o'clock.

BILL INTRODUCED.

Hon. Sir ALEX. CAMPBELL introduced a Bill further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion.

The Bill was read the first time.

THE LOSS OF THE "TURKISH EMPIRE."

INQUIRY.

Hon. Mr. RYAN called attention to the third paragraph, on the forty-third page of the Annual Report of the Department of Marine and Fisheries, which was

laid on the table of the Senate this session by the hon. the Minister of Militia, and which is as follows :—

"The English ship *Turkish Empire*, 1,502 tons registered tonnage, sailed from St. John, N.B., on the 6th March last, bound for Dublin, with a cargo of deals. The ship had a heavy list, and shortly after the tug left her it was found she was too tender to carry even a small amount of sail. An effort was then made to return to port, but the ship would not answer her helm, and drifted all night before a heavy gale of wind accompanied by snow, and struck the next forenoon upon Big Duck Island, Grand Manan, in the Bay of Fundy. After striking, the ship commenced to break up, and the survivors got to the shore on pieces of the wreck, and were kindly cared for by the only residents of the island, Mr. and Mrs. Smith. By this casualty, seven lives were lost. The vessel was 23 years old and was classed A 1½ in the American Record. She was valued at \$30,000, and the cargo was valued \$10,000,"

And inquired whether or not there is an inspector of outward-bound ships and cargoes at the Port of St. John, New Brunswick ; and, if so, from what authority such officer receives his instructions, and to whom he is responsible for the proper and efficient conduct of his duties? He said : I call the attention of the House to this paragraph to-day in the interests of humanity. We have here an account of a ship which was wrecked just after she left port. For this reason I consider that she must have been badly laden and unseaworthy at starting, and the fact that seven lives were lost in such a way appears to me to call for the serious attention of the House. The *Turkish Empire*, it appears, left the Port of St. John with a heavy list, and was in such a state that she was unable to carry sail after the tug boat left her. She was in sight of St. John, and might have returned if she had been in a seaworthy condition. I may observe that there is no mention in this paragraph of the name of the owner, or of the master of the ship who was in command of her, nor is it stated whether he was one of the seven who were drowned. If his life was saved it appears to me a very singular thing that no inquiry was made into the circumstances of the catastrophe. The condition in which we send our ships to sea from our ports is a matter in which the interests of the Dominion are largely involved. We know that in England endeavors have been made to rectify the

shocking negligence which has hitherto been prevalent in the equipping and sending vessels to sea. Mr. Plimsoll, notably, has distinguished himself by the inquiries which he has made as to the state of ships going to sea, and he has earned for himself a great deal of credit for his exertions in establishing stringent regulations for the proper fitting out of ships, and thereby doing much towards saving life and property. By my inquiry to-day I wish to ascertain whether there is any person at the Port of St. John to examine vessels loading and going to sea, and, if so, what is the nature of his instructions. So far as can be seen from the report of the Minister of Marine and Fisheries, no inquiry was made into the circumstances of this shipwreck. In other instances of wrecks, I find that enquiries were instituted by order of the Minister, and penalties were inflicted by the Department on the commanding officers. I think every gentleman in this House will admit that this was a case which demanded investigation, and if the owner or master survived he ought to have been punished for allowing the vessel to go to sea in so wretched a condition. In the Port of Montreal there is an inspector or port warden to examine outward-bound vessels, and it was my knowledge of how necessary such precautions were considered there that drew my attention to the manner in which this ship was allowed to go to sea. I shall read to the House the rule which regulates the duties of the Port Warden of Montreal. It was made at the suggestion of the Board of Trade of Montreal, and is as follows :—

"RULE 21.—The master of any vessel wholly or partly laden with grain for any port not within the limits of inland navigation, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel and examine whether she is in a fit state to proceed to sea or not ; if she is found unfit, the Port Warden shall state in what particular, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled ; and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the Collector of Customs, in order that no clearance may be granted for the vessel until such required condition has been fulfilled, and a certificate thereof granted by the Port Warden or his deputy."

I may state, however, that this rule refers to vessels laden with grain. The *Turkish Empire* was laden with deals, and, therefore, this rule would not apply to her, even in the Port of Montreal, but still I wish to learn whether there are any port wardens or officers performing similar duties in the Port of St. John, and, if so, from whom they receive their instructions, and what their regulations, if any, are. It appears to me that it will inure greatly to the benefit of our trade, and of our sea ports, if we make it known to Europe, and England more especially, that we do not allow ships to leave our ports unless they are rightly equipped and loaded and in seaworthy condition. I do not know with whom the fault may lie, or who is to blame in the present case, and I do not bring the matter up now in any spirit of fault-finding; but I think that every member of this House will admit that, where such an accident as this could have been so easily prevented, and where, almost in sight of the port, seven lives were lost the morning after the vessel sailed, it is a case which calls for interference and inquiry on the part of the proper authorities.

Hon. Sir ALEX. CAMPBELL—My hon. friend has called attention to a very sad accident by which seven lives were lost. The responsibility for it, however, rests with the owner and captain of the vessel and in no sense with the Government or the authorities at St. John. The law makes no provision for the examination of any vessel going to sea except in two cases—one where there is a deck load, and the other when the cargo is wholly or partially grain. The *Turkish Empire* carried no deck load and was not laden with grain, and her sailing could not, therefore, have been interfered with. The loss of life was so sad that, on seeing the motion on the paper, I went to the Marine and Fisheries Department and obtained the following memorandum:—

"There is no Government Inspector of outward-bound ships and cargoes at the Port of St. John, New Brunswick. The Canadian Act 26th Vict. Chap. 56, provides that no vessel sailing after the 1st of October and before the 16th of March, shall carry any square or round timber on deck, or any description of cargo to any height exceeding three feet above the deck, from any port in Canada to any port in

Europe, and it is the duty of the Customs Officer to ascertain that this law is observed before granting a clearance to the vessel. If the vessel, however, has no deck load at all, no further inspection is necessary, and the vessel may clear and go to sea without any interference on the part of the Customs authorities.

"In the case of the ship *Turkish Empire*, she was a three-decked vessel, and carried all her cargo under the upper deck. Consequently, the Customs authorities did not require to make any inspection of the vessel before clearing, beyond ascertaining that all her cargo was below deck.

"The vessel alluded to was registered in London, England; was 1,502 tons register; was built in 1856, and was therefore twenty-three years old at the time of her loss. She had a wooden bottom and frame top; sides of iron plate, and she was loaded with deals. It appears the vessel was perfectly tight and well stowed, and the pilot reports that when she sailed she was a little by the head, a little tender, and was in fair trim. The gale struck her heavily, accompanied with thick snow, lasting in all about fifteen or twenty hours. She could carry but very little sail, as it blew a perfect gale, and a fearful sea was running. Consequently, the ship only drifted, and the pilot saw, many hours before the accident, that she must strike unless a change of wind and weather took place. The pilot was examined before a Committee of the Board of Trade and Pilotage authority of St. John, N. B., and was acquitted of all blame in the matter, and it appears he behaved well. I understand she was an old steamer, rebuilt and altered into a sailing vessel.

"It does not appear that there was anybody responsible, or to blame for the loss of the vessel, and no Government authorities had any right to interfere with her sailing, or examine into the question of her seaworthiness, as she had no deck load.

"In the case of grain-laden vessels sailing from Montreal, they are not allowed to proceed to sea until the Port Warden has pronounced them loaded according to law and seaworthy.

"WM. SMITH,

"Deputy Minister of Marine, etc.

"N.B.—No complaint was made to the Minister of Marine that the vessel was defective in any way, or unseaworthy, or unfit to proceed to sea, under the 26th Section of the Canadian Act, 36 Vict., Chap. 128.

"Department of Marine, etc.

"Ottawa, 23rd February, 1880."

So that it would seem that nobody was to blame, so far as the Government authorities were concerned. Whether or not the law should be changed, so that all vessels should be subject to examination before going to sea, is a matter for consideration. I am not in a position to pronounce an opinion upon it. But as the law now stands, there was no

authority to interfere with the sailing of this ship.

Hon. Mr. RYAN—I am only sorry that it should be so, and I think it behooves the Government of the Dominion to change the law and appoint persons whose duty it shall be to inspect such vessels. But there is a discrepancy between the report of the Minister which I quoted and the memorandum just now read by the Minister of Militia. The former states that the vessel had a "heavy list," and that she was found to be "too tender to carry even a small amount of sail." The memorandum says that "she was a little by the head, a little tender, and was in fair trim." Now, if she was in such a condition as is stated in the Minister's report, I think it was the duty even of the pilot to have reported it and refused to take her to sea. I should like also to know if the captain of the ship was among the survivors?

Hon. Sir ALEX. CAMPBELL—My hon. friend did not give notice of that question, and I did not get the information.

Hon. Mr. RYAN—It is necessary to know that, because if he survived, inquiry should have been made and he should have been punished.

Hon. Mr. McCLELAN—The captain was drowned.

Hon. Mr. RYAN—I find that in the case of the iron steamship *Virginia* and the iron steamer *Quebec*, inquiries were instituted by Government. In the latter, the captain had his certificate of competency suspended for three months. I think that an inquiry might have been made in this case also. The pilot deserved censure for having taken a ship to sea in so unseaworthy a condition.

SENATOR FABRE'S MISSION.

INQUIRY AND MOTION.

Hon. Mr. BUREAU (in the absence of Hon. Mr. THIBAudeau) inquired:—

"In what capacity Senator Fabre is now engaged in Paris? Under what authority was he appointed a representative of Canada in Paris?"

Hon. Sir Alex. Campbell.

Hon. Sir. ALEX. CAMPBELL—The hon. gentleman whose name has been mentioned was not appointed a representative of Canada. I will put the House in possession of the facts: Mr. Fabre was about to pay a visit to Paris at the time when negotiations were going on between the representatives of the Canadian Government there, Sir. Alexander Galt and Col. Bernard, and the French Government, having for their object the obtaining of such a reduction in the duties on Canadian shipping going into France, to be compensated for by a reduction upon products of France coming into Canada, as would tend to improve the commercial relations between this country and France. We thought, from Mr. Fabre's long residence in France, and from his intimate knowledge of that country, and of its leading public men, it might be useful to us to obtain the assistance which he could render to our representatives in mastering the details of these matters and compiling such information and papers as might be valuable for Sir. Alexander Galt and Col. Bernard in conducting their negotiations. He was, therefore, requested to render to Canada this service, and it was intimated to him that his expenses would be paid for so doing. He stands in no other relation to the Government of Canada than that which I have described. It was intimated to him that, as he occupied a seat in this House, no remuneration could be given to him.

Hon. Mr. BUREAU (in the absence of Hon. Mr. THIBAudeau) 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 between any Department of the Government of Canada and Senator Fabre, together with the amount of compensation paid him for travelling and other expenses up to the present time."

He said: I have only a few remarks to offer upon this subject. I see that, among the unforeseen expenses, the sum of \$500 was paid for a confidential report furnished by Senator Fabre; that another sum of \$500 was paid for his travelling expenses, and that a third item of \$500 was paid to Senator Fabre's agent, making altogether \$1,500. I can only express

the sentiments of my hon. friend (Mr. Thibaudeau) in saying that it seems to us very extraordinary that a member of this House should be engaged in such a way, and that he should be absent from the Senate while it is in session. I suppose no opposition will be made to giving the House the documents asked for. We are deeply interested in having a treaty of commerce with France, and we learn through the newspapers that the duty of forty francs per ton on Canadian shipping has been reduced to the same rate as is charged upon English vessels, viz: two francs per ton.

Hon. Mr. DICKEY—Perhaps the leader of the Government will be able to tell us whether he can confirm the very pleasing intelligence which the hon. gentleman has referred to, and which we have all read in the newspapers—that the duty on Canadian vessels has been reduced to two francs per ton?

Hon. Sir ALEX. CAMPBELL—With reference to the remark which fell from the hon. Senator from DeLormier as to the employment of a member of this House upon such a mission as has been alluded to, I can see no objection to it. It is not an unusual thing to ask a member of Parliament to undertake a public duty of this kind, or, at all events, a similar kind. The opportunities which members of this House have of serving their country in such a way are sufficiently limited, and I do not see that we, of all people, should try to diminish those opportunities. Suppose Mr. Fabre had been a member of the House of Commons instead of being a member of the Senate, there would have been no objection to employing him in this way. We had here, for instance, since last summer, two members of the English Parliament who were visiting this country as members of a Royal Commission on the English agricultural interests. Of course, their expenses were paid by the British Government, and no objection was taken in the Imperial Parliament, and there is no objection to it in principle. Mr. Fabre's absence from the Senate is controlled only by statute and his own sense of his duty in this House. I do not feel that we need to be more careful

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about such subjects than he himself is. With reference to the suggestion made by my hon. friend, as to the probable result of our efforts in France to secure a reduction of the duties on Canadian shipping, I have no special information to give. When these negotiations were first being carried on, it was with a view to securing a reduction of the duties upon Canadian shipping, and they had reached such a stage last year as to have obtained the informal assent of the French Government, and the proposed reduction was presented by them to the Chamber of Deputies. The matter was there postponed with the view to having a general revision of the commercial treaties of France on the same subject with other countries. We have not heard, except through newspaper reports, of progress made in the enlarged negotiations, and I am not able to give my hon. friend any specific information on the subject. There is no objection to the address.

The motion was agreed to.

The House adjourned at 3.15 p.m.

THE SENATE.

Wednesday, February 25th, 1880.

The Speaker took the chair at three o'clock.

After routine proceedings, there being no notices on the order paper, the House was adjourned during pleasure, and shortly afterwards resumed.

THE DISTRESS IN IRELAND.

A MESSAGE TO THE GOVERNOR-GENERAL ADOPTED.

The following Message was received from the House of Commons:—

“MAY IT PLEASE YOUR EXCELLENCY:

“We, Her Majesty's dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, beg leave to approach Your Excellency with the expression of our deep sympathy on behalf of our fellow-subjects in Ireland, who, on account of the failure of the crops, and the prevailing destitution amongst the laboring classes in that part of the United Kingdom, have been subjected to grievous want and destitution.

"We have, upon the invitation of Your Excellency, cordially and unanimously concurred in a proposal to grant to Her Majesty the sum of one hundred thousand dollars for the relief of the present great distress in Ireland; We pray Your Excellency to cause the issue of this amount out of the Consolidated Fund for this purpose; and we assure Your Excellency that we will hereafter cheerfully agree to the necessary propositions for making good this appropriation, according to law."

Hon. Sir ALEX. CAMPBELL—In the reply to the Speech from the Throne, the House willingly pledged itself to give its best consideration to the paragraph which suggested that some material assistance should be sent to our suffering fellow-subjects in Ireland. The sum which has been voted in the other branch of the Legislature will, I think, in the opinion of hon. members of this House, fairly meet the claims of the destitute there, upon our consideration, as the circumstances of the Dominion will permit. Some criticism has been indulged in elsewhere with reference to this point, but I think it will be generally held that the Government has fixed on what our countrymen in Quebec call the "juste milieu" in the matter. With regard to the disposition of the money, it has been thought best by the Government to place it in the hands of the Secretary of State for the Colonies, who is better informed than we can be in this country as to the best means by which our succour can reach the destitute, for which it is intended. Suggestions have reached us from Ireland on this point, and replies have been sent to those who have made them that their suggestions will be transmitted to the Secretary of State for the Colonies and will, no doubt, assist him in deciding as to the application of our aid. I am quite sure that I need not say another word to press upon the House its assent to this address to His Excellency. I therefore move, seconded by the Hon. Mr. Scott, that this House concurs in the address.

Hon. Mr. SCOTT—I cordially endorse the action of the Government in the step they have taken on the present occasion, and I should not be disposed to disapprove had the amount appropriated been larger. However, it is a fair contribution, aided, as it will be, largely by private subscriptions from all parts of

the Dominion, and aided also, I am glad to observe, by the grant from Ontario. I notice that \$20,000 has been voted by the Provincial Legislature for a similar purpose. I also acquiesce in the opinion expressed by the leader of the Government, that it is proper to send the money to the Colonial Secretary. There is a good deal of discussion in the papers as to the best means of reaching the distressed people in Ireland. I am inclined to think that a good deal of that criticism has been uncalled for. I cannot believe that any body of persons acting upon any of the relief committees could prostitute their positions to the base purposes ascribed to them. Under all the circumstances I think that the Government have adopted the best channel, and that their course will remove any manner of doubt as to how this aid from Canada will be distributed. I myself have confidence in the several committees that have been organized in Ireland. Through either the Mansion House Committee or that presided over by the Duchess of Marlborough, or through the medium of the Catholic hierarchy, the contributions will be sure to reach the sufferers, and by the channel now proposed the contribution will ultimately reach one of those mediums of distribution.

Hon. Mr. ALEXANDER—I am sure that there will not be any dissentient voice, in this House, in adopting the resolution under consideration. We all deplore the distress which exists in Ireland, and all approve of the voting of this amount, and the transmitting of it in the manner proposed to England. While making this remark, I desire to throw out a suggestion in connection with the subject. We are now entering on a very large expenditure in British Columbia for the construction of a railway from New Westminster to Kamloops, and we are all aware that there is a very great difficulty in obtaining suitable laborers for that work. We cannot forget that, while entering upon that large expenditure to fulfil our engagements to British Columbia, it will be of the utmost moment that we try to throw into that country a large population to use such public works and develop that beautiful

and healthful region. And I am sure that some scheme might be inaugurated by the Government and the contractors, both sharing the responsibility and expense, whereby hardy, sober and industrious men and families might be induced to migrate, with the certainty of getting employment upon such public works and a grant of land at the termination of a certain period. The expense of their transport from the old world would be borne by the Government and contractors conjointly, upon a similar principle adopted to bring the Mennonites from Southern Russia to Manitoba. It could be stipulated that they would receive certain wages for their labor, out of which a certain per centage would be appropriated to recoup the money advanced. In this manner we should secure the construction of the railway and the settlement of the country. If we proceed to construct that railway without adopting some such means, we shall be loading the older Provinces with debt and not secure a corresponding increase of population, trade and revenue. I humbly submit this suggestion for the consideration of the Government.

This address was agreed to.

The House adjourned at 3.30 p.m.

THE SENATE.

Thursday, February 26th, 1880.

The Speaker took the chair at three o'clock.

DORCHESTER PENITENTIARY.

MOTION FOR RETURN, AND INQUIRY.

Hon. Mr. MACFARLANE 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 detailed statement of the expenditure to 31st December, 1879, on the new Penitentiary at Dorchester, New Brunswick, including the purchase of site and grounds, with an estimate of the additional sum required for its completion.”

He said: It is well known that when Confederation took place it became necessary that new penitentiaries should be established for the use of the Maritime Provinces, as the accommodations then in existence were inadequate. In refer-

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ence to the erection of the Penitentiary at Dorchester, N.B., I am inclined to think, although it is too late now to raise the question, that a very improper place was chosen. Private interests rather than the convenience of the public were considered. It is well known by members from the Maritime Provinces that the Government possessed land enough at the historic site of the old Cumberland fort. It is situated contiguous to the railway, and there is a good supply of water there, and the impression was that it would have been selected. If it had been, a considerable sum of money would have been saved in the purchase of a site, but it is now too late to talk of it. The building is now in course of construction, and the time for its completion has long since passed. The existing penitentiaries are so crowded with prisoners that, last season, some thirty-five convicts had to be taken from Charlottetown and Halifax at a large expense. The building, as I am told, has proved a failure in some respects. One of the principal reasons for selecting the present location was that there was an abundant supply of stone there, but no sooner was the quarry opened than it was discovered to be deficient in quality, and stone had to be brought from a long distance. It was said also that the water supply was good. I am told that so far from that being the case, the building was located first, and then they looked for water; and that, after having spent a large sum in sinking wells, the supply was found insufficient, and the delay in the completion of the building has been caused by the necessity of bringing water from a considerable distance at a very large expense. In view of these facts, I am desirous of seeing what the expenditures have been on that structure up to the present time.

Hon. Sir ALEX. CAMPBELL.—I am unable to follow my hon. friend into the discussion as to the choice of the site for the Penitentiary, or into the difficulties which have occurred in constructing the building or supplying it with water, but I will take an early opportunity of bringing the remarks which he has made under the notice of the Minister of Public Works, and if I see any advantage in it, or can give my

hon. friend any satisfaction in so doing, I will bring the matter again before the House.

The motion was agreed to.

Hon. Mr. MACFARLANE—When will the new Penitentiary at Dorchester be ready for use?

Hon. Sir ALEX. CAMPBELL—The Minister of Public Works anticipates that the Penitentiary will be opened about the middle of June.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION FOR A RETURN.

Hon. Mr. HAYTHORNE 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, telegrams, reports and memorials received by the Government during twelve months preceding April 17th, 1879, having reference to steam communication in winter between the Province of Prince Edward Island and the mainland.”

He said: I have frequently addressed the House upon this subject, and I do not think it is necessary to go into it at any great length on this occasion, more especially as the papers for which I ask were moved for by my hon. colleague (Mr. Montgomery) last session. They are principally a report upon the question of building branch lines to connect the Prince Edward Island Railway with the Straits of Northumberland at Cape Traverse, and to connect the Intercolonial Railway with the Straits of Northumberland at Cape Tormentine, and also on the practicality of building suitable wharves at those two capes, at which any winter steamer employed as a ferry might lie with safety when necessary. On those questions a report has been made to the Department by a civil engineer named Cunningham, and it was partly to obtain that report and a memorial addressed to the Minister of Public Works, last session, by most of the representatives of Prince Edward Island, that I make this motion. As those papers are not voluminous, and as they were asked for last session, I hope that the Government will not make a

Hon. Sir Alexander Campbell.

long delay in bringing them down, more especially as it may become necessary, later in the session, to take further action in the matter.

Hon. Sir ALEX. CAMPBELL—The papers which were asked for last session were prepared, I think, during the recess, and can be brought down at an early day; and the other papers referred to can, I think, be prepared in a short time. I hope in a few days to be able to lay the papers before the House. There is no objection to the passage of the address.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

SECOND REPORT ADOPTED.

Hon. Mr. SIMPSON moved the adoption of the second report of the Committee on Printing. He explained that it was one of the ordinary reports, recommending that certain documents be printed.

The motion was agreed to.
The House adjourned at 3.25 p.m.

THE SENATE.

Friday, February 27th, 1880.

The Speaker took the chair at three o'clock.

PRIVATE BILLS COMMITTEE.

SECOND AND THIRD REPORTS ADOPTED.

Hon. Mr. TRUDEL presented the second report of the Committee on Standing Orders and Private Bills, recommending the suspension of the 51st Rule.

The report was adopted, and, on motion, the rule was suspended.

Hon. Mr. TRUDEL presented the third report of the Committee on Standing Orders and Private Bills, recommending that the time for presenting petitions for Private Bills be extended.

The report was adopted.

BILL INTRODUCED.

Hon. Mr. LEWIN introduced a Bill entitled “An Act respecting the presi-

dent, directors and company of the Bank of New Brunswick."

The Bill was read the first time.

THE ACCIDENT TO THE VICE-REGAL PARTY.

AN ADDRESS ADOPTED.

The Order of the Day having been called,

"That an Address be presented to His Excellency the Governor-General of congratulation on the happy escape of Her Royal Highness and himself from the accident of the 14th instant,"

Hon. Sir. ALEX. CAMPBELL said : The accident which happened to His Excellency and Her Royal Highness the Princess Louise, on the evening of Saturday, the 14th, will be fresh in the memory of all those who hear me. With the gracious kindness which distinguishes her, Her Royal Highness was coming into town, to hold a drawing room in this Chamber, rather than put the many hundreds who desired to pay their respects to her to the inconvenience of going out to Government House, and, as the result shewed, exposed herself to a peril which, had she not been so infinitely considerate of the convenience of others, would not have happened. The details of the accident, and the story of the extreme danger in which Her Royal Highness and His Excellency were placed were given with substantial accuracy in the accounts which reached the public through the newspapers on Monday morning. A terrible calamity had been averted by the prompt and courageous assistance rendered by Mr. Bagot, of His Excellency's staff, who succeeded in that most difficult task of checking a pair of runaway horses, by seizing the bridle rein of one of them. The sleigh had been dragged on its side for four hundred yards, and, in a moment more, would have been upon the bridge which traverses the Rideau River, with greatly increased danger to its illustrious occupants. Happily, Her Royal Highness, although much bruised and cut, was not dangerously hurt ; and her first impulse, as we are informed, was again to forget herself and her own convenience, and, in the midst of her suffering, to resume her journey to town and save those who were waiting her arrival here from the disappointment which

Hon. Mr. Lewin.

would be felt at the postponement of the drawing room. More prudent counsels prevailed, and the throng which had assembled in this Chamber to pay homage to Her Royal Highness dispersed full of anxiety as to what the morrow might tell of the effects of the accident. But the bulletins of Sunday and of Monday were reassuring, and the Cabinet, after consideration, resolved not to propose any address of condolence on the accident lest they might increase the alarm and anxiety felt here and in England, and in the hopes, now happily in part realized, that a few days might so restore Her Royal Highness as to enable both Houses of Parliament to address His Excellency in the language of congratulation. Her Royal Highness is still, it is understood, suffering a good deal of pain, and not yet able to leave her room, but day by day strength and health are returning to her, and I am sure that I but give expression to the feelings of every member of this House when I say that our fervent hope and prayer is that we may soon again enjoy the honor of having her gracious presence in the capital. It is to give expression to these feelings that I propose for your adoption the address to His Excellency of which I have given notice, and I am happy to be seconded in my motion by the hon. gentleman who leads Her Majesty's loyal Opposition in this House, and who has gladly promised me his assistance. The address is in these words :—

"TO HIS EXCELLENCY, &c.

"MAY IT PLEASE YOUR EXCELLENCY :

"We, Her Majesty's faithful subjects, the Senate of Canada, in Parliament assembled, desire to approach you with our hearty congratulations on the escape of Her Royal Highness the Princess Louise and yourself from the serious danger occasioned by the untoward accident which happened to you on the 14th inst.

"Unwilling to increase the general alarm occasioned by the news of the injuries received by Her Royal Highness, we have forborne to address Your Excellency until, in the providence of God, we are happily permitted to do so in language of congratulation.

"Her Royal Highness' life and health are dear to the Canadian people, and the intelligence of the danger in which she had been placed, and of her narrow escape, was everywhere received with profound interest and sympathy. We but give utterance to the feeling of the country when we assure Your

Excellency of the deep gratitude with which the intelligence of her gradual recovery is day by day received, and we earnestly trust that Her Royal Highness may shortly be restored to her wonted health and strength, and will hereafter only suffer the memory of the accident to recall to her the universal joy which hails her recovery."

Hon. Mr. SCOTT—In seconding the address of congratulation to His Excellency the Governor-General and to Her Royal Highness on their providential escape from what might have been a very serious accident, I have little to add to the earnest and expressive language of the address. The deepest sympathy was manifested over the whole Dominion when the accident occurred, and when it was ascertained that the consequences were not so grave as at first it was feared, a grateful sense of relief was apparent in every section of the country. As the daughter of Her Most Gracious Majesty, Her Royal Highness is an object of special interest to the Canadian people, but apart altogether from her royal lineage she is honored and respected for her own worth. She is recognized as the patroness of art, and it is well known that she takes a deep interest in the educational and benevolent institutions of this country, as she had previously done in England. It is, therefore, only natural that the people of Canada should have exhibited an especial pride in her temporary residence among them, and we all hope that her perfect recovery may be speedy, and that the remainder of her stay in Canada may be pleasant and agreeable, and, when leaving, that she may carry back to her native home the most agreeable reminiscences of her life among the Canadian people.

Hon. Mr. ALLAN—After the admirable speeches of the leader of the Government and the leader of the Opposition, it may seem presumptuous to attempt to add anything to what has already been so well said on the subject of the resolution before the House, but I cannot deny myself the pleasure of at least saying how heartily I concur, and how heartily the people in my own part of Ontario will concur, in common with all their fellow-subjects throughout the Dominion, in every word of sympathy and congratulation which has fallen from the lips of the mover and seconder of the resolution on

the escape of His Excellency and Her Royal Highness. The resolution and the address which it proposes for our adoption will convey no mere formal expression of the feelings of the people of this country on the providential escape of His Excellency and Her Royal Highness. When the more serious nature of the injuries received by Her Royal Highness first became known, the universal feeling was one of deep anxiety and alarm, such as we experience when an accident has befallen some one very near to us—some one in whom we have the strongest personal interest. How, indeed, could it be otherwise, hon. gentlemen, in the case of one who has endeared herself to all with whom she has ever had any personal intercourse, and to whom we are all bound by the strongest ties of affectionate loyalty. The country will rejoice to hear from day to day of Her Royal Highness' progress towards complete recovery, and I am sure, hon. gentlemen, that the universal hope will be that no ill effects may remain of the perilous accident from which His Excellency and Her Royal Highness have in great measure so happily escaped, and that on looking back hereafter to their sojourn among us it may only be remembered as associated with the expressions of loyal and affectionate sympathy which it has called forth from every part of the Dominion.

Hon. Mr. DICKEY—I feel confident that the resolution just presented in fitting terms by the hon. leader of the Government will receive the cordial and unanimous approval of the House. We all remember well the thrill of horror produced by the untoward accident to His Excellency the Governor-General and Her Royal Highness the Princess Louise, and it is not too much to say that a feeling of relief, when it was ascertained that the result was not likely to prove fatal, filled the hearts of our population generally, from the Atlantic to the Pacific, and extended even to the mother land as well as to our cousins across the border. By her urbanity, her courteous manner, and the interest she has ever evinced in the welfare of Canada, Her Royal Highness has become endeared to its people, who await, even now, with some anxiety, news

Hon. Sir Alex. Campbell.

of her slow recovery from a great peril. That she may soon be restored to health and strength I sincerely trust, for, whether sick or well, she carries with her the sympathy and affection of every true Canadian. Coming as I do from a Province where His Excellency and Her Royal Highness first set their feet upon the shores of the Dominion, I cannot refrain from giving expression to my feelings while this fitting tribute of our respectful sympathy is being presented to them, and I need only add that I trust my feeble utterances, however imperfectly expressed, after the admirable addresses that we have had from others, faithfully reflect your opinions, and will find an echo in the breast of every member of the Senate of Canada.

Hon. Mr. ALEXANDER — This motion is introduced at a very proper moment. What a privilege and happiness to be in our position, as the people's representatives, to offer to Their Excellencies expressions of congratulation that there were not more serious results from the late untoward accident, which all so much deplored. The public mind has been greatly relieved to learn that Her Royal Highness, who was the greatest sufferer, will now, happily, soon be restored. The circumstances under which we discuss this motion justify me in claiming the kind indulgence of the House to make one or two observations. This is not a mere conventional formal address, but is meant to evidence the devotion which is felt to the family of our Sovereign Queen, and to evidence especially the just appreciation by our people of those high qualities and virtues possessed by that member of Her Majesty's family now in our midst. The people of this Dominion very truly feel and say that their lot has been cast in a happy land—with all the blessings of free constitutional government—with the entire control of all our affairs—with the advantages we enjoy under the shield of the old flag—with the honest pride felt that we are an integral part of the Empire, and no class of our people undervalues the consideration shown to us in sending to represent our Sovereign here, a scion of one of the oldest families of Scotland—a name replete with historic memories. If our people

Hon. Mr. Dickey.

are glad to honor nobility of nature and purpose, when manifested in the hamlet, I am sure it will be not less valued and appreciated when such qualities reign prominently in the Vice-Regal circle. I am sure that the people of this Dominion value the elevating influence of those placed high in authority over us at this moment, whose pleasure and delight is to be ever doing good and promoting the happiness of all around them. It is surely in lamentable taste that a leading Toronto organ should, at this moment, employ itself in retailing, second-hand, from a New York paper, a rumor, which has no foundation, that Her Royal Highness may not be long amongst us. We trust that the leading organs will remember always that they may, by want of judgment and proper feeling, inflict more or less injury upon this country just by the thoughtless production of such articles as that to which I refer, and they are not doing justice to the people of this Dominion, whose sentiments they profess to represent.

Hon. Mr. SUTHERLAND—I do not rise with the expectation of adding any more weight to the address we have just heard read to us, but coming from a distant province, where the people have not as yet had an opportunity of seeing the Vice-Regal party, I think it is but proper for me to say that, since the accident has happened, I have had several letters from Manitoba, many of which were from prominent men, all expressing very great anxiety with regard to the accident that happened to Her Royal Highness and the Governor-General. I merely rise to give expression to these facts to shew that our people, though in a distant part of the Dominion, also feel a very great amount of loyal sympathy in this matter. I most heartily concur in the address.

Hon. Mr. BELLEROSE — Though many appropriate remarks have already been made on this subject, I feel it to be my duty, under the circumstances, in the name of the Province of Quebec, to say that the announcement of the sad accident which occurred to His Excellency the Governor-General and Her Royal Highness the Princess Louise, two weeks

ago, has been received with very great regret and intense interest; so much so that, in almost every letter which I have received from that Province since the event occurred, the question has been put to me: "How is our good Princess, the daughter of our beloved Queen?" I heartily concur in all that has been said by the hon. gentlemen who have preceded me, and I support the address with the greatest pleasure.

The motion was agreed to.

Hon. Sir ALEX. CAMPBELL—I move that the said address be engrossed and signed by the Speaker in behalf of this House.

The motion was agreed to.

Hon. Sir ALEX. CAMPBELL—I move that a message be sent to the House of Commons, by one of the Masters in Chancery, to acquaint them that the Senate have passed this address, to which they desire their concurrence.

The motion was agreed to.

The House adjourned at 3.50 p.m.

THE SENATE.

Monday, March 1st, 1880.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE GALOP RAPIDS.

INQUIRY.

Hon. Mr. BROUSE inquired:—

"Is it the intention of the Government to proceed with the removal of the rock obstruction in the Galop Rapids of the St. Lawrence, and if so, when will the work be commenced?"

He said: I have given notice of motion for an inquiry merely, but I believe certain latitude is always allowed in this House that remarks may be made in putting the question. The Galop Rapids are situated in the St. Lawrence, about seven miles east of the town of Prescott. These rapids are of great importance in their relation to the commercial interests of the country, as they bear the same relation to the River St. Lawrence as the sill of a lock does to

the canal. The obstructions at the Galop Rapids consist of three bars extending across the river from the northern shore to the American Island on the south. Each bar in itself forms an obstruction in the shape of a flat rock. On these bars there is a depth of water from ten to twelve feet, according to the season of the year and the winds that may prevail. Vessels, after passing safely over these bars, are able to proceed on their journey down the river to the city of Montreal. The bars are each from one hundred to three hundred feet in width, and they are the first obstruction to vessels descending the river. In low water, vessels frequently strike on these bars, and were it not for the fact that the rocks are flat and shelving, many vessels would be destroyed; as it is, several have been injured. The Government have made an effort to remove this obstruction. For that purpose a chain tug was constructed, in order to blast out the rock through the bars to a width of three hundred feet. The water drops immediately at the foot of these bars, and the intention was to blast on the bars, where the current has a momentum of about eleven miles an hour, and drag the broken rock into the deep water below. This important work has failed, I believe, in consequence of the parties who undertook the job. The contract was given to certain parties named Davis, who failed to proceed with it, and it was sub-let to another party. A further obstruction was found about a mile west of the head of the Galop Rapids, and it was supposed, a few years ago, that two or three hundred yards in length of rock would have to be removed in order to improve the navigation of the river. A survey of the place was made by Mr. Rubidge, probably one of the best qualified engineers in the country, from experience, to make a survey of the kind, and it was found by that gentleman that it would not require an expenditure of one or two millions of dollars to remove the amount of rock necessary to improve the navigation there, as was formerly supposed, and render it safe for vessels. However, this expenditure was rendered unnecessary by Mr. Rubidge's discovery

Hon. Mr. Bellerose.

of a new channel on the American side of the river with sufficient depth of water for navigation purposes. What I desire to ascertain from the Government is, whether they are prepared to proceed with the work at the Galop during the coming season, and if so, what is the name of the contractor? I might enlarge upon the navigation of the St. Lawrence, but it is not necessary in connection with this question.

Hon. Sir ALEX. CAMPBELL.—It is the intention of the Government to proceed with the work at the Galop Rapids, and it will be resumed early in the spring. I am not aware of the name of the contractor. My hon. friend did not give notice that he wished to know the name of the contractor, and I am not prepared to give it.

Hon. Mr. HOPE—Will the hon. leader of the Government be good enough to inform us what the depth of the channel will be after the improvements are made?

Hon. Sir ALEX. CAMPBELL.—That I am not able to say either, as the question was not included in the notice, but I shall ascertain, and will inform the hon. gentleman tomorrow what depth it is desirable to obtain there.

Hon. Mr. RYAN—As the hon. the Minister of Militia intends seeking information on this subject, I think it would be very desirable if he made further inquiries with a view to ascertaining and removing other obstructions which exist in the River St. Lawrence below the place which my hon. friend from Prescott mentions, to see if other portions of the river could not be improved also.

Hon. Sir ALEX. CAMPBELL— I shall be very glad to give all the information that is required.

Hon. Mr. HOPE—There are the Long Sault Rapids, the Cedars Rapids and the Cascades. These obstructions were all reported upon, and improvements were recommended by eminent engineers, over twenty years ago. The Canal Commissioners, in 1870,

Hon. Mr. Brouse.

recommended that these obstructions should be removed, and I am surprised that the improvements have not been proceeded with before this.

Hon. Sir ALEX. CAMPBELL— I will obtain the information asked for, and shall take occasion to mention it to the House.

THE PUBLIC PRINTING.

MOTION FOR AN INVESTIGATION.

Hon. Mr. AIKINS moved :—

“That the Select Standing Committee of this House, on the Printing, be instructed to urge on the Joint Committee of both Houses on that subject, the necessity of making rigid inquiry into all the circumstances connected with the opening of tenders for the Parliamentary Printing, and the withdrawal of any tenders; and also with the award of the contract for such Printing, made during the last Session—with instructions also to inquire and report on the best means of preventing any irregular or improper practices with respect to the granting of such contracts.”

He said: This motion grows out of the course pursued by parties who tendered for the parliamentary printing last session. Members of the House are, I presume, more or less aware of the circumstances in connection with the withdrawal of those tenders. The matter was prominently brought before the public, in a recent trial at Toronto, and has been criticised by the press of the country. The Printing Committee being composed of members of both Houses, I thought it desirable, for the sake of uniformity, that a motion of this kind should be brought before the Senate, inasmuch as a similar course has been pursued in the House of Commons.

Hon. Mr. ALEXANDER—I expected that my hon. friend from Bowmanville (Mr. Simpson), who is Chairman of the Printing Committee, would not allow this motion to pass without making some explanations. It is very proper that this subject, which has occupied so much space in the press of the country, should be investigated. Allegations have been made that there were irregularities in the letting of the contract for the Parliamentary printing. I am led to believe, and I think it is but proper I should take this opportunity of stating

that, although there may have been irregularities, there has been a great deal of misrepresentation with regard to this subject. I am informed, further, by those who are prepared to give reliable information, that the work is being done for a very much less sum than under any contract that has been let for the same work since Confederation. It is true that the manner in which some of those who tendered—especially men who could not possibly carry out the contract—withdraw under circumstances which enabled a certain portion of the press to dwell on the matter, and make it appear that there was a great deal of irregularity and corruption in the case. I am credibly informed that no loss has been sustained by the country; and, also, that the contractor who had the work before the present firm, and who received for it \$15,000 more than they did, failed. I am further informed that the present contractors, in taking the work at the sum for which it was awarded, were only able to do so because they had the plant on hand. When the committee know that the country has not suffered, I think it is their duty to prevent misrepresentation from going forth in this respect. The facts are perfectly well known to a number of members of both Houses, and I was hoping that my hon. friend from Bowmanville would have explained the matter. I am sure that he will corroborate what I have stated, that the country is getting the work done now for \$20,000 or \$30,000 less than under any other contract which has been awarded since Confederation, and is being done at a rate which gives no reasonable expectation that they will have any profit out of the work.

Hon. Mr. SIMPSON—I did not rise to explain, because I did not consider this the proper time to discuss the matter. The committee has already commenced an investigation. We concluded last Friday, before my hon. friend moved in the matter, to appoint some of our most experienced members to report the facts, and we have them all prepared and printed. I agree with my hon. friend from Woodstock (Mr. Alexander) that the country has not suffered any in consequence of some very disgraceful

Hon. Mr. Alexander.

transactions which occurred in connection with this contract. The present contractors are doing the work this year at about 6 per cent. less than it was done under the contract of 1874. We have on the Printing Committee eight or nine practical printers, and they supposed that the printing could not be done for less than the rates of that contract. The reason why the contractors were led to pay large sums to secure the work at a lower rate is, that they had sixty or seventy thousand dollars' worth of plant on hand, which would be comparatively valueless if they failed to get the contract. The work is being done now at such rates that in case there should be any material advance in printers' wages, the contractors must lose money. The committee knew nothing of these irregularities; if we had, we would have taken a different course. We were so satisfied with the manner in which these parties had done their work that, after working out the different tenders, and seeing the saving that could be effected, we were anxious to award them the contract. We saw that it was impossible for many of the parties who tendered to do the work. They had neither the plant nor capital necessary. They withdrew, and the contract was awarded to the present contractors. However, you will have the whole matter before you again, and I shall merely state now that the country has not lost one cent by the irregularities complained of.

Hon. Mr. BUREAU—This is not the proper time to enter into the merits of the case. The motion before us is to instruct the committee to enquire into a certain matter. I merely wish to draw the attention of the House to some omissions which I observe in the motion. I would ask my hon. friend the Secretary of State if this is the same as the resolution which has been adopted by the House of Commons.

Hon. Mr. AIKINS—Just the same, word for word.

Hon. Mr. BUREAU—If there are any omissions in the resolution adopted by the House of Commons, I think it is well that attention should be called to

them now. The Secretary of State informs us that some difficulty occurred in connection with the letting of the contract last year. As a member of the Printing Committee, I do not think that we deserve censure for that which occurred then, and I have no objection whatever to the investigation taking place; but how can we, under the terms of this resolution, get the records of the court at Toronto, in which the trial took place? I believe it is important that we should have them before us. I also observe that the usual words giving the committee power to send for persons and papers, and to take evidence under oath, are omitted from this resolution. Under the Act, 39 Vict., chap. 7, passed in the year 1876, I observe that such a power can be conferred, and it has been exercised by committees of this House which investigated matters much less important than this. If the public have been defrauded out of any money, whatever the amount may be, it is the duty of the Government to take proper steps to annul the contract. Then there is another matter. If any number of persons combine to obtain by illegal means anything from another, it is fraud or conspiracy, and in either case is punishable under the criminal law. I think, therefore, that it is proper that the committee should have such powers as I have described conferred upon it, in order that all the facts connected with the matter may be brought out. However, I leave the subject entirely in the hands of the Secretary of State. When the committee meets it will be time enough to ask for the powers to which I have referred; but I thought it advisable to call attention to these facts before the resolution was adopted.

Hon. Mr. KAULBACH—As a member of the Printing Committee, I am glad that this matter has been brought before the House. Public attention has been drawn to what has been made to appear a want of precaution on the part of that Committee; but, as the House has heard from the hon. Senator from Woodstock, no injury has been sustained by the country in consequence of anything that took place in the letting of the contracts. On the contrary, the printing service is being performed for

Hon. Mr. Bureau.

\$35,000 less than heretofore. Of course the withdrawal of tenders and the awarding of contracts should be guarded in the interests of the public, but the fact remains that in this case a saving of \$35,000 has been effected.

Hon. Mr. AIKINS—I did not think it advisable at the present time to go into the merits of the case. My object was to leave it to the committee, who could investigate it and report the result of their inquiries. I have, of course, my own opinion on the subject, and I have no hesitation in saying that, although the country may not have lost money, the committee was grossly misled by some parties who tendered. No member of that committee knew anything about the course that was being pursued, but there can be no manner of doubt that they were grossly deceived.

The motion was agreed to.

The House adjourned at 4 p.m.

THE SENATE.

Tuesday, March 2nd, 1880.

The Speaker took the chair at three o'clock.

After prayers and routine proceedings, there being no notices on the order paper, the House adjourned at 3.12 p.m.

THE SENATE.

Wednesday, March 3rd, 1880.

The Speaker took the chair at three o'clock.

BILLS INTRODUCED.

The following Bills were introduced and read the first time:—

Bill (28) "To further amend 'An Act respecting the security to be given by Officers of Canada.'"—(Sir Alex. Campbell.)

Bill (C) "To amend and consolidate the laws respecting Indians."—(Mr. Aikins.)

ST. LAWRENCE RIVER IMPROVEMENTS.

Hon. Sir ALEX. CAMPBELL—Perhaps it would be convenient at this point to furnish the information concerning the improvement of the St. Lawrence, asked for by the hon. Senator from Prescott (Dr. Brouse) the other day. The names of the contractors who had the improving of the navigation at the Galop Rapids are Davis & Sons, and so far as I am informed by the Department the hon. gentleman (Dr. Brouse) is in error in supposing that they have failed. They have not failed, and are ready to go on with the work in the spring. The Government has handed over to the contractors the drilling machinery and the chain tug which was built to enable the work to be done. It is now undergoing repairs in Montreal. The hon. gentleman wishes to know what depth the Government desire to obtain. It is proposed to get fourteen feet of water there. Then my hon. friends from Victoria (Mr. Ryan), and from Hamilton (Mr. Hope), asked about the other obstructions in the river. They occur at Lakes St. Francis and St. Louis. Several of them are described in one of the paragraphs of the report made in 1875 by Mr. Page:—

"These places, in descending order, are:—

"1st. Where the channel at present used crosses from the south to the north side of the river, about three-quarters of a mile above the entrance to the Galops Canal or some other channel in that vicinity.

"2nd. At a few isolated places in Lake St. Francis, and especially within a stretch of one mile, commencing about 2,000 feet above the head of the Beauharnois Canal.

"3rd. Near the lower end of Lake St. Louis and at intervals within a distance of about four and a half miles above the upper entrance of the Lachine Canal, in the vicinity of where the light vessels are at present moored.

"These, although not really formidable obstructions, are, nevertheless, of such a nature that their removal will be attended with considerable difficulty and expense, in comparison with the extent of work to be done."

The details of these obstructions will be found in Mr. Page's report for 1875, on the navigation of the River St. Lawrence, pages 25 to 31, inclusive. The cost of removing them, so as to obtain fourteen feet of water from Prescott to Montreal, is estimated at more than \$5,000,000. As

Bills Introduced.

matters now stand, nine feet of water is readily obtained at all those points, except at a very low stage of the water.

Hon. Mr. RYAN—There are some obstructions which can be removed at a much less cost than the estimate mentioned in Mr. Page's report. They are of such a nature that when the river is low their removal would ensure nine feet of water at all seasons, which cannot now always be obtained in the fall. These obstructions cause great inconvenience to vessels coming down by that route. I have a memorandum here, shewing where these obstructions exist, and I will put it in the hands of the proper department, if they wish to have it. I do not think that the cost will be anything like that which Mr. Page estimates for fourteen feet of water. A great convenience could be produced at a very small cost, by deepening the channel at the following points from one foot three inches to one foot six inches:—

For deepening some of the rapids to about 1 foot 3 inches to 1 foot 6 inches more than present depth of water:—

FIRST.—Commencing at Coteau Rapids, at the head of the Coteau Island, obstruction consisting of loose boulders easily removed at moderate expense, distance not great, say 500 feet in length.

SECOND.—Obstruction at the foot of the Coteau Island, consisting of flat rocks more expensive than the preceding, requiring blasting, short distance.

THIRD.—At Bocchayes there is shallow water, and an obstruction consisting of boulders, easily removed, short distance.

FOURTH.—At *Split Rock*, flat rock, blasting required at entrance, distance short.

FIFTH.—Leaving *Split Rock*, obstruction consisting of boulders, easily removed, distance short. Best season to perform the work in the fall of the year. Additional depth required about $\frac{1}{2}$ to $\frac{3}{4}$ all through the above places. Edward Ouillette, pilot, Lachine, can designate and point out the spots, and the mode of operating this work.

SIXTH.—There being shallow water in mid-summer, from the foot of Lachine Rapids to about the middle of Nun's Island, and the channel being difficult of finding out in fogs, or late in the day, when darkness commences to set in, it would be well to have three buoys made of ordinary cedar posts, anchored by a chain so as to keep the head up,

painted black, with a small part of the head white, the first to be placed at the foot of the Rapids, a short distance down, to indicate the channel; the next one a little south of the head of Nun's Island, and the third at about the middle of the island, all in the channel.

Hon. Sir ALEX. CAMPBELL—The works in Lake St. Francis alone are estimated at \$400,000.

Hon. Mr. RYAN—That is for deepening the channel to fourteen feet. I am now speaking of obtaining an additional depth of from one foot three inches to one foot six inches. There is one of these improvements below the Lachine Rapids, near Montreal, which, if carried out, would greatly facilitate the arrival of steamers and propellers in thick weather, or late in the evening. If I might be allowed to submit this memorandum to the proper Department, I think the cost of the improvements will be found very small indeed, while the advantage will be very great.

Hon. Sir ALEX. CAMPBELL—I hope my hon. friend will submit it to the Department of Railways and Canals. I have no doubt that the estimate which I have mentioned is for fourteen feet of water. The hon. gentleman speaks of nine feet, and we can have an estimate made of the expense which that would involve.

Hon. Mr. RYAN—It did not appear, from the statement made by the hon. the Minister of Militia, whether the Government intend to go on with all the improvements embraced in Mr. Page's report.

Hon. Sir ALEX. CAMPBELL—I was not asked that. However, we have no intention of going on at present with the deepening of the St. Lawrence to the extent recommended in the report of Mr. Page—fourteen feet. Perhaps when the estimate is made of the cost of the improvements suggested by the hon. Senator from Victoria (Mr. Ryan) something may be done in that direction.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION FOR A RETURN.

Hon. Mr. BELLEROSE moved :—

“That an humble Address be presented to His Excellency the Governor-General, praying

Hon. Mr. Ryan.

that His Excellency will cause to be laid before this House, copy of the report, exclusive of plans, tables and book-keeping, of the Commissioners appointed on the 19th of July last, under the provisions of Section 13 of the Penitentiary Act of 1875, with instructions to report on the state and management of the St. Vincent de Paul Penitentiary.”

He said (in French): I have little to say in offering this resolution, except to thank the hon. Minister of Justice for having taken steps to improve the management of this institution, which is located in the county from which I come. Some ten or eleven months ago, complaint was made to the hon. Minister against officials in the Department of Justice. The Minister of Justice at once appointed a commission to investigate the matter, and, in selecting commissioners, displayed such good judgment as to inspire the public with confidence that justice would be done. The commissioners were gentlemen who merited that confidence, and my desire, in moving this resolution, is to give publicity to their report to the Government.

Hon. Sir ALEX. CAMPBELL—There is no objection to the address, and I thank the hon. gentleman for the good opinion that he has expressed of the Minister of Justice. I shall make it my duty, as it is my pleasure, to convey those kind expressions to him.

The motion was agreed to.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. HAYTHORNE inquired :—Have the Government decided on the removal of the steamship *Northern Light* from the route between Pictou and Georgetown to that between the Capes Traverse and Tormentine.

Hon. Sir ALEX. CAMPBELL—The Government have not decided upon the removal of the vessel. The matter is still under consideration, and, in the meantime, the steamer is running between Georgetown and Pictou.

CONTINGENT ACCOUNTS.

SECOND REPORT OF THE COMMITTEE.

Hon. Mr. MILLER moved the adoption of the second report of the Committee on Contingent Accounts.

The motion was agreed to.

BANK OF NEW BRUNSWICK BILL.

SECOND READING.

Hon. Mr. LEWIN moved the second reading of Bill (B) respecting "The President, Directors and Company of the Bank of New Brunswick." He explained that the bank was incorporated by the Legislature of New Brunswick, and its charter would expire on the 1st of May next. The first clause provided for an extension of the charter; the second, to allow them to hold real estate to the same extent as other banks; the third, to change the name in order to prevent confusion.

Hon. Sir ALEX. CAMPBELL said that there was no objection to the passage of the Bill, but the clauses extending the charter, and authorizing the holding of real estate, should be amended in the Committee on Banking and Commerce, to limit the extension to the time when other bank charters would expire, and to fix the amount of real estate which the bank could hold.

The bill was read the second time.

MILITIA LAWS AMENDMENT BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (A), "To further amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada." He said: This Bill proposes to amend the existing law on one or two points. The most important is in reference to the enrolling of the militia. It is the duty of the Government, under the present law, to have the militia enrolled every five years. That duty would become obligatory next year under the law as it now stands, and an item would therefore have to be put in the Estimates this year for the purpose. That would involve an expenditure of \$50,000, and, we think, as the census has to be taken next year, the whole information can be obtained in that way without this expense. As there is no urgency for the enrollment, it is proposed to postpone it for another year. Another clause provides for the using of the militia as guards of honor, etc. As the law now stands, there is no provision

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by which they can be so used, and it is very uncertain by what right there is a guard of honor at Rideau Hall now. It is certainly better to give them the authority of the law in the execution of their duties there, in the case of disturbance by any evil-disposed person, or anything of that kind. The last clause is with reference to the establishment of canteens when the militia are in camp. It is very desirable, and tends to the promotion of order and discipline, that there should be canteens, because they are within the camp, and it is safer and better than allowing the militia to obtain what they want elsewhere, without the restraints that discipline involves. My hon. friend opposite (Mr. Scott) will see that there is a provision in the clause that the Canada Temperance Act shall not be disregarded.

Hon. Mr. ALEXANDER—If the powers asked for in this Bill do not already exist under the provisions of the General Militia Act, it is very proper that they should be granted, and we are prepared to give credit to the Government for that clause postponing the enrollment of the Militia until next year, whereby a certain sum of money can be saved. With regard to the other provisions of the Bill, I think my hon. friend must feel the impropriety of introducing so many small amendments to general acts, and thus loading our statute books. It is a system which is very inconvenient, and which, if possible, ought not to be extended. With regard to the remaining clauses of the Bill, I cannot see that there is any necessity for them; all those powers asked for already exist under the general Act. I ask my hon. friend if, on any occasion when the Governor-General has traversed any part of this Dominion, the Government had not perfect power to call out guards of honor? I have always observed that the militia were zealous to come out. I believe that the Government have perfect power to call out any corps of the militia, on the opening of Parliament or as an escort to Their Excellencies upon any occasion. There is no corps of our militia that would not feel a just pride to offer their services upon such occasions.

Hon. Mr. MILLER—Under what statute does my hon. friend say that the

Government have the power to call out the militia for such purposes?

Hon. Mr. ALEXANDER—Under the General Militia Act of 1868. With reference to guards of honor, I claim permission to observe that the militia should make a creditable appearance on important occasions. It came within my notice two or three times when the Governor-General passed through the Province of Ontario that two or three of the guards of honor were so indifferently clad that they themselves were ashamed of their appearance. Surely the Department should provide them with proper clothing so that they might make a respectable appearance upon such occasions. I throw out the hint because complaints were made by members of the force that it was a hardship, when they were willing to give their time, that the Militia Department would not furnish them with clothing in which they might appear to advantage.

Hon. Mr. HAYTHORNE—I have listened with some surprise to the remarks of the hon. gentleman who has just resumed his seat. I might very properly have left it to some other hon. gentleman who is connected with the military service to reply, but it so happened that I attended, this morning, a meeting of the Dominion Rifle Association, where it was stated most positively by the president and another gentleman who was present that the efficiency of the Canadian militia was superior to that of the militia in any other colony of the British Crown. This was stated in an authoritative manner, supported by a quotation from one of the English Quarterly Reviews, and was endorsed by several gentlemen present. If I had not heard it myself this morning I would have let the hon. gentleman's statement pass *sub silentio*, but, having heard it, I could not do otherwise than let this House hear the other side.

Hon. Mr. DICKEY—My surprise at the speech of the hon. gentleman from Woodstock is of an entirely different character from that expressed by the hon. member who has just sat down. I am surprised that the hon. Senator

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should seek to deprive His Excellency, and the persons for whose benefit this Bill was prepared, of the protection which the law would throw round them under this Act. Unless the hon. gentleman is prepared with his authorities, and points out the particular section of the Act of 1868 which gives the power proposed by this Bill, he must accept, as the House will, the statement of the leader of the Government in this House that the present law does not give that protection. This Bill is for the purpose of giving power to the militia who are called out to guard the Vice-Regal residence and to act as guards of honor upon other occasions, to preserve the peace and to protect those high personages from injury or insult. I did suppose that that was an object which would have met with the sympathy and support of my hon. friend from Woodstock.

Hon. Mr. ALEXANDER.—I have no desire to take up the time of the House, but I may say that I can understand the statement of the hon. gentleman from Prince Edward Island to be strictly true—that the militia are in a perfectly good condition. That, however, is not inconsistent with my statement that during His Excellency's progress through the country there were some corps who were so shabbily clothed that their appearance was not creditable to the country. I think it is the duty of the Department of Militia to see that these small matters are attended to.

Hon. Mr. MILLER—With regard to one portion of the Bill, my hon. friend went a good deal further. He, a layman, undertook to give a positive contradiction to the Minister of Militia, who is a lawyer, by saying that the present law was sufficient to call out the forces for the purposes recited in the Bill. I think the hon. gentleman from Woodstock should not—especially as the leader of the House is a legal gentleman—make such a statement on a legal question without being prepared with some authority to back up his assertion. He should cite the law to the House. I presume, as the hon. member does not make his statements rashly, if he has not got it now, that, when the Bill comes before the Committee, he will be pre-

pared to show by authority that the present law makes provision for what is contemplated by this measure.

Hon. Sir ALEX. CAMPBELL—My hon. friend said that there was no difficulty in getting guards of honor. I did not say there was any difficulty. What I said was that, after guards of honor were obtained, they were not clothed with legal authority to act in certain emergencies. For instance, a guard of honor is called out to protect this place at the opening and prorogation of Parliament, but, should a disturbance arise, they could not do their duty as guards without having some authority to act. Then, with reference to the uniforms of companies which have turned out as guards of honor in the district from which the hon. gentleman comes, he must be aware that the Government could not afford to issue new clothing to guards of honor wherever His Excellency or a member of the royal family may happen to be, in visiting different parts of the country. The clothing of the militia is distributed to them at certain periods. I am very sorry that the militia turned out so shabbily on the occasion my hon. friend speaks of, but I have no doubt they had the same distribution of clothing as the militia had in other sections of the Dominion, and it only shews that they did not take as good care of them. As the hon. gentleman from Woodstock has stated that this Bill is unnecessary, and that the present law provides the powers asked for, I think he is bound to accept the challenge which has been thrown out by the hon. gentlemen opposite, and shew that there is no necessity for this measure.

The Bill was read the second time.

The House adjourned at 4.05 p.m.

THE SENATE.

Thursday, March 4th, 1880.

The Speaker took the chair at three o'clock.

After prayers and routine, there being no notices on the order paper, the House adjourned at 3.20 p.m.

Hon. Mr. Miller.

THE SENATE.

Friday, March 5th, 1880

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

PUBLIC OFFICERS' SECURITY BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (28) To further amend "An Act respecting the security to be given by officers of Canada." He said: Under the existing law, bonds given as security for public officers are first registered at length in the Department of the Secretary of State and then filed in the Department of Finance. A good deal of inconvenience and unnecessary waste of time have resulted from this. The Bill before the House provides that instead of registering the bonds in the Finance Department, they shall be registered in the Department of the Secretary of State, after which they shall be deposited in that Department. This is the only alteration—substituting the Department of the Secretary of State for the Finance Department.

The Bill was read the second time.

MILITIA LAWS AMENDMENT BILL.

IN COMMITTEE.

Hon. Sir ALEX. CAMPBELL moved that the Bill (A) "To further amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada," be referred to a Committee of the whole House.

Hon. Mr. ALEXANDER—The leader of the Government in this Chamber observed yesterday that I owed it to myself to explain to-day upon what grounds I founded the statement that this Bill was unnecessary. Before proceeding to do so, I would crave the kind permission of the House to make some observations respecting a speech attributed to the learned Senator from Amherst (Mr. Dickey) in this morning's paper, which I unfortunately did not hear when it was delivered. In that speech, which I learn was revised by the hon. member himself before it went to press, he does me a

very grave wrong and injustice. I cannot believe that the hon. gentleman did this intentionally. Perhaps he did not hear the remarks which I had the honor of addressing to this House, although I believe they were heard by every other member who was present. I now crave permission to read the speech of the hon. Senator from Amherst (Mr. Dickey), given in this morning's *Citizen*. It is as follows:—

“My surprise at the speech of the hon. gentleman from Woodstock is of an entirely different character from that expressed by the hon. member who has just sat down. I am surprised that the hon. Senator should seek to deprive His Excellency, and the persons for whose benefit this Bill was prepared, of the protection which the law would throw round them under this Act. Unless the hon. gentleman is prepared with his authorities, and points out the particular section of the Act of 1868 which gives the power proposed by this Bill, he must accept, as the House will, the statement of the leader of the Government in this House that the present law does not give that protection. This Bill is for the purpose of giving power to the militia who are called out to guard the Vice-Regal residence and to act as guards of honor upon other occasions, to preserve the peace and to protect those high personages from injury or insult. I did suppose that that was an object which would have met with the sympathy and support of my hon. friend from Woodstock.”

Now, I desire to ask this House to pronounce its opinion calmly. Did I utter one word in the course of my remarks yesterday which would imply that I did not consider it obligatory on the Government, as it was in their power, under the general Act, to do that which the patriotism and loyalty of the people of this country always loudly demands from one end of the Dominion to the other, namely, to do every honor to the Governor-General and Her Royal Highness the Marchioness of Lorne, whom we have now the honor to have in our midst? The speech of the learned Senator from Amherst is not worthy of the hon. gentleman, who is an old parliamentarian, and whose instincts ought to be those of one occupying the high position of a Senator of the Dominion. The hon. gentleman knows well that he cannot name a member of either chamber who values more highly than I do the consideration which has been shewn this Dominion by Her Majesty, in sending to this country the eldest son of one of the greatest ducal families of the North—a family which,

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before the union of England and Scotland, was more powerful at times than the monarchs of Scotland, and the learned Senator would, in his innocent way, hold me up to contumely by the remarks which I have just read!

Hon. Mr. DICKEY—I regret extremely that the hon. Senator from Woodstock, (Mr. Alexander) has allowed himself to be persuaded in any way that any remarks of mine were intended to have a personal application to himself in the way of reproach. I am bound to accept the hon. gentleman's statement that he did not hear my speech—which, by the way, is correctly reported—otherwise I should have had to express in much stronger terms my regret that he allowed himself to be impressed, on second thoughts, that it was intended to convey a personal imputation against himself. I repeat that I accept his explanation that he did not hear my speech, but I did hear his, and I heard him urge in the strongest terms that this Bill, which was intended for the protection of those high personages, was wholly unnecessary. I qualified my remarks by asking him to point out the clause in the Act of 1868 that gives the power which this measure confers, and said that, otherwise, the House would accept the statement of the hon. Minister of Militia that the Bill was necessary. Other gentlemen referred to the matter in the same way, and yet the hon. Senator insisted that the Bill was unnecessary. That is the reason why I felt called upon to express my surprise at the course which he took. I have no desire to get into a personal altercation with the hon. Senator or any other member of this House. I am in the judgment of the Senate to say whether I am in the habit of making personal attacks upon anyone. I may express my opinions on public questions strongly, but I hope that I am free from the imputation of having attacked anyone personally. I know what is due to my colleagues, and it is due to the hon. Senator from Woodstock (Mr. Alexander) to say that in no way did I insinuate or attempt to insinuate anything against his loyalty or patriotism. So far from that, I was quite persuaded that, from the hon. member's frequent, and I may add, almost

exuberant professions of those high qualities, it would have been a work of supererogation on my part to have complimented him upon them, or in any way questioned them, and, therefore, I beg to assure him that in any remarks which I made I desired to cast no reflection whatever upon his chivalrous devotion to the high personages referred to. It was because, on his part, he had those feelings of patriotism and loyalty that animate every gentleman here, much as we may differ on the propriety of constantly obtruding them, that I expressed my surprise as I did, and I did think that the hon. gentleman would have felt himself complimented rather than attacked by me. There was no desire, on my part, to refer offensively to the hon. member, and I hope he is satisfied with the statement which he has made and will be equally satisfied with the explanation which I have furnished.

Hon. Mr. ALEXANDER—I shall now, with respectful deference to the House, state the grounds upon which I expressed the opinion, yesterday, that this Bill is unnecessary. I find in the Statute of 1868 (31 Vict.), in the third sub-section of clause 2, the following:—

“The Governor-General shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Minister of Militia and Defence.”

I find again in the 64th clause of that Act that the active militia of the Dominion “shall be subject to the Queen’s regulations and orders for the army of Her Majesty.” Can anything be clearer than that? Again, in the 97th clause of the Act I find the following:

“All regulations made under authority of this Act shall be published in the *Canada Gazette*, and when so published shall have the force of law as fully as if they were contained in this Act.”

And now I will, with the permission of the House, read from the regulations sanctioned by the Minister of Militia under the Militia Act. The 304th paragraph relates to “Honors and Salutes.” The 305th paragraph provides for a salute of 19 guns whenever the Governor General opens or prorogues Parliament, and 15 guns when a Lieutenant-Governor opens or prorogues a Local Legislature. The 306th clause provides for the pay-

ment of the active militia for firing salutes and furnishing guards of honor. I am but a layman, but I submit to the legal gentlemen of this House, could anything be more clear than the fact that the Militia Law of 1868 gives the Government power to issue such regulations as those? I might go on enumerating other clauses, but I have quoted enough to justify me in having appealed to the House to express its opinion whether this amending Act is necessary. The Government possess the power, and that power has been acted upon. We have a militia in the country who are proud to perform those duties upon every occasion. They have no greater pleasure than to serve on occasions when the Governor-General is traversing the country, and, when he is accompanied by the daughter of our beloved Queen, their pleasure is increased a thousand-fold. My opinion may be an erroneous one, and I would not for a moment think of moving any amendment to the Bill, because the leader of the House ought to know a great deal more than I do about a question of law, but I have considered it my duty to express those opinions, which I conscientiously entertain, with all deference to the House.

Hon. Mr. MILLER.—As I presume I was one of the legal gentlemen to whom the hon. Senator from Woodstock referred as having challenged him on the second reading of the Bill to produce his authority for the position he assumed on that occasion, I consider myself, to some extent, addressed by him in his present remarks. I am very glad to find that my hon. friend has taken the trouble to submit to this House the authorities which he considered, I have no doubt, sufficient to justify him in the course he pursued on that occasion, and after hearing him read the Militia Orders, the House will not be surprised at his taking the position he did when the Bill was read the second time. But I still entertain the opinion that there is no authority to justify the hon. gentleman in the position he then assumed and yet contends for, and that there is no law to sustain the Government in calling out the militia on such occasions as are contemplated by this Bill. My hon. friend was led into a mistake which I am not

at fall surprised that a layman should fall into. He has not examined as carefully as he should have done the terms of the Statute, or he would have discovered there was no clause to authorize the making of the militia regulations he had read to the House. Had he done so he would have found that this amending Act was introduced for the very purpose of supplying this defect. Such regulations are, at the present time, without any authority or warrant of law. The provisions of the Militia Act justify the calling out of the militia under certain circumstances, and for specific purposes. The militia force is the creation, the creature of the Statute, and possesses no authority whatever except that with which it is clothed by the Statute creating it. The Statute, as I said before, enumerates certain occasions on which the militia may be called out. Outside these occasions there is no legal authority for calling out the militia. It is true the Statute gives the power to the Governor in Council to make orders and regulations for the carrying out of the law, but only for the carrying out of such objects as are specified in the law, and, as the provisions of this Bill do not already exist by Statute, it requires statutory power for the Governor in Council to make regulations on these points. The Governor in Council has no legal authority to call out the militia at the opening and prorogation of Parliament, or for the purpose of attending the Governor-General, or to guard any army. If any regulations have hitherto been made by the Governor in Council for calling out the militia for such purposes, they are *ultra vires*, and they have no legal effect. If I am not very much mistaken, a decision was given by some court in Ontario last year which may, perhaps, have been the means of calling the attention of the Government to this subject. I know the decision struck most people at the time as being very extraordinary, and laymen laughed at the idea that a militia man, in the exercise of his duty, acting under orders from his superior officers, should be guilty of trespass. But the fact remains that, if the law did not authorize the militia man to be there, or justify his commanding officer in assigning him such a duty, he was just as much a

trespasser as if he were not a member of the militia. It is because the law at the present time does not justify the making of these regulations that, I presume, the Government have taken the very reasonable course of supplying a very palpable deficiency in the Statute. I do not know how far it is expedient to give the Government all the authority asked for in this Bill. I do not know how wise it is to give the Government authority to call out the militia "upon any other occasion on which it may be considered proper by the Governor-General in Council by special order in that behalf." It is giving them a very extended power, which may be a very necessary one; but I should certainly rather see that subsection of the second clause not included in the Bill. However, this is not the time to make any objection of that kind, and I do not intend to raise it now. I hope my hon. friend will see, from the few remarks I have made, that when he opposed this measure he labored under a great mistake as to the present state of the law.

Hon. Sir ALEX. CAMPBELL

—My hon. friend from Richmond spoke of his argument as "imperfect," but I think it is a very complete and satisfactory explanation of the necessity of this Bill. I will not, therefore, enlarge upon it at all, but will simply mention the circumstance under which the necessity of the Bill was brought under the notice of the Department. It was the very case to which the hon. Senator from Richmond alluded, and occurred in London, Ontario, on the occasion of the visit of Her Royal Highness the Princess Louise, last summer. A detachment of militia was called out on that occasion and directed to prevent persons from crossing the street until the Vice-Regal party had passed. Carrying out this order, one of the militia, either a sergeant or a private, stopped a person who was crossing the road and said to him, "My orders are to prevent anyone passing here." This the man, who was an official of the town of London, pooh-poohed, and tried to pass on. When the militiaman brought his rifle to port, the official pushed it to one side and walked through. Afterwards, the man who had persisted

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in crossing the street brought up the militiaman before a magistrate on a charge of assault, and had him fined a dollar or two and costs, although the militiaman had acted in strict pursuance of his order. The fine was paid and application was made to the Department of Militia to compensate the militiaman for loss of time and expenses. The matter came before me shortly after I took charge of the Department, and I directed that the amount should be paid—some thirty dollars. The anomaly of the position presented itself strongly to me, and I submitted it to the Minister of Justice, and, the whole question having been considered by him, it was ascertained that the militia order which so very naturally misled the hon. Senator from Woodstock was without authority, and that the sanction of the law was required to clothe the militia force with the powers which they required to carry out such orders. Of course, when you dress a man in uniform and put a musket in his hand, you do not, by the simple fact, make him anything more than a citizen. Take, for instance, the guard of honor for the purpose of lining the steps of this building when the Governor-General comes to open Parliament. Suppose an unruly person, or three or four unruly persons, should try to push through the line, and the militiamen should resist them, the latter could be brought before a magistrate on the charge of assault, and fined. There is no defence, because they would not be there for purposes legalized by Statute. They can be called out for drill, to suppress a riot, or to quell an insurrection. In these three cases authority is given to call them out, and the officer in charge acquires the necessary legal right to command over the men, which he does not possess if they are called out for purposes not authorized by law, and, without this legal sanction, the men might disobey and discipline be impossible. You require, in the first place, the sanction of the law to maintain and to give the officers the necessary right to command the soldiers; and you require, also, the authority of the law to enable the soldiers to carry out those orders, as against unruly persons, and it is a happy thing for us all that the sanction of the law is required

in such cases. The hon. Senator from Woodstock has fallen into a very natural error, but I am sure that when he looks further into the matter he will say that militiamen require the sanction of the law to discharge their duties. Although the General Orders he has read do provide for calling out guards of honor, the sanction of law is wanting, and it is because the courts have so decided in the case which has been referred to, and the Minister of Justice's expression of opinion that such legislation is necessary, that this Bill has been introduced.

Hon. Mr. ALEXANDER—The explanation is in every way satisfactory, and I have the greatest pleasure in stating so. Of course, my objection was the result of an error which I fell into from not knowing those facts.

The House then went into Committee, Hon. Mr. Montgomery in the chair.

The 1st clause of the Bill was agreed to.

On the 2nd clause: "Certain cases in which the active militia may be called out,"

Hon. Mr. MILLER moved that subsection "d" authorizing the Governor in Council to call out the militia "upon any other occasion" be struck out.

Hon. Sir ALEX. CAMPBELL said he had no objection to the amendment.

On the 4th clause: "Canteens may be opened in camps of the active militia in certain cases and under certain regulations,"

Hon. Mr. MILLER expressed a desire to know what his hon. friend from Sarnia thought of it. (Laughter.)

Hon. Mr. VIDAL said, so far from thinking that clause of the Bill should come out, he considered it a very important one. In his judgment that, alone, would have been sufficient to justify the introduction of the measure. If it were not for this canteen clause, it would be very difficult to restrain young men when called out on duty from indulging in intoxicating drinks when they had no restrictions placed upon them. This Bill provided for the maintenance of canteens

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within the limits of the camp, and it prevented liquor from being sold to the men, except under proper restrictions.

The clause was agreed to.

The Committee rose and reported the Bill as amended.

The report was received, and the amendment was concurred in.

Hon. Sir ALEX. CAMPBELL moved that the Bill be read the third time on Monday next.

Hon. Mr. MILLER—I would like to ask my hon. friend how far this provision goes: "Provided also that nothing herein contained shall authorise the sale of liquors contrary to the provisions of the Canada Temperance Act of 1878." That does not mean, of course, to extend the operation of the Canada Temperance Act to places where it has not been brought into force by the vote of the people?

Hon. Sir ALEX. CAMPBELL—No.

Hon. Mr. VIDAL—The Canada Temperance Act is not in force, except where it has been established by proclamation, after its adoption by vote of the people.

Hon. Mr. MILLER—If we found that the result of this Bill was to bring into operation provisions of the Canada Temperance Act in an indirect manner, it would be rather an unfair way of doing it. I do not mean to say it would have that effect, but certainly it is worthy of consideration before the third reading of the Bill, especially as it has been so readily accepted by my hon. friend from Sarnia.

Hon. Mr. VIDAL—The hon. gentleman from Richmond must greatly have misunderstood my character and purpose to imagine that I would resort to any unfair means to promote the temperance cause.

Hon. Mr. MILLER—I assure my hon. friend that I do not impute any questionable motive to him, but temperance men, in the furtherance of their policy, are sometimes disposed to consider that the end justifies the means, and I would hardly care to trust the hon. gentleman

Hon. Mr. Vidal.

and his friends if they could benefit their cause by a sly enactment.

Hon. Mr. DICKEY—The House will recollect the alacrity with which the hon. gentleman from Sarnia expressed the very greatest pleasure at seeing this very provision, and he said, in fact, that if there was nothing else in the Bill, that clause was quite sufficient to recommend it to him. Now, if this clause means nothing more than liquor shall not be sold except in places where it is not prevented by the Canada Temperance Act, then it is entirely superfluous. It is the anxiety of the hon. gentleman from Sarnia to have the clause adopted that has aroused the suspicion of my hon. friend from Richmond—and I share with him that suspicion—that under it the sale of liquor may be prevented where the Canada Temperance Act is not in force. I think the hon. gentleman should consider the clause before he gives his unqualified approval to it.

Hon. Mr. VIDAL—I expressly stated that my approval was of the bringing of those canteens under the control of the officers within the camp, so that the men would not be exposed to the temptations they would otherwise have if the canteens were outside the camp. As to the other proviso of the clause, I do not attach the least weight to it. My belief is that, wherever the Temperance Act of 1878 is in operation, the establishment of a camp in such a district would not interfere with the existing law. I must repudiate the insinuation thrown out, not only against myself, but against other temperance men, that we would resort to any means that would not bear investigation in this House or before the world to further our cause.

Hon. Mr. DICKEY—I must compliment my hon. friend upon his extreme liberality, as he is quite willing to allow liquor to be sold to officers and men in the canteens on certain conditions.

Hon. Mr. SCOTT—I am inclined to doubt the constitutionality of this Act as interfering with the Municipal License Act. On the third reading I shall move an amendment to this clause. I should rather think that in these canteens liquor

should not be sold at all, when our militia are called out for annual drill. It should not be made an occasion for a summer holiday and jollification. Heretofore, officers and men in numerous instances have opposed the introduction of canteens into the camp, as their tendency is to demoralize the men. The effect of the introduction of liquors amongst a large body of men assembled in camp, who are not subject to the discipline of regular troops, and who are accustomed to the gratification of their own wishes on all occasions, will lead to more or less demoralization. I should like my hon. friend who has charge of the Bill in this House to consider whether it would not be wise to do away with the canteens on such occasions. The men will get liquor in the neighboring towns wherever they are in camp, and I do think we should not give undue facilities in the direction of intemperance. On reading the clause it seems to convey a desire that the commanding officers should be clothed with authority to allow liquor to be sold in canteens. In frequent instances canteens have not been allowed within the area where troops were encamped. I give notice now that, on the third reading of the Bill, I shall propose such an amendment as to debar the officers from having canteens in which any liquor is sold on a camp ground.

Hon. Sir ALEX. CAMPBELL—I am very glad that the hon. gentleman will bring the temperance part of the question up on the third reading. To us who are in the opposite camp, of course, it is a matter of regret to see this division between the hon. Senator opposite (Mr. Scott) and the hon. gentleman (Mr. Vidal) behind me. But, as I am obliged to take one side or the other, my convictions are decidedly with my hon. friend from Sarnia. It is far safer and better to put the sale of intoxicating liquors under the order which obtains in camp, and which could not possibly be enforced outside of the camp. I do not think that the hon. gentleman (Mr. Scott) believes that it would be possible, where you get three or four thousand men together in camp, to prevent them resorting to the use of liquor, and when they procure

it outside of the camp they are subject to much greater temptations than if they can procure it at a canteen, under the rules, regulations and authority of the military officers in command. The practice which obtains in the regular army, under such circumstances, is more likely to result in reasonable temperance among the soldiers. I am convinced from the remarks of the hon. gentleman behind me (Mr. Vidal) that it is a valuable clause which puts the sale of liquor under the discipline of the camp. I think the proviso in the latter part of the clause necessary; because in this Act, which, my hon. friend will remember, was passed subsequently to the Temperance Act that has been quoted, we are allowing the canteens to be used where camps are established, and, therefore, it might be supposed that if that proviso were not there, there would be a repeal, by intent, of the temperance law. Hence the proviso is well introduced by the Minister of Justice to prevent the sale of liquor where the Temperance Act is in force. As to the point raised by the hon. gentleman opposite (Mr. Scott) I shall be happy to discuss it with him on Monday, and I trust that the House will not agree with him in the conclusions at which he has arrived, but will agree with me that we are more likely to have reasonable temperance, order and decorum in a camp by placing the sale of liquor under the discipline of the service.

Hon. Mr. SCOTT—Will my hon. friend answer the question which I put to him as to the present practice—whether it is the practice for the commanding officer, under the existing law, to establish canteens?

Hon. Sir ALEX. CAMPBELL—I cannot answer that question; I am not sure upon that point, but I think it is the practice.

Hon. Mr. VIDAL—I have to repudiate all the merit which the hon. the Minister of Militia attributed to me, because I have been misunderstood if he supposed that I would, under any circumstances, tolerate the sale of that which I

believe to be injurious, wholly and always. My sympathy is entirely with the hon. Senator from Ottawa, and I assure him that, if he moves on the third reading an amendment such as he has suggested, he shall have my support at all events. I had an idea that a canteen was a place where tea, sugar, coffee and soap were sold. I thought, of course, that liquor would be sold also, but that if it was lawful to sell liquor, it was better that it should be under control. At the same time, if we can, by any means, get into the law a prohibition which does not exist at present, it would be the greatest benefit we could confer upon the defenders of our country who meet together for drill; and I can assure my hon. friend from Ottawa that it shall have my cordial support at all events.

Hon. Mr. MILLER—My hon. friend from Sarnia would, I think, have been only fair had he given me the credit of the good result which was likely to follow from the motion of the hon. Senator from Ottawa. Knowing as I did the strong views entertained by the hon. gentleman on the subject, and knowing that this clause introduced into the militia law a provision for legalizing the sale of intoxicating liquors at meetings of the militia force, I thought my hon. friend could certainly not have had his attention properly called to the Act, or he would not have expressed himself in the way he did when he rose to answer my observations. He was not satisfied with merely endorsing the Act, but he took the trouble to read a portion of the clause he referred to, and he gave it his warm approval. Not only that, but he rather threw out some insinuations against this side of the House while complimenting himself on his own superior virtue, as perhaps gentlemen of my profession would be more likely to do. But I do not think it was meeting me in the way I deserved to be met, for the very timely and friendly manner in which I called his attention to a matter in which he was deeply interested. I am glad to see that the remarks of the hon. Senator from Ottawa have had the effect of bringing the hon. gentleman to his proper views upon this question, and to a much better frame of mind.

Hon. Mr. Vidal.

I do not believe that it would be very wise to introduce this provision into the law. I do not think it should be there. The traffic is bad enough on occasions when large bodies of men are congregated together for militia purposes, but it is worse than bad if, by an enactment of this kind, you legalize the selling of liquor among them in canteens, and if my hon. friend from Ottawa will propose an amendment to the Act, such as he has given notice of, I, for one, shall be happy to vote for it, regardless of what position my hon. friend from Sarnia may take upon the question.

The House adjourned at 4.15 p.m.

THE SENATE.

Monday, March 8th, 1880.

The Speaker took the chair at three o'clock.

After prayers and routine proceedings.

BILL INTRODUCED.

Bill (2) "To repeal the Acts respecting insolvency in force in Canada."

THE ACCIDENT TO THE VICE-REGAL PARTY.

REPLY TO THE JOINT ADDRESS.

Hon. Sir ALEX. CAMPBELL brought down the following Message from His Excellency the Governor-General:—

"GOVERNMENT HOUSE.

"OTTAWA, 5th March, 1880.

"Honorable Gentlemen of the Senate;

"Gentlemen of the House of Commons:

"I much regret that the Princess is unable to receive with me in person the joint Address you do me the honor to present to me to-day.

"The concern you express for the injuries she lately received when on her way to the Senate Chamber, the sympathy shewn on hearing of the accident, and the satisfaction expressed on learning that the evil results are now fast disappearing, give to us a token of your kindness which has been deeply felt by her.

"During the time she has been in Canada she has received from the people of this country constant marks of their chivalrous and generous affection. She bids me tell you, what I know to be the simple truth, that she

is very sensible of these, and feels herself happy in having come here, and in being the occasion of the manifestation of the love of a loyal and united people for the Queen and the Empire.

"It will be her pride, while in Canada, to devote herself to the interests of the people who have before them so great a future, and in whose hearts it will be her earnest wish to find an abiding place.

"LOBNE."

Hon. Mr. MILLER—I am sure we are all very well pleased to hear that Address read, but we have already seen it in the newspapers.

Hon. Sir ALEX. CAMPBELL—It was brought down on Friday, after the Senate had adjourned. It was presented in the other House on that day because they sat longer than we did.

ACCIDENTS ON THE INTERCOLONIAL RAILWAY. INQUIRY.

Hon. Mr. POWER inquired of the Government :—

1st. What were the exact circumstances which led to the serious accident on the Intercolonial Railway on the 29th ultimo?

2nd. What was the exact nature of the accident and of the damage done?

3rd. Have any steps been taken to have an investigation as to said accident?

He said : The next morning after I had given notice of this inquiry, a despatch appeared in the *Ottawa Citizen*, coming from the Superintendent of the Intercolonial Railway, which professed to give all the information asked for; and in order to make the meaning of my inquiry more clear to the Government and this Chamber, I should like to point out in what particulars this despatch does not convey the information I have asked for. As to my first question, the reason given in this letter is as follows :—

"The principal facts, so far as obtained at present, appear to be that the special freight train got stuck in the snow about one mile south of Tartaque, as there had been a very heavy storm the previous night. The signals, put out by the conductor to protect the rear of his train, not being far enough out, No. 33 train ran into the delayed train. The damage by this collision was very slight indeed. The conductor of No. 33 train sent out signals to protect the rear of his train, but the engine driver of the mail special following does not appear to have seen them until too late, and this caused the second collision."

Reply to Address.

It does not seem to me that the snow storm was a heavy one—it certainly was not known here as a heavy one; and it is a remarkable fact that the remainder of the journey was accomplished without interference from snow. Reports from other sources would indicate that there was not a heavy snow fall. And passengers who came over the road in the next train state that the cause of the stoppage of the train was that the engine gave out. It seems to me that there must have been a very grave neglect of duty on the part of some one, or such an accident could not have happened. No. 33 freight train was not very far ahead of the one following it. It was known at Campbellton, when the second train left there, that the first was only a short distance ahead, and, if ordinary precautions had been observed when No. 33 stopped, and a man sent back a sufficient distance to signal the coming train, No. 33 would not have been run into. Then Mr. Pottinger goes on to say that the mail train came along, and that for some reason or other the engineer did not see the signals put out to stop him until it was too late. While it is possible that one mistake might have been made, and no one have been seriously to blame, it is rather too much to ask us to believe that the two accidents could have occurred if proper precautions had been taken to prevent the advancing train from running into the wreck, or if there had not been some grave fault on the part of the *employés* on the road. For that reason, it is necessary and desirable that some accurate information should be obtained. The second inquiry is as to the amount of damages done and the nature of the accident. Mr. Pottinger's despatch says that "the trains were hauled out of the way and placed on sidings, and the track was cleared at 6 p.m. Yesterday the mail train was quite uninjured, with the exception of the engine. There is only one engine damaged, and that only slightly." Now, it seems to me to be rather strange that if there was almost no injury done, and if, as Mr. Pottinger says, "the track is not damaged in the slightest, not a single rail being disturbed," the train should have been delayed nine hours at that place. If only one of three engines was injured, and that "slightly,"

it does not seem to me that so long a delay was necessary. Mr. Pottinger represents that the whole damage does not amount to more than \$2,000. I should hesitate to accept that estimate as a correct one, not that I think that the statement made in some of the newspapers that the damage amounts to \$60,000 should be relied upon as being accurate. I think we should have full and accurate information. Mr. Pottinger says that steps have been taken to have an investigation, and I may say that, if I had seen his despatch before putting this notice on the order paper, I would not have asked the question, although I do not think the despatch gives a very accurate account of what has occurred. I should like to call the attention of the leader of the Government to one part of this despatch. Mr. Pottinger says: "the accident is one of those to which all railways are liable at intervals, and under the late management there were several of a similar kind, but in which the damage was much more extensive." It must strike every hon. gentleman in this House that this is a rather curious passage to occur in the despatch of a subordinate officer giving information as to the manner in which an accident has occurred. I can readily understand that language like that of the latter part of the despatch might very properly be used as an argument by any hon. gentleman who supports the Government in this House, in defending the Ministry against a charge of neglect or mismanagement; but I think it is altogether irregular and improper for a subordinate officer, whose duty it is to simply report what has occurred, to enter into a political argument of that sort in his despatch. I hope we shall not have any more despatches of that particular character. Mr. Pottinger might as well have told us that all the trains during the last few weeks have been behind time, that two or three serious accidents have occurred on the Pictou branch, that a train got off the track near Windsor Junction, and a number of other things of that sort, which would have had just as much—a great deal more, in fact—to do with this matter than what occurred three years ago. Neither have any direct connection with this accident. I find that one of the reasons given for the delay of nine

Hon. Mr. Power.

hours is that the distance at which the accident occurred from the locomotive stations of St. Flavie and Campbellton, where the auxiliary engines and cars are kept, prevented the track from being cleared sooner than it was. But the repairing shops at St. Flavie were only twenty miles from where the accident occurred, and if assistance was telegraphed for immediately, it could have been obtained in two hours, and a delay of three or four hours is all that need have occurred. The impression left on my mind—and I will be very glad if the leader of the Government can remove the impression—is, that not only has the rolling stock of the railway deteriorated, but the staff has been somewhat demoralized. I do not think the officials did their duty in this instance, and I think it is to be regretted that, in the reorganization of the Intercolonial staff, some months ago, all the men capable of managing the road were reorganized out of the service. I can readily understand why it might seem desirable to remove Mr. Brydges, who was receiving a very large salary, and who might have made himself politically obnoxious to the Ministry; but I fail to see—and I do not think any gentleman in this Chamber can give any reason for it—why the Deputy Superintendent of the road, Mr. Lutteral, who never took any active part in politics, and who thoroughly understood the management of the road, should have been removed, and that Mr. Pottinger, who was merely a clerk in the freight department, should have been appointed Superintendent. I do not think we would have had the complaints we have lately heard had Mr. Lutteral's services been retained.

Hon. Sir ALBX. CAMPBELL—I am afraid that I shall not be able to give the hon. gentleman satisfaction on all the points which he has touched upon. I do not know whether he is quite aware of it or not, but he assumes to sit in judgment on the case, and says that the accident could not have been as stated in Mr. Pottinger's report, as though the hon. gentleman has some means of knowing—distinct from what the rest of us have—all about the accident, and enabling him to form a better judgment than that of anyone else. The first question of the

hon. gentlemen is: "What were the exact circumstances which led to the serious accident on the Intercolonial Railway on the 29th ultimo?" The circumstances were, that one of the trains, a freight train, got stuck in the snow, and the train following ran into it. That was the cause of the accident, but the hon. gentlemen says he is satisfied that if proper signals had been put out, this would not have occurred. I can only say in reply that an inquiry is being made, and it will be ascertained whether those whose duty it was to put out signals took sufficient care in doing so or not. If those signals were insufficient, or were not set far enough out from the train, the men who were culpable will be dealt with accordingly. The second question is: "What was the exact nature of the accident, and of the damage done?" The nature of the accident was a collision, and the damage done amounted to about \$2,000. The third question is: "Have any steps been taken to have an investigation as to said accident?" Steps have been taken, and an investigation is now going on. Everything is being done that can be to arrive at safe conclusions as to all the circumstances. It is impossible now to discuss whether the first accident or the second accident could have been avoided or not, but the Government is taking every pains to discover who is at fault for the occurrence of both the first and the second. It would seem as if the second accident, at all events, need not have occurred if proper precaution had been taken. The hon. gentleman says the statement that there was a delay from nine in the morning until six in the evening is inconsistent with another portion of the statement, and that there ought not to have been such a delay, because the extent of the damage was so small. Surely we must suppose that the men who were there at the time of the accident, and those who were endeavoring to remove the obstruction, would have done all they could to send on the train as fast as possible, and why the hon. gentleman should assume that there ought to have been a delay of only one or two hours at the most, I cannot see, and I distrust whether the hon. gentleman possesses any information on which to base that opinion.

Hon. Sir Alex. Campbell.

Hon. Mr. POWER—The hon. gentleman has misunderstood me. I stated that if the damage done had been so trifling as Mr. Pottinger reported in one part of his despatch, the train need not have been delayed so long.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman sits in judgment and, without any particular knowledge of the facts, says that all the officials employed in removing the obstruction delayed the train unnecessarily. He tells the House now, by way of explanation, that, if the accident was so slight and involved so small a loss as they say it did, the delay would not have been so great; but, in my opinion, the accident might have been one involving only a thousand or five hundred dollars and yet the train be delayed from 9 a.m. to 6 p.m. The question is not the amount of the damage done, but, how much the track was blocked up and how long it necessarily took to remove the obstruction? Knowing that their reputations were at stake, and that all the newspapers would at once be discussing the subject, one might assume the contrary, instead of concluding, as the hon. gentleman does, that the time occupied in removing the obstruction was unnecessarily protracted. It is but fair to assume that everybody concerned would use his utmost exertion to make the delay as short as possible. I hope the investigation may relieve those who have charge of operating the road of the impression—which would seem not an unfair one at this moment, at all events, although I would be sorry to say that it cannot be explained—either that these signals ought to have been more striking, or carried further back.

Hon. Mr. KAULBACH—There is one fact left unobserved. I notice that Mr. Pottinger says in his report that the train hands were all old and skilled *employés*, and that the train despatches and regulations on the road are the same as they were under the old *régime*. That part of the despatch has not been mentioned by my hon. friend from Halifax. Of course such an accident might occur, and has frequently occurred under the best system of railway regulations. It

also seems, from the report of Mr. Pottinger, that no freight was damaged and that the signals had been put at the usual distance, but the engine driver of the third train failed to notice it. Whilst it is not advisable to excite alarm to the injury of the line, yet, no doubt, a full inquiry will be instituted, and the public confidence, thereby retained in the good management of the road.

Hon. Mr. McLELAN—I do not take so much exception to the inquiry which the hon. gentleman from Halifax has made, but I think it was unwise of him to create the impression that the whole staff on the Intercolonial Railway has become demoralized by the reduction in expenses. This railway has been run for the last few years at an expense over and above the revenue of half a million of dollars. Now, this was a condition of things that the country would not have patiently borne, and would have demanded a remedy by a reduction of expenses. If we are to continue and extend our system of railways in this country,—and if we have not railways we may as well abandon the country,—it becomes, then, an absolute necessity to ascertain how economically we can run this road. All the railroad companies on the continent and throughout the world have been economizing and reducing their expenses, and have succeeded in bringing them down to as great an extent as the reduction that has been made on the Intercolonial Railway. So far from the staff having become demoralized, I think that all the most experienced men upon the road have been retained, and the staff is in no way demoralized as the hon. gentleman states; nor was this collision a consequence of the reduction in expenses. Accidents occur on every road; on the Intercolonial they have, happily, been less frequent than on most other roads on this continent, but it has not wholly escaped. I knew of several under the late management quite serious in destruction of property, but I am sure it would have been unwise and unjust to have magnified them and created unnecessary alarm by making them the subject of discussion in this House. We seldom hear of accidents in the neighboring States, unless of some unusual destruction of life and property, and yet the annual

returns show that accidents occur daily. I have before me the report of the State Railway Commissioners for Massachusetts, for the year 1876, and if the hon. gentleman had consulted such returns, he would have seen that accidents are to be found, more or less frequent, on every road, however carefully managed, and, I think, would have been content to have left the investigation of this accident in the hands of the officials whose duty it is to make it, and who are responsible for the management. Should a great destruction of life unhappily attend any accident, as possibly there may, looking to the results on other roads, then it might be desirable to satisfy the public by a speedy and open investigation; but, I repeat, it is injurious and unjust to the Intercolonial to make what are considered elsewhere ordinary mishaps the subject of parliamentary discussion. With the permission of the House, I will refer to this report, which gives a return of accidents in the neighboring States down to 1876. In 1873 there were 1,344 accidents, 346 persons killed and 1,381 injured. In 1874 there were reported 987 accidents; in 1875 there were 1,179 accidents, and in 1876, the whole number of train accidents reported up to 30th September, was 954; whole number killed by such accidents, 219; whole number injured by such accidents, 939; whole number of accidents causing derailment of trains, 905. Of the above accidents 263 were due to collisions classified as follows:—rear collisions, 149; head collisions, 93; grade crossing collisions, 13; unexplained collisions, 11. Besides the above list of collisions, there were due to derailment of trains, etc., from various causes, 905 accidents. The returns of railways in other countries will shew, I believe, a somewhat similar record of accidents as being almost inseparable from the management of railways. The hon. gentleman appears to have arrived at the conclusion that the locomotive power has been neglected; but if he will turn to the report of the Minister for the last year he will find three new locomotives have been added, and as large a sum expended in repairs as in the preceding year, so that the hon. gentleman is in error in attributing occasional delays or accidents to a neglect of the rolling stock.

Hon. Mr. Kaulbach.

Hon. Mr. DICKEY—After what has been said by the hon. Senator from Halifax, and after the very frank and full answers given to the hon. gentleman's questions by the leader of the Government, I do not propose to enter into the details of this question. No complaint can be made of the hon. Senator from Halifax for giving notice of this inquiry at the time that he did, however much we may differ from him as to the opinions he has expressed in the remarks with which he accompanied the question to-day. I am rather disappointed that my hon. friend has not gone to the root of the matter. I wish to call the serious attention of the leader of the Government in this House—for it is a serious matter—to that portion of Mr. Pottinger's report which says that the line is now run on the same rules and regulations as heretofore obtained in regard to the Intercolonial Railway. I can only say that if these rules and regulations for the running of trains are to be continued, I think we shall have frequent reports of accidents similar to these and for this obvious reason: it appears that two trains (not one, but two) were allowed to leave a station on the Intercolonial Railway before it was ascertained that the train ahead of them had reached the next station. Now, that is a state of things which, I think, should not be allowed to continue. We all know very well that amidst the hundreds and thousands of trains that are constantly passing and re-passing on each other's heels, sometimes every five minutes, in England, there are comparatively few such collisions; we rarely hear of one train overtaking another. What is the reason? Because trains are run there upon what is called the "block system"—that is, no train is allowed to leave a station until the train ahead has reached the next station. If such a system, or some modification of it had been in force on the Intercolonial Railway, it would have been quite impossible that the double accident referred to could have occurred. I state this in all friendliness and frankness, and I hope the suggestion will receive the serious consideration of the Department. I know that Mr. Pottinger has correctly stated the rule; because, within sight of my

own windows, I have seen trains following one another between two stations only six miles apart, and, before the first train had reached the station, I have heard the whistle of the other half-way, following on its heels. It is true that this occurred in the open country, in a place where you can see a train a mile or two ahead, but still it is not a safe mode of conducting railway traffic. I think that these two successive accidents should lead to a better mode of running trains. These are accidents which are wholly apart from the question of whether the road is in good order or whether the locomotives are in a proper state of repair, on neither of which grounds have I any cause of complaint. I do not object to the criticism of my hon. friend from Halifax on the working of a Government railway, and I trust that the Minister of Railways will consider well the suggestions I have ventured to make, and thus render such accidents as these which we all deplore impossible.

Hon. Mr. ALEXANDER — The House must feel that the whole of this discussion is quite irregular. If this system is to prevail, of making a lengthened speech upon a mere inquiry to the Government, followed by other long speeches, the result will be that every member will claim the right to be allowed to speak on the subject. I desire to express my concurrence with the remarks made by my hon. friend from Londonderry (Mr. McLelan), that little good can result from bringing up the question of every simple accident which occurs on our Government railways. Everyone who knows anything of railway management in Canada or the United States is aware that accidents happen occasionally on the best managed roads. No management, however perfect, can entirely prevent the occurrence of such events. We know that they happen on our own trunk lines and upon those of the United States. If every accident which occurs on the Intercolonial Railway is to become a subject of parliamentary discussion, it will only verify what I have ventured to express several times on the floor of Parliament, that it is a public calamity that we have to operate any railroads at all as Government

Hon. Mr. McLelan.

works. I feel strongly that the sooner the Government of this country can place the whole of the Government railways in the hands of responsible private companies, the better it will be for the Dominion, because, we must all feel that, if every accident is discussed, it will prove a source of never-ceasing irritation to the people, and impress the public mind that our public works are mismanaged. Nothing can be more objectionable than such discussions upon the subject of railway accidents from time to time.

Hon. Sir ALEX. CAMPBELL—I desire to assure the hon. Senator from Amherst (Mr. Dickey) that I shall bring his observation as to the block system to the attention of the Minister of Railways, and I shall take occasion to refer to it again in this House. I suppose that the difficulty on the Intercolonial Railway is the distance between stations. However, I shall inquire into the matter.

MILITIA LAWS AMENDMENT BILL.

THIRD READING

Hon. Sir ALEX. CAMPBELL moved the third reading of Bill (A) "An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada."

Hon. Mr. SCOTT—I gave notice on Friday, when the House was in Committee on this Bill, that I proposed, on the third reading, to suggest an amendment to the last clause of the Bill in relation to canteens. My object in giving that notice was this: I was under the impression that canteens were, in this country, made the medium for the sale of spirituous liquors rather indiscriminately to the men who are called out for drill. I have since been informed, on good authority, by an officer of the Department, that such is not the case; and, under the regulations which have prevailed, and which are likely to prevail in the future, no spirituous liquors or wine—nothing beyond beer and porter—has been permitted in the canteens. If such is the case, I do not feel disposed to propose any amendment to the clause, thinking it very much better that the Government, or the Department itself, should assume the

responsibility of regulating what should be sold in the canteens. While I do not propose to be an apologist for the drinking of beer in any sense, still there is a minimum of evil in drinking it as compared with wines and spirituous liquors. There is certainly a good deal less alcohol in beer. If you bring together a considerable body of men who are accustomed to the gratification of their own tastes, and who are not, probably, total abstainers, it would not seem reasonable that we should enforce arbitrary rules of temperance upon men like that who are called out for fourteen or fifteen days. I do not think anything would be gained by it; on the contrary, they would most effectively obtain some mode of gratifying their tastes in that direction by getting just such drinks as they would desire. It is very much better, therefore, to have well-regulated canteens under the control of the officers, and for which the Militia Department would be responsible. I find reference is made to restricting the sale of articles to those which are usually sold in canteens under the Queen's regulations. Turning up an old edition of the Queen's regulations of 1868, I find there, that wine is among the articles permitted, but that ardent and spirituous liquors are prohibited, and unless, therefore, there is a later edition, under which the restrictions are limited to beer, it would not be wise to use the language of this clause. Perhaps my hon. friend would accept the following slight amendment where the word "army" comes in in the 27th line, "subject, however, to such restrictions as may be directed by the Minister of Militia." If my hon. friend would accept that amendment, I think it would be safe.

Hon. Sir ALEX. CAMPBELL—I have no objection to that.

Hon. Mr. SCOTT—I think in that way that the Queen's regulations are larger in their reading than the Department would seem to believe. This amendment would, at all events, restrict the articles sold to those specified.

Hon. Sir ALEX. CAMPBELL—I am very glad my hon. friend takes that view, and I am quite willing to accept

Hon. Mr. Alexander.

his amendment. I have not seen any copy of the Queen's regulations, but I am informed that they restrict the sale to beer and porter.

Hon. Mr. SCOTT—Wine is one of the articles allowed.

Hon. Sir ALEX. CAMPBELL—I am quite willing to accept the amendment, and I speak as sincerely in the cause of temperance as my hon. friend, or as any temperance man in the House, when I express my strong conviction that the Bill is in the direction of temperance, and will have that effect.

Hon. Mr. VIDAL—I should like to add a word to what has been said. Without any consultation with my hon. friend from Ottawa, I had come to the same conclusion from having carefully examined the Militia Law and all the subsequent amendments (some seven in number) since it was passed, as also the Queen's regulations of a later date than my hon. friend has quoted, but containing the same words, and I now think that the clause should be allowed to pass either as it stands or with the addition which the hon. gentleman suggests. In the Queen's regulations I notice that no less than forty paragraphs relate to canteens and their management, and throughout the whole of them I can see that the compiler and the authorities who sanctioned them had in view the protection of our soldiers from intemperance. The restrictions are such that they amount almost to prohibition and, seeing that we have nothing in our present Statutes authorizing the Government to make such regulations for our militia, it is an absolute necessity that power should be given such as is proposed here. I venture to make a suggestion to the hon. Minister of Militia which has occurred to me. It is on a legal point, and there may be nothing in it, but it seems to me that, in passing this Bill without any proviso to guard provincial and municipal rights, we are opening the door to future difficulty. We do not know exactly what the powers of the Dominion are with reference to dealing with the traffic in intoxicating liquors. The question is now *sub judice*.

Hon. Sir Alex. Campbell.

Hon. Mr. SCOTT—It is all subject to license. Even with the sanction of the officer, it must be under license.

Hon. Mr. VIDAL—If we had the contemplated regulations before us and could see the precise terms employed, it might be found that my objection has some weight. As we do not know exactly what they are, would it not be desirable to guard against the possibility of difficulty arising by inserting a short proviso like that about the Temperance Act, implying that it is not intended by this law to interfere with the jurisdiction of the Provinces, because, as the Bill now reads, it would seem to interfere with the power of the local authorities? I do not, by any means, insist upon such an amendment; I merely offer the suggestion.

Hon. Mr. SCOTT—If my hon. friend will read the regulations, he will see that specific mention is made in them of the necessity of procuring a license, and I assume that these are the regulations which prevail in the Department.

Hon. Mr. MILLER—I do not intend to make any reference to the position assumed by the hon. Senator from Sarina with reference to the canteens, because it is so hard to follow him, he has been going in so many different directions, and I do not know where he will end; but, on the other point, in regard to the constitutionality of the law, I do not think that he need have any fears. As, under the Union Act, this House has power to make laws regulating the militia, I think that everything incidental to the service must follow, even if the regulations did not provide any means whereby license should be taken out. I thought the other day, when my hon. friend before me (Mr. Scott) threw out some doubts as to the constitutionality of the law, that there was not a great deal in them, although, of course, I received his suggestion with deference, as I always do his opinions on these questions, and, on further consideration, I do not think there is any ground for the apprehension of the hon. gentleman from Sarina.

Hon. Mr. DICKEY—I do not think that we need delay the passage of the

Bill by the objection which has been suggested by the hon. Senator from Sarnia. When I first looked at this clause, I must say I felt rather suspicious about it, and for that reason called the attention (and my hon. friend alongside me did the same) of the hon. Senator from Sarnia to it, because he was supposed to represent in this House, in a special manner, the cause of temperance; but, after hearing my hon. friend's strong opinion in favor of this clause, and particularly the portion giving power to establish canteens in camps, I yielded at once my opposition in deference to his opinion. At the same time I must tell him that there is in this clause as it stands a saving provision—that nothing whatever can be sold in these canteens except under regulations to be made by the Governor in Council. If these regulations in any way contravene local legislation, the Government will have to look well to it before making them, for, if *ultra vires*, they would not be recognized. On the other hand, I am very glad that my hon. friend opposite (Mr. Vidal) and my hon. friend below me (Mr. Scott) have both arrived at the same conclusion, not to obstruct the passage of the Bill by insisting upon an amendment which it seems to us all now is unnecessary. I only rose to explain that any doubts which I entertained—and I had grave doubts at the first—have been removed by my hon. friend's (Mr. Vidal's) fervid advocacy of this clause as it stood on Friday last.

The amendment was adopted.

The Bill was then read the third time and passed.

JOINT COMMITTEE ON PRINTING.

CONSIDERATION OF THIRD REPORT.

The Order of the Day being read for the consideration of the third report of the Joint Committee on Printing,

Hon. Mr. SIMPSON said:—Last year we were able to reduce the printing expenditure by a considerable amount. The balance sheet this year does not show any reduction, as it includes a considerable amount of work performed the previous year. If you will turn to Mr. Hartney's statement, you will find

Hon. Mr. Dickey.

that it gives the cost of the printing service since 1876, as follows:—

The Session of 1876	cost	\$55,457.69
“	1877	“ 66,647.57
“	1878	“ 71,066.15
“	1879	“ 60,703.30

We asked last year for an appropriation of \$70,000, but there was a large reduction on the cost of the service of previous years. Our paper costs us five or six per cent. less this year, and the chances are we will come under, to some extent, the expenditure of last year. Although we have asked the Government for \$70,000, we think we can keep the expenditure down to \$60,000. The account has been carefully audited. I was one of the auditors myself, and we found every document and every paper connected with the service correct. We had nothing to demur to or find fault with. In the report, reference is made to the death, by drowning, of one of the assistant distributors, Mr. Botterell. I omitted, a few days ago, to state that we had appointed his brother, who has had a good deal of experience, and who is a very worthy person, at the same salary, to take his place.

Hon. Mr. MILLER—Before the motion is adopted, I should like to make a remark as to one of the clauses of the report and as to some of the remarks of the hon. chairman. He says the Committee has appointed a brother of a deceased officer in the Distribution Office to take his place. I wish to take this occasion to enter my protest against this “family compact” system that would put brothers and other relatives into the Civil Service in the place of their friends who happen to drop off. There is too much of that practiced in Canada, and we find whole families in the Civil Service. It should be an objection to any party applying for a position that a relative of his had had the position before him. This thing is going too far in the Civil Service of Canada, and it is beginning to be talked of in distant portions of the country that are not so favored, and it is time that some of us should enter a protest against the practice. The extreme portions of the Dominion have not a fair representation in the Civil Service, and if you keep filling up offices by favored families, who manage for

generations to live upon the public purse, there is neither sound policy nor justice in such a course. I knew I speak the sentiments of a large portion of people of this country who think this practice has gone too far and should be stopped; and if my hon. friend has no other reason for the appointment of this young man than the fact that his brother was the late incumbent, he would have done better by going beyond the family and appointing somebody from some other family who have had no favors from the public chest. I am glad this question of the Civil Service is to come before Parliament shortly. It is one that requires the very serious attention of the House. Besides, civil servants in connection with the Departments here are all well paid. There are lots of highly respectable officers throughout the country on paltry salaries of from \$400 to \$500 per year, giving all their time to their duties. I hope, when the Civil Service Bill comes before the House, that this question will be fully ventilated.

Hon. Mr. SIMPSON — I am fully in accord with the hon. gentleman. I am as much opposed to the "family compact" business as he is. There is too much of it done in appointments both in this and the other House, but, in this case, my hon. friend will see there is some reason for the appointment that has been made. We required a person with some skill and experience to have our papers properly distributed. The young man we appointed possessed that experience. We had been obliged to call upon him at times when the assistant clerk was sick and unavoidably absent. This young man had filled his place for day's pay for six or nine weeks. If my hon. friend had attended the Committee he would have found that there is no desire to favor anybody. The young man is a very efficient officer, and I do not know where you could have got any other who could have stepped in at once and filled the position without some training. However, I am very much in accord with my hon. friend's sentiments generally.

Hon. Sir ALEX. CAMPBELL—I do not think that my hon. friend from Richmond need at all distrust the general

Hon. Mr. Miller.

response which his remarks will meet with, not only in the country at large, but in this House, and in Ottawa also. The evil which he complains of has forced itself on the attention of the Government, and has received due consideration in many instances, to my own knowledge, in several of the Departments. I know that applications of officials to have their sons employed have been refused on the ground that the hon. Senator has mentioned—that it was not fair or desirable that these appointments should go by descent. It is a just rule, and one which, I hope, will be more generally enforced in the future than it has been in the past, and I have every reason to believe that it will be.

The motion was agreed to.

PUBLIC OFFICERS' SECURITY BILL.

IN COMMITTEE.

Hon. Mr. AIKINS moved the House into Committee of the Whole, on Bill (28) "An Act to further amend the Act respecting security to be given by officers of Canada."

The Hon. Mr. BUREAU, from the Committee, reported the Bill without amendment.

Ordered that the Bill be read the third time to-morrow.

The House adjourned at 4.20 p.m.

THE SENATE.

Tuesday, March 9th, 1880.

The Speaker took the chair at three o'clock.

After prayers and routine proceedings.

BILL INTRODUCED.

Bill (C) "To authorize and facilitate the winding up of the affairs of the Banque Ville Marie, and the reduction of its capital."—(Mr. Trudel.)

The Bill was read the first time.

Hon. Mr. TRUDEL moved that the Bill be referred to the Select Committee on Standing Orders and Private Bills. He said that this motion might appear irregular, but it was made in accordance

with Rule 60, as amended last session, and which read as follows:—

“Every Private Bill, when read the first time, is referred to the Committee on Standing Orders and Private Bills, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the Legislatures of the Provinces.”

Hon. Mr. SCOTT assumed that the rule was intended to apply only to Bills of a doubtful character. It never was contemplated that banking Bills should be referred to the Committee for such a purpose.

Hon. Sir ALEX. CAMPBELL said that the language of the rule was general, and the hon. Senator (Mr. Trudel) had followed the proper course.

The motion was agreed to.

Hon. Sir ALEX. CAMPBELL thought it would be desirable to have a revision of Rule 60. While it was desirable to refer some Bills, the constitutionality of which might be doubtful, to the Committee, it was neither desirable nor necessary that the great majority of private bills should be so referred.

Hon. Mr. BELLEROSE said that, when he proposed this rule last session, it was his intention that every private bill should be referred to the Committee. It might be advisable, however, to suspend the rule, by the unanimous consent of the House, when there was no doubt in the mind of any member as to the jurisdiction of this Parliament in dealing with it.

Hon. Mr. ALLAN, wished to know if the rule was imperative and could not be suspended, in what position the Bill introduced the other day by the hon. Senator from St. John (Mr. Lewin) would be? It had been read the second time, and was now before the Banking Committee. He thought, however, that this rule was never intended to apply to banking bills.

Hon. Mr. BELLEROSE thought that the inconvenience of enforcing this rule was trifling, compared with the great advantage it afforded in preventing the passage of measures of doubtful constitutionality. In the case of bills respect-

ing which the jurisdiction of this House was clear, the Committee would immediately report them back to the House and recommend their passage, and no delay would be experienced.

Hon. Mr. AIKINS suggested that if it was necessary to refer such bills to the Select Committee, the reference should be made prior to their introduction in the House. It did appear like circumlocution to introduce a bill, and then refer it to the Committee on Private Bills, which did not meet every day. Towards the close of the session, it would be found very inconvenient; there would be a great deal of time lost, and a great deal of unnecessary delay.

Hon. Mr. BELLEROSE asked how the Committee could report upon a Bill which was not before the House.

Hon. Mr. VIDAL suggested that permission might be given to any two members who doubted the constitutionality of a Bill to refer it to the Committee.

Hon. Mr. BELLEROSE approved of the suggestion.

Hon. Mr. CAMPBELL said that it would not be a bad amendment, and he gave notice that he would move that the rule be changed accordingly. In the meantime, he suggested to the hon. Senator from St. John (Mr. Lewin) that he should move that the rule be suspended so far as it related to the Bill introduced by him the other day, relating to the Bank of New Brunswick.

Hon. Mr. LEWIN moved the suspension of the rule accordingly.

The motion was agreed to.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION FOR A RETURN.

Hon. Mr. BELLEROSE 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 a Report, dated the 16th July, 1878, by J. G. Moylan, Esq., Inspector of Penitentiaries, on the complaints made by certain officers of the

Penitentiary of St. Vincent de Paul against one of the physicians of that penitentiary, and copies of the letters or other documents containing those complaints, and of the examinations of witnesses taken down in writing by the said inspector.

The motion was agreed to.

PUBLIC OFFICERS' SECURITY BILL.

THIRD READING.

Hon. Mr. AIKINS moved the third reading of Bill (28) "To further amend an Act respecting the security to be given by officers of Canada."

The Bill was read and passed.

THE PRINTING OF PARLIAMENT.

FOURTH REPORT OF THE COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the fourth report of the Joint Committee on Printing.

The motion was agreed to.

The House adjourned at 3.40 p. m.

THE SENATE.

Wednesday, March, 10th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE EXPENDITURES OF THE SENATE.

A MESSAGE FROM THE HOUSE OF COMMONS.

The SPEAKER submitted a Message from the House of Commons, asking the Senate for a statement shewing the amount paid to Senators as an indemnity, the amount paid to officers of the Senate, the amount paid to messengers of the Senate, the amount paid for printing by the Senate, and the amount paid for all other expenses connected with the Senate for each session since the 1st of July, 1867.

Hon. Sir ALEX. CAMPBELL moved that the Message be taken into consideration on Monday next, and said:— I beg to draw the attention of the House to a statement which was made in another place when the motion for this address was submitted in that House,

Hon. Mr. Bellerose.

because I desire to correct what I think is an erroneous impression which that statement is calculated to create in the minds of the public at large. In moving for this address in the other House, Mr. Mills is reported to have said that

"There had been a large expenditure in connection with the Senate, and he thought it would be interesting to the public to know precisely how that expenditure took place, and to know also what was the exact cost to the country of the maintenance of the Second Chamber.

"Sir JOHN MACDONALD—The First Chamber.

"Mr. MILLS said the position of the Senate with regard to its expenditure was an anomalous one. Since 1870 the expenditure of the House of Lords was subject to the same supervision as that of any other Department of State. A return was made to the Secretary of the Treasury, and the Committee of Public Accounts examined into the accounts of the House of Lords as well as of any other Department. But this was not the case with the Canadian Senate. The hon. gentlemen knew that a Bill had been carried through the House providing for a Committee appointed by Mr. Speaker to regulate the affairs of this House. That Committee consisted of the members of the Administration, but that Act did not apply to the Senate as at present constituted; the fact being that the expenditure of that body was entirely under its own control, and he was informed that its accounts had not been audited or supervised for many years past. He did not think this was a desirable state of things, and it was important that they should see exactly what this expenditure was and how far the Auditor appointed under the Act of Parliament had supervised it. His impression was that when the return was brought down it would be seen that the expenditure in the other Chamber had not been as economical as in this, though even in this House they had not distinguished themselves in that respect."

This statement conveys, I think, an erroneous impression in several respects. In the first place, it says, that since 1869 the expenditure of the House of Lords "was subject to the same supervision as that of any other department of the State." This is not quite accurate; because, although since 1869 the expenditure of the House of Lords is subject to audit by the Auditor-General, it is not in the same way or degree as is the expenditure of any other department of the State. The distinction is very plainly laid down by Mr. Gladstone in the course of a debate, which will be found in *Hansard* for 1870, page 383. An item came up of

£34,023 to complete the sum for the offices of the House of Lords, and some remarks were made about it, as to the scale by which the salaries of the officers of that House were regulated. The Secretary of the Treasury, Mr. Stansfield, said in reply :—

“That the estimate for the House of Lords was prepared by a Committee of the House of Lords and sent to the Treasury, and it was generally accepted by them without dispute. It was undoubtedly within the competence of the Committee of Supply to modify and even to reduce it, but a certain amount of respect was always paid to the estimate, and it had not been their habit to scan it very closely. The salaries were now under the consideration of the House of Lords, and certain reductions would be made, some of which had been already determined upon.”

The statement, as to its being the usage to accept the estimates of the House of Lords without dispute, being criticised by some members, Mr. Gladstone, who was then in Opposition, said :

“It was his duty to support the statement of the Secretary of the Treasury, because this question was one of a peculiar nature. It was not to be supposed that the Treasury would assume that control over the estimates for the House of Lords that it was their duty to exercise over all other estimates. Under the old usage the House of Lords were accustomed to regulate their own expenditure; but that House, in a spirit that did them great credit, had abandoned that privilege, and had consented that the expenditure should come under an annual vote. Under these circumstances, it would not be becoming for the Treasury to assume that sort of command over the estimate that they very properly exercised over ordinary estimates.”

The House will, I am sure, see that the course pursued there, and the remarks of the Secretary of the Treasury, as well as of Mr. Gladstone, the leader of the Opposition, did not warrant the statement made by Mr. Mills in the other branch of the Legislature that the expenditure of the House of Lords was subject to the same supervision as that of any other Department of the State. On the contrary, Mr. Gladstone contradicts that and says that it was not to be supposed that the Treasury would assume that control over the estimate for the House of Lords that it was their duty to exercise over all other estimates. The next statement to which I desire to call attention is that, owing to their having in the other branch of the Legislature a committee

which is known as the Committee on the Internal Economy of the House, they, through it, exercise more strict supervision over the expenditure of that House than the Committee on Contingencies do in this Chamber. It would not be very difficult to ascertain correctly whether the expenditure is larger in proportion in this branch of the legislature than in the other, but I apprehend that the supervision exercised by the Committee on Contingencies of the Senate is quite as close as that exercised by the Committee on the Internal Economy of the House of Commons. There is no reason why it should not be, and I have long been aware of the anxiety of hon. members that it should be, as, having been an active member of the Committee on Contingencies of this House in former years, I know that the supervision was, and I believe it still to be, as accurate and close as that of the Internal Economy Committee can be. The third error into which I think the gentleman has fallen, is in saying that the expenditure of this body is entirely under its own control, and that its accounts had not been audited and supervised for many years past. If it is meant by this that the expenditure is not examined by the Committee on Contingencies in this Chamber, he is quite in error. If it means that the expenditure of the Senate has not been supervised by the Auditor-General, then it is due to this House that I should make a statement on that point. The practice which has obtained since 1869 in the House of Lords, and which is alluded to by Mr. Mills, was brought under my notice in July last, in consequence of an application being made by the Auditor-General to supervise the accounts of this branch of the Legislature. During the vacation, it often happens that the only members of the Senate in town are the members of the Government, and, although we have no peculiar right during the vacation to speak for the House, it becomes advisable sometimes that we should do so, and we can only trust our fellow-members will pardon us for undertaking that duty, and, if they see that our action was right and proper, support us when the House meets. My advice, when the Clerk applied to me, was that the practice of

the House of Lords should be followed so far as it is possible, and I had several interviews with the Auditor-General on this subject, the result of which was that the Clerk, by my advice, submitted to the Auditor-General, not a complete statement of the accounts, but a statement of the cheques which he had given from month to month, and this has been done since the 1st of July last. Under the old practice, the Clerk of this House received a large sum from the Dominion treasury—antecedent to the time of the present occupant, a very large sum, perhaps a hundred thousand at a time—and it was carried to his private credit and disbursed by him, from time to time, by cheque. The practice lately has been to give a warrant for a much smaller sum—ten or twelve thousand dollars—which sum is accounted for at the end of each month. The way in which I advised the Clerk to account for it was to send in a statement of the amount and number of each cheque used, without mentioning the parties to whom the cheques were given, or other details. That practice has since been followed, and I was confident that hon. gentlemen here would support me when this House should meet. Assuming the responsibility of advising that this was the best course to be pursued, I further recommended the Clerk to submit the accounts to any further audit, in the same way and to the same extent as obtained in England in reference to the House of Lords, and to trust that they would be treated in the same spirit in which hon. gentlemen will see by the language which I have just quoted they are met in England. This was mentioned to the Auditor-General, and so far the proposition was ready to be carried out on the part of this House, and an audit such as the House of Lords submits to would have been recommended for your sanction here, had the matter gone on in the way in which I then anticipated. However, upon mentioning this to other members of the Government, it appeared that the same application had been made by the Auditor-General to the officers of the other branch of the Legislature, in order that their accounts might also be audited. I thought it was desirable that the action of the two Houses should be alike, and that if an audit of the

accounts of the House of Commons was acknowledged to be due under the law, we should authorize a like audit of the accounts of the Senate. I mentioned what I thought we would be ready to do in this House. The Committee on Internal Economy in the other House were informed of it, and it rested with them to say what course they would pursue. On their part, they did not take any action, but referred the matter to the Minister of Justice for his opinion as to the rights and powers of the Auditor-General under the Audit Act; and there the matter stands. So far as this House is concerned, I took the responsibility of saying that we would act in the same way as they might decide to do in the House of Commons, and I was ready to advise this Chamber to have taken the step which they are still deliberating about. I cannot at all think there is any ground for the sort of intimation which is given in the speech that I have referred to, that there is an indisposition upon the part of this House to have its accounts submitted to any audit which the law calls for, or that we have anything to conceal, or desire to do anything but maintain the privileges of the Senate and see that they are not encroached upon through laxity of practice or unauthorized action on the part of public officers, without the full assent of this House, after a fair knowledge of all the facts. I mention this circumstance now because I think the address which I move should be considered on Monday, is one involving a very serious consideration as to the rights and privileges of the Senate, and that it will be necessary for us to exercise caution in the action which we may take upon it. It is, so far as I know, quite a novelty, and although we desire, I am sure, to maintain terms of perfect and respectful harmony with the other branch of the Legislature, and conform ourselves to the Act of Parliament, which it is supposed gives the Auditor-General the right of examining, to a certain extent—but it should only be acted upon in the spirit in which Mr. Gladstone speaks—the accounts of this House, it is a question whether it is desirable or not to communicate to the other branch of the Legislature, on a message like this, the details they ask for. It is a point which

requires deliberation, and it is because it is so that I have asked the House to defer the consideration of the address until Monday, so that we will have an opportunity to look into it, and will be guided by the privileges of the Senate and of Parliament, bearing in mind that great deference is due to the other branch of the Legislature, more particularly on points involving the expenditure of money, with which that House is justly charged with the fullest responsibility by the people at large.

Hon. Mr. DICKEY—Having been a member of the Committee on Contingent Accounts ever since Confederation, I am enabled to state that it has been the invariable practice when the Clerk's accounts were annually laid on the table of this House, to refer them to the Contingent Committee, and that the Contingent Committee has as invariably each session appointed a sub-committee to check, audit and report upon those accounts, with the accompanying vouchers. I make this remark in hearing of other members of the Committee, who will support me in that statement. It so happens that, I believe continuously, up to last session, I was a member of that sub-committee, and, during most of the time, being chairman of it, it became my duty to report, and I am able to state, that, not only was the sub-committee appointed, but that that Committee carefully audited and checked each item of the Clerk's accounts and vouchers. They made their report to the Contingent Committee, who reported to the House; and these reports, from year to year, are to be found on the Journals of the Senate.

Hon. Mr. SCOTT—I have listened with a great deal of interest to the observations which have fallen from the leader of the Government in this House, in reference to the course which he has thought proper to take on the demand made by the Auditor-General, for a closer investigation of the accounts of the Senate. I think that he has acted very wisely and very prudently. I have long felt that a very great misconception exists outside with reference to the expenses of the Senate, and as it has been observed by the hon. Senator from Amherst, the contingent accounts of this

House are submitted to as close an investigation as the contingent accounts of the other branch of the Legislature—probably a much more keen criticism. During the time that I have been in the Senate, I believe I have been a member of the Contingent Accounts Committee, though not of the sub-committee, and I was very much struck from the beginning with the anxious care of the sub-committee to restrict, as far as possible, the expenditure which we controlled. I am very glad that the leader of the Government has named a day when we can discuss the subject, and consider the proper course to take on the motion that he has brought under our notice; and I think he was quite right in placing the accounts of this Chamber on the same basis as the contingent accounts of the House of Commons. I think it would be a very unwise and a very unfortunate position for the Senate to assume to itself anything like exclusive secrecy in the character of its internal expenditure. I do not think the Senate has anything to fear in the investigation. I think that they can invite the fullest examination, and, therefore, the leader of the Government acted prudently in stating that this Chamber was prepared to adopt, in reference to the examination of those accounts, the same course as was adopted by the Committee in the other Chamber. The rule laid down in the observations made by Mr. Gladstone, I think, is the true one. While the Senate should have no desire to conceal from the public the details of its expenditure, still there ought to be deference and delicacy shown when the petty accounts had been already audited by a Committee of the Senate. A certain amount of deference should be paid to the gentlemen who form that sub-committee. I think it is probably fortunate that this notice has been brought up, because, as I have said in my opening remarks, a good deal of misconception prevails out of doors as regards the expenditures made by this Chamber.

The motion was agreed to.

BILLS INTRODUCED.

The following Bills from the House of Commons were introduced and read the first time:—

Hon. Sir Alex. Campbell.

Bill (24) "To incorporate the Dominion Commercial Travellers' Association."
—(Mr. Scott.)

Bill (27) "To incorporate the Baptist Union of Canada."—(Mr. McMaster.)

INSOLVENCY LAWS REPEAL BILL.

SECOND READING.

Hon. Mr. DICKEY moved the second reading of Bill (2) "To repeal the Acts respecting insolvency now in force in Canada." He said: In proposing the second reading of this Bill, I do not think it necessary to trouble the House with a great many observations on the subject, especially as this matter was fully discussed so recently as last session. I may say that there are very serious objections to the costly and cumbrous legislation which we have at present on our Statute books, and those objections arise very much from the inherent difficulty of making a bankruptcy law. Amongst other objections, it is quite manifest that the effect of such a law is to promote, to a very large extent, commercial immorality in the country. It operates in this way: at the very outset, persons with small means and less experience, go into business, and, if they can only get credit to a certain extent, they go on until there is an end of their career, with this consoling reflection, that if they succeed it is well with them, and if they fail it is equally well with them. Now, the other obvious objection to the present law arises from the working of that Act; in the enormous cost which so far goes to diminish the assets of the estate, the enormous cost in inspectors' and assignees' fees, in legal expenses and court fees. Now, what has been the history of this legislation in Canada? We are aware that it commenced for the first time in the year 1869, and at that time a Bill was passed which was subsequently amended on two or three different occasions, the result being a new and consolidated Act in 1875. That Act was subsequently amended in the years 1876 and 1877, and the result was legislation covering some seventy-five pages of the Statute book and embracing no less than 213 clauses, besides sub-sections and schedules. We come then to the legis-

Hon. Mr. Scott.

tion of 1879. On that occasion, the bills before the House were referred to a committee for consideration. That Committee, composed of some of the best legal and commercial minds in the House, sat for nearly a month, and embodied the result in the Bill which was laid on the table of the House. That Bill was rejected by a decisive vote, and a Bill substantially the same as is now before the House was passed on a clear and decisive vote by a majority of over fifty. That action was taken in a new House, fresh from the people, and it must be regarded as embodying the views of the people on a question that had been agitating the country for some time previous. On the former occasion, when the Bill, which I say was substantially the same as the measure now before the House, was before us the objections chiefly urged to the passage of the Act, and in favor of its postponement until this session, was that it was passed hastily, and that time ought to be given to the House and to the country to consider the question, and that it should not be pressed that year. I presume that this objection certainly cannot attach to the present Bill, which has again passed the House of Commons, and is now before the Senate for consideration. It was passed with some discussion, but without any division being asked for against it, and I do hope that hon. gentlemen who have opinions adverse to the repeal of the Insolvency Law, and who have a right to express their opinions if they think fit to do so, will, at the same time refrain from asking the House to divide on the passage of a Bill which is evidently demanded by the voice of the country. Now, let us look for a moment at the state of this question in other countries. We are all aware of the course that has been taken in the United States when the Congress of that great republic, some two or three years ago, repealed their bankruptcy laws. I am aware that it has been suggested there is some change of opinion on the subject in that country. It has taken some time to manifest itself, but I have yet to learn that the stray opinions of individuals or of a few boards of trade can be said to shew in any way that the public feeling of the United States is for reintroducing the bankruptcy law in that country. At all events it will be-

time enough to consider that subject when any action is taken upon it by Congress. Then, in England, we find that, during the present session, sweeping changes have been proposed to be introduced into the bankruptcy laws of that country. The Attorney-General lately brought forward a Bill which proposed to repeal all the powers respecting liquidations by arrangement and compositions. These are all to be abolished, and substituted for them are to be deeds of arrangement to trustees, made by the debtor and creditor, respectively—in fact establishing, substantially, the mode which has prevailed in the Province from which I come for a great many years. Then it goes further and provides distinctly for the audit of accounts in bankruptcy as well as under deeds of arrangement. It goes still further and provides that discharges to bankrupts shall be refused in any case where the debtor has failed to keep proper accounts, or has speculated rashly, or has lived extravagantly. All this amended legislation, which amounts almost to a revolution in the English bankrupt laws, tends to shew that the current of opinion in England, as in the United States and in this country, has latterly been in favor of abolishing, to a very large extent, the bankruptcy laws. Let us look for a moment at the progress of public opinion in this country. I have spoken of the legislation on bankruptcy which was amended by this Parliament so late as the year 1877. In that year probably their action was influenced by the decision of the Dominion Board of Trade at that time, which voted, I think, by something like two-thirds, if not three-fourths, against the repeal of the Insolvency Law. But the current was flowing on, and, in the year 1879, in the same Dominion Board of Trade, when the same resolution was brought forward again, it was only carried by the casting vote of the president, and that in a thin meeting of the Board, and it was stated confidently that, had there been a full meeting, the resolution would have carried. I may refer for a moment to the petitions on that subject from the city of Montreal. My hon. friend from Montreal, last year, presented a petition from some three hundred mercantile firms of that city, praying for the

repeal of the Insolvency Law. He also presented petitions from the managers of six banks, and from four bank managers and seventy mercantile firms praying for the continuance of the law; so that the feeling has gone on until it has culminated in the resolution of this year and the Bill which is now before the House. It has been objected that, if you sweep away this legislation from the Statute, book you are going to give rise to greater evils than those which were manifest under the operation of the existing law, and reference has been made to preferential assignments. Hon. gentlemen are perfectly well aware that even under the Bankruptcy Law there is a limited time before bankruptcy when assignments of personal property may be made on judgments, and mortgages on real estate may be given to preferential creditors, done in good faith, for the purpose of paying a debt. These are allowed at present; but I may say that, after all, it appears to me that the question is not such a one as would prevent this House from taking action in the matter, because, where there are not local laws, these can be made in the different Provinces. I quite admit that the result of the repeal of this Act would be, to some extent, to limit credit, and I am far from thinking that this would be an unmixed evil, because I do believe that this facility for getting credit has been the cause of an immense deal of over-trading, and the cause of a great many evils which the Insolvent Act itself was intended to remedy. For that reason I think if the effect is to limit credit it will be a good thing. I speak from a professional experience of thirty-five years, and I can say that I never yet have known a case in which an honest man who desired to make an arrangement with his creditors had the slightest difficulty when he was willing to give up his property. The Bill before us does not merely sweep away the legislation of 1875 and amending Acts, but it makes provision that, where the property of the bankrupt has passed into the hands of the official assignee, those proceedings may be continued and completed and the estate wound up, thus providing for any contingency that may arise under the circumstances of existing bankruptcies. I may say that the sim-

licity of the Act itself is the very best recommendation of it. On the former occasion I expressed my regret that the House was not disposed to take the view of immediately repealing the Act, because I ventured to predict, as others did, that the result would be a rush to take the benefit of the existing laws while they were in force. We all know what the effect has been during the past year, and that effect, reacting on the credit of the country, has been most injurious. I do hope that the passage of this Bill will enable us to meet future difficulties in a much better manner than we have been enabled to do in the past, and after this Bill has twice received the sanction of the representatives of the people, in accordance with the general voice of the electorate, I do hope that this House will put it in force.

Hon. Mr. BELLEROSE (in French) — In rising to second the motion for the second reading of the Bill respecting the Insolvency Law I do not propose to take up much of the time of the House; but I cannot help giving some reasons why this Bill ought to pass. The first reason is that there is, throughout the length and breadth of the land, but one opinion among the people, that the repeal of the Insolvency Act is an absolute necessity. The proof of this universal opinion lies in the very fact that for the two years Parliament has had this measure before it, not a petition has been presented in either House adverse to the repeal of the Act except from some few corporations. The second reason is that the Bankruptcy Law has done much evil. During the past few years what have we seen? Numbers of our fellow-subjects, with little or no means, have been entering into business knowing that if they did not succeed there was a law which would help them and give them a discharge of their debts. The consequence of such a system has been hundreds of failures. The stock in such cases was sold at a very low price and bought by other merchants (sometimes by the debtors themselves) who could then undersell others. Their neighbors, meeting with such opposition, could not continue business, and their turn came sooner or later. Thus it has happened, that in some localities that I know of, one-fifth

or one-sixth of the merchants have failed. There is another evil to which I must also call attention. It is the when these bankruptcies occur, the stock is put into the hands of the official assignees, and when everything is settled these assignees have absorbed all or nearly the whole of the estates, and very little remains to be distributed among the creditors. This law, as it now stands on our Statute book, is nothing more or less than a law to legalize injustice, cheating and stealing. No Parliament has power, morally speaking, to declare that a certain class of the community has such a privilege as that which is generally given by this Insolvency Act of ours — the privilege of not paying their honest debts. I know that there may be some exceptional cases where the civil power can grant such a privilege, but never in the general manner it is given under our Insolvency Law, which everyone admits is a fruitful source of fraud. I believe that these are the most important reasons that can be given in support of the repeal of the law, and, therefore, I am confident that this House will give, this session, a vote which will remove that Act from our Statute books. I believe this the more when I recall the fact that almost every member in this House stated last year, when the discussion on this same Bill took place, that while they acknowledged the Insolvency Act was not a good law, they thought it should not be too hastily repealed, and that we ought to give the local legislatures time to legislate, as they had a right to do, to supply its place. Then, they contended, it would be time enough to repeal the Insolvency Act. This year, this objection cannot be raised, since Ontario has already passed a law, and the legislatures of other provinces are now in session. If we repeal the Insolvency Act, those legislatures may at once enact such measures as they think proper to replace our Dominion law.

Hon. Sir ALEX. CAMPBELL — This Bill certainly comes before the Senate under different aspects from that which it presented when under consideration last year. It had then been adopted, as might have been urged, and as was urged, somewhat suddenly and without any very lengthened consideration elsewhere, and

it was thought in this House that it would be desirable, at all events, to give some further opportunity for the reconsideration of so important a measure in that branch of the Legislature, and many members of the Senate felt justified in voting then against a similar Bill to that which is now before us on that ground. It was also thought desirable by many hon. gentlemen, I am aware, that more time should be given to the local legislatures to make such preparations as they might deem necessary to meet the contingency of the Bankruptcy Law being absolutely repealed this session. As the hon. Senator from De Lanaudière (Mr. Bellerose) has mentioned, the Legislature of Ontario has taken advantage of the delay that was given by the action of this House last session to make preparations which, I hope, will be very useful to meet the contingencies which may arise when the existing Insolvent Act is repealed. It was pretty evident to the Government last session that, if a measure of this kind should be introduced this session, it would, probably, be carried through the Legislature, and, therefore, we felt it to be our duty—and it devolved upon me—to initiate a correspondence with the Premier of Ontario, the result of which was the preparation of the Bill to which my hon. friend (Mr. Bellerose) has drawn attention, passed by the Legislature of that Province, and which is intended, as far as possible, to meet any evils which might arise from the passage of the Bill now before the House. Those gentlemen who are familiar with the laws of the Provinces of Quebec and Ontario, believe that the former stands in a better position than the latter in the provision made for the distribution of insolvent estates. The law recently enacted by Ontario has been, more or less, framed to take advantage of the laws which obtain in the Province of Quebec, and seeks to give, as far as possible, a fair distribution of the assets of a debtor whose goods and chattels are taken in execution. Under the former laws of Ontario the first execution took everything. Under the law of Quebec, as it has all along stood, the estate, when seized in execution, became the property of all the creditors who

filed their claims within a certain period. That is a provision which recommends itself to the favorable consideration of everyone, and does, to a certain extent, provide for the repeal of the Insolvency Laws. Other provisions have been adopted from the Quebec system also, and some, originating in Ontario itself, have been suggested by gentlemen of the legal profession there, and a provision has been made there which is more or less perfect, and which, indeed, I learn from the Premier of Ontario, is considered by him to meet pretty well the difficulties which will arise in Ontario, except one or two points which he mentioned in his correspondence with me, and which, I have no doubt, will be redressed hereafter by legislation which he thinks is necessary on the part of the Dominion Parliament. But, irrespective of these considerations, and of the time which has thus been given to the Provinces to legislate for the position in which they will be placed by the repeal of these laws, there is another consideration to which I desire to draw attention as explanatory of the reason why the Government has not presented to Parliament, this session, any new Bill to take the place of that which it is sought now to repeal. Not only are these provisions made but it would seem, by the second vote taken in the other branch of Parliament, by the matter having been before the public since last session, and by the almost unanimous feeling of the House of Commons that the Insolvency Laws should be absolutely repealed, that the present is not a favorable time to endeavor to provide legislation here to take the place of the existing Act. If we legislate at all, we must legislate in that direction, and over nearly the same ground, and, therefore, the decision of the Government—and we have given a good deal of thought to the matter—is that it is better, in the interest of commerce and of the public generally, to allow, so far as they are concerned, the Insolvency Law to be repealed, and let the effect of that repeal, tempered as it will be by recent legislation in Ontario, be experienced.

Hon. Mr. DICKEY—The Legislatures of New Brunswick and Nova Scotia are now both in session.

Hon. Sir Alex. Campbell.

Hon. Mr. MILLER—Not only that, but both have promised legislation similar to that passed in Ontario.

Hon. Sir ALEX. CAMPBELL—I am very glad to hear it. The effect of the repeal will be experienced for a time, tempered, therefore, by the legislation in the various Provinces which have been mentioned, and, by the established laws of Quebec, and it will be seen whether it is really in the interest of the whole community to have no insolvency laws, or whether a demand will be made to legislate again in the direction of the existing Act. The present feeling in Parliament will have passed away, under the impressions derived from the actual working of the new system, tempered in the manner I have mentioned, and Parliament will have a better opportunity to decide, after the experience of a year or two, the extent and direction of the legislation required. For all these considerations, the Government have thought that the wiser course to pursue was to suffer the Bill, which my hon. friend (Mr. Dickey) has brought under our attention, to pass, and to see what the experience of the next year will teach us.

Hon. Mr. SCOTT—I had hoped that the Government would have been prepared to-day, seeing that the present law is about to be repealed, to have announced that some provision would be made to meet the consequences of its repeal. No doubt the House of Commons, elected two years ago, seemed to have formed the opinion at once that the Insolvency Act did not work fairly or justly, and by a very decided vote—two to one. Apparently the representatives of the people very generally believe the law should be repealed. I think this is a very great mistake, Canada is largely engaged in trade and commerce, and, notwithstanding the greatest caution on the part of mercantile men, failures must occur, and when they do happen there is no means, other than the medium of a bankruptcy law, by which an equal and equitable distribution of the estate of the insolvent can be secured. The Local Legislature may provide the machinery by which creditors may rank on sales made by the sheriff, but they cannot

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invest that functionary with the powers of an assignee under the Insolvent Act. The subjects of bankruptcy and insolvency are exclusively under the jurisdiction of the Federal Parliament, and any legislation by the Local Legislatures providing for the distribution of estates of debtors is *ultra vires*. The acts about being passed by the Local Legislatures will simply provide for the distribution of the proceeds of such goods as the sheriff may seize, and go no further. There is no machinery enabling that officer to take into execution the notes, bills and accounts of the insolvent estates.

Hon. Sir ALEX. CAMPBELL—I did not say they would take the place of this law; I simply stated they would temper the effect.

Hon. Mr. SCOTT—My hon. friend used that word, but the assumption has gone abroad that these laws would stand in place of the Insolvency Act. I think myself that is a great mistake, and that the feeling of hostility against the Insolvency Act has been largely due to the fact that creditors themselves did not take sufficient interest in bankrupt estates. The objections to the law as amended in 1875 and 1876 were chiefly that too great facilities were given to insolvents to obtain their discharge. That was obviated by the adoption of amendments in 1877. I think that, unless the estate paid fifty cents in the dollar, the judge could not grant a discharge. The objection of the great expense in closing up an insolvent estate is one that is not well founded, inasmuch as the scope of the Insolvent Act is to give the creditors themselves the control of insolvent estates, and for the imperfect working of the Act the creditors themselves are entirely to blame. The spirit of indifference that manifests itself among the creditors when a debtor goes into insolvency is most extraordinary. The official assignee almost immediately transfers the estate to the creditors. They name their own assignee, and make such arrangements as they think proper to wind it up. The estate is entirely in the hands of the parties most interested; yet they seem indifferent to their own interests. In England it was found necessary to pro-

tect the creditors against themselves. Their law, like ours, gave the creditors the control of insolvent estates, yet it was found that the creditors shewed such indifference that grave mismanagement was the result, and now a court has been constituted whose special purpose it is to take estates out of the hands of the creditors for the very purpose of seeing them carefully wound up. I think it will be found somewhat disastrous in business circles to leave the country for a year without the advantage of an Insolvent Act. I think that a great deal of impropriety, to use a mild word, will occur in matters of trade, that very large preferences will be given to creditors, and gross frauds practised when a trader finds an execution is to issue against him. I do not at all agree with some hon. gentlemen who advance the opinion that an Insolvent Act is not a necessity. One hon. gentleman said that the effect of the Insolvent Act was to spread immorality. That is an extreme statement in the present age. Canada is practically a commercial country, and a trader, no matter what caution he may exercise, or on what principles he may conduct his business, is not independent of external circumstances. He may be ruined, and frequently is ruined, by causes over which he has no control. The fiscal policy of this country, or of any other country, may drive him into bankruptcy. We know that the great cause of ruin among our merchant princes in the lumber trade in 1874, 1875 and 1876, was not any recklessness on their part, but simply due to the fact that depression prevailed in England and the United States, that the demand for lumber almost ceased, and prices fell very greatly. The consequence was that they were unable to meet their engagements. Men who, in 1872, considered themselves worth half a million dollars found, in 1876 and 1877 that, they were insolvent from no special cause that they themselves could control, and one failure frequently draws many others in its train, so interwoven are business engagements. I think myself it would be wise if this law is to be repealed, even at the end of the session, to introduce some Act that would enable creditors to reach the estates of debtors. The Act might not go the extreme

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length of the present Insolvent Law, and provide for the discharge of insolvents, but some machinery should be devised by which creditors could get all the estates of a debtor, and to enable an equal distribution to be made.

Hon. Mr. ALEXANDER.—I am very glad to be able to endorse the views which have been expressed by the leader of the Government (Sir Alex. Campbell) in regard to this question. He very properly reminded the House that, when, upon the last occasion a Bill of a similar character came up from the Commons, the majority in this Chamber, sharing the anxieties of certain boards of trade and moneyed institutions, that we might be exposed to serious difficulties arising from the old evil of preferential assignments—sharing those anxieties, they rejected the Bill last session. But another year has passed, and, the Commons having now on division calmly passed this Bill to repeal the Insolvent Law, and holding the opinions which we do, we are prepared now to give our assent to this Bill, amidst all the difficulties surrounding the question. I desire to state that I am of the number who hold that it is injurious, in more senses than one, to have an insolvent law permanently upon our Statute book. I desire to state that I agree with the hon. Senator from De Lanaudière (Mr. Bellerose), who addressed us in French, that a continued insolvent law engenders and fosters a dishonest spirit in the country, and I am therefore obliged to depart from the views of the ex-Secretary of State (Mr. Scott) upon this question. I fear we have all witnessed a class of young traders in every part of the country, rushing into a wild and not over-scrupulous mode of trading—selling recklessly at under cost, to secure the trade,—knowing that if they should go down, they can always compel their creditors to accept a settlement and commence again. That class of unscrupulous traders have shewn that they care not what losses they throw upon our banking institutions or on the wholesale importers. This is a reckless mode of trading which certainly should not be fostered and encouraged by the laws upon our Statute book. I believe that the soundest course for the Dominion Legislature to pursue is to afford facilities by legislation, say

every five years, for those men of enterprise who have been overtaken by misfortune to effect a settlement with their creditors, so that they may be relieved of embarrassments, which may overtake the most upright men, and that the country may not lose the benefit of their enterprise and experience in the future. Feeling assured that the Local Legislatures have anticipated the repeal of this Bill, and provided, by an Act, to prevent preferential assignments, I am sure that a large majority of this Senate will conceive it to be their duty to endorse the action of the House of Commons and pass the Bill.

Hon. Mr. TRUDEL—I did not intend to speak on this subject, having spoken at full length last year, but I cannot allow the remarks of the hon. gentleman from Ottawa to pass without some reply. He has stated that the country cannot exist without an insolvency law, and referred to the feeling that exists in England. If I am rightly informed, the feeling that prevails throughout the world, as well as in England, is against the insolvency laws. A few weeks ago I received some letters from a very prominent business man in Canada, who is now in Europe, at Antwerp. He has been for two years in England, where he had occasion to meet many of the prominent men in trade in that country, and he says that the feeling that prevails there is against all insolvent laws. He also states that the same feeling exists in Belgium, and in many other parts of Europe. From what this gentleman has observed in Europe, and from reading the reviews which have treated largely on that question, he has become an advocate for the repeal of the law, although he was strongly in favor of the Insolvent Act a few years ago. The hon. Senator from Ottawa says there is no machinery provided by the laws of the Provinces to meet cases of insolvency should the Insolvent Act be repealed. I do not know what are the laws of some of the Provinces, and I cannot say what law has been recently passed in Ontario, and what are to be passed in other Provinces where the Legislatures are now in session; but I may say that in Quebec we have a system which is

perfect in itself, and I do not fear contradiction on this point: that we have, without the Insolvent Act, the same means as are provided by that law. It is said that the sheriff could not, if the Insolvent Act is repealed, seize bills, notes and money of debtors. In Quebec, it is sufficient for a creditor to go before an officer appointed to administer an oath, and swear that a debtor is a trader, that he is notoriously insolvent, that he has refused to arrange with his creditors or to make an assignment, and that he still carries on his business. On such an affidavit a writ of attachment is issued by the court, and in virtue of this writ, the sheriff, or any other officer of the court, can attach all the movables and immovables of the party. He may close the store and take hold of the whole of the assets of the debtor. The only difference between the working of that system and the Insolvent Law is that the liquidation of the estate is not made in the same way. According to our law the property would be sold by the sheriff, and hon. gentlemen will admit that experience has shewn that there is not much advantage to be gained by the creditors in having such things managed by the assignee. I do not see why an officer called a sheriff or a bailiff could not dispose of the assets of an insolvent with as much profit as another officer appointed by law, called an assignee. The difference is, that in all our large cities in the Province of Quebec, the sheriff is paid by the Government, and a very small percentage is taken out of the estate. The sheriff is empowered by the writ from the court to attach all that is in the hands of the debtor, and if there are reasons for believing that there is property of his in the hands of other parties, a writ called *seizie en moins tierces* is issued which allows the officer of the court to attach that property in the hands of third parties, so that every possible guarantee is given to creditors that the assets of their debtor will be secured to them. When the proceeds of such a sale go into court they cannot be given to the party who issues the attachment, because he has alleged the insolvency of the debtor, and then it is the duty of the prothonotary to call the creditors of the insolvent together for an equitable distribution of the proceeds.

Hon. Mr. Alexander.

The hon. Senator from Ottawa said that the law as it exists is a good one, and that the bad effects of it were due to the indifference of the creditors who neglected to attend meetings for the winding up of the estates of insolvent debtors; but anyone who has experience in business knows that, generally speaking, merchants have something else to do than to attend such meetings. Frequently it is considered unwise to neglect important and paying business transactions to run after the estate of an insolvent that may not pay five cents on the dollar. It is not due to indifference on the part of the creditors that those meetings are not attended, but to the fact that such meetings have become so frequent that they take more of the time of a business man to attend to them than he can afford to lose when he knows that, in most cases, the greater part of the insolvent's estate will go to pay the assignee. The feeling which seems to prevail all over the world is against the very principle of the Insolvent Act. I think the existence of a bankrupt law creates an abnormal state of things. The normal state of trade requires that all parties transacting business should be placed on an equal footing, and that the party who undertakes an obligation should be bound to fulfil it, and, as properly stated, the law which intervenes and abolishes the obligation of the debtor to pay his creditor is of itself an abnormal law. Of course there are exceptional cases, but as the hon. gentleman from Amherst has said, when a business man has acted properly and honestly he always meets with the good will of his creditors. I know that there are exceptional cases in which the uttermost farthing is demanded and discharge refused by some unreasonable creditor, but it is well known that the Legislature can never succeed in reaching all exceptional cases, and we ought to legislate for the rule and not for the exception. I hope that there will be no division on this question. I consider the adoption of this Bill will be a great means for restoring confidence in the country and a normal condition of business. Reference was made to petitions that have been received from the city of Montreal. As far as I could ascertain, the feeling of the great majority of the business men of that city is against

Hon. Mr. Trudel.

the Insolvent Law, and the only reason given by some that it should be retained is the imperfect state of the laws in other Provinces, which does not allow a creditor to share in the proceeds of the estate of his insolvent debtor. As soon as the petitioners see that other Provinces are providing systems which will allow of the assets of an insolvent to be properly divided amongst his creditors, they will be the first to rejoice in the repeal of this law.

Hon. Mr. KAULBACH— My views on this subject have been very fully expressed on former occasions. Last session I declared myself opposed to our Insolvent Act as demoralizing in its tendencies and bad in its moral effects upon the commercial community of the country, and in its tendency to recklessness in trade. I have no reason to change, but on the contrary, am confirmed in the position which I then took. I believe that this House was convinced last year that the law was undesirable, yet the conservative feeling which prevails here prevented the passage of the repealing Bill lest its immediate enactment should inconvenience the commerce of the country. But the country now looks for it, and is prepared for it. I regretted the stand taken by the Senate on that occasion, because I foresaw the effect of continuing a law, the principles of which were injurious to the best interests of the country, and should only be resorted to under extraordinary circumstances and an abnormal condition of trade. We now find the leaders on both sides of this House, who were last year opposed to the Bill, giving way to the feeling which generally pervades the whole community in favor of repealing the existing law. I believe that the Insolvent Act is bad in principle, and you cannot by legislation make it a benefit to the country when it is in itself wrong. I have always contended that this law aggravated the commercial distress, and had a very demoralizing and disastrous effect. In Nova Scotia some men began to think nothing of not paying their debts; they did not consider that there was any moral obligation to do so, and the law had a tendency to create such a feeling. Of course there may be some abnormal state of the

country that might render a law of this kind necessary. To meet emergencies of that kind a law should be enacted, but that a law should be on the Statute books to enable a man to get rid of his debts, the official assignee aiding him therein, in the way that this law does, is sufficient to disorganise the whole trade of the country, and fully justifies the clamor for its repeal. I have a letter from a gentleman in general trade in Lunenburg in which he says, "I hope you will lend a helping hand to repeal what has proved to be a cursed law upon honest dealers, which is the Bankruptcy Law." I believe that this is the feeling which prevails throughout Nova Scotia, the oldest Province in the Dominion, and one where they have had long experience in trade. We got along well without a bankruptcy Act, and, though we had occasional failures, if the bankrupt was proved honest the practice was to release him from his liabilities, and he was helped on his feet again. Of course there were some few exceptional cases, where debtors experienced harsh treatment; but we are not legislating for the few, for the exceptions, but for the many, for the people, for the country at large. The Insolvent Act has, as I have already said, had a demoralizing effect upon the whole Province. It caused unlimited credit and induced men without much experience, capital or capacity to rush into business, and made many of them careless whether they paid their debts or not. The result has been that trade in Nova Scotia has, to a large extent, passed out of the hands of men of experience, many of whom have been ruined through the reckless traders, and is largely controlled by men who are utterly incompetent. I am sure that the Senate will now, after mature consideration, the country having again declared its wishes, endorse the action of the House of Commons. I do not know any reason why the law should not be repealed. Prosperity is returning to the country, and we want no such legislation. If, unfortunately, anything should occur to change this aspect of affairs, and distress should again come upon us, it might be necessary to pass such a measure, although I do not believe, even then, that you can frame a law which would be generally

beneficial throughout the Dominion. It has been found unsatisfactory in England, and the United States has abandoned it. The moral principle is that every man should pay his debts, and any legislation that tends to relieve from that obligation cannot but have a demoralising effect. All the country looks for and wants is a simple and speedy mode of collecting and equitably distributing the assets of insolvents. All legislation that has attempted more than that, experience has proved not only to have been a failure but damaging in its effect upon honest trade.

Hon. Mr. MILLER—I did not intend to take any part in this discussion, because I consider that this question has already been debated very fully in this House and in another place, and that no new light can be thrown upon it. I would not now occupy the time of the House in discussing it if it had not been for some of the arguments which have been advanced by hon. gentlemen who have addressed the Senate, and especially the two last speakers. The position these gentlemen take seems to me to be so utterly contrary to sound sense and sound policy, that I cannot for a moment have it supposed that, in voting for the repeal of the present obnoxious law, I am governed by the arguments they have adduced. These gentlemen have here contended that an insolvency law is unsound in principle and demoralising in tendency. I beg to state, for my own part, although I intend to vote for the repeal of the existing law, that I believe the very opposite to what these gentlemen have enunciated. I think that an insolvency law is not unsound in principle and not demoralising in tendency where it is fairly and faithfully executed. I believe that such a law as the Insolvency Act is sound in principle and justice, and in every aspect of commercial and national economy, and I am borne out in that belief by the judgment and usage of those nations of the world best competent to form an opinion upon it. It is true that the great nation alongside of us has recently repealed its Insolvency Act, but that took place only two years ago, and the people are now clamoring for its re-enactment. In England, a country

which certainly ought to be a model and example to us, and not only to us, but to all the world in legislation relating to commerce or commercial morality, a bankruptcy law has existed almost uninterrupted for a period in regard to which I will not attempt to speak precisely, and at the present time this question is undergoing revision there. We do not see in England among the high legal, parliamentary and commercial authorities the law denounced as demoralising in principle, but the very contrary. I do not wish to sit silently in my place and hear those arguments uttered, and have it supposed that they in any way influence the vote I am going to give on the present occasion. I will vote for the repeal of the existing Bankrupt Laws because they have been condemned by the country, but I do regret the fact that the Government have not felt it their duty to submit some other measure to Parliament on this great question. I think it is really a very serious subject, and, looking at the weight of opinion outside the House and at the character and standing of those who are opposed to the repeal of the Bankruptcy Law, I think it was the duty of the Government to offer a better law to Parliament before assuming the responsibility of wiping the present enactments altogether from the Statute book. I am not at all sorry to see the present law repealed, because my own experience is that its operation has been unsatisfactory. I believe that, to a large extent, the odium which has fallen upon this law has been due, more than to anything else, in the first place, to the culpable neglect of the creditors themselves in looking after their own interests, when these interests were taken into the insolvency court. In the second place, the assignees appointed all over the country were largely responsible for the failure of the law, because I believe that proper care was not, in many cases, exercised in appointing men to those positions. We know that the position of official assignee was given too frequently to men broken down in character, and business men who would hardly be trusted with any other duty. This happened in too many instances, and these persons had a great deal to do with bringing the Insolvency

Law into odium and execration in the country. But these evils, and all the other defects of the law, are not irremediable, and should have been grappled with by the Administration. It would have been well had the Government tried the temper of the House of Commons on this question this session. I do not agree with my hon. friend the Minister of Militia, that the feeling against the Insolvent Laws has become more widespread in the other branch of the Legislature since last session. I believe that the contrary is the case, although the minority in that House felt that they had no power to successfully resist the passage of this Bill. If I may take the organ of the Government—at least the newspaper which is very generally supposed to reflect the views of the party in power in this country, the *Toronto Mail*—the change in public opinion is the other way. It has recently, since this question has come before Parliament, given utterance to a very different opinion. The *Mail* has asserted editorially, that the desire to go the extreme length the House of Commons went last session is not as strong this year as it was then, and that there is a marked change, and in the very opposite direction from that indicated by my hon. friend. But the minority felt, after the vote of last session, and after the change of attitude of the Government this session—because, last session, we know that the Cabinet threw their influence, though leaving their supporters free in a party point of view, against the repeal of the law, and this year that influence has been either passive or thrown on the other side—there would require to be a wonderful change in the direction that I have mentioned to warrant them in taking any stand in the House of Commons. I do not doubt, as my hon. friend has said, that the Government have very fully considered this question, and that they deem the present time an inopportune one to introduce any insolvency act. I think there is some force in this statement of the leader of the House, because when a measure of this kind is to be put on the Statute book, it is desirable that it should be one that would meet the general approbation of the country, and perhaps so much prejudice has been created against the pre-

sent law, by its numerous defects and maladministration, that it would be difficult to give any calm or judicial consideration to any measure of that kind submitted to Parliament at the present time. I do not agree in that view of the case, but I bow with great deference to the superior wisdom of those who control the destinies of the country. They may probably be right, but, for my own part, I cannot agree with them. I wish it to be understood, however, that in voting for the repeal of the Insolvency Acts, which I now intend to do, for the reasons I have given, I am not opposed to a sound insolvency law. I believe that an insolvent act is not only right in principle, but, if properly administered, would be of great service and value to the country, and I cannot understand the ethics of my hon. friend behind me (Mr. Trudel), who says in one breath that all insolvent laws are immoral, and that the tendency of the age is against them, and in the next tells us that he does not want the Insolvency Law in Quebec, because the existing legislation in that Province provides, to all intents and purposes, an insolvency law.

Hon. Mr. TRUDEL—I did not say that we had an insolvency law in Quebec. I said that our law provided for the liquidation of insolvent estates, which is quite different.

Hon. Mr. MILLER—My hon. friend admits that they have something very like or even worse than this immoral legislation in Quebec. My hon. friend admits that in Quebec the laws will strip an honest and unfortunate debtor of every thing he has, and then leave him, bound hand and foot, for the rest of his life at the mercy of heartless creditors. That is the sort of insolvency law that I call immoral, and not only immoral but inhuman. I do not wish to be in an equivocal position when this question comes before Parliament again, as I expect it will before long. You will have all classes interested in the trade of this country demanding the re-enactment of an insolvency law, and I believe that such a measure is necessary to a country like ours, and that at no distant day we will be called upon to enact another.

Hon. Mr. SMITH—It will be remembered that last session, when a Bill similar

to this was before the Senate, I took a very active part in opposing it. I feel less hostile to it now because I wish to pay some respect, as it were, to the other House, more especially as the Government have expressed a desire that the country should try the experiment of doing without an insolvent act for a year at least. However, there is a hardship in doing away with the law altogether: it will place the trading community in a very awkward position. There will always be a great many designing men on the look-out for catch-judgments, as it were, and those who get the first judgment will take the whole estate.

Hon. Mr. HOPE—The Ontario Bill remedies that part of it.

Hon. Mr. SMITH—I have not seen that Act; but I understand that it only comes in where you give notice and that it contains no distributing clause. There should be such a clause to provide for the distribution of insolvent estates among the creditors. It need not necessarily give a man a complete discharge, but I have no doubt that he could get it from his creditors if he acted fairly and honestly. You will find that within a year preferential judgments will give such dissatisfaction that there will be petitions for another Insolvent Act. While I do not wish to vote against this Bill after the explanation that has been made by the leader of the Government in this House, I shall do myself the justice not to vote for it, believing, as I do, that there should be some provision for distributing insolvent estates among creditors.

Hon. Mr. HAYTHORNE—I feel it my duty to make a few remarks on this occasion, and I do so under great disadvantage for the reason that I am neither a trader, a lawyer nor a merchant, and any knowledge that I have acquired on this question is the result of study and observation. When this question was before the House last session I took a great deal of pains to inform myself on the subject, and I confess that I was largely guided in the conclusions that I came to by the opinions of gentlemen like the hon. Senator from Toronto (Mr. Smith) who has just addressed the House. Although I am determined to vote

against the second reading of this Bill, I shall do so not out of any great respect or regard that I have for the existing Bankruptcy Law, but from a conviction that it is unsafe, in a community like Canada, to allow the trading class of the community to be without the protection of some means of distributing bankrupt estates. I listened with great attention and respect to the remarks of the hon. gentleman who moved the second reading of this Bill, and I must say, to my mind, the reasons which he advanced were by no means of that conclusivè character which would warrant me, and, in my opinion, the members of this House, in adopting his views. He stated in one part of his speech that, after an experience of 31 years, he had never known a case of an honest debtor who had been unable to compromise with his creditors. That is satisfactory, so far as it goes, but I beg leave to point out to the hon. gentleman and to this House that those laws are not required so much for the restraint of honest as for dishonest debtors. That is an important point which the hon. gentleman fails to perceive. I do not feel it necessary to go at any great length into this question, because, as I have said, I am neither a merchant nor a professional man, but I do feel it necessary to make some remarks on the extraordinary position which the Government occupy in this regard. I point to the fact that they placed in the hands of His Excellency the Governor-General, at the opening of this session, a speech containing a paragraph foreshadowing legislation upon the question of the Insolvency Laws. They placed, also, before the Committee appointed to draw up an Address in reply to that speech, another clause echoing that promise. Now, I would ask the hon. members who represent the Government in the Senate to place themselves upon a clear and unmistakable footing in this House and before the country. Did they, or did they not, in placing such paragraphs in the Speech from the Throne and the Address in reply to it, contemplate the abolition of the Insolvency Laws or the introduction of a measure on the subject? I think that their position demands an explicit answer from them before this debate is closed.

Hon. Mr. Haythorne.

Hon. Sir ALEX. CAMPBELL—I will give the hon. gentleman an answer now, if he desires it. We did not contemplate, in putting that paragraph in the Speech, introducing a measure on the subject during the present session, but we did contemplate (as it is now likely) that the Insolvency Law would be repealed.

Hon. Mr. HAYTHORNE—I congratulate the hon. gentleman on the statement which he has made, and I think it is exceedingly becoming a strong Government like this to introduce the subject in such a manner. I think it would have been more becoming on the part of a strong Government, after having decided to repeal the Insolvency Laws, to have said so at once definitely, and not led hon. members to believe that they would introduce a measure to supply the defects of the existing law. For my own part, I have expressed myself very strongly against the present law. I believe that, amongst the minor causes which have contributed to prolong and intensify the depression of trade which unhappily still exists, this Insolvent Act is one of the most active. I believe that no insolvency law can give the satisfaction which it ought unless it operates in a manner very different from that in which the present one has acted. No debtor should be absolved from his liabilities until he has been before a judge and the causes of his bankruptcy have been made apparent to all the world. It has been too much the practice of those who have framed insolvent laws to lose sight of one important interest which is involved in such legislation, and that is the interest of the public. I conceive that the public, after the debtor and his creditors, have a lively interest in the winding up of bankrupt estates, and for their security the affairs of every bankrupt ought to be closely investigated and made public, in such a manner that, in future transactions with him, people may govern themselves in conformity with the circumstances under which his failure occurred, and which were made known before the court. I regret that it should have been thought necessary to repeal the existing law without making some provisions for the winding up of insolvent estates at the same time, and shall, therefore, vote against the second reading of this Bill.

Hon. Mr. RYAN—As the mover of the amendment to a Bill for the repeal of the Insolvency Act last session, I think that I may be allowed to say a few words upon this subject. I moved that amendment with a full belief that measures would be taken in the time that has elapsed between last session and the present one, to prepare a Bill which would do away with the grave objections which existed to the present Act, and which, at the same time, would give an easy and an equitable mode of distributing the estates of insolvent debtors. I think that is what the country wants, and I believe the Government have mistaken the feeling of the country in supposing that the people will be satisfied with the mere repeal of this law, objectionable though I believe it to be. It was observed to-day on the opposite side of the House that the feeling in the commercial centres was favorable to the repeal of this Act. I believe it is to a certain extent, but not to the extent of a positive and unqualified approval of repeal. Petitions have been presented here from the leading merchants and bankers of Montreal and Toronto praying for the repeal of this Act, but asking, and asking very distinctly and impressively, for an Act to be substituted for the present law which would have the effect, that I have just mentioned, of an equitable distribution of insolvent estates. The feeling of the country is, I admit, very strong against the present law. There have been a great many objectionable points in it, but one of the chief objections that I have heard urged against it in every case that I have inquired into or had means of obtaining information of, is that of the assignees. The administration of estates by the assignees has been very objectionable and has been cried out against in every direction. I do not mean to censure merely the present Government on the score of these assignees, but I impugn all the Governments that we have had since this Act has been in operation inasmuch as the number of assignees appointed by them was quite unnecessarily large. I do not know the purpose for which the Governments were so anxious to appoint those men, but the very appointment of so many tended to add to the number of insolvents, for, as soon as

an assignee received his appointment, he set to work to produce insolvency in order to get a little business, and the sooner, I admit, that such a state of things is remedied the better. But while I accuse in common both the Governments which have ruled this Dominion for this fault, I am very sorry to be obliged to turn to the present Administration and say that I think they are wanting, as regards this question of insolvency, in their duty to the country. They know that an act for the distribution of insolvent estates is positively wanted. I believe that even in the House of Commons at the present moment it is felt that the repeal of this Act will very soon necessitate some substitute to follow it, and I believe that there is a feeling amongst many members of that House that, if a reasonable measure were introduced even now in the Senate, it would commend itself to their sober second thought. I think it was the duty of a protective Government like ours to protect the interests of the mercantile and trading and manufacturing communities of the country, by giving them a bill which would allow a fair adjustment between insolvent debtors and their creditors. A great deal has been said about the local acts that are to supplement the law which, I presume, is now about to expire. I do not know what the act lately passed in Ontario may be, or how it may provide for the distribution of insolvent estates, but this I do know: that the Quebec law, which will take effect when this Act is repealed, was, in former years, found exceedingly slow in its operation. Very often the sheriff took the place of the present assignee, and consumed the whole of the estate, and it never got out of his hands. There is another point to which my hon. friend, who spoke on the subject of the Quebec law, forgot to refer—that is, the fact that the revival of that law restores, if I am not mistaken, what we thought was written off the statute books of all countries; the possibility of imprisonment for debt.

Hon. Mr. TRUDEL—The hon. gentleman is mistaken.

Hon. Mr. RYAN—Well, there is another very similar enactment which it will revive, to the effect that an honest

debtor, under the Quebec law, may be kept a debtor for ever. A cruel creditor may deprive him of an acquittal of his debts, be he never so honest, until his death. I think the hon. gentleman will admit I am right in that. The revival of that cruel law is, in my opinion, a great mistake. During this debate the example of other countries that have abandoned insolvent laws have been held up. I cannot speak of Belgium, but I will refer to a country which ought to have some effect upon this House, and particularly upon hon. members from the Province of Quebec—that is France. There is no country in the world where the laws are so stringent with regard to failing debtors, and I believe there is no country in the world where less is lost in trade than in France. It is an example to the world in that respect. The sentiment of mercantile men throughout the Dominion is decidedly in favor, if you will, of repealing this Insolvent Act, but of accompanying that repeal with some reasonable substitute. As to the United States, I know that, in New York and Boston, the best minds there have become dissatisfied with the lapse of the Insolvent Law—it was not repealed, but lapsed for want of renewal—and are now preparing a measure upon the subject, with a view to having it enacted as soon as possible. They admit that a mercantile community such as theirs cannot exist without a proper insolvency law, and I have no doubt whatever that, following their example, we shall very shortly see a measure regulating insolvency introduced here. I wish the Government would take up the subject this session. I think it will be found that the feeling of the country—I do not mean the rural constituencies but the great commercial and manufacturing centres—would be in favor of it. Public prejudice is strong, I admit, against the existing law, but I believe, at the same time, that the conviction in the public mind is that the present Act should be replaced by another. However, with so large a majority in the House of Commons in favor of this Bill, I have no doubt whatever that the existing Insolvent Act is doomed. Still, I feel bound to vote against its repeal until another measure is substituted for it.

Hon. Mr. PENNY—I think, of course, that there is no use in those of

Hon. Mr. Ryan.

us who are opposed to the Bill doing more than recording our votes against it. I believe that the opposition to the existing law arises from that old mistake which takes a thing that happens after as the consequence of what has occurred before. Bankruptcies are not the result of the law; they would have taken place whether there was any bankrupt act or not. The only difference is that now we have a law which furnishes means of disposing of those bankruptcies. I think the chances are that a great deal of the difficulty and opposition that have arisen to the law are due, as my hon. friends have stated, to the want of care of some merchants who, when they find themselves entangled with bankruptcies, have been disposed to despair of any good result, and have let things go as they please with the assignee, and probably the debtor himself in a great many cases. Although I believe that a debtor has some rights as well as a creditor, yet I have always looked upon insolvency from the creditor's point of view, and I believe that, instead of a bankrupt law being solely favorable to a debtor, it is of the utmost importance to the creditor that one should exist. There is no other way that I can see by which a creditor can stop a debtor who is running his estate into the ground. It is all very well to say that the creditor can sue, but it takes a year to get a judgment. What I cannot understand is that, in matters of this sort, people should forget the history of the past. We all know why this law was enacted: it was because there was a universal outcry in favor of it. For some years we had no bankrupt act. The consequence was that every merchant cried out for one, and we got this law. Mr. Abbott was the author of the Bill which, at that time, everyone desired to have passed. I do not speak of details; that is another matter; but there was a demand from the entire commercial community for such a measure at that time. There was no exception in any city. Our Board of Trade in Montreal, notwithstanding all that has been said about the perfection of our law in Lower Canada, was as anxious as other boards of trade that we should have an insolvent law. People say that these acts have been sources of fraud, and especially these frauds are

said to occur in the compromises. But one of the loudest outcries at that time was against the difficulty that existed in obtaining a compromise. It was said what a shame it was that when nineteen out of twenty creditors were willing to compromise and take whatever a man could offer, that one man could prevent it. It does, in fact, seem to me a very outrageous thing that one man should be able to resist the desire of all the other creditors; and that was one of the things, as most of my mercantile friends will recollect, that occasioned the greatest outcry that prevailed during the time that we had no bankruptcy law. Now, as to the present law, and as to the official assignees, some hon. gentlemen seem to forget that they can only hold the estate for a short time, and that creditors can appoint anyone they please, official assignee or otherwise, as their own assignee. I do not want to introduce party matters here, and my hon. friend opposite (Mr. Ryan), who represents a part of the same city as I do, did not do so. He blamed all Governments alike for appointing so many assignees. In Montreal city, however, he will find that the late Government made very few, if any, additions to the number of assignees that existed before it came to their office to appoint them. Previous to the passage of the existing Act they had been appointed, I believe, by the boards of trade, and until the present Government came into power their number in the city was not much increased—at first hardly at all. When this Administration assumed office, however, they thought it necessary to endow the country with a great many institutions, and amongst the rest a double dose of official assignees. I might add that the gentlemen who were appointed by the late Government were, with one or two exceptions, the assignees who had been appointed by the Board of Trade of the city of Montreal. The principle that they acted upon was that those who had held the office before should be continued in their positions. They said that it was a profession and not an office, and it would be just as unfair to turn those gentlemen out, as it would be if the Government, by some means, had the power of appointing barristers, to turn out all the existing lawyers. I am

Hon. Mr. Penny.

not going to vote against this Bill except for the mere purpose of recording my vote. I wish to add one thing, that is, about the honest debtor being always able to get a settlement. I believe that the majority of creditors are always willing to grant a settlement to an honest debtor, but as to the honest debtor always getting a settlement, that is a conclusion which is not borne out by the facts. On the contrary, there has almost always been one greedy creditor determined to have his pound of flesh, and the man who has made the hardest bargain, the keenest usurer of the creditors, is the one who gets twenty shilling on the pound before he will sign the discharge, while all the others, perhaps, take fifty cents on the dollar. That is a question which nobody who has any knowledge of business can doubt for a moment, and that is the position to which we are returning.

Hon. Mr. BELLEROSE—As I spoke in French, I fear I have been misunderstood in some of the remarks that I made on this subject by hon. gentlemen opposite. My argument was this: the moral principle that should prevail in business, as everywhere else, is that every man must pay what he owes. But if you legislate so as to induce a man not to pay what he owes I say the principle on which you legislate is immoral. I know that, even when speaking on moral principles, there are exceptions. A man may be so situated that he cannot pay what he owes: *ad impossibilia nemo tenetur*; then he is not morally obliged to do so. But there is far from such a state of things in the position we are now in, when we have on our Statute book a law which is admitted on all sides to be such that, it cannot be denied that it has opened the door to frauds and injuries of all kinds; in fact, a law which offers a premium for dishonesty, and, therefore, I have reason to say that the law is founded on an immoral basis, because it reverses the principle that every man must pay what he owes.

Hon. Mr. POWER—I am very sorry that the hon. gentleman from DeLanau-dièrè (Mr. Bellerose) should have got the floor before me, because he has used almost the only argument I had intended to advance in the discussion of this ques-

tion. I was somewhat surprised, in the course of the debate, to find the hon. gentleman from Victoria (Mr. Ryan) making a speech which was not so much an argument against the second reading of this Bill as an attack on the Government for not bringing in a measure of a different character. Although I do not look with the greatest favor upon the general policy of the Government, I think that, in the present instance, they hardly deserve the blame that has been laid at their door by the hon. gentleman from Victoria. In the United States, a commercial question of this kind has, as would have been expected, occupied the leading minds of the country for a great many years. The same has been the case in England, and, with all the experience of these two great commercial countries, they have so far failed in carrying through the legislature a satisfactory insolvent law. Looking at that fact, I do not think it is very remarkable that the Government of this country—especially after the effort of last session had failed—have not attempted to pass an insolvent law this session. It has been said by the hon. gentleman from Victoria that the Insolvent Law of France is a very satisfactory one; but the hon. gentleman went on to say that it was very severe on the debtor. I am disposed to think that, while such a law may satisfy France very well, it would not suit this country. With reference to the Bill now before the House, I think it is in altogether a different position from that in which it was last year. Last session, the Bill to repeal the Insolvent Act was passed by the Commons by a considerable majority, still by no means unanimately; and it might be said, as it was said, that the thing was done hastily. Now, the Commons have had a year to think over it, and the country has had a year to consider it too. It was well understood that the Insolvent Act was to be repealed this year, and while it may be that a great many petitions have been before Parliament against the repeal of the law, as far as I am aware, no more than two or three petitions have been received, and that is the sole exhibition of public feeling against the measure. In the city from which I come, the commercial as well as other classes are decidedly in favor of the repeal of the Insolvent Law.

Hon. Mr. Power.

I think we must feel that the Commons, in passing the Bill this time, gave expression to what the hon. gentleman from Victoria calls "their sober second thought," and that they represented the feeling of the public; and I do not think that this House, under the circumstances, would be justified in rejecting the measure. The Senate may have done perfectly right last session, thinking that the action of the Commons was rather hasty, in letting the matter stand over for another year; but I do not think we would be justified in opposing the Bill this year. The Bill introduced in the other House last session by Mr. Colby was intended as a substitute for the law now in existence; but it was found, that while it satisfied some persons, it did not please the majority; and I think it will be very difficult indeed to frame any bill to take the place of the present Act, and which will please both those gentlemen who wish to see honest debtors get their discharges and those who think that creditors should be paid in full as far as the means of the debtors will allow. I cannot agree with hon. gentlemen who denounce the views of the Senator from De Lanaudière as to the immorality of this law. I am disposed to think, with my hon. friend, that, when a man who contracts a debt feels that he is bound under the statute to pay, not one hundred cents on the dollar, but only as small a percentage of it as he can induce his creditors to accept, it must be regarded as an immoral law, which should not be retained on the Statute book. With reference to honest debtors, I think the hon. gentleman from Lunenburg has stated the facts as regards Nova Scotia. Before the Act of 1869 was passed we had no insolvency law in that Province; and instances where debtors who were anxious to treat their creditors honestly were not fairly dealt with by their creditors were very rare indeed. No law can be framed which may not occasionally work hardship upon individuals; and I think that the old law, which we had before the Insolvent Act, worked as little hardship as could reasonably be expected from any law. The leader of the Opposition, by way of apologising for the evils of the present law, said that if it did not work well it was the fault of the creditors themselves.

I do not think that that is any defence of the law at all; we should make laws, not for men as they ought to be, but for men as they are; and men situated as persons in Canada are appear nearly always to act just in the same way; and creditors are always more negligent than perfect men ought to be, and the same results always follow. One feature of the law that deserves attention is that not only does the Insolvent Act encourage men to go into business who are not in a position and are not qualified to do so, but it tends to break down honest business men who would, under any circumstances, have remained solvent. I presume the greater number of honest insolvencies have been caused by dishonest neighbors—not only from the direct losses through dishonest debtors, but through the fact that bankrupt stocks, purchased at a low figure, are brought into competition with stocks that have been bought and paid for at full value. The consequence is, the more insolvencies you have in any town or city, the more difficult it is for honest business men to keep honest and solvent. This country got along fairly well previous to 1869—before we had the blessing of an insolvent act—and we may hope that the country may prosper, for a year at any rate, without it; while I do not think that the commercial condition of Canada can be worse than it has been during the years that have just passed.

Hon. Mr. ALLAN—If the motion for the second reading of this Bill is to be pressed to a division, I should like to say a word or two as to the reasons which will compel me to vote against it. Of course, in a matter of this kind, where there is such a diversity of opinion existing among leading professional and mercantile men, it is rather difficult for a layman to arrive at a satisfactory conclusion as to the wisest course to take in reference to such a measure as that now before the House. I have endeavored, however, as far as I possibly could, to ascertain the feeling of the business men in my own part of the country in reference to an absolute repeal of the present Insolvent Law, without some fresh legislation to replace it, and while I should be quite ready to show every deference to the expression of the views of the very large majority

Hon. Mr. Power.

in the House of Commons who voted for the unconditional repeal of the law, I think that some deference is due also to the expression of opinion and the petitions which have been presented from leading mercantile men and bankers and others largely interested in the trade and commerce of the country and, as far as I can ascertain that opinion, it is certainly against the absolute and unconditional repeal of the Insolvent Act, without some substitute for it. I am quite free to admit that there has been a very strong and a very general feeling throughout the country—and for a long time past—against many of the provisions of the existing law, but I think there was a very general impression also—in Ontario at all events—that a measure of some kind would have been introduced by the Government during the present session with reference to this important matter. I believe that this will account, to a very great extent, for comparatively few petitions having been sent in from different parts of the country against the unconditional repeal of the law. If it had not been for that impression, I think we should have had many more petitions presented to both Houses of Parliament, because, while business men would very willingly see the present faulty, and, in many respects very objectionable act, repealed, they are hardly willing that the country should be left without any insolvency law at all. If the Bill now before the House passes, I am pretty sure that the experience we should have during the coming year of the serious inconveniences arising from the want of a bankrupt law of some kind will be such that, I have no doubt whatever, some measure will be introduced next session as a substitute for the law which the Bill now before the House proposes to abolish. Be this as it may, however, in deference to the opinions which have been expressed by many leading mercantile men in my own part of the country, who are more competent to form a judgment on this subject than I am, I do not think I should be right in following a different course from that which I took last session in voting against the unconditional repeal of the present Act.

Hon. Mr. HOPE moved the adjournment of the debate.

Motion agreed to.

The House adjourned at 6 p.m.

THE SENATE.

Thursday, March 11th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

INSOLVENCY LAWS REPEAL BILL.

THIRD READING.

The Order of the Day having been read for resuming the adjourned debate on the Hon. Mr. Dickey's motion that the Insolvency Laws Repeal Bill be now read the second time,

Hon. Mr. HOPE said: The Bill before the House is one that I could not silently allow to pass without making some remarks upon it, and taking some steps to stay its further progress. With regard to the observations of the hon. Senator from Amherst (Mr. Dickey), in introducing the Bill, I think the first objection he had to the existing law was this: that it fostered, encouraged and promoted commercial immorality. I thought it was an extraordinary statement to make in this Chamber in the face of the petitions we have had from all the leading commercial centres of the Dominion urging the continuance of this very law. I find that we have a petition on our table at the present moment from the city of Montreal, signed by the Bank of Montreal, the Merchants' Bank of Canada, Molson's Bank, the Bank du People, and the Exchange Bank of Canada, besides a number of other bank managers, and nearly all the leading wholesale houses in that city, which is the great commercial centre of the Dominion. Yet, in spite of that petition, and in spite of the evidence we have with regard to the wishes of these institutions and the leading commercial houses of that city, for the continuance of the Bill, the hon. Senator from Amherst rises in his place and declares that what they want is nothing more or less than to promote and encourage commercial immorality. Indeed, the hon. Senator from De Lanaudière (Mr. Bellerose)

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stated that the Act was an immoral one, and was based on an immoral principle; that, too, in the face of the statements of these leading banking and commercial authorities. The idea that these leading bankers and merchants, who count their liabilities and assets by millions, would be guilty of encouraging anything that would promote commercial immorality is absurd. I believe that amongst those who petition for the continuance of the present Insolvent Law, is one of the oldest French banks in Lower Canada—the Banque du Peuple—a bank that was in existence, to my own knowledge, as long back as 1837, and has since done a successful business during all these years, yet the hon. gentleman stands up and says such an institution wants an act that promotes commercial immorality. How he can possibly contrive to prove such an assertion is more than I can understand. Then with regard to other commercial centres of the Dominion, let us first look at the city of Toronto. I find that all the leading wholesale merchants and bankers of that city have petitioned for the continuance of the present law, and certainly they do not consider it furthering, promoting and encouraging commercial immorality. Then the city of Hamilton has repeatedly expressed, through the boards of trade, that the continuance of the present Act was highly desirable as being fair and just as between creditor and debtor. The city of London, another leading commercial centre of business, has also presented a petition in favor of the continuance of the Insolvency Act, and the merchants and bankers of that city did not regard the Insolvent Law as being immoral or containing an immoral principle. Another objection which the hon. Senator from Amherst made to this law was the enormous expense it entailed in liquidating the estate of an insolvent. For my part, I do not know any process more economical than the liquidation of an estate under the insolvency law, if the creditors themselves will only look after their own business, and see that the law is properly carried out. It is true that the Government have appointed assignees all over the country, but it does not follow that creditors are bound to employ such official assignees. They

can, if they desire it, employ their own assignee; and to say that the assignee wastes the estate is just as absurd as to say that the creditors themselves do not know how to manage their own business, and that a few gentlemen in Parliament are more capable of instructing them and telling them what they should and should not do, than they are themselves. Supposing that the law were repealed at the present moment, and instead of an estate going into the hands of an assignee, it went into the hands of a sheriff, I think it would be found that after the sheriff and half a dozen lawyers and bailiffs had shared in the proceeds of the estate, it would be found that that system of liquidating an estate was more costly than through the Insolvent Act. A good deal has been said about this Insolvency Law and its origin. Some gentlemen have remarked that it had its origin in the year 1869, but it dates further back than that, and really originated from the commercial crisis of 1857, when a strong conviction prevailed and spread over the length and breadth of the land that an insolvency act was wanted for the purpose of freeing honest but unfortunate insolvent debtors from their liabilities. That feeling was fostered and encouraged, not in the mercantile centres, but in the rural districts in Upper Canada, and, wherever a candidate presented himself for election to Parliament, the first question put to him by the electors was: "Are you in favor of an insolvency law so as to free honest but unfortunate insolvent debtors?" and the candidates had to pledge themselves to vote for it before they could be elected. I recollect distinctly a charge brought against a candidate in the county which I resided in, because he had voted against an insolvency law—a law which was actually similar to that adopted in the United States in 1864, and totally unsuited to the circumstances of this country. The Act of 1867 was, perhaps, more in favor of the debtor class than the creditor one, and it embraced all debtors in Upper Canada, but was confined to traders only, in Lower Canada. That Act remained on the Statute book for two years after Confederation. It was more favorable to the debtor than any of the acts subsequently passed. It con-

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tinued to be the law until the passage of the Act of 1869, which was confined to traders only. One reason why parties pressed for the establishment of an insolvency act in Upper Canada was this: it was contended that the country was losing many of its hard-working and industrious citizens, resulting from the crisis of 1857, when the whole country was nearly bankrupt, and men who had been unfortunate were carrying their skill, their labor and their industry to a foreign country, and it was contended throughout the constituencies, and on the hustings, that, in the interest of the body-politic, a law should be enacted to relieve those men whose estates were unable to pay their debts, and give them their discharges where no fraud nor improper conduct was found to exist; that it was not in the interest of the body-politic that anyone should be kept in a state of partial slavery, for it operated in this way: if a man did not get his discharge, he was permitted to labor for the support of his family, but he could make no provision for the family after his death; he was told that whatever he earned belonged to his creditors. This was considered inconsistent with an enlightened public polity, but the mercantile community was not at that time particularly anxious for an insolvent law, and looked on it with a good deal of suspicion. In 1864 it was finally carried, but more by the assistance of the agricultural than of the mercantile classes.

Hon. Mr. AIKINS—I think the hon. gentleman is wrong in reference to that. I was a candidate in 1854 and in 1857, and canvassed, not only in my own constituency, but in several of the adjoining constituencies, and the question was never raised in any of them at all during those years.

Hon. Mr. HOPE—Not in 1854, as in that year the country was in the enjoyment of great prosperity. The Insolvency Act was the outcome of the crisis of 1857.

Hon. Mr. AIKINS—If the hon. gentleman is not satisfied with 1854, I may state that I was also a candidate in 1861, and during that year the Insolvency Law was never an issue before the electors.

Hon. Mr. HOPE—I was present on the hustings and at public meetings between 1861 and 1863 myself, and I state positively the candidates were questioned on this subject, and I say that it was a distinct issue before the people on these occasions. Before that period the agricultural constituencies expressed no opinion, that I ever heard, on the subject. In 1869 the Bill was amended to a certain extent, confining it to traders only, making it more onerous on the debtor and more in the interest of the creditor. Then came the legislation of 1875, making it still more stringent with regard to the debtor, and more in favor of the creditor. I remember that, in the years 1861 and 1862, in the county of Middlesex—I know nothing about the county of Peel—insolvency was one of the standing questions of the day, and resulted in the submission to Parliament, by the Government of the day, of a bankruptcy law. But it was a cumbrous and expensive system, wholly unsuited to the wants of the country, and it was voted down, and subsequently the law of 1864 was passed. As I said before, I was not aware of the repeal of the Insolvency Laws ever having been brought before any agricultural constituency. I never heard it mentioned in any constituency that I was connected with, and I have not seen in the press any desire on the part of the agricultural constituencies to have the law abolished. But, in the cities, suggestions for such amendment and improvement of the law as would be more just to the country generally were always being made. As to the remark that the House of Commons, fresh from the people, had passed the Bill unanimously or without a division, all I can say is that, had this question been one of the issues before the people at the election in 1878, and had they distinctly come to the conclusion that this law should be unconditionally repealed, then all I have to say is that, although it would not have altered my opinion in the matter, it would have altered my course of action to this extent: that I would not, as I shall do now, vote against their wishes. But there was nothing said about repealing the Act in any of the agricultural constituencies during the general election. Meeting a gentleman who represents an

agricultural constituency in the western part of the Province in which I resided for some years, I asked him what objection the farmers had to the present Insolvency Law. "The farmers!" he said, "I never heard a word about the Insolvency Law mentioned by the farmers." I said that was very extraordinary, as I thought I had seen him voting for its repeal. "Yes, that is so," he said, "but I hope the Senate will throw it out." I said it would have been more satisfactory if that had been done by the House of Commons, instead of looking to the Senate to do so. That is a sample of the way the matter has been regarded by the rural constituencies in Ontario. How these gentlemen have voted for the repeal of the Bill is more than I can understand, as their constituents have not asked them to do so. It does not concern them, or it concerns them very remotely. The mercantile constituencies, the great centres of trade and commerce in this Dominion, except, perhaps, the constituency from which my hon. friend on my left (Mr. Power) comes, which seems to be a peculiar part of the world, are all in favor of the continuance of the Insolvency Act, as a law which provides for an equitable distribution of the effects of an insolvent, and then, if he has acted without fraud or extravagance in his personal expenditure, that he should be granted a discharge. It gives the means of facilitating settlements between creditors and debtors, and the liquidation of insolvent estates. There is nothing more dreadful to mercantile men than to see an estate insolvent and have no means in their power to prevent its destruction by writs of execution and fraudulent preferences. With regard to the frauds that are committed under the Insolvency Law, I can say that I never knew any act that was more sharp or searching with regard to the rights of creditors than the present Act, and if any man tries to commit a fraud against his creditors, and a sharp lawyer is put upon his track, he is speedily brought to account for his fraudulent actions. Had the Insolvency Act been made an issue at the polls at the last elections, and the electorate had come to the conclusion to repeal it, I, for my part, would have offered no opposition to its repeal, though I would not have changed my mind in regard to the

necessity for such a measure. What surprises me is that, in spite of the remonstrances of the leading commercial centres of business, the Government has not introduced some measure to take the place of the Insolvency Act. The hon. the leader of the Government referred to the law passed by the Legislature of Ontario, but that Act does not answer the purpose at all. It is merely with regard to priority of executions and claims fyled with the sheriff, but there is no machinery provided by that Bill to be compared to the machinery under our Insolvency Act for the equitable distribution of the estate among the creditors. The United States allowed their law to expire in the year 1868, and all I wonder at is how such a shrewd and intelligent people as the people of the United States ever enacted such a law, which was just such an act as the people of Canada rejected in 1863. It was a law that burdened the debtor's estate with expenses, and the proceeds were all eaten up by the costs of officials, fees of court and other expenses. The hon. gentleman next me says it is the way here, but I say the system here is entirely different. The creditors under our law have full control of their own affairs, and can take an estate out of the hands of an official assignee and wind up the estate or accept a compromise, or do what they may deem best in their own interest; but if a majority in numbers and three-fourths in value of the creditors wish to accept a composition, I cannot see why there should be any objection to their doing so. After a few years' experience in the United States without a bankruptcy law, Congress is about to introduce a new one. The boards of trade in New York and Boston are busily engaged in drafting an insolvency act, and one of the leading commercial papers of the city of New York remarks that the people are sick and tired of the grab system which had resulted from the repeal of the National Bankruptcy Law and the establishment of local State laws. I think that should be a warning to the people of Canada not to depend on local legislation in this matter. The hon. gentleman from Amherst stated that it was a system that fostered over-credit, and it was necessary to limit the

credit system. I have no doubt that the hon. gentleman is a good authority on legal matters, but, certainly, on commercial matters, I would look in another direction for a sound opinion. I would look, for instance, to the great wholesale houses of Canada, and the banking institutions of the Dominion; but it would not occur to me to take the opinion of the hon. gentleman on a matter of that kind. The Insolvency Law of 1867 permitted voluntary assignments. That was repealed by the Act of 1875, as it was considered undesirable to increase the facilities for taking the benefit of the Insolvent Law. The repealing of that provision was a great mistake, because, whenever a man is unable to meet his debts, the sooner he makes an assignment of his estate the better for the interest of his creditors. With regard to the principles of the Insolvency Law, we all know that it is composed of two leading principles. First, the equitable distribution of the estate of a debtor among his creditors; and next, the discharge of the debtor, provided that there has been neither fraud, dishonesty nor reckless extravagance in the management of his affairs. A good deal has been said about the effect of this Insolvency Law, and when the hon. gentleman speaks about its operation, one would think that, if it were repealed, the age of bad debts would cease. We all know that if the large mercantile and banking institutions of the Dominion were of the opinion it would prevent bad debts, surely they would be the very first to adopt it, but they think just the contrary. They think that as long as credit exists we may expect to see bad debts, and a man has to look more to his sagacity and shrewdness to avoid them than to acts of Parliament. A man who relies on acts of Parliament to prevent him from making bad debts leans on a broken reed. An act of Parliament, however, may enable him to make an equitable liquidation of an insolvent's estate. I can only say I deeply regret to see this Bill before the House. I think it will be most injurious to the commercial interests of the country, and attended with most disastrous consequences, more especially as no pro-

vision whatever has been made to replace it. Looking at it in that light, I beg to move, seconded by the Hon. Mr. Lewin, that the Bill be not now read the second time, but that it be read the second time this day six months.

Hon. Mr. LEWIN—In seconding this amendment, I wish to make a few remarks upon the subject. I should very much regret to see this Bill carried. I am not prepared to defend the whole of the present law, but I do consider that, taking it as a whole, it provides a fair and equitable means of distributing the estates of insolvents. Furthermore, it places the insolvent's estate entirely in the hands of his creditors, and if they will look after their own interests they can wind it up as well under the existing Act as they could under any legislation which we may adopt. Another good feature of this Act is that it provides against fraudulent practices on the part of insolvents. Large power is given to the County Court judges to prevent such practices, and parties found guilty of them cannot get their discharge. Many persons are of opinion that a short and simple law would do. I think when that is tried you will find it almost impossible to make a short insolvent act, there are so many contingencies to be provided against. One of the advantages of the present law is, that many important decisions have been given by the courts in cases arising under it, and people understand it thoroughly, as well as the way of working it. It has been suggested by one hon. member that a law might be passed occasionally—every five years, I think, was the time he mentioned. I fail to see the soundness of spasmodic legislation of this kind. In Great Britain a bankruptcy law has been upon the Statute books for many years, and while, I admit, it has been amended frequently, we hear of no attempt to repeal it. I think we may safely follow their legislation. Petitions against the passage of the Bill which is now before us, have been sent in from many places. I have a telegram from the city of St. John, signed by several highly respectable mercantile houses there, stating that a petition is now on its way to Ottawa asking that the Insolvent Act be not repealed, and declaring that its sudden repeal would injuriously affect

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the mercantile interests there. It has been stated that the local legislatures would provide some mode of distributing estates. I think it will be found that their legislation, whatever name it may be known by, will be objected to as unconstitutional, and a year at least will be lost before that point can be finally decided. Another difficulty is that each legislature will pass a law of its own, and the result will be confusion. This Parliament, which, under the British North America Act, has exclusive jurisdiction in such matters, should provide the necessary legislation. I see by late English papers that it is proposed to amend the British Insolvency Laws, and I think it would be prudent for us to wait and see what those amendments are. Let the present law stand for another year and then we shall have the benefit of the experience gained in England as to the working of their amended laws. That experience would aid us greatly in preparing legislation for our own country. I feel that the repeal of the existing law would be a very great disaster to the large commercial centres. Of course, the rural districts have comparatively little interest in it, but the large cities demand a good insolvency law, for the protection of creditors. In conclusion, I wish to express my opinion very strongly against the repeal of the Insolvent Law during the present session.

Hon. Mr. DEVER—In common with the representatives of the business community, and in unison also with the monetary institutions of the country, expressed by the managers, directors and stockholders of banks, I am opposed to the repeal of this Act at present. I am not new in trade and I do not know that I am at all connected with business transactions that would be affected by the repeal of this law, but I cannot agree with those who support the Bill which is now before the House. I cannot admit that the Insolvent Act is calculated to encourage commercial immorality in this country. On the contrary, I believe that an equal distribution of the estates of debtors is a just and proper system. If the Government, in their wisdom and power, had chosen to amend the present law, I believe it could have been improved and rendered

very effectual in assisting the trade of the country. I freely admit that, owing to the greed and avarice of certain officials, this law has become very unpopular; but if the clauses giving power to debtors to make voluntary assignments were removed from the Act, and more power given to the creditors, I am convinced that the creditors would be satisfied, and as for dishonest debtors, I know from my experience of them, that they are always able and willing to look out for themselves. Since this Bill has been introduced this session, there has been some excitement—I might almost call it commotion—in New Brunswick, and a strong opposition to the repeal of the law is being got up. One or two prominent gentlemen in St. John have also chosen me as their medium to express their views on the subject in this place. If you repeal the law you leave New Brunswick in a very exceptional position. The Province has no legislation by which the estate of a debtor can be distributed among his creditors, and, as hon. gentlemen are aware, the provinces have not the power to make such a law as would be desirable. One of the letters that I have received is from a judge, and the other is from a leading merchant in St. John. They give expression, I think, to the feeling that exists in that community perhaps more accurately than I can describe it, and for that reason I ask permission to read them. The merchant writes:—

"If the Insolvent Law be repealed it will be bad for New Brunswick, unless our local attachment law be repealed also, and, for this reason, every New Brunswick member should, I think, vote against its repeal. A better insolvent law could easily be framed, but take it away and leave our attachment law as it now is, and there will be openings for swindlers that will surprise the law makers of this country."

The following is the letter of a judge who has had great experience of the working of the law, and cannot be said to have any financial interest in it. He says:—

"I see that the Ontario members of the Commons are very anxious for the repeal of the Insolvent Act. Should they succeed, I fear the consequences to the commercial people of this Province will be very injurious. I hope our senators and members will do their utmost to frustrate it; and, if not able to pre-

vent its repeal *in toto*, can't they insert a clause that the repeal shall only have effect in the other provinces, and a saving clause, that notwithstanding such repeal, the Act shall be in force in New Brunswick. This would be perfectly constitutional, and in accord with other laws passed which only affect certain parts of the Dominion. You should all meet and devise some means to avert this impending calamity."

I do not know that I can say anything more than this. It shews that the people of New Brunswick, and especially of St. John, are opposed to the repeal of the Act. The three representatives from St. John in this House, are in accord on the subject. My hon. friend (Mr. Lewin) holds a telegram from Hon. Mr. Boyd, shewing that he concurs with us in opposing this Bill. Therefore, I think, it would be but fair and courteous, if you are determined to repeal the Act, to provide that New Brunswick shall not be affected by it. I regret exceedingly that I am compelled to vote against the Government in this case, and I also regret that they have not introduced some measure to take the place of this Act, since they give their support and influence to its repeal.

Hon. Mr. FLINT—Last year, when a Bill nearly the same as this was before the Senate, I gave my reasons why I should have to vote against it. I did so, and it was thrown out. I thought it was wrong to spring it on the trading community without due consideration, and I supposed that by defeating it, time would be given to prepare a new measure, or, if not, that the necessity of carrying the repealing Bill this session would become apparent. Having voted in that way last year, I thought it but proper that I should explain why I shall vote for the Bill this year. I feel that it is my duty to do so, and that it is a measure which is in the interests of the trading community, and one which will have a tendency, at all events, if it does no other good, to shew during the recess whether it will be necessary to have a new insolvent act which will prove more satisfactory than the present one. My hon. friend from Hamilton (Mr. Hope), in his remarks, stated that all the leading merchants and bankers in Toronto were opposed to the passage of this Bill. I hold in my hand a Toronto paper in which I find the

names of no less than seven leading firms in that city that are favorable to the repeal of the Act. It appears upon an analysis of the names and positions of the different individuals opposed to this Bill that there were five bankers, one president of a board of trade and fifteen merchants, but still there were seven in favor of its passage. I say this in refutation of the statement that this repealing measure is unanimously condemned by the mercantile community of Toronto. Again the hon. gentleman blundered a little in reference to the time that this insolvency legislation has been before the public, I do not know how it was in his part of the country, but I know that in 1854, in my canvass of the county of Hastings, I heard not a word of an insolvency bill. Again, in 1857, although I did not canvass for myself, but for another party, I heard nothing of the necessity of such legislation. My experience was the same in 1861, when I ran against the Postmaster-General for Trent Division, and in 1862, when I ran against Mr. Grover, and in 1863, when I was elected by acclamation. So, up to that time, at least, I heard nothing about an insolvency bill. There might have been some talk about it in the part of the country from which the hon. gentleman comes, and some necessity for it also, but there was none in Trent Division. It strikes me that if we ever enact another insolvency law, it will be better, instead of having official assignees, who are real blood-suckers, and nothing else—I speak advisedly in saying so—if the merchants themselves should take hold of the estate of a bankrupt, ascertain what it is worth, and divide it fairly among themselves; that would be better than getting twenty or thirty cents on the dollar, as they have been doing, and throwing the bankrupt stock upon the market to the injury of other merchants who have been struggling for years to pay their debts in full, and who have been contending against this unfair competition. Under these circumstances I think it would be better for this Bill to pass, and it shall have my hearty support.

Hon. Mr. BROUSE—When this Bill was brought before the House a year ago, I considered that it was sprung upon the

Hon. Mr. Flint.

people too suddenly, and that our monetary institutions had not time to regulate their affairs so that they could come under the operation of the repeal. I, therefore, at that time, refused to vote for the repeal of the Act; but a year has passed and the country has had its attention drawn to the fact that the same measure which passed the other branch of the Legislature by a large majority would, in all probability, be brought up again and passed by a similar, if not even a larger, majority. That result has taken place. The other branch of the Legislature has passed the Bill, it has been brought here after a year's consideration by the people, and I, for one, feel that it is my duty to support it in this House, whatever may be the result. I would not have risen, however, to make any observations but for the remark of my hon. friend from Hamilton (Mr. Hope), who dwelt largely upon the fact that the rural districts were not interested in this question, and I thought, when the hon. gentleman was on his feet, that he had not run an election in a rural constituency for a number of years. I felt that he had not even come in contact with the bone and sinew of the country in a manner that would enable him to understand how they regarded the question. We have a demonstration of it here to-day. The other branch of the Legislature came fresh from the people in 1878, and their first act was, by a large majority, to repeal the Insolvency Law. The question had been permanently before the people throughout the country, and the farmers especially, and the subject was thoroughly discussed in the other House. I recollect well the remark made by a member there who lives, I believe, in the same locality, and represents the constituency in which my hon. friend from Hamilton resides. He made this remark, "That Bill was conceived in iniquity and brought forth in sin." The gentleman who made that statement was the member for Wentworth, who had come fresh from the country, and represented a rural district in which the city of Hamilton is situated. If there is any class in this country who have reason to find fault with the Insolvency Law, it is the honest and industrious farmer. Other classes could be

relieved, while no mercy was shewn to him. He might place his name to the paper of a merchant, and, if that merchant failed, the latter could get relieved, while the former found everything he possessed stripped from him, and could not then get an acquittal. It is the duty of Parliament to put an end to such class legislation. My hon. friend said that the object of the law was to free the honest but unfortunate debtor. I cannot see the Insolvency Law in that light. I know that before it was placed upon the Statute books there were frequent instances in which a man gave up his estate to his creditors, and, in a few years, came forward of his own accord, and paid the balance of his indebtedness with interest. Did you ever hear of anybody doing such a thing under the Insolvency Act, after getting his discharge from the Bankruptcy Court? My hon. friend from St. John (Mr. Dever), claims that his Province is in an exceptional position, and he wants a colleague of his, who has recently been appointed to this House, to be allowed to vote by proxy. While there may be something peculiar in the position of New Brunswick in regard to trade matters, I do not think that we should introduce such a practice in this House. When a man contracts a debt it is his duty to pay it in full, and I believe that he should be held responsible until he is able to do so. I will not prolong this discussion, but will merely add that I believe that it is the duty of this House to pass this Bill and repeal the Insolvency Act for some time. If, hereafter, it should become necessary to enact a law of this kind, let it be one which will place all Her Majesty's subjects in the same position, and not be legislation for any particular class.

Hon. Mr. WARK—I merely rise to state that I have not altered my opinion on this subject since it was last before the House. I believe that when an insolvency act is placed on the Statute book it ought to remain there, introducing amendments where their necessity becomes apparent. This has been the policy in England, a country we look for examples of sound legislation. There are always new cases springing up which require to be met, and it is the duty of

the Legislature to meet them. I might just refer, for instance, to the time that we framed in New Brunswick our criminal laws. We had not begun to build lines of telegraph then, and it was found afterwards that there was no section in the whole of our laws which provided punishment for a person interfering with them. It is the same in the business transactions of the world. They are expanding all the time. Experience leads those who have the administration of commercial laws, to see, from time to time, if amendments are required. Whenever a necessity for such improvements becomes apparent, they will be made; but I believe that it is a great mistake when an insolvency act is placed on the Statute book to wipe it off. Everybody who is interested in it becomes acquainted with its working after a while, but when repealed and re-enacted for years, it has to be studied over again. There is a large portion of the community that is not interested in this law at all, and I believe that there are many who now clamor for its repeal who have never read it. One remark was made by an hon. member on this side of the House (Mr. Flint), who recently addressed it, with regard to official assignees, that they are a parcel of "blood-suckers." Now, I have not been acquainted with a great many of those officials, but, so far as I know them, I have found many honorable and respectable men among them who would not defraud anybody who had business with them, and who discharged their duties honestly and faithfully. But if one of those men has proved to be a "blood-sucker," there is no necessity for the creditors of a bankrupt leaving the business in his hands. It is the duty of the official assignee, when an assignment is made to him, to take charge of the estate, and to take care of it until the creditors hold a meeting and appoint an assignee, so that none of the assets may go to waste. Unless the creditors repose that confidence in him, which they frequently do, they have no need to suffer from his conduct at all. I must say that, with respect to the action of the Government, I certainly have been disappointed. When this Bill was before the House last session, five members of the Government were pre-

sent, namely, the Premier and the Ministers of Justice, Finance, Customs and Marine, and they all voted against the repeal of the law. If I remember the sentiment of this House correctly, everyone who spoke against the repeal of the Act last year was willing to leave it on the Statute book a year longer, in order to give the Government time during the recess to prepare such amendments as were necessary, and my impression was that when the two members of the Government here, and the five members in the other House that I have referred to voted against the repeal of the law, they accepted the situation, and would have been prepared with a measure to submit to Parliament this year. It is true that the subject was referred to in a rather shadowy way in the Speech from the Throne this year, and my impression was, last session, that they would have been prepared with amendments to the present Act this session. However, it appears now that the Government have come to the conclusion, whether wisely or not, that the Act should be repealed. I have not altered my mind upon the subject, and I do not intend to vote for this Bill. The decision of the Government will cause a deep disappointment to a large portion of the commercial community throughout the Dominion. I believe that great inconvenience, and a good deal of disorder, will arise in consequence of the repeal of the Insolvency Act.

Hon. Mr. McMASTER—I took a rather active part last year in opposition to this Bill, and, after listening attentively to the arguments which have been advanced in its favor this session, I fail to see the wisdom of repealing the Insolvent Act. I am not conversant with the public feeling in the different provinces with reference to this question, but I know a little about it in Ontario, and I feel quite sure that a very large majority of the intelligent, practical merchants of this Province are opposed to the repeal of the law. I am satisfied that the prejudice that has been excited against it arises very much more from the way it has been administered than from its provisions. I hold that those provisions are ample for the object for which they were intended. Do they not empower the creditors to take possession of the entire

Hon. Mr. Wark.

assets of an insolvent, appoint assignees and inspectors, and also to negotiate for a composition, if necessary? Do they not provide for their granting or withholding a discharge as they think proper? In view of these facts, I fail to see any sound reason why this insolvency law should be repealed, and I am quite sure that the trade of the country, notwithstanding all that has been said to the contrary, will suffer very materially by its being removed from the Statute book, and the Government are incurring a grave responsibility in aiding to remove it. With every respect for the Government, I do not feel disposed to be as accommodating to them as an hon. gentleman from Toronto, who is strongly opposed to this Bill, but, through deference to his leader, expressed himself to the effect that he would withdraw his opposition.

Hon. Mr. SIMPSON—I have no desire to occupy the time of the House in discussing the measure now before us. The hon. gentleman who introduced the Bill last session, and who has introduced it again on this occasion, has said all that I desire to say on the subject. However, I do not intend to give a silent vote. I formerly occupied a position that compelled me, during the past four or five years, to observe the working of this law. My experience has been unpleasant in connection with the Bankruptcy Law on public and personal grounds, and I have come to the conclusion expressed by my hon. friend (Mr. Bellerose), though it has been challenged, that the Insolvent Act has led to gross immorality and dishonesty, and very much of both. In many parts of the country a great many young men, sons of respectable farmers, have sought employment in the cities as bank clerks and merchants' clerks, and some have entered into business. They left their homes in the country and entered into business without capital or experience. In many cases, they induced their fathers to endorse for them, and, in some cases, even to mortgage their farms. They got on well enough for the first year, perhaps, and they and their families dressed well and lived sumptuously. The second year, perhaps, they did not do quite so well, but they managed, by borrowing, to pay their bills. The third year ends

their career. I know a case, in this city, where a young man commenced business and managed to get into debt to the extent of \$5,000 or \$6,000, and when we came to wind up his estate, we found that everything he had, even the furniture in his house, belonged to his mother-in-law. From what I have seen of the working of this law, I would be recreant to my duty if I did not do everything that I can to get it repealed. I think the Government are to blame for not having introduced some simple measure providing machinery for distributing the estates of insolvent debtors. I quite agree with the remark that has been made, that an honest debtor has no difficulty in getting his discharge. This very city, Ottawa, furnishes some striking illustrations of the working of the Insolvent Act. There is one official assignee who, I am informed, has had thirty-two cases in his hands and has never paid a cent of dividend. I have that fact on authority that I consider indisputable. I do not believe that the people of Ottawa are greater sinners than the residents of other cities, but the whole amount recovered out of the assets of bankrupt estates is not equal, in my opinion, to seven and a half, some say not even five cents on the dollar. Unfortunately, I have reason to know something about it. All the rest of those estates has been eaten up by official assignees or lawyers. In 1879, according to Dun, Wyman & Co.'s report, the failures in the Dominion amounted to \$29,700,000; the previous year they had amounted to \$19,000,000. I have it from reliable figures that the failures in the Dominion during the last five years exceeded \$75,000,000. I would ask hon. gentlemen if there is any cause for such wholesale failures if it is not dishonesty and immorality? There must be dishonesty and immorality, and a very large measure of both. I blame the Government, to some extent, for not having introduced a short, simple measure for the distribution of insolvent estates, but I shall now certainly vote for this Bill.

Hon. Mr. READ—When this Bill was before the House last session, I thought it my duty, in deference to the decision of the other House, to vote for it, and I was led to believe that, during

Hon. Mr. Simpson.

the recess, some measures would be passed by the local legislatures to make provision for distributing insolvent estates amongst creditors. I believe that the Legislature of Ontario has attempted something in that way, and some hon. gentlemen appear to be under the impression that it will have that effect. But when I come to look into that Act, I find that it fails to accomplish the purpose for which it was intended. It provides that, when an execution is placed in the hands of the sheriff, any other creditors who have claims falling due within a month can present them and rank upon the estate. But what of those parties who have not debts maturing, but which are at the same time legitimate? They are left out in the cold entirely. I do not know whether it is within the jurisdiction of the local legislatures to pass a different measure, but this one, at all events, does not provide for an equitable distribution of debtors' estates. Within my memory we have had numerous Insolvent acts, and there have been times when no such law has been upon our Statute book. From my own knowledge, I consider the existing law the best we have had upon the subject. It is hard upon the debtor, but it sifts matters thoroughly, and divides assets better than any similar act that has been passed in Canada. If the creditors choose, any ordinary debtor, to pay fifty cents on the dollar, must have an estate worth three times as much. I think that statement is borne out by experience, and that is why I say that the existing law is hard on debtors. In the case of wholesale men who have not broken packages, no doubt the expense of winding up bankrupt estates is less than in the case of retail traders, and better results can be realised. The Insolvent Act unquestionably leads to reckless trading. I have very little sympathy with wholesale merchants, or bankers either, who assist reckless traders, and they deserve none when they meet with loss. I do not think that it is in the best interests of the country to have our stores throughout the land filled with goods of British manufacturers, which are not needed, and which are the result, to a large extent of the Bankruptcy Law. Wholesale merchants feel that

if their customers succeed, they will have a large benefit, and if not they get something at all events. If by the repeal of this law we could prevent the country from being flooded with goods that are unnecessary, I think it would be the duty of Parliament to pass this Bill. One great cause of the late depression was the importation of large quantities of goods which the country could not afford to pay for. We should economise, because this is a young country, and we should not purchase articles which are only suited for nations that possess accumulated wealth. Within the memory of men still living, the greater part of this country has been a wilderness, and we are even yet struggling to clear away the forest, to build roads and construct buildings, and we cannot afford to pay for luxuries to any great extent.

Hon. Mr. McLELAN—I voted for a Bill similar to this one last year, believing that I was acting in accordance with the interests and wishes of the people of my own Province. I shall vote for this Bill to-day because I believe that the feeling in favor of it is even stronger now than it was last year in Nova Scotia. With the decided expression of opinion in the other Chamber and throughout the country, after the fullest discussion of the question, we should accept this Bill. The principal objection to it has been raised by the members from New Brunswick. That Province has been represented to us as being in a state of almost universal depression and bankruptcy.

Hon. Mr. WARK—Who described it as almost insolvent?

Hon. Mr. McLELAN—In a previous debate the hon. Senator from St. John (Mr. Lewin) and other representatives of the Province described it as being in a deplorable condition, but I find that it has enjoyed better times than any other part of the Dominion, if we are to judge by the number of insolvencies that are reported to have occurred. By the last returns given in the report of the Minister of Agriculture, they numbered 1,495, and I find that only 56 occurred in New Brunswick, the gross amount of which was \$595,000. The estates liquidated by dividend, under supervision of the creditors and assignees, amounted to only

Hon. Mr. Read.

\$1,816, of which \$874 were preferential claims, and \$531 went for expenses, leaving only \$18, to divide among the ordinary creditors. In other words, the estates paid nine mills on the dollar outside of preferential claims! Several estates, to the value of \$26,000, were settled by consent of the creditors and insolvents. The claims proved were \$80,772, and the assets, divided by consent, amounted to \$26,778. Those estates turned out better than any that fell into the hands of the assignees. There remain yet to be settled claims proven to the amount of \$310,945, and the amount received on them, in the hands of the assignees, is \$41,195. The experience that they have had in New Brunswick of the working of the Insolvent Act, according to the returns, is less than in any other province, but that experience, judging by the cases that have passed through the assignees' hands, has not been of a character, I should think, to lead them to oppose the repeal of the existing law.

Hon. Mr. TRUDEL—It seems to be admitted by everybody that the effect of the Insolvent Act has been disastrous, but it is said by those who are opposed to its repeal that it is due to the negligence of the creditors themselves. I should like to know if they have any measure to propose which will induce creditors to take better care of their own interests in the future. I suppose that human nature will not be changed by legislation, and, as it is admitted that the existing law has a disastrous effect, it seems to me, according to their own views, that it will continue to be so, and, consequently, should be repealed. The hon. Senator from Quinté Division (Mr. Read) says that the legislation of Ontario does not provide for claims not matured, but it is generally recognized that insolvency brings all debts to maturity. Of course I do not pretend to know the law of Ontario, but it is a generally-admitted principle of law everywhere that such claimants as the hon. gentleman describes would be entitled to share with the other creditors.

Hon. Mr. DICKEY—This matter has been fully and fairly argued out. At the same time, on so important a measure, it would hardly be right to allow

arguments that have been made to pass without brief reference to some of them. My hon. friend from St. John (Mr. Dever), who did not make a speech exactly, but read a couple of letters to this House, has introduced a new element into the legislation of this country, because he has thought proper to throw into our faces the opinion of a judge in bankruptcy to sway the Senate in passing an act to repeal those laws. I ask if that is a reason which should entitle his arguments, if he used any, or the writer of that letter, to favorable consideration in this House. One of the hon. gentleman's correspondents says that if the attachment laws of New Brunswick are not repealed, this repealing Bill ought not to pass. I suppose the converse of that is true; if these attachment laws are to be repealed, this Bill ought to pass. We have the Lieutenant Governor of New Brunswick stating only Monday last in his Speech from the Throne that legislation would be required in New Brunswick on that important question of debtor and creditor from the effect of the probable repeal of the insolvency laws. The attention of the Attorney-General of Nova Scotia has been called to the same matter. While upon that subject, I will answer an argument made use of by the hon. Senator from Quinté Division, that in voting as he did last year he supposed that the local legislatures would legislate upon this matter. It is due to my own province and New Brunswick to state that this Act was discussed in the month of May last, a long time after the legislatures of both these provinces had been prorogued, and the Legislature of Ontario has since acted upon it, whether to a sufficient extent or not is beside the question, because any laws they have passed will be amended when found necessary, and the Legislatures of New Brunswick and Nova Scotia are now open to pass similar laws. My hon. friend's colleague, from the same city, has alluded to the fact that, even if those measures pass, it will be very inconvenient, because there will be different laws in the several provinces. Surely, my hon. friend knows that, at the present moment, all laws regulating civil rights and property are passed by the legislatures or the pro-

vinces, and differ in each province. We have not arrived at a state of uniformity in such matters, and there will be no great anomaly if these laws regulating insolvent estates are different in the several provinces. But my hon. friend may be consoled by this: that, if those acts should be diverse, they will only be operative in the provinces in which they are enacted, and my hon. friend need hardly be troubled by any consideration of that kind. He admits there are objections to the working of the Act, but if the creditors would only do their duty, the law would be a good one. But that is just the trouble. My hon. friend was told yesterday, by the hon. Senator from Ottawa (Mr. Scott), that creditors would not do their duty, and he might have added frequently, the creditors, whether from the fact of being relatives or from sympathy with what is called an unfortunate debtor, will not act, and the result is that the debtor, in a great many cases, is allowed to do just as he pleases with the estate, and frequently is given the entire control of it. I do not see that it is the fault of the law, but it is the fault of human nature that creditors will not do their duty, and shews the inherent difficulty of honestly working out any insolvent law. My hon. friend has stated a very strong objection to the law when he says himself that the creditors will not take the trouble of carrying out its provisions. I ought not to pass by my hon. friend from Hamilton (Mr. Hope) because he has been very broad in his reference to myself. He says I made use of very strong arguments against the bankers of the country when I said this Act led to commercial immorality. He says: "How can you call an act immoral that is sustained by the bankers of Hamilton, Toronto, Montreal and the other large cities of the country?" I deprecate the bringing into these debates such allusions to classes, and it is strange that my hon. friend, while he did that, in the next breath made an attack on the lawyers, and said that they were the cause of the whole difficulty. Although I am not in active practice at the present time, it is but justice to an honorable profession to say that neither in the Senate nor in the other House have the lawyers sought to dictate the course of legislation, nor

have they failed to observe the proper deference which should be paid to commercial men and others. But when my hon. friend throws out these defiancees at lawyers and seeks to create an impression of that kind, I can only tell him that he is quite mistaken, and that if the lawyers in Parliament acted from interested motives, they would be prepared to sustain the law as it exists, because it is one eminently in their own interest. My hon. friend has made a reference to the United States, and speaks of the local legislation of that country. He seems to be very much afraid of that legislation. Why should he be more afraid of it than the people of the United States themselves are? He will be surprised to hear, as it is my duty to tell him now, when we come to consider the question of legislation in the United States, that we, perhaps, may get some instruction from it as bearing on the question before the House. It was some seventeen years after the union of these States had been consolidated before a bankruptcy law was submitted to Congress at all. How long was that in force? Not quite four years. It was passed on the 4th of April, 1800, and repealed on the 19th of December, 1803. What resulted then? For thirty-eight years in that great Republic, those shrewd American people did not think it necessary to have a bankruptcy law at all. It was not until 1841 that another law was passed. It was enacted on the 19th of August, 1841, and repealed in the early part of 1843, having been in force only for a period of something like seventeen or eighteen months. Then there was another hiatus of how long? Why, some twenty-four years before a new bankruptcy law was passed. This law, lately repealed, was not enacted until the 2nd of March, 1867, and that Act had rather a longer life than either of the others; I suppose they had accumulated a good deal of experience, and they made a better law than they had been enabled to make before. I ought not to pass by the fact that the law of 1841 was brought into the Congress of the United States in consequence of the difficulties that arose from the state of things in 1837 and 1838, produced by the wave of commercial depression that passed over that country, and it was

only kept in force for a temporary period. But this law of 1867 was kept in force for some ten years, just about the same period as our law has been in force, for I assume that it will not remain alive any longer. This is the state of things in the United States, where, in a hundred years, they have been without a bankruptcy law for eighty-five years. My hon. friend from Ottawa spoke the other day of the argument that I had made use of as to the cost of enforcing this Act, and said there was nothing in it, because the creditors have the power to choose their assignees and have full control over the debtor's estate. But my hon. friend labors under a misconception, because, although the creditors have the power of appointing the assignee, that in no way affects the expenses under the Act. Let me call the attention of the House to the operation of the present law in that respect. The first step the law takes is to put the estate into the hands of an official assignee, and, although at the very first meeting of creditors they may select their own assignee, yet, in the meantime, the property is in the hands of the official assignee, and, that official has to be paid. Then you have to pay the creditors' assignee afterwards, and the inspectors, the lawyers and the courts. Although I did not certainly use such strong language as has been employed to-day, I am not at all prepared to say that too strong language has been used with regard to official assignees. It is a curious fact that, in the year 1869, the Parliament of England abolished official assignees, and ever since that year there have been no such officials in England under the bankruptcy law. That is the very strongest proof that they found it would not do to leave creditors—or even the debtor himself—to the mercy of those persons who have been so stigmatized in the language I have not ventured to repeat. My hon. friend from Ottawa was rather hard on the Government when he said he thought they ought to have brought down a substitute for this law. It is quite open for my hon. friend to use that argument, and it was quite open for the hon. Senator from Prince Edward Island (Mr. Haythorne), from a party point of view, to use any argument that best expressed

his views in relation to the policy of the Government. I do not stand here as an apologist for the Ministry, but I do think they are entitled to fair play. Last session there was a strong feeling with some of the members of the Government to repeal the Insolvency Law, while others opposed it. What was the result? Some of the leading minds of Parliament were called together, and, after discussing the matter, they brought in a Bill, the very best measure that could be produced after a month's deliberation, but it was negatived by a decisive vote of the House, and the repeal measure which was introduced was passed against the opposition of some members of the Government. The same feeling was manifested this year, even more strongly, and I do not think it fair to say to the Government they ought to have courted defeat and brought in a measure which they knew would not pass; that they should have tinkered up this objectionable Act and imperilled their seats by trying to force it through the House. It might have been a good party move for the Opposition, but I do not know that the Government would have been justified in attempting to substitute another law for the present obnoxious Act until the country could experience the result of the repeal of the measure, see what course the Congress of the United States was disposed to take, what amendments are to be made in the English Act, nor until the effect of the local legislation in the different provinces was known, and how far it would meet the objections of those gentlemen who do not wish to see the present law repealed. At all events, I think the Government have taken a prudent course in yielding to the general sentiment of the country. The hon. gentleman from Montreal, who, last year, moved the six months' leist, stated, in his speech, that it would do no harm to allow the law to remain on the Statute book for another year. The hon. gentleman from Toronto, who spoke yesterday, (Mr. Smith), followed up that argument, and asked that it be allowed to stand over twelve months, until the feeling of the country was ascertained. No doubt such arguments as these had great weight in this House last session, and influenced many

to vote against the repeal of the law for that year. I ask if the feeling of the country has not been well ascertained on this subject now? It certainly has been ascertained, and in the only constitutional way it can be ascertained, by the well understood wishes of the people, as expressed through their representatives. In listening to the debate yesterday, I was struck with this curious fact: that not one gentleman who spoke against the repeal of the Insolvent Act undertook to justify it in every particular. A great many admitted that the law was badly administered; a great many admitted that there were serious objections to some of its provisions, but, strange to say, they ask the Senate to continue this obnoxious law—this law that has been so badly administered—on the Statute books of the country. I can understand the course of some of my hon. friends who admitted frankly: "We are in favor of the principle of an insolvent act, but this Act has been so badly administered that we would rather see it repealed than continued any longer." That is a fair, open and manly course, but I cannot understand that other gentlemen should object to the repeal of the Act for a time; at all events, until it could be seen how the repeal would operate, and then, if necessary, have another law brought in. Several references have been made to myself as not being so very chary of getting a decision in this House against the decision in another place, but I wish to remind the House that, on all former occasions, the Senate have taken good care to have the country at their back, and, whenever they have differed in legislation from the other House, it was either because it was hasty legislation—and in that respect I do not object to the course taken last year—or because they felt that they were doing the proper duty of the second branch of the Legislature in rejecting a measure which they felt the country would not sanction; and I can appeal to our past record to shew that frequently, and I might add almost invariably, this House has been right in the position they assumed. I have in my mind at this moment a bill that my hon. friend alongside of me took a decided stand against: the Nova Scotia

County Court Bill. We carried our point. Next year the Bill was brought in again. We said we were under the impression that the Legislature of Nova Scotia would deal with the question, but, as no action was taken, we abandoned our opposition to it. In the British House of Lords, with the single exception of marriage with a deceased wife's sister, where the sentimental and religious elements come in, and where people have a right to consult their views, and to act upon them, as far as my recollection goes, when a Bill has been passed in the House of Commons by a decisive majority and has been rejected in the House of Lords, and when the Bill has been sent up to them afterwards under the same circumstances, it has invariably passed. All I ask is that we should follow our great exemplar, the House of Lords, and pass this Bill. It is said this Bill is not required by the country. The country has had a whole year to consider and to bring forward any objections to it, and what is the result? Only three petitions on our table against it, and all these petitions are from bankers and others, who, the hon. gentleman from Hamilton thinks, ought to control the opinions of this House. I do trust that the Senate will not put themselves in a false position, but will allow this Bill to pass, and thus rid the country of a measure which no person on the floor of this House has ventured to advocate in its entirety, and which is open to the serious objections that have been made to it in both Houses.

A vote was then taken on the amendment, which was negatived on the following division:—

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Hon. Messrs.

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Bull,	Lewin,
Christie,	McMaster,
Dever,	Muirhead,
Fabre,	Nelson,
Grant,	Penny,
Hamilton (<i>Inkerman</i>),	Scott,
Haythorne,	Wark.—17.
Hopu,	

NON-CONTENTS :

Hon. Messrs.

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Girard,
Glazier,
Guévremont,
Benson,
Botsford (*Speaker*),
Boucherville, De,
Bourinot,
Brouse,
Bureau,
Campbell, Sir Alex.,
Carvell,
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Kaulbach,
McClelan, (*Hopewell*)
McLelan (*Londonderry*)
MacDonald,
Macfarlane,
Miller,
Montgomery,
Odell,
Pâquet,
Pelletier,
Power,
Pozer,
Read,
Reesor,
Seymour,
Simpson,
Stevens,
Sutherland,
Trudel,
Vidal—47.

The motion for the third reading of the Bill was carried on the same division. The Bill was then read the third time and passed.

The House adjourned at 5.40 p.m.

THE SENATE.

Friday, March 12th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

TIME FOR RECEIVING EXTENDED.

Hon. Mr. AIKINS moved that the time for receiving petitions for private bills be extended for one week.

The motion was agreed to.

THE BAPTIST UNION OF CANADA BILL.

SECOND READING.

Hon. Mr. McMASTER moved the second reading of Bill (27) "To incorporate the Baptist Union of Canada."

The motion was agreed to.

THE DISMISSAL OF CONDUCTOR MCGINN

MOTION FOR A RETURN.

Mr. DEVER 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 all papers, correspondence and other information relating to the late

summary dismissal of Conductor McGinn from the Northern Division of the Intercolonial Railway."

He said:—The motion of which I give notice, is one leading up to the dismissal of a conductor on the Intercolonial Railway, somewhere in the neighborhood of the north shore of New Brunswick. I have no desire to make any extended remarks upon this subject, because really I am not personally acquainted with the gentleman; if I met him on the street to-day, I do not know that I would recognise him unless he were pointed out to me; but a gentleman of my acquaintance from the city of St. John, who has frequently travelled upon the Intercolonial Railway, has taken upon himself to present the matter to me, and ask my assistance in having him reinstated to his former position. I might remark that this gentleman who gives me the information bearing on the subject, is one in whom I have the greatest confidence as a gentleman, who would not state anything that he was not personally aware of. For fear I might say anything that would do injury to anybody, I prefer to give the statement as it was given me by that gentleman. It was to the effect that Conductor McGinn was running a special train from Moncton to Campbellton, on the Intercolonial Railway, which mail train consisted of a mail, a baggage, a first-class passenger and a Pullman car. The passenger car was crowded with Miss Rye's children. At Bathurst, a certain Senator was waiting for the regular train, which was following the special train spoken of, and, not wanting to take the Pullman car, the crowd in the other car prevented him being accommodated to his liking. He would not wait for the regular train which was following, and in which his baggage was carried. When the Senator got to Ottawa, he made a complaint as a Senator against this man, and had him dismissed for not doing for a Senator what he could not do for other and as worthy men. I am also informed that McGinn did not know the Senator, and that he was not one inclined to give offence to anybody, much less to a Senator. I assert nothing of my own knowledge, but believe that the whole thing, as related to me, is correct, and as

Hon. Mr. Dever.

an injustice has been done to Conductor McGinn, I submit the matter for the consideration of the House.

Hon. Mr. FERGUSON—I believe that I am the Senator alluded to by the hon. gentleman opposite. The incident occurred at Bathurst. When I was about to enter the car, this McGinn told me that there was no room for me on the train. I told him that there was plenty of room, and got aboard. I said to him: "You must take my trunk along; it is not a large one." He said: "I cannot, and I won't, take it," and he did not take it, and my trunk did not arrive here until twenty-four hours after I reached Ottawa myself. I made no demand for the dismissal of McGinn, and no complaint, except to explain the circumstances to Sir Charles Tupper. I did not know that the man would be dismissed in consequence, and supposed there would be nothing more than a reprimand for his very rude conduct. McGinn likewise refused to take the luggage of a passenger from Miramichi, and he left four passengers standing on the platform at Newcastle, whom he refused to take on the train. It was a very trifling affair, and, in my opinion, should never have been brought up here. I had no feeling whatever against McGinn, and merely made the explanation, in the manner I have described, to Sir Charles Tupper.

THE SIXTIETH RULE AMENDED.

Hon. Sir ALEX. CAMPBELL moved that the 60th Rule of the Senate be amended as follows:—

"Line 1 of the said Rule, leave out 'Every Private Bill, when read the first time, is' and insert 'Any Private Bill shall, if it be demanded by two Members, when read the first time, be.'"

He explained that this would prevent the rule from operating on all private bills, and would leave it optional with any two members to apply it to any bill that they might regard as of doubtful constitutionality.

The motion was agreed to.

BANK OF NEW BRUNSWICK BILL.

THIRD READING.

Hon. Mr. LEWIN moved the third reading of Bill (B) Respecting the Presi-

dent, Directors and Company of the Bank of New Brunswick.

The Bill was read and passed.

THE PRINTING OF PARLIAMENT.

SIXTH REPORT OF THE COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the sixth report of the Joint Committee on Printing.

The motion was agreed to.

The House adjourned at 4 o'clock.

THE SENATE.

Monday, March 15th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE BEAUHARNOIS CANAL.

MOTION FOR A RETURN.

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 transmitted to this House, a succinct statement shewing the number of leases and sales of water power and their dependencies along the Beauharnois Canal; the considerations for and dates of such leases and sales, and the names of the lessees and purchasers, the amounts or balances still due by such lessees and purchasers, or their representatives, with the amount of interest due thereon; the numbers and areas of the lots not sold or let; the offers to purchase or rent made to the Government in respect of these last mentioned lots, and the nature of the answers made by the Government to such offers.”

The motion was agreed to.

THE ACCOUNTS OF THE SENATE.

MOTION.

The Order of the Day having been called,

“Consideration of the Message and Resolution of the House of Commons of the 8th March instant, requesting that the accounts of the Senate, since 1867, may be sent to them.”

Hon. Sir ALEX. CAMPBELL moved:

“That the Clerk of this House be directed to prepare a statement containing the information asked for in the said Message, and that it

Hon. Mr. Lewin.

be communicated to the House of Commons by a message from this House.”

The motion was agreed to.

INDIAN LAWS CONSOLIDATION BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (C) “To amend and consolidate the laws respecting Indians.” He said:—This Bill, though very lengthy in the number of its pages, does not embrace very much change in the existing laws, but there are two Acts of Parliament which govern Indian affairs at the present time, and the Minister of the Interior was anxious to consolidate those Acts, and also to introduce some changes into the law as it now stands. The leading amendment is creating the Indian branch into a department by itself. As hon. gentlemen will readily understand, the volume of Indian affairs is increasing very much. The dealings with them are much more numerous than they used to be. A great many bands, formerly free and independent, have, by reason of treaties made with them, come under the care of the Department. There are also, unfortunately, measures which have become necessary for the purposes of sustaining the Indians in the absence of the buffalo, and, from time to time, large amounts of money have been latterly necessary for that purpose. Efforts are also being put forth to settle Indians on their reserves, and to induce them, as far as possible, to supply food for themselves, in the place of that which they hitherto obtained chiefly from the buffalo. These and other reasons of the same kind—the growing magnitude of the service, the changes taking place among the Indians themselves, the efforts they are putting forth, and which they will have to increase, for the purpose of settling the Indians upon their reserves, and the large expenditure of money, have given a magnitude to the Indian branch of the Department of the Interior which it had not previously, although at all times it has been an important and large branch of that Department. I know that in former years, when I had the management of what was called the Crown Lands Department of the Province of Canada, the Indian branch was attached

to it, and it was then an important portion of it, involving as much care as the management of lands in this part of the Dominion. All these reasons have induced the Minister of the Interior to make it a separate department, so as to give it additional strength as a department working by itself, managed in detail and practically under the Minister, by the deputy head. It is not proposed to create any new department of the Government, but that the Minister of the Interior shall have under him two deputy heads, one for the management of public lands, and the other for the purpose of managing Indian affairs and Indian lands, and in putting forth the efforts which have become necessary for the purpose of settling Indians upon their reservations. Two or three other features less important have been introduced into the Bill. I shall mention one or two of them. A provision exists at this moment by which, if an Indian becomes a member of a learned profession, he becomes *ipso facto* enfranchised, and in all respects the same as a white subject of the Crown, save that, as the law now stands, he loses his rights as an Indian. It is very gratifying that Indians have become members of learned professions. I know two or three; one, a barrister, who has been educated at Cambridge, England, and another, a medical man, who has been educated in this country. It is very unfair that these gentlemen—they are gentlemen in every sense of the word—who have been educated in this way, and who, in consequence, deserve every consideration at the hands of the Legislature, should, from the very fact of their having become educated and members of learned professions, be deprived of their rights as Indians. One change proposed by the Bill is to give them these rights again. Another change is an effort to make more clear the subject-matter of trespass on Indian lands. Some difficulty has arisen in practice from the phraseology of the law as it now exists as to the nature of trespass, and some additional language is used to remove doubts upon that point. Then, no provision exists at present by which farms or land which have been occupied by aged or sick Indians can be managed by the Superintendent of Indian Affairs, for the benefit

Hon. Sir Alex. Campbell.

of themselves and their children. Then, a difficulty has also arisen as to the management of Indian intestate estates. It is proposed to remove that. These are the main features which it is proposed to alter, and, in so doing, it was thought by the Minister of the Interior that it would be better to repeal the two existing Acts and to consolidate the laws affecting the management of Indians into one Act, and to introduce these changes. When the Bill is in Committee in this House, I shall go over it clause by clause and point out what language is new and what is old. I have the Bill annotated so as to shew precisely what changes have been introduced, and, with that copy before me, I shall be happy to explain the amendments in Committee.

Hon. Mr. BUREAU—This is a very important measure, and I did not expect that the second reading of it was to take place to-day. Still, I have no objection to letting it pass this stage on the understanding that I reserve to myself the right to discuss the principle of the Bill in Committee. I have made a study of the question, and I find that some important matters are embraced in it. As the Bill now stands, it makes no distinction between the nomadic tribes of the West and the almost civilized Indians of the Province of Quebec. I shall also have something to say about the education of the Indians, concerning which there is, perhaps, some question of jurisdiction.

Hon. Mr. DICKEY.—The hon. Senator from De Lorimier (Mr. Bureau) has anticipated the request that I was about to make. This Bill not only consolidates existing laws, but it also introduces changes, which should not be adopted until we have had an opportunity to examine them thoroughly. It is wise to take time to look carefully into such measures, especially in consolidating laws, before we pass them *en bloc* in that way. I hope that the leader of the Government will give us as liberal time as he can to examine the provisions of the Bill.

Hon. Mr. ALEXANDER—I was unwilling to ask for a postponement of the second reading of the Bill on the ground that I had been unable to ex-

amine it before the meeting of the House, but perhaps the leader of the Government will not object to our having the right to discuss the principle of the measure when he moves that it be referred to Committee of the Whole.

Hon. Mr. SCOTT—I think it would be a very great convenience if the several changes contemplated would be printed, so that we might intelligently discuss the subject when the House goes into Committee upon the Bill. I assume that the principles are very few and that it is rather consolidating the present laws, but if there are any new points to which to draw the attention of the House they might be printed, not at length, but simply calling attention to the changes contemplated.

Hon. Sir ALEX. CAMPBELL—I think the suggestion made by the hon. gentleman is a very good one, and I will try to have slips distributed shewing the changes.

Hon. Mr. BELLEROSE—I wish to draw the attention of the Minister of Militia to one thing. I have gone over the Bill carefully, and I do not find anything in it about the education of the Indians, which, in my opinion, is a most important question. I understand from what is going on throughout the country that the officers who are at the head of that Department have exercised very little care in fulfilling what I may call the principal obligation that the Government has incurred in dealing with the Indians—to give them a proper education. I hear that there are some portions of the Indian reserves where the Catholic Indians are forced to send their children to schools not belonging to their creed. I am one of those who believe that the true principle in educating the people is to let parents discharge their duty in choosing the religious education which their children are to receive. I believe that every family should have that right, and the Government, being the protectors of the Indians, should see that proper teachers are furnished for the education of the different tribes, according to their religious creed.

Hon. Mr. TRUDEL—This Bill, with another measure on the North-West, introduced in the other House, and an Act which was passed last year, constitute, I

Hon. Mr. Alexander.

believe, a whole code of legislation for the North-West. I might remark, and the leader of the Government is probably aware, that complaints of a very serious character have been made against the Mounted Police Force; and it would be in the public interest that the documents upon this subject should be submitted to the House before we discuss that measure. If I am rightly informed, this force, which costs an immense sum of money annually, has done nothing to help to maintain order and promote civilization among the Indians of the North-West; quite the contrary. That vast country will, at some future day, be a very important part of the Dominion, and we cannot examine too carefully laws which may affect its settlement and civilization. I do not pretend to be in a position to judge of all the requirements of this legislation, but I am afraid that there has not been enough done to civilize the Indians, and it might be desirable for Parliament to inquire whether a proper course has been pursued to accomplish that end. These matters can be better discussed in Committee, and I merely draw the attention of the members of this House to the importance of this Bill, and to the necessity of carefully examining all its provisions and bearings. Time should be given for a thorough consideration of the measure, and I reserve the liberty to make some suggestions when it next comes before the House.

The Bill was read the second time.

COMMERCIAL TRAVELLERS' ASSOCIATION BILL.

SECOND READING.

Hon. Mr. BUREAU moved the second reading of Bill (24) "To incorporate the Dominion Commercial Travellers' Association.

The motion was agreed to.

THE CONTINGENCIES OF THE SENATE.

RESOLUTIONS ADOPTED.

The Order of the Day having been called,

"Consideration of the Message and Resolutions of the House of Commons of the 11th instant, that certain payments made by the Senate and by Joint Com-

mittees of both Houses be audited by the Auditor-General."

Hon. Sir ALEX. CAMPBELL moved:—

"1. That the accounts of expenditure for salaries and contingencies of the Senate, and for their members' indemnity, should be audited by the Auditor-General in the same manner as those of the House of Commons may hereafter be.

"2. That the amount of payments made under the authority of any joint committees of both Houses should be audited by the Auditor-General.

"3. That a message be sent to the Commons acquainting that House that the Senate have passed the foregoing resolutions, and will give effect to them on their part."

Hon. Mr. MILLER—Before the motion is put, I may be permitted, as Chairman of the Committee on the Contingent Accounts of the Senate, to make a remark or two. I have been a member of that Committee since I became a member of this House in 1867, and I can only say, what every gentleman who has been on that Committee for any length of time will bear me out in saying, that there is nothing in connection with the contingencies of the Senate that will not bear the closest investigation. I do not know how the impression has got abroad that there is any reluctance on the part of the Committee or of the Senate that such an investigation should take place. I have never seen any desire evinced by that Committee, or by the House, to conceal anything connected with the disbursements of this branch of the Legislature. If the contingencies of the Senate have not sooner been examined by the other branch, it is because they evinced no desire to make any such examination. I believe the first application in this direction made to the Senate was in 1870, when a detailed statement of members' indemnities and mileage was sent down to the other end of the building when it was asked for. I do not think that we should shew the slightest reluctance to such an investigation as seems to be desired, not only in another place, but also in the press. I am astonished to find the extraordinary statements which have appeared in some newspapers, and in respectable newspapers too, from which one would expect something better. Only last week, an insulting paragraph in connection with the Senate was published

in a leading Montreal paper. Of course these things are calculated to do some mischief, and can do no good. They evidence a very malicious and untruthful spirit on the part of the writers. I am only sorry that, in a journal said to be controlled largely by a member of this House, such a statement could appear as the one referred to in last Saturday's *Herald*. I repeat, that there never has been any desire on the part of this House to prevent the fullest investigation of the expenditures of the Senate. Nothing would do the Senate more good, perhaps, than if the public knew the care and economy practiced by members of that Contingent Committee in regard to every account that comes before them. My hon. friend beside me (Mr. Dickey) has been an active worker on that Committee for years, and I venture to say if he were spending his own money he could not evince more care and economy than he and others have done for years past in managing the contingencies of the Senate.

Hon. Mr. BUREAU—With regard to a portion of the remarks made by my hon. friend, I may state that I called the attention of the reporter of that leading journal to the matter, inasmuch as a member of the Senate is connected with it. I took good care to investigate the report, and found that it was nothing more than a calumny. About the other matter, it was also a story without common sense. I was much surprised at it, and I stated to the reporter that I could not understand how that could have taken place. He said he had received the information, but would not say who the parties were who had given it to him. I was desirous of exonerating my hon. friend (Mr. Penny), who is now sick and absent. I asked the reporter if that gentleman had any notice of what had appeared in the *Montreal Herald*. The reporter said "no." He said: "I came into his room because I wanted to see him." I did expect that at Montreal they would not have published that paragraph, and that in the *Herald* of to-day some retraction would have been made. I expected, from what the reporter informed me, that the same paragraph would have appeared also in the *Toronto Globe*. I considered it my duty, after

Hon. Mr. Bureau.

what took place, and the conversation I had with the reporter, to mention it to the Senate, in justice to my hon. friend, that the hon. gentleman (Mr. Penny) knew nothing of this despatch before it was published.

Hon. Mr. MILLER—I did not wish to insinuate, for a moment, that my hon. friend (Mr. Penny), even though he had been present, was at all responsible for that paragraph.

Hon. Mr. ALEXANDER—I must say that the article referred to in the leading Montreal paper is one of which any journalist ought to be ashamed. When leading party organs of such a city as Montreal present to their readers the letters of correspondents so utterly at variance with truth, how can we be surprised if the local press of the rural districts reproduce the same, believing them to be true? Thus untruthful statements are circulated of a misleading character from one end of the Dominion to the other. This course of action cannot be too much deprecated as mischievous: it destroys all respect for the press of the country. It is the duty of the proprietors of such papers to engage only correspondents who are careful to write the truth; otherwise, they themselves must be held responsible for what appears in their papers. No one appreciates the blessing of a free, untrammelled press more than I do; but when the columns of a paper are used to misrepresent any incident or individual, then it fails entirely to benefit society, and it loses all its influence. If the Senate of the Dominion has fallen short of its duty, or its members have done anything wrong, let them be severely criticised, but there is no wisdom in preferring charges against them which are not founded on fact.

Hon Sir ALEX. CAMPBELL—I think the remarks of my hon. friend from Richmond (Mr. Miller) could not have come with more strength or propriety from any member of the House, and I am sure that they have been listened to with great satisfaction. I am glad to find that the course which I was ready to have acquiesced in, on the part of the Senate, has been strongly approved of by the general feeling of the House, as it has been expressed this afternoon. I mentioned the other day, that when I

Hon. Mr. Bureau.

was first applied to by the Auditor-General in July last, with reference to auditing the accounts, and having looked into the law and seen that it was the intention that they should be audited in the temper and spirit that I mentioned the other day, I expressed my opinion that the Senate would be perfectly content to have them audited. If action was not taken, it was not the fault of the Senate, but was due to the inaction of the representatives of the other Chamber.

The motion was agreed to.

The House adjourned at 3.50 p.m.

THE SENATE.

Tuesday, March 16th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

EMIGRATION TO BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. CORNWALL called attention to the question of the advisability of assisting the emigration to the Province of British Columbia of laborers to be employed on the railway works now being undertaken in that Province, and inquired of the Government what steps, if any, they have taken, or are inclined to take, in that direction? He said: In talking over with others the matter in connection with which I have given this notice, I have come to the conclusion that it would be desirable if the Government of the Dominion of Canada would enter into communication on this question with the contractor for the railway works that are now about to be commenced in British Columbia. I fear that the contractor will experience difficulty in obtaining on the Pacific coast all the white labor that he may require in order to carry on the great works that he has undertaken and will unavoidably, perhaps, be constrained to employ considerable numbers of Chinese, an event which would be prejudicial to the best interests of the Province, objectionable to the feelings of the people there, and one which he himself would doubtless avoid if possible. That being the case, it appears to me that some understanding

could very readily be come to between the Government of the Dominion and the contractor on some such terms as these: that the Government, on their part should undertake to assist the passage to British Columbia of a certain number of railway navvies, these laborers to be engaged beforehand to work upon the railway contract; while, on the other hand, the contractor and those laborers so engaged should undertake to repay wholly or partially to the Government the monetary assistance, so given, out of the wages which would be the proceeds of the men's labor when employed in the way that I have mentioned. Of course, certain difficulties must always exist as to the carrying out of such arrangements, but there is a statute of Canada which renders legal such contracts between employers and employed, even when made in distant countries, and which also provides means for the enforcement of their terms, and I think that if laborers were carried by the long sea voyage *via* Cape Horn and landed at Yale, the immediate scene of their labors, there would be little fear of any attempt in any way, on their part, to evade the responsibilities of the engagements into which they had entered. It is too late, however, for anything of the sort to be done this year, and, indeed, the peculiar character of the work which the contractor has undertaken will prevent him employing any very large force of men this season, but between now and next winter there is ample time for the Government to take this (as I regard it) most important matter into consideration, to enter into correspondence with the contractor on the subject, and if the Government see fit, to issue instructions to their agents in Great Britain to engage the necessary number of men, and either to charter a vessel specially to carry them from Great Britain to British Columbia, or else to engage for them sufficient accommodation on other vessels sailing from the United Kingdom to our Pacific coast. The passage money, I imagine, would not exceed £17 per head. It would be, of course, for the Government to consider what part of that sum they would advance. When we remember that the wages of good navvies in British Columbia cannot possibly be less than \$1.50 a day, or, at all events, \$35 to \$45 per month,

we can easily understand that, without undue inconvenience to these laborers, they would, in the course of a few months, be able to repay the amount advanced. I think that some such plan is not only practicable and feasible but advisable, and, I am sure, if carried out, it would be very beneficial to all parties concerned in the arrangement. The voyage from England to British Columbia by sailing vessel, round by Cape Horn, averages about five months in duration. Consequently, if the men engaged were to leave England in November next, they would land in British Columbia at a very convenient time in the early part of the following spring. I do not know that it is necessary for me to describe the advantages that British Columbia offers to intending emigrants. I may point out, however, that railway works will probably continue in British Columbia for many years to come, but independently of such work, our mining industries there will always afford, for an indefinite number of years to come, just the labor which would suit the class of men whose emigration to British Columbia I am now advocating. No resident of British Columbia, and, indeed, no casual visitor to that Province ever seems to doubt for a moment the prosperous future which lies before it. The only two things that it wants at present to ensure its prosperity are better, shorter and more ready means of communication with other parts of the world, and a larger population, and both of those desiderata, I trust, will shortly be secured to it. I make a passing allusion to the peculiarly statesman-like and successful policy of the Government in the means which they adopted last year to induce and encourage immigration to the Provinces of Canada. The idea of inviting, as they did, from different agricultural districts of Great Britain a number of thoroughly practical men to visit this country, to travel through it and to form their own unbiassed opinions as to what they saw and heard, was that of a Government which had a thorough belief in the advantages which Canada offers to the thousands seeking an opportunity of bettering their fortunes. It was the act of an honest and patriotic Government, which, instead of attempting to over-color or over-draw such advantages as Canada might offer, was

willing to allow sensible and practical men to come and judge for themselves, and disseminate among their friends the opinion which they might form at the conclusion of their travels. Anyone who has read the reports of those delegates must be struck with the peculiarly sensible character of them, and more than struck with the exceedingly favorable view they have taken of the provinces which they visited as homes for emigrants of their own class, and I think nothing that has been done in past years will exceed in value the results of those reports. They will far exceed the results obtained in many years past at an extraordinary expense to the country. I do not know that I need say much more upon the subject. I hope that other hon. gentlemen will follow me on a question which seems to be of some importance, and I will merely inquire of the Government what steps they have taken, or intend to take, to assist the emigration to British Columbia of laborers from Great Britain?

Hon. Mr. MACDONALD—Whether the Government entertains a scheme of the kind that has been proposed by my hon. friend from Ashcroft, or not, it would be a very good thing if it could be done. Without detracting at all from the force of his remarks, I think it would be well to first consider the condition of the laboring population in the eastern provinces, and see whether all who are willing to work can earn a fair day's wages, before we think of getting men from the other side of the Atlantic. We have complaints of distress in many parts of the country for want of employment. Of course that cannot be taken as an indication of the condition of the country, for in the towns and villages there are always to be found men who are lazy and intemperate, and who live from hand to mouth; but, at the same time, there are numbers who are willing to work if they could get anything to do. Such persons should be helped to make a new departure in life, and given an opportunity to build for themselves comfortable homes in a new country, by sending them to the North-West or British Columbia. While European laborers might be as good, if not better, than our own people for railway construction, Canadians, or men who have served an apprenticeship in this

Hon. Mr. Cornwall.

country, are much better as permanent settlers, and this has to be looked at. With regard to the scheme proposed by the hon. Senator from Ashcroft (Mr. Cornwall), anything that can be done in that way, either from the older provinces or from Europe, would be a benefit to the country. It would be a great injury to our Province if Chinese labor should take the place of white labor. It is well known that the Chinese do not remain in the country, and that they send their earnings away. In fact, they are little better than slaves. They are engaged in China and consigned to merchants and others in the countries to which they come, and they do not acquire property or become permanent settlers. If any plan can be devised whereby that class of labor could be shut out, it should be adopted. To a certain extent, in a new country where labor is scarce, the Chinese are useful, but, with all that, they are an undesirable element in the population of the country. I trust that the Government will, if they can, find some remedy for the evil.

Hon. Sir ALEX. CAMPBELL—In reply to the question which has been put by my hon. friend from British Columbia (Mr. Cornwall), I beg to say that no steps have been taken in connection with this subject. It has not been brought before the Minister of Agriculture in any way, neither by the contractor nor by any other parties, and, therefore, nothing has been done as regards that part of the question which refers to the intention of the Government in the future. I can only state that the Minister of Agriculture is disposed to recommend the adoption of any steps which can reasonably be taken towards encouraging a good class of European immigration into British Columbia in connection with the construction of the Pacific Railway; but what steps may be taken, or how far assistance may be given, if any, or on what terms, are all points which require to be closely considered, and which have not yet occupied his attention. I cannot, therefore, give any definite reply as to these details; but, in general phrase, I may say that the Minister of Agriculture is disposed to consider what aid can fairly and reasonably be given to intending immigrants to British Columbia in connection with the Pacific Railway works

there, without imposing additional burdens upon the country. The same remarks may possibly apply to any redundant labor which seeks employment in this part of the Dominion. I shall bring under the notice of the Minister of Agriculture the remarks which have fallen from the hon. gentleman from British Columbia, and possibly they may assist to lead him to some more definite conclusion on the point than I am now able to announce to the House.

Hon. Mr. CORNWALL—I may add that the contractor himself is very willing to enter into some such arrangement as I suggested, if it is possible to do so.

Hon. Mr. ALEXANDER—This motion of the hon. Senator from Kamloops (Mr. Cornwall) touches, indirectly, a problem which, perhaps, will not be found to be one of easy solution. It affords to this Chamber, however, an opportunity to discuss how we can commence throwing population into that part of the Dominion. We are about entering upon a very large expenditure, for the construction of a railway running eastward from the Pacific coast. We shall thereby be swelling the proportions of the public debt, and it is all important that we should, at this moment, discuss how we can go on with the great work of development of that region without increasing the burdens of the older provinces. I am sure that the Minister of Agriculture and Immigration (Mr. Pope), who labors with so much assiduity and practical talent to promote all the interests of his Department, will look with interest to the utterances of the Senate upon this difficult subject. If we had, in our Pacific province, such a State, in regard to climate and soil, as that of California, no extraneous effort would be necessary to push on the great work of settlement. British Columbia has also its resources, but they are of a character to require the fostering and helping hand of the central Government. They are of a character to be developed gradually, and, while we cannot expect that the progress and advance of that part of the Dominion will be so rapid, from its extreme distance from the markets of the world,—shut out, as they are from the United States, by an extreme

protective policy—notwithstanding all this, British Columbia must eventually become a great power in the Dominion: Vancouver's Island has the latitude and climate of Britain, with coal and iron in close proximity; and, as regards the mainland, who can behold its timber and fish, its mineral wealth, including the precious metals, without forecasting a great future for that western territory, and believing that the next generation may see a trade of increasing proportions with Japan, China, Australia and the South American continent. The question we have at present to discuss is whether the Government of the Dominion can advantageously promote, this season, a pioneer emigration to British Columbia for a two-fold object,—firstly, to secure labor for the construction of the projected railway, and, secondly, to select that labor with a view to ultimate settlement in that Province. I do not entertain a single doubt that some practical scheme may be devised which will not only not throw any expense upon the Dominion, but successfully further the desirable object of throwing in there an industrious, hardy and valuable population. This should be a joint interest or contract of the railway contractors and the Government. I do not say that Chinese labor should not be used, but we all know that they come to this continent with one uniform object of saving money to return to their own land and never become permanent settlers, and surely it is our interest and policy that all the labor employed should be with a view to ultimate settlement; for of what utility is the railway, if population does not exist there to use it; and we should find ourselves in the serious position of operating a number of Government railways with large annual deficits, crushing our people with burdensome taxation and destroying the public credit. Some such scheme as the following could be carried out: A commissioner or agent should be sent home by the contractors, under the direction of the Government, to accomplish the object of selecting the number of men required, say two thousand sober, young and industrious men from the rural districts of England, Ireland and Scotland, upon the following conditions: One hundred acres of land to be guaranteed to each able-

bodied man or family. The whole to be transported on ships, direct from Glasgow, Liverpool or Dublin, round Cape Horn to New Westminster; the whole expense of transport to be recouped by the men out of their first year's wages. The expense of transport would be about £18 per head, which they could easily recoup during the first year, receiving as they would, upwards of \$30 a month wages and found. It is surely self-evident that this scheme of colonization could be carried out by the contractors and the Government conjointly without entailing one dollar's expense upon the Dominion. We should not only thus get the railroad properly constructed, but we should be securing a healthy consuming population for that territory, contributing indirectly to the revenue of the Dominion. I have little more to add, further than to express that this House and the country are deeply indebted to the hon. gentleman from Ashcroft (Mr. Cornwall) and the other senators from British Columbia, for bringing this matter before Parliament. Having now established upon a solid basis the permanent prosperity of those Atlantic Provinces, we are in a position to devote more of our attention to our North West Territory and British Columbia. We are making no sacrifice in doing so, for the more population we can throw into them, the greater will be our aggregate revenue, and the sooner will our deficits cease to exist. We have a bright future for the Dominion if the Government is administered with a simple regard to the well being of the whole and if the great work of progress and development is carried on with prudence, ability and care.

Hon. Mr. McLELAN (Londonderry)

—I quite agree with what has been so ably said by the hon. gentleman from Woodstock as to the importance of British Columbia, and the desirability of increasing the population of that Province, as well as of the whole Dominion; and I also believe, with him, that the introduction of immigrants into the Pacific Province must be on a joint contract between the Dominion Government and the railway contractors. But I think that contract has already been made. A contract has been entered into for the construction of 125 miles of railway in British Columbia at very high figures,

Hon. Mr. Alexander.

and every tender made for that work was based on the scarcity of laborers, and the increased cost that would be incurred in importing laborers to carry on the work. The consequence was, all the tenders were very much higher than they would have been for similar works in the older provinces of the Dominion. Therefore, the Government, in paying the enhanced price for that contract, are actually paying for the importation of the labor that will be necessary for the prosecution of the work. That is the actual position in which this matter stands, and it is therefore the duty of the contractor, it is his interest, and he is bound to import sufficient labor to execute the work within a given time. The Dominion is thus assisting immigration in the enhanced price to be paid for the work. The only proper way we can expend public money in promoting immigration is in the construction of railways through territory that is suitable for colonization so as to make it easily accessible and profitable to occupy. We have spent a great deal of money during the last eight years for immigration purposes. On looking over the returns, I find that the amount expended in that way has been about two millions of dollars, and I venture to say that three-fourths of the immigrants brought to this country by that expenditure have passed over to the United States, and helped to swell the stream that has been pouring into the western states, which were made attractive and accessible by thousands of miles of railway running in all directions over the rich prairies. We have had our great North-West, with its vast unequalled prairies for ten years, and nearly the whole advantages of this treasure have been for that period lost, because we did not at once provide rapid connection with that land, and lay down cheap railways over the fertile stretches. The Government policy has hitherto looked solely to a great highway to the Pacific on the shortest line. Everything was sacrificed to that idea, and enormous sums were expended which, under a different policy, might have been avoided. A happy change has, however, been made; we have now all rail connection with that territory; the direction of the road has been changed, so as to open up for settlement our own fertile prairies;

we are now fairly entered upon a new era; we have taken a new departure and can now offer to our own people who wish to go west, as well as to the people of older countries, the same inducements which drew so many to the western states. It is painful to look at the Census returns of the United States and see what a vast number of Canadians have settled there, chiefly in the prairie states. The Census of 1870, ten years ago, shews the number of Canadian-born persons there as 492,772, and the children born of Canadian parents as 963,744, making at that time a total of 1,456,516 as Canadian-born and their offspring. Add to these the natural increase of ten years, and we have 1,865,725, nearly two millions of a population which we have lost of our own people, to say nothing of the emigrants from other lands, who have been drawn away from us by the greater inducements of those western states, in their prairies accessible by railways. In view of these facts, it was high time that we adopted such measures as will tend to keep within our own territory the people born on Canadian soil, and, at the same time, attract to us the emigrants of other lands. We have spent too much money and time in bringing people to our shores who will not remain. The changed policy of the Government will, I am sure, lead to very different results. We have railway connection with the great North-West, and, we have a hundred miles of railway over those fertile plains under contract, and under the changed policy, other hundreds are to be added, which will form an irresistible attraction to those who are seeking new locations for their labor. The history of the western states shews conclusively that prairie lands are only valuable and sought for as they are easily accessible, and the population of those states has only followed the construction of railways. The State of Illinois had, in 1820, only 55,000, but it has since been opened up by railways, (more than 7,000 miles in all) and the population is now over 3,000,000. Minnesota was admitted to the Union in 1858; in 1860 the population was 173,855. In 1864, it had only 154 miles of railway, now it has over 2,000 miles; in 1870, the population was 439,706; in 1875 it had risen to 659,559,

Hon. Mr. McLelan.

and now it must be nearly a million. In every western state the same results are found. A network of railways has been laid over their prairie lands, a population has been drawn from nearly the whole world, and Canada has lost largely. We have changed our policy, fortunately; we have reached our territory, and are making our rich lands available by railways over them, and we may certainly count on the same happy results. We have spent money enough abroad on immigration; let us now employ all our means in developing the better parts of our own territory, that we may retain our own people and have an attraction that will draw others to the Dominion.

Hon. Mr. WARK—It may be very true, as the hon. gentleman tells us, that the contractor took into account the extra expense of getting laborers in estimating for his contract, but the object of the hon. member who has brought this question before the House is to select laborers of such a character as will promote the interests of the Province after the railway is complete. The contractor is not bound at present to go to Europe; he is not bound to go out of the Province for labor, and the presumption is that if he receives no assistance, such as has been suggested to the Government, he will employ the Chinese labor of the Province, and there will be an additional influx of that element into British Columbia so long as that work goes on. Now, is this desirable? I know that this influx of Chinese population along the Pacific coast is going to be attended with serious consequences, and it is a problem which the Government must solve at no distant day. If, then, the contractor be left to himself, and receive no assistance from the Government of the Dominion in bringing in such labor as the hon. gentleman who has asked the question contemplates, the result will be that the Indians and Chinese will form the greater portion of the population, and the whites—the ruling element—the smaller. We ought to take into account the interests of the people of the Pacific coast, and, if it can be done without costing the Dominion any outlay but what will be refunded, we should endeavor to induce a different class of laborers into

the country from that the contractor is likely to do if left to himself.

Hon. Mr. KAULBACH—I am very glad to see that this question has come up for discussion. It is well known that the interests of the Pacific Railway were not to be subordinate to any local or sectional feelings, but the project was inaugurated with the view to develop and consolidate the political unity of the whole Dominion, and for the promotion of imperial and national interests. It was also considered, at the inception of this great work, that the increased immigration and sale of the lands of the Dominion contiguous to the line of railway would go far towards building the road without imposing very heavy burdens on the people. I think that in all our actions with regard to the construction of the Pacific Railway we should endeavor, as far as possible, to keep this in mind in legislating upon it. With regard to the character of the labor to be employed in the building of the Pacific Railway my views do not harmonize with those of my hon. friends from British Columbia. I agree with my hon. friend from Londonderry, (Mr. McLelan), that the Government ought not to subsidize emigration, and that labor will be found ready whenever there is permanent and continuous employment. We are giving a large amount of money for contracts in that country, in view of the paucity of laborers and the expense of importing labor from other countries, therefore, I do not think it would be wise, or in the interests of the Dominion, from any point of view, to subsidize immigration for that purpose, as the men that would be brought by that means would not be a desirable class of settlers. The class we want are men who have sufficient means and ambition to make homes for themselves in this country. But if you get pauper labor into British Columbia at an expense of at least \$100 a head, the probable result will be, as we could not keep them continually employed, that they would drift into the United States after the railway was completed. Even after getting them here it might be found very difficult to get them to work or to collect the amount of their passage money out of their wages. The expenditure of so many millions of dollars in British Columbia alone should,

Hon. Mr. Wark.

I think, be a sufficient inducement to men to come into the country without supplementing it in the manner proposed. I believe the expenditures on our public works will induce those Canadians, that the public works in the United States took away from us, to return to their own country. We should first endeavor to retain our own people, and next to draw back those who have left us, before seeking for pauper immigration. With regard to the objection raised by our friends from British Columbia, to the Chinese, I must say that I think that that race has been very hardly dealt with. I believe all my hon. friends here from British Columbia find that class of labor very convenient, very willing, very inexpensive, and very much to their own benefit as domestic servants. It is very strange, when they are useful in that capacity, that they should be considered unfit for any other labor, and when the public interest is concerned, a much higher class of laborers should be thought necessary. The Chinese are complained of by our friends from British Columbia as being an undesirable class of settlers, even on moral grounds, and yet, strange to say, they are considered good domestic servants, but I think if we can get cheap labor into the country while we are building our railway, and they leave, as it has been contended they will, after the work is done, then there can be no harm in their coming here. The Sandwich and adjacent islands are largely settled with this race of people, the children of the sun, and it is well known that they are not of a lower grade of humanity than the other inhabitants of those islands. When we reflect upon the fact that the Mongolians, influenced by their prejudices and exclusiveness, sought for years to exclude other nations from their country and from communicating with them, and that ingress into China was only obtained after much importunity and after a long struggle, it seems unfair that we should endeavor to refuse them egress through the wall of exclusiveness which we ourselves have broken down. These "inhabitants of the sun," who look upon us as barbarians, are hardly receiving fair treatment at the hands of Europeans. We trade with them, and have made money out of them; we have gone in and opened up their gates for egress, as

it were, to let them out into the world; yet, when the pig-tailed current comes, although they are willing workers, and although we require cheap labor for the construction of our Pacific Railway, we look upon them with abhorrence, and efforts are made to exclude them from our country. I think we should look upon this question from a humanitarian point of view, and when we find the Chinese are willing to come amongst us and to submit themselves to the rules and regulations that govern society, they should be placed on the same footing as other citizens. They are the best available laborers we have at present for constructing our public works on the Pacific coast, and I do not think that, by subsidizing European immigrants for employment on the railway in British Columbia, we would get a more desirable class of people. Therefore, I consider it would be better to allow the matter now under discussion to rest for another year; at all events, until experience shews whether the contractors will find it necessary to import labor for the prosecution of their contracts, or whether it will, as I believe it will, flow in of its own accord.

Hon. Mr. NELSON.—Being a new member of the House, it was not my intention to take a part in this debate, but the question is one which so closely affects that part of the country to which I belong that I think it but right I should say something on the subject. I entirely agree with what my hon. colleague from British Columbia has said, and I think that certain hon. gentlemen in this House have misapprehended his intention. It was not, as I understand it, to ask Government to grant a subsidy in any way, but simply to make certain advances which should be repaid by the laborers brought into the country. This is not a question of cheap labor at all, it is a question of the character of the labor to be employed. It is a question whether we are to employ white laborers, who are likely, after the work is through, to become residents of the country, and thus benefit, not only British Columbia, but the whole of the Dominion at large. That description of labor is the kind which I think my hon. friend has asked for, and which we want. It seems but natural that unless a contractor finds white

labor more valuable than Chinese labor, he will not pay more for it. One hon. gentleman said that the country is paying a large amount for the construction of that section of the railway in consequence of the difficulty of obtaining labor. That has nothing to do with the matter at all. The Chinese, as has been explained, come into the country, remain in it for a short time, bringing with them, to a certain extent, pestilence, and are an undesirable class of people altogether. They make very good servants when you cannot get better. We have to employ them in British Columbia as household servants simply because we have not enough white people calculated to furnish that description of labor in our Province. The Chinese, after making a certain amount of money, leave the country, and I, for one, am very glad that they do. I think that the great danger to be apprehended in future, when we consider the fact that there are four or five hundred millions of people in China, and that hordes of these people are coming to this continent, is that they will not return to their native land. I feel very strongly upon this subject, and I feel also that the importance of British Columbia has not yet been understood by either the Parliament or people of this country. The riches of that province have not been dreamed of, even by the people who are resident there. One hon. gentleman spoke of the slow progress of British Columbia, but since our union with Canada there has been considerable advance. The first year after we came into the union, the customs revenue of the Province was \$247,000, to-day it is more than double that amount. I find that in the short period of eight years, that country which has been sneered at by the people of Canada generally, and especially by certain members of the House of Commons, has more than doubled the amount of its contributions to the revenue of the Dominion, and I contend that its progress has not been slow and that when it has once been opened up to settlement, and means of communication have been obtained with the fertile lands east of the Cascade range, it will develop very fast. I am satisfied that, before another period of eight years has passed over, British Columbia will

shew that all this expenditure for railway purposes will be warranted by the great progress that it will have made.

Hon. Mr. MACFARLANE—I am sure that we should all thoroughly sympathise with our friends from British Columbia in their dislike to the Chinese race. They certainly should be, and are, much better able to judge of that description of population than we in the eastern provinces, who have never mingled with it. There can be no doubt, from what is taking place in San Francisco, that there is intense hostility to the Chinese on the Pacific coast. So strong has that hostility become that they are now seeking shelter in New York, and it is probable that they will all be driven out of California. If anything can reasonably be done to prevent the immigration of the Chinese into British Columbia, it should be done; but I am inclined to think that our friends in that Province need not be afraid of a want of population to construct their public works. Whenever it is known that there is employment for labor in any place, laborers will flock there. My hon. friend from Londonderry (Mr. McLelan) has described the exodus of our people to the United States. What took them there? Was it not to better their circumstances, and to find employment that they could not procure at home? When gold was discovered in California, people swarmed there, to work in the mines, and cities were built up which were afterwards abandoned when the mines became exhausted. As soon as it is known that we are constructing public works in British Columbia and that constant employment can be found there, the contractor will experience no difficulty in getting laborers. We will attract population from the United States just as that country has drawn population from us. It would be very expensive to convey laborers by sailing vessels from England to British Columbia, and it is not likely to be an attractive course of emigration to the people of the mother land. We are in hopes that large numbers will come from Ireland to make homes for themselves in this country, but they never would care to undertake the long and tedious voyage suggested by the hon. Senator from Ashcroft. They will settle, we hope, in our fertile North-

Hon. Mr. Nelson.

West. The contractor for the building of the railroad in British Columbia need not expect to get laborers from the Mother Country, but he will get the very class he wants from the neighboring States, and if our Pacific Province is at all like what it is described to be, they will settle there and be a benefit to the Dominion at large and that portion of it in particular. In that way they will be enabled to keep clear of the dreaded Chinese labor. While I have no doubt that the Minister of Agriculture, who has taken such praiseworthy steps to attract immigration into this country, will be disposed to do all in his power to aid the contractors in the construction of the railway in British Columbia, it would not be wise or necessary to spend large sums to procure laborers from England. My hon. friend from Ashcroft (Mr. Cornwall) has done very well to bring this matter before the Senate, and I have no doubt that he is anxious to see the section of the country with which he is so closely identified, settled by a desirable population, but I am disposed to think that it will flow into the Province in the manner that I have indicated, from the neighboring States.

Hon. Mr. REESOR—It is not at all surprising that the hon. Senators from British Columbia should be a unit upon this question. In all of our provinces we have large portions of the country still unsettled, and it is desirable to draw within their borders a class of valuable settlers. The building of the Pacific Railway presents an opportunity to hold out more than usual inducements for that purpose. But my hon. friends should remember that, to induce settlers to come to any country or province there should be local legislation and local effort to attract emigrants; they should not depend solely upon the exertions of the Federal Government and the funds of the Dominion. We do not find the Government of the United States offering anything in addition to the inducements held out by individuals and corporations to attract emigrants to that country. We should, in the same way, rely upon local effort and the natural resources of this country to attract immigration and colonize our wild lands. If my hon. friend (Mr. Cornwall) intends that the Dominion Government should

not incur any expense but what the railway contractors would guarantee would be recouped to the country, I take it that his request is a legitimate and fair one, but if he ask that the Government shall expend a large amount of money to bring emigrants to British Columbia, and run the risk of the emigrants themselves repaying the expenses so incurred, he is asking more than should be demanded from the public treasury.

Hon. Mr. CORNWALL—What I said was this: I proposed, in the first place, that the contractors and the laborers engaged in England should undertake, on their part, to repay the Government the money advanced.

Hon. Mr. REESOR—That would leave the Government to look to the laborer for a portion of the expenses to be refunded; but, if the contractor himself would take the whole responsibility, and allow the Government to retain, out of the amount of the contract, the money advanced to bring out the emigrants, then it would seem reasonable enough. If the contractor would not consent to that, I do not think the Government should incur the risk. It has already been remarked that the terms of the contract are of such a character as to indicate that a larger sum has been allowed for the work on account of the scarcity of labor in British Columbia and the difficulty of obtaining it. That being the case, I do not think the Government should be asked to do more than they would be guaranteed repayment for. A good deal of anxiety has been felt with regard to the influx of Chinese to the Pacific coast, but it seems to me that, if we can get labor for one-half what our own people are prepared to work for, and, if it is right that private individuals in British Columbia should avail themselves of this cheap labor, I do not see why the Government should not, to some extent, be allowed to take advantage of it also in the construction of the Pacific Railway. If it is right in the one case, it certainly should be right in the other. If the people of British Columbia are anxious to have a better class of immigration—a class who would make desirable settlers—they should, by legislation and by free grants of

land, endeavor to induce Europeans and the surplus labor of the older parts of the Dominion to go out there and assist in building the Pacific railway, and, after it is completed, secure them as settlers in the Province. I think we have been a little reckless in our legislation during the last ten years. Our public debt has about doubled since Confederation, and our annual payment of interest has been increased during the same period from five millions to nearly ten millions of dollars, and there is no probability of that increase being checked. It is likely to go on, and we should endeavor to restrain the Government rather than hold out inducements to them to incur larger expenses than are absolutely necessary to carry on the public works of the country. We should not, by the expression of opinion in this House or elsewhere, induce them to take any step that will increase the public debt or to commit the country to any engagement that has not already been pledged. My hon. friend from Londonderry (Mr. McLellan) has referred to the large emigration from this country to the United States, and the desirability of doing something to retain our own people in our own country. Has our legislation, the last few years, had that tendency? I question very much if it had. I think it has had the contrary effect. I know that many of the farmers of Ontario who are selling out their farms to go West do not go to the North-West, but to the Western States. The tendency of the National Policy—I mention it not as a mere political matter, not as a matter of party loss or party gain—is to operate unfavorably on the business of the country throughout a large portion of the Dominion. The tendency of that legislation is to induce our sturdy Canadian agriculturists to go to the Western States. There is evidence of it in the newspaper reports continually before us. We find that, although efforts have been made and inducements have been held out to encourage manufactures, these efforts have been confined too much to two or three branches of trade, while others have been allowed to languish and suffer. The tendency of our legislation should rather be to encourage the trade of our own country and develop its natural re-

sources, instead of discouraging our people and sending them out of the country to enjoy advantages that they are not allowed to have at home.

Hon. Mr. McLELAN—I did not catch the hon. gentleman's remarks as to where he said the people were going to.

Hon. Mr. REESOR—They are going, many of them, to the Western States, instead of to Manitoba and our North-West.

Hon. Mr. McLELAN—Then they are going to where they can enjoy more protection than they have here.

Hon. Mr. REESOR.—I wish to inform my hon. friend of this fact: that, while we have been imposing duties upon the products of the United States, we have been interfering with the trade of this country. One of the most important branches of trade that has sprung up in Canada within the last few years is that of the breeding and feeding of live stock—cattle and sheep—for shipment to the English market. It is well known that while we had free trade with the United States we could import western corn duty free, and feed been cattle as cheaply as our neighbors across the line. After having fed it we could ship it as cheaply to England as our neighbors; but by placing a duty of corn we have injured the stock raising and one of the most (if not the most) valuable industries of the country. I know, as a matter of fact, that in the city of Toronto, where large stock sales have taken place during the last three or four months, a large number of store cattle that should have been fattened in this country were sold to farmers from the State of New York and taken across the line and fed there, because they could buy corn cheaper there than we could in Canada. They could get western corn without paying duty on it, and, after the cattle are fattened, they can ship them to England with all the advantages that we have in transporting them from here. I am still in hopes that the Government may, in a few years, see the folly of that kind of legislation. No matter what may be said with regard to the manufacturers, there can be no doubt that the largest resources we possess in this country are in our lands, and whatever

Hon. Mr. Reesor.

interferes with the development and productions of these lands retards the prosperity of this country.

The subject was then dropped.

BILL INTRODUCED.

Bill (8) "To amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down rivers and streams."—Mr. Scott.)

The House adjourned at 4.45 p.m.

THE SENATE.

Wednesday, March 17th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED

Bill (22) "Further to amend the Act therein cited, incorporating the Canada Guarantee Company."—(Mr. Ferrier.)

Bill (23) "To give certain powers to the Compagnie Francaise du Télégraphe de Paris à New York."—(Mr. Trudel.)

Bill (E) "To incorporate the Sault Ste. Marie Railway and Bridge Company."—(Mr. Allan.)

Bill (F) "For the relief of Permanent Building Societies and Loan Companies."—(Mr. Aikins.)

COMMERCIAL TRAVELLERS' ASSOCIATION BILL.

THIRD READING.

Hon. Mr. BUREAU moved the third reading of Bill (24) "To incorporate the Dominion Commercial Travellers' Association."

The Bill was read and passed.

THE EASTER HOLIDAYS.

MOTION TO ADJOURN AGREED TO.

Hon. Mr. BELLEROSE moved:—

"That when this House adjourns on Friday next, the 19th instant, it do stand adjourned until Tuesday the 30th instant."

He explained that out of the eleven days between the 19th and the 30th,

eight were holidays either by Statute or otherwise, and, at the most, only three days could be lost by the adjournment. It was customary in England to take a recess of some days at Easter.

Hon. Sir ALEX. CAMPBELL said that, on inquiry, he had ascertained from the proper officer of the House of Commons, that it was possible some private bills would come up from that Chamber during the next few days. It rested with the House to say whether they should adjourn or remain in session.

Hon. Mr. KAULBACH opposed the adjournment, unless the Government would assume the responsibility of asking for it.

Hon. Mr. HAYTHORNE protested against the adjournment, and thought it was deplorable that the Senate should be called upon, towards the close of the session, to take action under pressure upon a large number of important measures.

Hon. Mr. DICKEY said that there was plenty of business now before the House and coming up from the Commons to occupy its time until the middle of next week. He, therefore, moved, in amendment, that the House adjourn from Wednesday next, the 24th instant, to Tuesday, the 30th instant, at 7.30 p.m.

Hon. Mr. BELLEROSE said that the days included in that period were holidays, at any rate.

Hon. Mr. CORNWALL thought that the adjournment proposed in the amendment was long enough to allow most of the members to visit their homes.

Hon. Mr. SMITH contended that the public business would not suffer by the adjournment, and said that the opposition to it came from senators from the distant provinces, who could not spend the holidays at their homes.

Hon. Mr. HOWLAN, though a representative of one of the most distant provinces, had no objection to the adjournment.

The amendment was declared lost—contents 29, non-contents 33.

The Senate then divided on the original motion, which was adopted on the following vote :

Hon. Mr. Bellerose.

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Benson,	Howlan,
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Chaffers,	Read,
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Kaulbach,	Vidal,
Lewin,	Wark.—28.

FISHERIES OF BRITISH COLUMBIA.

MOTION FOR A RETURN.

Hon. Mr. NELSON 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 between the Government of the Dominion of Canada and the Government of the United States or with Her Majesty's Imperial Government, connected with the extending to the Province of British Columbia that portion of the Washington Treaty contained in clause 21 of said Treaty, which provides that fish oil and fish of all kinds (except fish of inland lakes and of rivers falling into them, and except fish preserved in oil) being the produce of the Fisheries of the Dominion of Canada, or of Prince Edward Island, or of the United States, shall be admitted into each country respectively free of duty.”

He said : The question to which this motion refers is one of very great importance to British Columbia, and of no small interest to the Dominion at large. The position which British Columbia

occupies, as compared with that of all the other provinces in the Confederation, in regard to the Washington Treaty, is an anomalous one. It is a position which we in British Columbia are beginning to feel very seriously indeed. For some time after the ratification of the Washington Treaty, the admission of the fish and fish oils of British Columbia into the United States markets was of very little importance to us, because it is only of late that the fisheries of that Province have been developed to any great extent. I refer more particularly to the salmon fisheries and the trade in canned fish. During the past three or four years, that business has developed from almost nothing at all, until it has become very large and important. In the fiscal year ending 30th June, 1879, the exports of fish and fish oils from British Columbia reached \$633,493, and this represents a very small amount indeed to what we may fairly expect it will reach in the near future. Until last year, the great market for the salmon canned on the Pacific coast, both on the Columbia river and in British Columbia, was London; but, in the season that has just passed, the prices that ruled in that market ceased to be profitable, and the exports of canned salmon from British Columbia shewed a very decided falling off in consequence. While this depression prevailed in London, resulting from the general dullness of trade in Great Britain, a demand for canned salmon sprung up throughout the United States, and especially in San Francisco, where large quantities of fish were bought at a considerable advance on the prices of the London market and sent to the eastern towns, and a good deal of it, I believe, found its way into Canada. Not having the advantages of the provisions of the Washington Treaty, we in British Columbia could not avail ourselves of the opportunity to supply a market so convenient to us, and from which a profitable return could have been derived; and as a consequence, the canneries in British Columbia were not carried on to the same extent as in the preceding year. In fact they have only been worked for the purpose of using up the cans and other material they had on hand at the time, and not with a view of a profitable return. Now, this trade in San Francisco is entirely new; it has

sprung into existence almost wholly within the past year, prior to which, the shipments of salmon to the eastern states were very small indeed. It is altogether likely that the trade will increase in the future enormously. It is only in its infancy at present, and may be expected to assume just as large proportions as the trade in canned lobsters and fish in our eastern provinces, and possibly very much larger. The canning business has grown very rapidly on the Columbia River. Eight or ten years ago there was no such trade there at all, whilst now the exports from the Columbia River alone reach the value of from four to five millions of dollars annually. Although the Fraser River is not so large, and is incapable of producing such an amount of fish as the Columbia River, the production of salmon there can be developed enormously, and there are a number of other rivers in the Province where the fisheries are almost as good as on the Fraser; but we can never expect that trade to assume very great proportions when we are shut out from the American market. In this respect British Columbia has not exactly been fairly treated. We have been absolutely forgotten in this treaty. British Columbia might and should have been relieved from her false position, in regard to this Treaty, in dealing with the Fishery Award, but her claims have been either carelessly forgotten or wantonly neglected. There is another question to which I wish to allude, though, not being a lawyer, I do not express a positive opinion on it. I refer to the fact that Clause 21 of the Washington Treaty only provides that fish caught in the United States are to be admitted into this country free of duty. Now, I am of opinion that this does not include the fish caught in the territories belonging to the United States. Columbia River, on which the salmon canneries are situated, flows between the State of Oregon and Washington territory, and I take it, from the reading of this clause, that fish caught and canned on the north side of the river, which is in Washington territory, should not be admitted free of duty into the Dominion. Nevertheless, I know that it does come into Canada on the same terms as fish caught in the United States. A

great proportion of the people here believe that, in receiving Columbia River salmon, they are getting salmon caught in British Columbia waters. I met a gentleman from Hamilton who told me that he had been getting from salmon British Columbia, and that it was much superior to the salmon that came from the St. Lawrence. I told him that the salmon he spoke of must be from Columbia River, as not a single case of our fish had come across the continent yet. The position of British Columbia under the Washington Treaty is a very bad one. The fish caught on the Pacific coast of the United States are admitted free into this country, but our fish caught on the Pacific coast are not admitted on the same terms into the United States. I should be very glad to know that some attempt has been made on the part of the Dominion Government to have this grievance redressed, but I have never learned that any such action has been taken. Not only is our position a bad one, but I also consider that the position of the Dominion in regard to the matter is a very undignified one, and one which the people of the United States would not tolerate if any portion of their country occupied it. What makes this particularly hard is that British Columbia was practically a portion of the Confederation when the treaty was passed on the 8th May, 1871, though it did not formally enter the Union until the 1st July following. The terms of the union had been agreed to by the British Columbia Legislature and by the Dominion Parliament some two or three months before that, and certainly arrangements could have been made, and should have been made, to secure for us the same privileges that the other provinces enjoy under that Treaty. I think Parliament cannot deny that the country stands in a position from which it should be relieved if possible, and that the Dominion Government should urge the Imperial authorities to place us on the same footing as the other provinces. If nothing can be done in that way, some allowance should be made—something in the shape of a bonus on all fish exported to the United States, for consumption there, or encouragement to the fisheries of British Columbia, of some kind or other—as compensation for

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the unfair position in which they are placed.

Hon. Mr. HOWLAN—I was not aware that any greater duty was exacted on fish or fish oils shipped from British Columbia to the United States than that collected on the price of the cans in which they were packed. If British Columbia was a part of the Dominion at the time of the signing of the Treaty, then she ought to share in all the rights and privileges guaranteed under it. I cannot see how the United States authorities can exact a duty on British Columbia fish, unless it is done under Clause 21, which excepts fish caught in inland lakes and rivers emptying into such lakes, from the benefits of the Treaty. Supposing salmon from the canneries of British Columbia were shipped to Montreal, there would be no reason why Montreal merchants could not ship them to the United States, and the only duty they would be subject to would be what they would have to pay on the price of the cans, which has been a long vexed question with Prince Edward Island and other Maritime Provinces also. They sell their canned fish and fish products to the United States, and I have yet to learn that duties have been collected on the fish and fish oils in the United States Custom House. Can my hon. friend say if the United States authorities have refused to allow fish from British Columbia to be admitted free of duty?

Hon. Mr. NELSON—Yes; they have refused to do so.

Hon. Mr. HOWLAN—It seems to me that the only objection that could be taken to the fish going in free of duty, is, that they were caught in inland lakes and rivers emptying into lakes, because the Treaty only exempts from duty the fish taken on the shores of both countries. Unless my hon. friend can state positively that a duty was imposed on fish caught on the coast, I do not see how the Government are to be blamed for not looking into the matter. If, at the time the treaty was ratified, British Columbia was a portion of Canada, then she comes under the provisions of that treaty. I do not think there was an oversight, but if there was, a commission can again issue to set the matter at rest. But I think my hon. friend will find that a

mistake has occurred in the United States Custom House, perhaps at San Francisco, and the ground they take is that the fish canned in these canneries were caught in inland lakes, or rivers emptying into them.

Hon. Mr. MACDONALD—In reply to the hon. gentleman, I would state that the Treaty of Washington was ratified in May, 1871, and British Columbia came into the Union in July of the same year; that is where the difficulty arises, as the United States authorities contend that the Province, not being a portion of the confederation when the Treaty was signed, it does not come under the provisions of the Treaty, and on these grounds have refused to acknowledge our rights. I hope hon. gentlemen will not consider that British Columbia is taking up too much of the time of the House, but the question brought forward by the hon. Senator from New Westminster (Mr. Nelson) is one of considerable importance, not only affecting our Province, but the whole Dominion. Anything which can be done to promote and increase trade in any one province will be beneficial to the whole country. If we can find a market within five or six days' travel of our Province, instead of having to send our fish and oil to England, Australia or South America, where our principal markets now are, on a voyage of four to five months, it would be a great boon, and saving of time and money. In the one case, we could have returns in 30 or 40 days, whereas, in the other, it would be fully 200 days before returns could be received. It is a curious fact that, last year, salmon would have commanded as high a price in San Francisco as in England, but we could not take advantage of that market owing to the high duties which met us on the very threshold of the United States. The length of the voyage to England, the high freights, the interest represented by the value of the cargo, together with the length of time before returns can be had, act most injuriously on new industries, such as they are in British Columbia; and anything which can be done to open up a near market would be a vast benefit to us, and to the whole country. I am fully aware of the difficulty, not only of obtaining any concession from the Amer-

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ican Government, but of exercising our undoubted rights secured by treaty, and at present I cannot see how the disadvantage can be overcome, unless we can prove that we come within the scope and true intent and meaning of the Washington Treaty. If anything can be done to place us on an equal footing with the other provinces, I hope the Government will take it into their consideration, and, in the meantime, bring down any correspondence which has taken place on this subject.

Hon. Mr. HOWLAN—I wish to ask if this fish is canned in the vicinity of the coast, or from two to three hundred miles inland?

Hon. Mr. NELSON—They are put up right on the coast. I suppose the cannery furthest from the coast is not more than twenty miles up the Fraser River.

Hon. Mr. ALEXANDER—I am sure that I express the feelings of this House when I say that we have all listened with very great interest to the remarks that have fallen from the two hon. Senators from British Columbia. I believe, also, that I express the sentiments of the whole House when I say that the accession of the hon. mover (Mr. Nelson) of this address to our numbers is a subject of sincere congratulation, as a gentleman who, from having been long engaged in trade, is so well qualified, not only to guard and protect the interests of his own Province, but to give us, upon all general questions of commerce, the benefit of his large experience and matured wisdom. We must all feel that the position of British Columbia is such, is so remote from the markets of the world, and so disadvantageously placed, because of the high tariff of the United States, that we must guard and protect, with a jealous eye, its every interest from the aggressions of their powerful neighbor, for, as it been very truly said by my hon. friend from Victoria, when matters arise between the United States and Canada, it is only by endless and exhaustive correspondence and after great difficulty that we can succeed in obtaining our just rights. No province of this Confederation is so dependent upon the fostering care and protection of the Dominion Government as British Columbia, and I

am sure that the leader of the Government will not only give the assurance that the correspondence asked for will be at once furnished, but he will further assure him that the Minister of Finance will not only give his best attention to suggestions made by the hon. Senators, but will at all times be ready to protect, in every way, the interests of that Province.

Hon. Sir ALEX. CAMPBELL—I have not seen the correspondence, if any exists, to which reference is made in this notice, and I, therefore, do not know its character, nor am I aware whether it has been so far carried on as to justify its being produced to the House, but I shall take care to bring it down if it is in such a shape that it can be produced without injury to the public service. The question is one which is very interesting to British Columbia, and the hon. Senator (Mr. Nelson) has done well in bringing it before the House. One difficulty arose, probably in the way which has been pointed out by the hon. Senator from Victoria (Mr. Macdonald): British Columbia was not a part of Canada when this Treaty was negotiated, and no provision was made for any of the outlying provinces except Newfoundland. The provisions of the Treaty do not probably apply to the character of fisheries described, which are not coast fisheries; but British Columbia, if possible, should get all benefits which she ought to receive under that Treaty had she been originally a Province of the Dominion.

The motion was agreed to.

BAPTIST UNION BILL.

SECOND READING.

Hon. Mr. McMASTER moved the second reading of Bill (27) "To incorporate 'The Baptist Union of Canada.'"

The motion was agreed to, and the Bill was read the second time.

VILLE MARIE BANK BILL.

SECOND READING.

Hon. Mr. TRUDEL moved the second reading of Bill (D) "To authorise the winding up of the Ville Marie Bank and the reduction of its capital." He said This Bill provides for the liquidation and winding up of the affairs

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of the Bank. The first clause provides for the appointment of liquidators; the second clause provides for the distribution of the assets, after the liquidation, by having the liabilities of the shareholders equalized. Calls will be made, if necessary, on the parties who have not paid the whole of the calls on their stock. As a matter of fact, the most part of the capital of the bank has been paid up, but a small balance is still due. The third clause provides for the deposit in another bank, in case of liquidation, of a certain sum to meet any claims which might not be presented during the winding up of its affairs, and for the distribution of the same after five years, if such claims are not presented. The fourth clause establishes the personal responsibility of the liquidators. The fifth provides for the appointment of other liquidators, in case of death or refusal to act. The sixth defines where the office of the liquidators shall be kept. The seventh provides for the delivery into the hands of the liquidators of the books, title deeds, notes, etc., of the bank. The eighth obliges the liquidators to render account to an annual meeting of shareholders. The ninth gives power to the shareholders to dismiss the liquidators and appoint others at their pleasure. The tenth provides for the sale, *en bloc*, of the assets of the bank. The eleventh provides for the reduction of the capital stock of the bank. The twelfth provides for the equitable distribution of the final dividend amongst the shareholders. The thirteenth clause provides for the final report of the liquidators and the dissolution of the bank, in case the majority of the shareholders decide upon surrendering their charter, and the fourteenth provides that nothing in the Act will affect the present position of the bank.

Hon. Mr. AIKINS—Can the hon. gentleman inform the House what the financial position of this institution is?

Hon. Mr. TRUDEL—I have a statement, but I have not got it with me now. According to that statement the assets will likely realise between fifty and sixty per cent. on the paid up capital.

Hon. Mr. BUREAU—They have redeemed their notes at par.

Hon. Mr. TRUDEL—The bank is not insolvent. It is in a relatively

good position, so far as third parties are concerned.

Hon. Mr. AIKINS—Why does it ask for this Bill if it is not insolvent?

Hon. Mr. TRUDEL—It is to comply with the views of the majority of the shareholders that this Bill is presented. They will not be necessarily obliged to use the powers given to them by this Bill. In case a majority of the shareholders should decide, at a special meeting called for that purpose, not to wind up the affairs of the bank, then the whole thing will be in their own hands.

Hon. Mr. AIKINS—How do you protect the minority?

Hon. Mr. TRUDEL—The rights of the minority will be protected by that Bill, as it provides for an equitable distribution of the assets of the bank. As soon as moneys are collected, dividends will be declared and paid to the shareholders *pro rata*. There are no petitions against the Bill, and, if there is any opposition to it, the objections can be heard before the Committee.

Hon. Mr. MILLER—No doubt the Bill contemplates several special arrangements with respect to the Bank, and it is one that should receive considerable attention before it leaves the Senate. The usual Committee on Banking is, perhaps, the best tribunal the House could appoint to investigate and sift a Bill of this kind, and parties interested in it could be notified to appear before the Committee.

Hon. Sir ALEX. CAMPBELL.—How long does the hon. gentleman suppose it will take to wind up the affairs of the bank, and what will be the cost of winding it up in proportion to the assets?

Hon. Mr. TRUDEL—It will depend on the state of affairs in our Province. The assets of such a bank consist of bills and discounted notes, which will of course be paid in the usual way. It may take only a very short time, and it may take several years. It will be for the meeting of shareholders to say what indemnity the liquidators shall receive for their services.

The Bill was read the second time.

The House adjourned at 4.45 p.m.

Hon. Mr. Trudel.

THE SENATE.

Thursday, March 18th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

SALARIES OF PRINCE EDWARD ISLAND JUDGES.

INQUIRY.

Hon. Mr. HAYTHORNE inquired:

"FIRST—Whether the intention expressed in this House on the 12th day of May last, by the leader of the Government, of bringing the subject of increasing the salaries of the judges of the Superior Court of Prince Edward Island to the notice of the Minister of Justice, has been carried into effect? And, if so,

"SECOND—Whether he is in a position to announce to this House the course Government will pursue with reference to such increase?"

Hon. Sir ALEX. CAMPBELL.—In reply to the question which has been put by the hon. gentleman, I beg to say that the intention which was announced on the day referred to—the 12th of May last—was carried out on the following day, and that I did bring the subject under the notice of the Minister of Justice. I have a note to that effect from him in my hand. With reference to the course that the Government may pursue in the matter, I am not able to make any definite announcement. A petition has been received from one of the judges of Prince Edward Island very recently, and has been brought to the notice of the Council, in conjunction with the inquiry made last session, and the Minister of Justice has reported upon it, but the Council is unable to take action upon it at present. There are other provinces in the same position as Prince Edward Island, and to change the salaries of the judges in the latter would involve changes in the other provinces. Until the Government is able to take up the whole question, I am not able to announce what course we shall pursue.

INDIAN LAWS CONSOLIDATION BILL. IN COMMITTEE.

Hon. Mr. CAMPBELL moved that the House go into Committee of the Whole upon Bill (C) "To amend and consolidate the laws respecting Indians."

Hon. Mr. ALEXANDER—It was agreed by the leader of the Government that any members who had not had time to examine this Bill before its second reading should have the privilege now of speaking on the principles of it before the Speaker leaves the chair. I do not rise to impugn any part of the policy of the present or past Governments in regard to the Indians. It has been conceded on all sides that we have always acted in a just spirit towards the Indians, and have always kept good faith with them in all our treaties. The laws we have enacted for their protection have been wise and productive of good results. We have distributed large gratuities annually to all those bands with whom we have treaties; but, in my humble judgment, we might carry our humane policy still further, and greatly promote the well being of the poor Indians without any great additional expense. I hope the House will grant me its patient ear while I shew their actual position in some of the older reserves, as well as in the North-West, after all we have done for them, and to suggest how their condition might be further improved. It is very well known that, in some of the older reserves, the Indians have, already, well-fenced lands and cultivated fields, and have proved, in a short period of time, that they have been capable, like the white man, of performing labor and earning their own living. That is the state of affairs near Sarnia and on the Muncey Town Reserve near Longford. But, on the other hand, on Walpole Island, of which I happen myself to have a personal knowledge, where the Government have granted them an island of great fertility, there are 860 Indians, and, although the Government have built houses for them, we find them in a comparatively pitiable state. The facts of the case are that some fifteen or twenty of them cultivate the soil; one family in the centre of the island has a good farm well stocked, and is well off; but, on the other hand, none of the other Indians upon the island have cut down the forest or made improvements. They live in huts which were erected for them, and seem incapable of exertion to earn their own sustenance, all the larger game having been destroyed, and fish and muskrats constitute

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their chief food. Now, I am confident that if such a system as the following were adopted in this and other settlements of Indians, we might very soon bring them into habits of industry, by which they could earn a fair support, that is, abundance of food. This idea was brought to my notice especially by the great success of Mr. Wilson's institution at Sault Ste. Marie, where the young Indians receive a little education, and are trained gradually to labor and husbandry. I believe it was established by contributions from charitable sources. Part of the day is devoted to education, and the residue of the day to the culture of the soil. I am sure, if the Government of the day were to establish such a simple institution in the centre of Walpole Island and other such reserves, we could get the whole of the young Indians, seeing the results which are observable in regard to one or two families, to attend that institution, and it would involve a very small expenditure to the country. In a short time the greater part of the forest on that island would be cut down, and the lands converted into happy homes, with abundance of food. Now, for this purpose we require no professors, no men of science, no college of agriculture, but simply a man capable of teaching the Indians a little of the English language—a practical farmer, who would train them to simple habits of industry and to raise such food as potatoes, corn and perhaps a little stock. There is no necessity that this should cost the Government anything at all, because the labor of the young Indians would raise the necessary produce for their support, and very simple buildings of a rude character would suffice. When the late Mr. Howe was Minister of the Interior, I brought this matter to his notice, and we have since been shaping our policy in this direction. Then again, with regard to the North-West, were not the accounts which we received last fall, of the destitution of the Indians there, perfectly alarming? As is well known, the buffalo, which were formerly the chief means of subsistence of the Indians, have been rapidly decimated, chiefly for their hides. It is a matter of history that thousands have, season after season, been destroyed, leaving the carcasses to rot on the prairie,

simply for the hides, and the different bands of Indians there have thus no longer their old means of support, hence the alarming accounts of such tribes being driven by necessity, to take the cattle of the settlers to save themselves from famine. It is a most fortunate thing that the present Minister of the Interior, Sir John Macdonald, is the Premier of this Government, a gentleman who, during his long public life, never found a difficulty that he could not overcome; a gentleman who, from his great genius and power of executive administration, has always been able to surmount every ordinary difficulty. I hold that, with the persevering exertions of Mr. Dewdney, who has been appointed Superintendent of the Indians in the North-West, and who has been making efforts in this direction, that any expenditure in this direction would be wise. This is a most serious matter. The poor Indians were the original possessors of this continent, and we know that there are no more loyal subjects of Her Majesty in the Dominion to-day. In order to promote that loyalty further, and to discharge all our responsibilities to them, we should, in every way that we possibly can, endeavor to save them from destitution. We owe to ourselves,—to our common Christianity,—to our common humanity,—to every consideration that should influence an upright people, to devote our attention to this matter. We ought to be proud of the fact that, while the United States have been stamping out the poor Indians by a most inhuman policy, we have always kept faith with our Indians, and can traverse the Dominion, from the Atlantic to the Pacific, with perfect safety, knowing that the Indians revere their Mother the Queen, and have full confidence in our justice and good faith. Vigorous efforts should at once be made, through our excellent superintendent, Mr. Dewdney, to train to labor as many of the young Indians as possible in the North-West, to prevent a recurrence of the evils of last autumn. If, in the future, there should be a scarcity of buffalo, how much wiser to lead,—to encourage the Indians, this very season, to raise a sufficiency of potatoes, corn and wheat for their own support. What would simply be wanted and re-

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quire to be furnished by the Government would be ploughs, oxen and seed. We have there, the magnificent fertile prairie, ready to yield to man's industry and toil, the staff of life. We should scarcely want any buildings, but the mere working implements, and a few hardy sons of toil to shew the Indians the way to extract from the soil the blessings of abundance. At this moment a favorable opportunity presents itself, at a very small cost to the Dominion, to make an adequate return to the red man for all that he has surrendered up to us. He has put us in full and free possession of this magnificent territory of the Dominion, and we shall have the satisfaction of feeling that we have not allowed the children of the forest to suffer by our invasion, and it will be a happiness to our people to see the red men sharing the blessings that we all enjoy.

The motion was agreed to.

IN THE COMMITTEE.

Hon. Sir ALEX. CAMPBELL—The suggestion which was made by the hon. gentleman opposite (Mr. Scott), that slips should be printed, drawing special attention to the proposed changes in the old Acts, has been acted upon, and the Committee will be assisted by them, I hope, in considering the very lengthy Bill which is before us. The first three sections are not new, but the following six clauses create a deputy head for the Indian Department, and give it a new status. I do not suppose that the Senate will object to the proposed change. It does not involve additional expense of any great magnitude. The deputy head will, perhaps, get a few hundred dollars more salary than he does at present, but there will be no increase in the salaries of the other officers. I move the adoption of the first three clauses.

Hon. Mr. BUREAU—I do not intend to go into the details of this Bill clause by clause, but I merely wish to point out the fact that, while the cost of administering the Indian Department is very great, only a small portion of the money expended goes to the Indian tribes, the rest being devoted to supporting a large staff of high-salaried officials. In the Appendix of the "Parliament of Canada" for 1858 (vol. xvi, No. 6.) there appears an interesting report of an investigation

made by a Commission appointed by the Imperial Government with a view to getting rid of the expense connected with Indian affairs. Since that time, the territory occupied by the Indians and the management of Indian affairs have been transferred to Canada, and, along with them, the responsibility of dealing with the Indians. In the report of the Deputy Superintendent of Indian affairs for 1877-78, I find that the amount paid for salaries in that Department was then \$9,350, and under the present Bill it is proposed to add to the salaries of the officials of the Department to the extent of \$900, which will increase the annual expenditure for officials to \$10,250. Hon. members will also see that authority is given by this Bill to appoint any number of officers in reorganizing the Department. I must admit that there is a great deal of work done in the Indian branch of the Interior Department, and especially by the Deputy Superintendent. The total revenue of the Department from different sources for the benefit of the Indians during the fiscal year 1877-78, amounted to \$293,515, and the total expenditure for the same year was \$261,850. The balance of capital and interest to the credit of the Indians the same fiscal year was \$2,999,306. The expenditure is included in 62 subsidiary statements. I see that the amount devoted to the Indians of New Brunswick was \$7,249, while the expenses of management amounted to \$5,272; the Indians of Nova Scotia had to their credit the same year \$5,572, the whole of which was expended with the exception of about \$247, in management; the Indians of British Columbia have received a very large amount of money. On the 30th of June, 1877, the amount devoted to them was \$61,406, while the appropriation voted for cost of management was some \$43,717. The Indians of British Columbia, Victoria Superintendency, had by legislative appropriation in 1877-78, the sum of \$13,200. The superintendent, Mr. G. W. Powell, receives a salary of \$2,600 and \$400 additional; Mr. Moffatt receives \$1,500; a messenger is paid \$240, and with other expenses the whole appropriation is swallowed up by officials to the amount, that year, of \$9,432.

Hon. Mr. Bureau.

Hon. Mr. CORNWALL—Does the hon. gentleman know the number of the Indian population of British Columbia?

Hon. Mr. BUREAU—The Indian population of the Province of Ontario numbers 15,731; of Quebec, 10,947; of Nova Scotia, 2,122; of Prince Edward Island, 306; of Manitoba and the North-West, 27,204; of Athabaska District, 2,398; of British Columbia, 35,154, and of Rupert's Land, 4,370. Total, 99,690. The money appropriated on account of the Indians in British Columbia must be expended in a most extraordinary manner, and I wish to draw the attention of the hon. Senators from that Province to the fact, so that they can inquire into the matter. The Dominion Commissioner, Mr. Anderson, receives a salary of \$3,140; then Mr. Sproat, joint commissioner, receives \$1,345; another Mr. Sproat receives \$500, and somebody else, a census-taker receives \$540 as a permanent officer, though he cannot be taking a census every year. Then there are other expenses under the head of Fraser Superintendency amounting to \$13,711, out of a legislative appropriation of \$17,000. I think it is time that the Government should put an end to this extravagant expenditure. If we are to help the Indians, we should do so by giving them food and educating them. I am not in favor of the Mounted Police system. I have more confidence in the clergyman who goes in and christianises them, and teaches them industry and morality. I will not occupy the time of the Senate by referring to the expenditures in other parts of the Dominion. British Columbia is a fair illustration of the system. I wish now to call attention to a matter affecting the Caughnawaga Indians who reside near Montreal. They occupy the original grant, of two leagues square, that was made by Louis XIV to the Jesuits, a portion of which has been conceded to the French Canadians who reside in the parishes of Laprairie, St. Isadore and St. Constant. Before the passage of the Act of 1876, there was no trouble in the tribe, but the distinction made between pure-blooded Indians and half-breeds, by that Act, has since created difficulties. The complaint I have to make is this: Although the Caughnawaga Indians are all Roman Catholics, the Department sent amongst

them a minister of a different creed to take charge of their school. Complaints were made, but the Department would not remove him, until he was, at last, obliged to remove himself. There is no complaint against the present teacher, but I think it is unwise, and against the Constitution and the rights guaranteed to the Province of Quebec, to impose on a community, Catholic or Protestant, a system of education different from what they themselves desire. I see that there is a provision in the Bill that, when an Indian woman marries a white man, her children lose their rights in the tribe and are compelled to leave the reserve. Now I wish to call the attention of hon. gentlemen to a provision in the grant of the King of France to the Jesuits, in which Frenchmen who may settle among the Iroquois or other Indian nations are expressly prohibited from keeping cattle or establishing taverns on their lands, from which it is reasonable to infer that inter-marriage between the whites and the Indians, and the right of half-breeds, according to natural law, to reside with their parents on the reserve, were not forbidden, but, on the contrary, by inference, recognized. We do not make sufficient distinction between the different tribes of Indians. Some are nomadic, having no fixed place of residence; others, on the contrary, occupy lands in our midst and should be emancipated and allowed to enjoy their individual possessions separately. The rights of succession for each tribe should be regulated according to the laws of the respective provinces in which these tribes dwell. It is not so now, nor has it been so heretofore. We established odious distinctions. A woman may marry a free and civilized man, but the children born in this legitimate wedlock are excluded from the inheritance of their mother, from the right of inhabiting the place of their birth, and are less justly treated than negro slaves. In this century of progress in which we live, we should free ourselves from the reproach of making slaves of women. Has not Christianity emancipated them? Experience has proved the danger of this legislation by the fruitless efforts that have been made to drive from the soil on which they were born those poor children who are known as half-breeds. They

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cannot enjoy civil rights. You abandon them to themselves after you have driven them from their terrestrial paradise; you do not provide for their future in any way. They are all—men, women and children—slaves without a master. I desire, then, the emancipation, whether it be immediate or gradual, of those civilized tribes that, in reality, have ceased to be savages, and among whom are many whose knowledge and education have made them distinguished in commerce and agriculture. In 1834 slavery was abolished in all the British Colonies, the owners of the slaves receiving £20,000,000 stg. as indemnity for their loss. The fleet employed to prevent the slave trade does not cost less than £1,000,000 annually, and England has paid, in one form or another, for the emancipation of the negroes, not less than £50,000,000 stg. In 1854, after the publication of "Uncle Tom's Cabin," the ladies of England wrote to their American sisters a letter, in which the latter were conjured to intervene on behalf of the slaves. That letter bore half a million of signatures, and among them were the names of ladies belonging to the most aristocratic families—even of such high rank as Lady Palmerston, Lady Buxton, and Lady Shaftesbury. I hope that the Government will seriously consider this question of half-breed emancipation in a spirit of justice and Christianity.

Hon. Mr. POWER—I had proposed mentioning to the House some two or three objections to this Bill which present themselves to my mind, but the Speaker left the chair very promptly after the hon. Senator from Woodstock (Mr. Alexander) finished speaking, and I had not then an opportunity of saying anything. With the permission of the House, I shall make my remarks now. There are, as I have said, two or three objections to this Bill, which strike me as being of some weight. If we examine the measure carefully, it will be found that, although it is a very long one, containing many sections, practically the new part of it is embraced in sections four to nine, inclusive. Substantially, the principal effect of the Bill is to transform the gentleman who is now first clerk of the Indian branch of the Department of the Interior into the deputy head of the Indian Department under the Minister

of the Interior. Now, it does not seem to me that this change is either necessary or desirable. It is unnecessary, because any gentleman who will take the trouble to look at the Public Accounts, will find that the affairs of the Indian Department are at present kept separate from the Mounted Police and public lands. There are practically three separate sub-departments in the Department of the Interior, and it is not necessary that we should transform the first clerk, who has charge of the Indian affairs, into a deputy head to have the work of that division properly done. I do not see that the increase of the salary of the first clerk from \$2,200 to \$3,200 is going to benefit the country at large, or the Indians, or the public service—beyond the gentleman who is to receive this increase. I have no doubt that to him it would be a very satisfactory arrangement indeed. The eighth section of the Bill gives the Government the power to appoint a number of additional *employes* in this new department. I do not think that the present time, when the Minister of Finance is altogether unable to make the revenue and expenditure balance, is the proper time for the creation of new officials and the payment of additional salaries, and, therefore, this section of the Bill is objectionable. The ninth section empowers the Governor in Council to appoint, at their discretion, three Indian Commissioners, all of whom, judging from the scale of salaries in this Department, will receive large remuneration for their services. Although some hon. gentlemen smiled at the hon. Senator from DeLorimier (Mr. Bureau) when he spoke of the expenditure of the Indian Department, I think that a great proportion of that expenditure will find its way into the pockets of officials who are not all necessary, instead of reaching the Indians. I object to this Bill also on the ground that, although it contains 113 sections and covers 31 pages, only six of the sections, covering three-quarters of a page, are new. It is true that there are about a dozen alterations in other portions of the Bill, but none of them are of any great consequence. It seems to me that this is not the way that Parliament should be asked to deal with the changes that are necessary. The proper way, in my opinion, would have been to have

introduced a bill embodying only the changes proposed to be made in the existing laws—one which would cover no more than two pages of paper would be quite enough. I cannot understand why the Government have adopted this manner of dealing with the law. Last session there were several bills of a similar character introduced, in which there were very trifling amendments made in the existing law, the whole of which was reprinted. If the Government were consolidating the Statutes this might be a very desirable and proper thing; but, as they are not, I think the course they have adopted is altogether indefensible. The law relating to Indians, at the present time, is embraced in two Acts—one a very long and carefully-prepared one, passed in 1876; and the other a very short Act, passed last session, making a few trifling changes in the Act of 1876. There is no reason or excuse, I think, for putting the country to the additional expense involved in printing the mass of matter that we have before us in this Bill. I do not wish to be uncharitable, but it is just possible that the Government have adopted this method of doing business in order to leave Parliament and the country under the impression that they are doing a good deal of work, when they are not. I remember that, under the former Administration, complaints were often made of the very small amount of legislation passed by Parliament in those days, and gentlemen who were of an arithmetical turn of mind counted the number of pages in the volumes of yearly statutes. My attention having been turned that way, I find that the public acts of 1879 covered altogether 316 pages, of which the old matter made 181 pages, leaving 135 pages as the actual amount of new legislation. If we are to take the Bill before us as a specimen of what we are going to do this year, we shall have a very large Statute book to represent very little work done by Parliament. It occurs to me that one of two conclusions must be drawn from the fact that so very little law-making is being done by the Government: one is, that the late Administration did their legislative work so thoroughly and well that little remains to be done now; or, if that is not the case, the

present Government are incapable of bringing before Parliament legislation which is necessary. I do not know which horn of the dilemma the leader of the Government will prefer. To sum up : I have two objections to the Bill, as a whole ; first, it involves an unnecessary increase in the staff of the Department of the Interior, and a corresponding expenditure of money ; and, second, there is a good deal of printing and paper wasted in this Bill.

Hon. Mr. CAMPBELL—With reference to the remarks of the hon. Senator from De Lorimier (Mr. Bureau), no doubt the expenditure is very large as compared with the amount of money which reaches the Indians, more particularly those in British Columbia, but then the hon. gentleman should bear in mind that in that Province the Indians are very well off, and do not need to be supplied with food. They subsist by the chase and fishing, and the money which reaches them is only for the maintenance of the sick and helpless, and affords no criterion of the work done by the Department. No doubt the expenditure is larger than would be required for the same number of white people, because there is a great deal of work peculiar to the management of Indians, and it is not fair to judge of the results by the amount which reaches the tribes. The whole expenditure of the Department, as quoted by the hon. gentleman, is, no doubt, correct ; but he knows, and every member in the Senate knows, that there are diversified duties which find no expression in the Public Accounts. Whether the Department is properly managed or not, is a matter which I did not expect would be discussed here. A great many remarks which the hon. gentleman made would be very fair and pertinent if he were a member of the other House and were discussing this matter in Committee of Ways and Means. The offices are authorized by the Bill, but the expenses attached to them are within the control of the House of Commons, and it is for that House to see whether the \$10,000, which the hon. gentleman finds so heavy an expenditure for that Department, should be granted, or whether it should be curtailed, and no doubt the House will do their duty when the mat-

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ter is before them. Then, with reference to sending a Protestant minister down to Caughnawaga, the hon. gentleman is correct on that point, but the attention of the Government having been called to it, instructions were issued by the Department that the minister must be withdrawn, which were complied with.

Hon. Mr. BUREAU—He was obliged to leave the place.

Hon. Sir ALEX. CAMPBELL—That may be. He received the instructions from the Department to withdraw, and, perhaps, without those instructions he might have been expelled. With reference to the position in which the lands of the Indians in Caughnawaga are placed, and proceedings against them in court, it seems to me that the Bill places them in the only safe way—that their lands are not seizable.

Hon. Mr. BUREAU—I think the hon. gentleman has misunderstood me. I said that they have no right to mortgage their lands, but that their personal property should be subject to seizure, and that they ought to have the right to sue and be sued, but that the common property of the tribe should not be placed in that position.

Hon. Sir ALEX. CAMPBELL—I do not think that is the right way. If you allow the Indians to be sued, and their properties to be seized under execution, the superior intelligence of the white people, and their superior aggressiveness and thirst for money would probably soon leave the Indians without chattels or lands, and the only way to keep them in possession of their property is to leave them as this Bill does. With reference to the education of the Indians, I think I can meet the views expressed by some hon. members of this House. I have an amendment, which I propose to submit at the proper time, which the hon. Senator from De Ladurantaye, (Mr. Chapais) has seen and approved of, and which will meet this difficulty. The hon. Senator from Halifax objects to the Bill as being unnecessarily long, and really involving only the few changes expressed in the clauses from four to nine inclusive. He said afterwards—I do not desire to misinterpret him in any way—that there are other changes of minor importance,

but very few, and wonders why, that being the case, there should be a bill of this size when the amendments might have been included in a short bill. There are two modes of drawing acts of Parliament, and I do not know anyone who has had more experience in preparing such measures than the gentleman at the head of the Department of the Interior. His experience in that respect, as the hon. Senator from Halifax will admit, is greater than his own, and his opinion—and he has always acted upon that opinion when making changes like this—is that it is better, where there are two or more acts, to consolidate them, and introduce a new measure, which will be less likely to lead people astray than simply passing an amending act. We all know how easy it is to be led astray by measures amending acts, and changes which are lost sight of, and that you have a clearer impression of the law by having it all in one act. In this case there were two acts, and it was desired to make a good many changes, some of importance, that have been referred to by the hon. Senator from Halifax, and others that he seems to consider trifling, but which are—and I think the Committee will concur in what I say when they come to discuss them—of considerable importance. Then the question was simply the expense of printing the Bill. I must say that I, for one, defer very gladly to the views taken by the Minister who prepared this Bill, and I am quite ready to believe that it is a simple, plain and effective way of doing it, and one most likely to lead to a proper understanding of the Indian law. The hon. gentleman must remember that this Act is to be interpreted and carried out, not by people who have an opportunity of referring to the Statute book, but by Indian agents, Indian chiefs and interpreters in all parts of the Dominion. If the law were in several acts amending acts, what confusion would result, and how difficult it would be for those who have the administration of the law to find out what the law is, and what additional obstacles would be placed in the way of obtaining obedience to a law that is to be searched out in that way! These considerations, I think, are quite sufficient to justify the Committee in believing, as I hope they

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will believe, that the Minister of the Interior, in consolidating all the Acts in one bill, has done wisely. I explained, the other day, why it was thought desirable to appoint a deputy head for this Department. The volume of Indian affairs has increased greatly of late years. Instead of having to deal with ten thousand Indians in Lower Canada, and fifteen thousand in Upper Canada, the Department has now to deal with 99,690 altogether. That changes the position of the Department very much indeed, and in such a way as to justify the appointment of a deputy head, and not only so, but the affairs of the Indians themselves are changed altogether. It is not only administering the affairs of 100,000 scattered all over the country, but it is dealing with these Indians in a peculiar state, when a good many of them require assistance to prevent them from starving, when efforts are being made to educate them in the habits of civilized life, and to teach them to farm and to earn their own subsistence. All these things increase enormously the labors of the Department, and involve very large expenditures. There are large additional subsidies, not paid out *en bloc*, but distributed to individual Indians in small sums. All these things involve a great deal of work and expense, which would justify, not merely the creation of a deputy head, but of a new department, and, if such a department were created, it would have as much to do, and, perhaps, more than some of the existing departments.

Hon. Mr. POWER—I wish to know why a gentleman can do more work, or do it better, as a deputy head than as a clerk?

Hon. Sir ALEX. CAMPBELL—The hon. gentleman thinks that he has hit a nail very accurately on the head. It is not proposed to increase the staff of the Department by this Bill, nor to augment the salaries. It is proposed to convert a first clerk into a deputy head. How will that enable him to perform his duties better, the hon. gentleman asks? Because it gives him a distinctive authority, and enables him to carry on the affairs of the department by himself, in many instances without the delays

which would be involved by having to wait for the action of the head of the Department. The Minister of the Interior is the head of the Government, as well as of the department, and it is impossible for him to give the attention to the details of this Indian branch that he would like to give them, and the powers of a deputy head are necessary to conduct the Indian affairs. To all intents and purposes, the deputy head is head of the Indian Department. That is an advantage, and a very great advantage it is. The expense involved by the change is a bagatelle. The first clerk gets now \$2,100 or \$2,200, but, as a deputy head, he will get \$3,200. Nobody will suppose that the Government is altering the Bill for the purpose of giving this gentleman an increased salary. That is not the statesmanlike conduct which even the hon. member from Halifax would attribute to the Government.

The first six clauses were adopted.

On the 7th clause,

Hon. Mr. SCOTT said: I rise to express my dissent from the dictum of the leader of the Government, wherein he says that my hon. friend from DeLorimier (Mr. Bureau) ought not to discuss the question of the cost incidental to these changes. I think it is very proper to discuss the expenditure involved in the passage of any bill which may, for the moment, be under the consideration of the House. In fact, we know that, in past years, the expenditure of the Dominion formed a very prominent subject of debate in this Chamber, session after session, and bills have frequently been rejected by the Senate on the ground that they entailed additional expense on the Exchequer of Canada. The Bill itself, as the hon. Senator from Halifax has explained, does not involve many changes beyond the formation of a new sub-department of the Government and the introduction of certain clauses which affect the Indians. As far as the changes affecting the Indians are concerned, they all seem in the right direction, giving the Department more control over minors, and giving them arbitrary and quick power over the distribution of the estates of intestate Indians. As to the general terms of the measure, I find no fault

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whatever with it, beyond the doubtful propriety of the increased cost which the adoption of a sub-department of the Government involves; because we know that those things are very apt to grow and it may be that, some day or other, it will be found necessary, as, indeed, the hon. the leader of the Government in this House foreshadows, to put a head upon the Department, and give it a minister, instead of having it under the gentleman who now controls the Department of the Interior. The hon. Senator from DeLorimier called attention to some very grave and serious expenditures, more particularly in British Columbia, where we find that, last year, over \$48,000 was expended, of which less than \$10,000 was paid to the Indians themselves, for their actual relief and assistance, the balance going for payment of commissioners, agents, etc. That seems a very great disproportion. With reference to the Indian reserves in British Columbia, the subject is a very large and important one, and I hope that the Government, while they are making changes in their Indian policy, will see that British Columbia be induced to deal more justly with the aborigines in the future than in the past. While the late Government were in office, a good deal of correspondence passed between British Columbia and the Dominion with reference to the question. At the time of Confederation it was, evidently, assumed, as appears by the Minutes of Council and Act of Union, that the condition of the Indians in that Province was somewhat similar to that of the Indians in other parts of the Dominion. It would seem, from the reading of the clause in the Act of Union upon this subject, that British Columbia was extremely anxious that our treatment of the Indians should not be less liberal than their treatment had previously been. On investigation, it was found that the Indians of that province had practically been robbed of their territory, the Indian title never having been extinguished, and that the country had never been purchased from the Indians, as is the custom in other parts of the Dominion. The colonists who settled in that country had, apparently, taken possession of it, and declined to recognize

that the Indians had any prerogative or right to the territory. The knowledge that a very different policy had been pursued towards the Indians east of the Rocky Mountains, naturally led to very angry feelings on the part of the Indians of British Columbia. When the Indian title was being extinguished by treaties, on the east side of the Rocky Mountains, those in British Columbia became cognizant of the liberal treatment that the Federal Government was meting out to the Indians in that section—the payment not only of large sums annually, but the allotment of large reserves to enable them to carry on their ordinary pursuits of fishing and hunting. This knowledge led to very serious irritation among the Indians of British Columbia, and I am not aware that the controversy that was opened up a few years ago, has been brought to a close. I think, myself, that it is a very grave question, and this large expenditure, to which allusion has been made, of \$48,000, is simply the result of this misunderstanding that has prevailed with the Indians of British Columbia. It was natural to assume that, when that Province came into the Union, the Indians would not be a tax upon Canada, from the wording of the paragraph in the original Act of Union, but the fact that a sum of nearly \$50,000 was spent last year on that account is ample evidence to prove that a very grave item of expenditure is involved in the British Columbia Indian question. My opinion is, that the Indian reserves in that Province were entirely too small; that the area allotted by the Local Government was entirely too restricted. The tribes of British Columbia are rather superior to those of any other part of the continent. Many of them are owners of considerable herds of cattle, and their tendency is to improve their condition in the ways followed in civilized life. They take to trading more readily than Indian tribes of the eastern slope of the Rocky Mountains, and, therefore, it would have been highly desirable if we had encouraged that tendency. The Government of British Columbia should have been compelled, in some way or other, to allot to the Indians such lands as would enable them to develop such capacity as they give evidence of, because a great

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many of them have acquired considerable means by trading with the whites, and by the natural increase of their stock. But it appears to me that the narrow policy of British Columbia rather defeated itself, and led to this grave question, and to the expenditure of this heavy sum of \$50,000 for Indian service in British Columbia in one year. The Indians, feeling indignant at the manner in which they had been treated, naturally threatened reprisals, and I understand that this large expenditure is entirely due to our endeavor to bring about such a settlement as will satisfy the Indian claim. I draw attention to this subject because I think it is time when it ought, in conjunction with this Indian Bill, to be considered, and I trust that this Government will use all the influence that they can to bring about such a settlement of this British Columbia Indian question as will, in the future, save us from such heavy outlay.

Hon. Mr. CORNWALL—If I had been aware that this particular phase of the Indian question was likely to be discussed at any such length, and in such a manner as it has been by the hon. gentleman who has just sat down, I might have been prepared to reply to the extraordinary charges he has made against the Governments of the late Colony of British Columbia. The hon. Senator began with an expression which seemed to me to come with the worst possible grace from a gentleman who had been a member of the Government of the Dominion of Canada. He has stated that, in his opinion, the Indians of British Columbia had been practically robbed by the Government of that Province before it became an integral part of the Dominion of Canada.

Hon. Mr. SCOTT—I am prepared to prove it.

Hon. Mr. CORNWALL—That expression is one which I think the hon. gentleman, on second thoughts, should not have made use of. It seems to me to be an assertion that, even if it bore the least semblance of truth, comes with bad grace from the ex-Secretary of State, or from any past or present member of the Dominion Government, as applied to the acts of the Government of a province before Confederation. He proceeded to

emphasize what he had said by adding that it had been the object of the Government of the Imperial Colony of British Columbia to give to the Indians the very worst reserves of land they could pick out for that purpose. The mere fact that the hon. gentleman has made such an assertion is proof that he has spoken on the subject upon glaringly incorrect premises and without sufficient data. Prior to Confederation, the Indians of British Columbia had always had reserved to them the localities which they had occupied before the white people came to British Columbia, as being the most valuable part of the colony, and these reserves were always allowed to them, yet the hon. gentleman tells us that the Government of British Columbia had robbed the Indians of their lands, and had picked out for their occupation the worst locations that could possibly be found. Up to a certain point, the course taken by my hon. friend has a shadow of foundation. These reserves were not, perhaps, sufficiently large for the purposes for which they were intended; but, as I said before, up to Confederation, the Government had not only allowed the Indians all the land they had occupied, but any other lands they made application for, for their own use and benefit for all time to come. I defy the hon. gentleman to shew that this was not the case.

Hon. Mr. SCOTT—When the British colonists first went there, who had possession of the country? The hon. gentleman talks of giving to the Indians; the Indians allowed the white people to come in.

Hon. Mr. CORNWALL—The hon. gentleman can supply the answer to his own question as well as I can. What I contend is, that the policy of the colony of British Columbia towards the Indians was one of the most liberal policies that could possibly be adopted, and the success of that policy shewed the wisdom of the ground on which it was founded, and, further than that, the satisfactory terms on which the Indians had always lived up to the time of the Union shewed that the policy of the local Government was entirely satisfactory to the Indians themselves. I have been a

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resident of British Columbia for many years—nearly the full number of the years that British Columbia has been occupied by whites—and I must say that, up to the time of Confederation, no distinct classes or races of people could have lived on better terms than the Indian tribes of that Province and the white people who had settled amongst them; and, at Confederation, all that was proposed in relation to the Indians was, as my hon. friend has quoted from the Terms of Union, that the Indians of British Columbia should be treated with no less liberality than had formerly been their lot. If they had since then been treated in exactly the same spirit as they were prior to Confederation, the same satisfaction and good feeling would exist between them and the white people to-day; but what is the fact? Ever since Confederation it seemed to be thought necessary by the authorities of Canada that they should, more or less, interfere with the peculiar state of affairs in that Province. In some way or other it came to the knowledge of our Indians that the tribes in other parts of the Dominion, under entirely different circumstances, were treated in apparently a better way than the Indians of British Columbia. They were led to suppose that, by making a little trouble on the subject, enormous reserves would be granted for their benefit, far beyond what they had been accustomed to, or would have any use for, and that they would be subsidized and petted in various ways. These changes, in regard to the policy to be pursued towards them, they were taught to expect, and the unfortunate part of it is this: that, while they have been encouraged to expect this and that to be done for them during the long years that have elapsed since Confederation, the promises made to the Indians have not been carried out, and nothing, so to speak, has been done in the direction in which they were induced to look with hopeful feelings. Such are the sole reasons why, at the present moment, there is any dissatisfaction among the Indians in British Columbia.

Hon. Mr. SCOTT—Is not one of the present objects of the Land Commission in British Columbia to allot to the Indians a larger area than they had before that colony came into the Union?

Hon. Mr. CORNWALL—If the hon. gentleman had done me the honor to listen to what I was saying, he would have heard me state that I confessed that the amount of land that the Indians previously held was not quite so large as they might be entitled to; but will the hon. gentleman listen now while I assert, without fear of contradiction, that, up to the time of Confederation, every acre of land the Indians had asked for, for their own use, had been given to them? He has also complained of the expense of the Indian Reserve Land Commission, but at whose door shall that lie? That Commission was appointed by the Government, of which the hon. gentleman himself was a leading member. I do not know on whose advice, or what induced the Government of that hon. gentleman to make such an arrangement as they did, as to the way in which these reserves should be allotted, but I say this: that the hon. gentleman and his colleagues, in the whole course of the five years of mismanagement, expense and extravagance which characterized their conduct of affairs, never made a greater mistake than in the policy they adopted in reference to the Indians of British Columbia. The whole thing has been done in the most reckless and extravagant and, beyond that, in a most foolish way. The Government of Canada of that day had among their officials in British Columbia a body of men (the former Stipendiary Magistrates of the colony) who had a thorough acquaintance with the Indians and their requirements, and with the conditions and necessities of the country, and had they been well advised they would have employed those competent men, at a comparatively small expense, to do thoroughly well, in a limited time, work which, under the present system, has extended over several years, with but small results as compared with the monetary outlay attending it. The onus of the expense so attending the present commission must be on the shoulders of the hon. gentleman (who has made the extraordinary speech we have listened to), and his colleagues in the late Government, with regard to the question of the "robbery" of the Indians—for that is the term he made use of. I ask the hon. gentleman where the

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"robbery" comes in, and whether it is not when you go to a race of unsophisticated people who know nothing of the value of the land you wish to obtain, and ask them to dispose of the inalienable title to it in perpetuity to you for a ridiculously small sum of money, or the equivalent of money? That is what I consider robbing the Indians, and I hope that policy will never be adopted in British Columbia. The Indians of that Province, up to the last few years, never supposed for a moment that they held for themselves the fee simple to the lands of British Columbia.

Hon. Mr. SCOTT—Who hold it?

Hon. Mr. CORNWALL—I say that the Indians never entertained that idea until it was put into their heads, and the utter uselessness of inducing them to think it is so vested in themselves. The madness of the act which would try to persuade them so to think, and the want of morality which would enable Government having so induced them to believe, to go the next moment and offer them a mean pittance for the surrender of their title, is an idea which I did not suppose even the hon. gentleman himself would have promulgated in the way he has. There is one part of the hon. gentleman's speech with which I can agree. He spoke of the superior character of the Indians of British Columbia, and the manner in which they had acquired property. Under what circumstances did they acquire it? Was it from being held in a state of tutelage, and from being prevented from mixing on equal terms with the other citizens of the country which they occupy? Is it from preventing them from suing or being sued?

Hon. Mr. SCOTT—They have the same right to that property that William Penn recognized when he purchased the State of Pennsylvania from the Indians; they have the same right that the British Crown acknowledged the Indians on this part of the continent where we are now standing possessed, only very much stronger, because the aboriginal population in British Columbia was three times as large in proportion to the habitable area of the country.

Hon. Mr. CORNWALL—I was asking the hon. gentleman whether he

thought it was by holding these Indians in a state of tutelage, or as children that they acquired this property he speaks of? Was it not because they were put on exactly the same footing as the whites in British Columbia? Was it not because they enjoy the same rights and immunities; and was it not because they were protected by the same laws and transacted their business, took care of their own affairs, and were encouraged and protected in every way, that the British Columbia Indians have been more successful than the Indians of any other parts of the Dominion of Canada? These are the reasons, and such are the causes, which have enabled the Indians of my Province to occupy and cultivate comparatively large tracts of country, and to accumulate personal property. In my own neighborhood there are several Indian farms that number hundreds of acres in extent, cultivated year by year, and the proceeds are disposed of just in the same way as the products of white settlers' farms would be. Therefore, I think, if we take all these things into consideration, it must be allowed that the policy which had been in operation in British Columbia prior to the Union must have been one eminently suited to the wants of the Indians and the character of the country in which they lived. In the course of his remarks the hon. gentleman expressed the hope that the Indians of British Columbia should not be a tax on the resources of Canada. That is a hope which I and every inhabitant of British Columbia will echo in the most heartfelt manner. If you consult any British Columbian on this subject he will tell you that the Indians are perfectly able to take care of themselves; that they are intelligent, honest, straightforward people, who are only too willing to engage in the ordinary occupations which other persons in the same position of life follow. They are employed in every class of labor; they should be, and are of great economic value to the Dominion, and all that British Columbians will ask of you will be to leave the Indians in the same position in which you found them at the time of Confederation. Do not go over there and meddle; do not put ideas into their heads for which there is no necessity; do not think that, because in

this part of Canada you have been more or less successful in the treatment of Indians who exist under totally different circumstances, that the same considerations must guide you in the management of Indian affairs in British Columbia. The conditions are perfectly distinct, and, if I am to argue from the speech of the hon. gentleman, are conditions which are not understood, and which cannot be understood by those who reside in the centre of Ontario.

Hon. Mr. SCOTT—I did not suppose, when I commented upon the British Columbian policy, that my remarks would give rise to an angry debate. The hon. gentleman who has just taken his seat has, I think, misconceived a large part of the statement that I made. I take this ground, and I say that it is incontrovertible, that the Indian title in British Columbia has never been extinguished, as it has been in all other parts of the Dominion, by regular treaties. The policy laid down two hundred years ago, and which has been faithfully carried out in this country ever since, was to acquire the title of the Indians to their lands. The United States commenced in the same way, but of late years they have violated their treaties with the Indian tribes, and the results are seen in destructive wars, entailing large loss of life and heavy expense upon the nation. The Indians in British Columbia are some 45,000 in number, nearly as many as in all other parts of the Dominion. Before the Province was united to Canada the aborigines took care of themselves. The whites were few in number, and were not able to cope with the Indians. A few years ago this Indian question cropped up, inasmuch as the tribes objected to being restricted to the small reserves allotted to them by the Government of the Province. The whites, who formed less than a fourth of the population of the Province, tried to restrict the Indians to ten acres for each of their number. The hon. Senator from Ashcroft says that if we had let the Indians alone no trouble would have arisen. I suppose not; the tribes would have obtained the mastery. The commission which was formed to settle the Indian difficulty was a necessity, to avert bloodshed in the Province.

Hon. Mr. Cornwall.

Hon. Mr. CORNWALL—No, no!

Hon. Mr. SCOTT—The hon. gentleman says "No," but I am sure that the leader of the Government in this House, if he will consult the documents in the Department of the Interior, will see that appeals were made by the people of British Columbia to send the Mounted Police or an armed force into the Province to protect them from the Indians.

Hon. Sir ALEX. CAMPBELL—I am not aware that any such appeals were made.

Hon. Mr. SCOTT—Well, I am aware that appeals were made for armed assistance, and the Commission was organized for the very purpose of endeavoring to conciliate the Indians and prevent an open rupture between them and the white population.

Hon. Mr. NELSON—I should like to ask the hon. gentleman whether the appeals for help came from the Government of British Columbia or from the Commissioners?

Hon. Mr. SCOTT—Some of them from the Indian Commissioners, and (I speak subject to correction) I think one from the Government of British Columbia, stating that it would be desirable to send some of the Mounted Police into the Province to protect the white population. However, although the hon. Senator from Ashcroft finds fault with my strong language—it may possibly be strong, but it about conveys the true meaning of the situation—he admits practically that the Indian title was not extinguished. He says that the handful of white settlers in the Province treated the Indians with great liberality when they landed upon their coast, and allotted to them, out of their own patrimony, that had belonged to their tribes for centuries, ten acres apiece.

Hon. Mr. CORNWALL—I beg the hon. gentleman's pardon; I said nothing of the sort.

Hon. Mr. SCOTT—Well, that is the amount that they contemplated allotting, but the Indians took good care that they were not to be restricted to ten acres each, and this Commission was the result

Hon. Mr. Scott.

of a grave necessity to avert bloodshed. It was no part of our bargain with British Columbia that we were to pay these Indians, yet we were called upon last year to expend nearly \$50,000 for that purpose. Are we not justified, therefore, in pointing to that fact as evidence that the state of affairs in British Columbia, in reference to the Indians, is, to use a mild term, extremely unsatisfactory? The hon. gentleman takes exception to what I said, but is not prepared to controvert the main proposition which I laid down—that the Indian title in British Columbia was not extinguished, and, therefore, the Indians were justified in refusing to accept the reserves allotted them by the Act of the Local Legislature.

Hon. Mr. MACDONALD—I happen to be one of the handful of men who landed in British Columbia. I arrived there in 1851, and I know that, instead of treating the Indians unjustly, they were treated most justly, called together by Governor Sir James Douglas, who told them that he wished to purchase certain parts of their lands with a view to settling upon them. The Indians said "Yes, we will give you our lands if you will pay us for them, and we will keep some for ourselves." The lands were purchased and paid for in blankets, guns and goods of different kinds.

Hon. Mr. SCOTT—Did you settle in that way with all the tribes?

Hon. Mr. MACDONALD—No; but we settled with part of them and they selected the reserves. There is now, opposite the city of Victoria, a reserve of seventy acres, only five of which they occupy. It is a well known fact that prior to the union of the Province with Canada, the Indians never had any complaints, never complained of small reserves, and that is why this clause was put in the Union Act. Our people treated the Indians fairly and justly. All that they asked for was that the Indians should be treated as liberally as they had been before. The Indians never claimed more of the country than their own reserves, never claimed the whole country, and, so long as those reserves were guaranteed to them, that was all that was required. Treaties extinguishing titles were not necessary.

But, directly the Indian Commissioners were appointed, and the Government of this country began to deal with the question, there were complaints. The dissatisfaction was excited by the clergy and priests in the country, who urged them to demand large reserves. This is the impression: that it was the work of designing men, those who knew the Indians had no fear of bloodshed. In connection with the reserves, a great evil is being wrought. There is a wholesale sacrifice of good lands to the Indians, who will never utilize them, and white people will be prevented from settling there. So far from the Indians objecting to the presence of the whites amongst them, it so happens that they were glad to have them in the country. At one place the Hudson Bay Company built a fort, which they subsequently decided to abandon. When the Indians heard of their intention, they tried to prevent them from going, and the whites had actually to abandon that fort, in the middle of the night, and escape in their ships. The Indians were determined to keep them, because they had the benefit of their trade and their protection from other tribes. I do not think that the Hudson Bay Company ever found it necessary to pay for the sites of their forts, because the Indians were always glad to have them in the country. With regard to the size of the reserves, ten acres would, in some parts of the Province, be large enough. A family of five would be entitled to fifty acres, and that is more land than they could use. In other parts of the country, where there is only pasture lands, larger reserves are required, and larger areas are allotted to them, much of which they do not use.

The clause was adopted.

The clauses following it, down to the 26th inclusive (with the exception of the 14th, which was reserved) were adopted.

Hon. Mr. ODELL, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

CANADA GUARANTEE COMPANY'S AMENDMENT BILL.

SECOND READING.

Hon. Mr. FERRIER moved the second reading of Bill (22) "Further
Hon. Mr. Macdonald.

to amend the Act therein cited, incorporating the Canada Guarantee Company." He said: The only change in the Bill was to place the double liability obligation into positive stock as a more permanent security for the insurers. The double liability could not be called for, as members were aware, unless the Company went into liquidation; but, it being converted into stock, the whole was available.

Hon. Mr. SCOTT said that it was his intention to oppose the Bill in its present shape, because it was exceedingly misleading. The Canada Guarantee Company had been incorporated in 1852, yet only one-fifth of the \$50,000 capital stock had been paid up. In the face of this they coolly asked Parliament to allow them to issue more stock! If the Bill was passed in its present shape it would relieve the stockholders of the double liability, unconditionally. They had been granted their charter on the understanding that the shareholders should be liable for double the amount of their stock. Parliament should not alter the conditions on which the bonds of the company had been accepted as securities. Those bonds were held in all parts of the Dominion, and were supposed to represent a certain amount of security, which the passage of this Bill would diminish. That was something which Parliament should not sanction. He had examined the notice of this Bill in the *Canada Gazette*, and it professed to increase the stock of the company. In his opinion, the effect of the Bill was to diminish it, because, if passed, the security of those who held the bonds of the company would be decreased. The Bill did not carry out what the company asked for in their petition. They prayed to be relieved from the double liability clause, on condition that an equal amount of stock was subscribed. But the latter part of the second clause of the Bill was a separate sentence from the rest of it, and read as follows:—

"And it is hereby further enacted that the shareholders of the said company shall not be liable for or charged with the payment of any debt or demand by the company beyond the amount remaining unpaid upon the shares subscribed for or held by them respectively in the capital stock of the company."

He was inclined to think that this reduced the liability of the stockholders

to the amount of their respective shares, while the charter, under which they had entered into transactions with the people in this and other countries, distinctly stated that the liability of each shareholder should be double the amount of his stock. Parliament having authorized such a company to go into existence, thought it necessary to give that protection to people having dealings with them, inasmuch as the title of the company carried the idea of perfect security.

Hon. Mr. FERRIER said that nothing could be further from the thoughts of those connected with the company than a desire to get rid of their responsibility. He was perfectly willing that the Bill should not go any further without being thoroughly considered, but he could assure the Senate that it had been thoroughly discussed in a committee of the other House, and the Bill was so amended as to protect the interests of the public by requiring the present stockholders to subscribe for the entire new stock.

Hon. Mr. SCOTT suggested that the Bill might be amended so as to apply its provisions to future business only. If the hon. gentleman would acquiesce in that, he would not oppose the second reading.

Hon. Mr. FERRIER said that he had no objection to the amendment; it could be considered in the Committee on Standing Orders and Private Bills.

The Bill was read the second time.

BILLS INTRODUCED.

Bill (G) "Respecting the Dorchester Penitentiary."—(Mr. Aikens.)

Bill (H) "To amend the Dominion Lands Act, 1879."—(Mr. Aikens.)

Bill (I) "To further continue in force, for a limited time, the Better Prevention of Crime Act of 1878."—(Mr. Aikens.)

The House adjourned at 6.10 p.m.

THE SENATE.

Friday, March 19th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

Hon. Mr. Scott.

THE LAW AND TRANSLATORS' DEPARTMENTS.

COMMITTEE APPOINTED.

Hon. Sir ALEX. CAMPBELL moved:—

"That a message be sent to the House of Commons to request that they will concur in the appointment of a joint committee, to be composed equally of members of both Houses, to consider whether it would not be attended with economy and advantage to the public service if the law department of each House and that of translation were respectively amalgamated."

He said: A very great economy has resulted from the appointment of the Joint Committee on Printing, and there are facts affecting the two departments to which this notice alludes which indicate that a saving might be effected by amalgamating them. With reference to the law department, the duties of that branch of the public service are chiefly performed by officers of the other branch of the Legislature. We have a law clerk who is a very efficient and capable officer, but the duties devolving upon him are not very serious; the bills, for the most part, are prepared by members themselves, or originate in the other Chamber, although I gladly bear testimony to the fact that the law clerk is ready to, and does, give his best assistance to members in preparing bills, and in furnishing information on all subjects relating to his department. But I think it will strike hon. gentlemen that there may be economy and advantage in uniting the two branches of the law service of Parliament, and, in that way, obtain greater unity on economy and action. If that applies to the law department, it applies with still greater force to the translation department, which, as it now stands, is managed in the way which I shall roughly describe. The various papers that come before the House of Commons are translated by the staff of that House, and the various papers which come before the Senate are translated by the staff of this House. If a minister in the Senate presents a report of his department, it falls to the lot of the translators here to translate it, and if a minister in the other House presents a report, either in that branch of the Legislature or it is presented here, equally it falls to the lot of the translators of the House of Commons to trans-

late it, and the work is, probably, not distributed in the fairest and most economical way amongst the translators of both Houses, and I think that economy will result from the proposed amalgamation. I thought that the House would desire to know, in considering this motion, what the expense has been, during past years, of those two departments in each House. I have asked for statements of it, and obtained them in a rough way, but I do not desire to cite them as being perfectly correct, or in the way of criticism on the expenditure of the past, but simply as containing facts which members ought to know in considering this resolution. It has been difficult, I am told, to separate the cost of the law department from that of the translators' department, as the chief English and the chief French translators are also called assistant law clerks, and, in reference to the Senate, the two items are given together—that is, the cost of both services. The statements are as follows:—

“The cost of the law clerk and English translator of the Senate, during the past five years, in salary, has been \$14,000. The cost of the chief French translator's office in the Senate, during the past five years, in salaries, has been \$17,500. The clerks of the French Journals are not included in the House of Commons statement. They cost in salaries, in the Senate Department, during the past five years, \$10,500. The apparent cost of the law department and of the translators' department for the past five years, in salaries, has been \$93,403 94. This sum does not include an annual appropriation of \$2,000, which is within the cost. The cost of the law department is really the salary of Mr. Wickstead, amounting to, in five years, \$17,000.”

In mentioning the name of that gentleman, too, as in the case of Mr. Montizambert, I wish to speak in the highest terms of his qualifications. There has been no more efficient officer attached to either House than Mr. Wickstead, during the thirty or forty years that he has been connected with Parliament, his services extending into the old Province of Canada. I desire, in speaking of him and of Mr. Montizambert, to do so in the highest terms, and to express my hope and belief that nothing contemplated in this resolution will result in any action which will not give them the fairest consideration for their long and valuable services. In moving the adoption of this motion, I do not ask the House to

Hon. Sir. Alex. Campbell.

commit itself to anything more than an inquiry which may or may not result in action, and, as in the case of the printing, I thought it desirable that the Joint Committee should be composed equally of members of both Houses, so that this House shall be represented, not by the number of members in it, but with reference to its entity as a House of Parliament, and, in that respect, the practice which was pursued with reference to the appointment of the Joint Committee on Printing, will be found very valuable. I have reason to believe that this action on our part will be acquiesced in by the House of Commons, and that a joint committee of both Houses, if the Senate concur, may be looked for to consider those two points. Of course, until they do so, the Senate is committed to nothing except that it is desirable that the matter should be considered.

Hon. Mr. BELLEROSE—I should like to ask the hon. the Minister of Militia, if it is the intention of the Government to have a committee which shall be the head of the translators' department, or whether the Government intend to have the appointment of the chief officers at the head of the department, and, also, whether one of the present translators will receive the appointment?

Hon. Sir ALEX. CAMPBELL—The matter is not to be under the control of the committee. They are to consider whether or not the two services can be safely and advantageously combined, and they are to suggest the mode of combining them. I apprehend that, if it is to be done at all, the committee would probably decide that it should be one translators' department, with a certain number of officers, whose salaries should be so-and-so, and that all the translation to be done should be sent to the chief translator, from whom those under him should take their directions as to the translation. In the law department I should suppose—it is merely a supposition—that a gentleman would be placed at the head of the law department of both Houses. The department would be at the service of both Houses.

Hon. Mr. SCOTT—The proposition made by the hon. the leader of the Government in this House is one that, I think, must universally commend itself

to the favor of the Senate. It is obvious that no real difficulty can arise in carrying it out. It does seem extraordinary that it has not suggested itself before, because it is quite evident that the expense could be largely reduced by consolidating the law clerks' branch and the translators' branch of both Houses.

The motion was agreed to.

BAPTIST UNION OF CANADA BILL.

THIRD READING.

Hon. Mr. McMASTER moved that the amendment made in the Private Bills Committee to Bill (27) "An Act to incorporate the Baptist Union of Canada," be concurred in.

The motion was agreed to.

The Bill was then read the third time and passed.

SALARIES AND CONTINGENCIES OF THE SENATE.

MOTION.

The Order of the Day having been called :—

Consideration of the message of the Commons, requesting that Mr. LeMoine, the Clerk of the Senate, may furnish, for the use of the Select Standing Committee on Public Accounts, a statement of the amount paid to each member of the Senate for indemnity and mileage for the year 1879.

Also the message of the Commons requesting that Mr. LeMoine, the Clerk of the Senate, may have leave to furnish details of the sums paid for salaries and contingencies of the Senate for the year ended 30th June, 1879.

Hon. Sir ALEX. CAMPBELL said : In reply to this message of the House of Commons, I beg to move the following resolutions :—

"1. *Resolved*, that leave be given to the Clerk to furnish details of the sum of \$44,098.74 paid for salaries and contingencies of the Senate for the year ending 30th June, 1879, for the use of the Select Standing Committee of the House of Commons on Public Accounts

"2. *Resolved*, that leave be given to the Clerk to furnish, for the use of the Select Standing Committee of the House of Commons on Public Accounts, a detailed statement of the amount paid to each member of the Senate for indemnity and mileage, and also of

the number of days each Senator attended the sittings of this House during the year 1879; as per item of \$83,772.48 in the Public Accounts for the year ending 30th June, 1879, page 88, part II. The Senate, in giving this leave, assumes that the said Select Committee are about to require the presentation to them of like information regarding the attendance and indemnity of the members of the House of Commons.

"3. *Resolved*, that a message be sent to the House of Commons, with the above resolutions, and to inform that House that, whilst fully recognising their undoubted right to inquire into every branch of the public expenditure, the Senate is nevertheless of opinion that the critical examination of the details of such disbursements as those referred to in the foregoing resolutions is in the interest of the harmonious relations of the two Houses best left to the House by whose order payment is made."

I do not desire to say anything upon these resolutions, in presenting them to the House, except this : that, with reference to the item of indemnity to members, the rule which has been observed in this House is the same as the rule which prevails in the other branch of Parliament; that it is a rule which has been sanctioned by successive speakers in both Houses, and approved of by the law officer of that House, and the law officers of the Crown, and that, in a all respects, the two Houses stand on the same footing and in the same position with reference to these items.

Hon. Mr. SCOTT—If my information is correct, the accounts of the members of the House of Commons have not, in the past, been audited or open to inspection, and have not been made the subject of investigation by any committee of that House. I understand that an audit has been made of the accounts of Senators; that monies paid them for indemnity and mileage, for years past, have been made subjects of inquiry and audit by a sub-committee of the Committee on Contingencies, so that, practically, the accounts of Senators have been submitted to audit by an authority within the Senate itself, while the accounts of members in the other House, under similar circumstances, have not been submitted to any audit. While, therefore, concurring in the proposal to submit senators' accounts for the information of the Committee on Public Accounts, it seems questionable whether it is good taste to insist on this information being made

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public, while the accounts of members of the Commons are not to be similarly treated.

Hon. Mr. MILLER—I simply say, with regard to the question of indemnity, that I think, among other peculiar practices, a rule has been in force in the other House, which has never prevailed in the Senate, by which some members who only attended a part of the session, from sickness or other causes, received their indemnity. Such a rule has never prevailed in the Senate, and I do not think that we have anything to fear in that respect in comparison with the House of Commons.

Hon. Mr. ALEXANDER—After the leader of the Government (Sir Alex. Campbell) in this House has taken the responsibility of framing the resolution which he has just placed before us, I almost hesitate before venturing to express what I think of it. I have great diffidence in my own judgment as to the course which should be pursued, as affecting the honor of this body. We all know that a small portion of the local press of the country has, for some time past, singled out this Chamber for severe criticism. We all know that some have even advocated the abolition of the Senate, and we have been represented as *effete* from old age and infirmities, and because we are not elected by the people. One journal, as has recently been referred to by my hon. friend from Richmond, has even insinuated that the Senate has been doing corrupt things—has published statements inferring that this House is losing its self-respect, and that we have taken advantage of our position as a nominative body, beyond the power of the people, objecting to our expenditures being inquired into. Such is the opprobrium that has been cast upon us, and such are the insinuations that have been made against us before the country. If ever there was a moment when we owed it to ourselves to maintain our honor as a body, it is now, by challenging a full and free inspection of all our accounts, our contingencies, our indemnity, mileage, and the cost of publishing our debates, in order to silence those insinuations and charges for ever. I venture to think that the hon. leader of the Government makes a grave

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mistake in the form of the reply he sends to the House of Commons, and, poor as I am, I raise my voice against that mistake, because I prize more highly than any other consideration the honor of this Chamber. I would sooner leave the Senate than that the country should believe us capable of doing anything that was not creditable to us as men of honor and members of the Dominion Legislature. If ever there was a moment when we should challenge the House of Commons and the country to examine into everything that we have done, it is now. And after the course pursued by the leader of the House, can we be surprised if those public journals that have been preferring charges against us should now taunt us with a semblance of fear of having some of our accounts examined? I conceive it to be my duty, as a humble member of this House, to state fearlessly and frankly that I cannot acquiesce in the framing of the reply which is now in the hands of the Speaker. There should be no reluctance to shew the House of Commons all our accounts. If I err in judgment, in the course I conceive it my duty now to pursue, I am prepared to take all the responsibility of the position. If confidence in our integrity is gone, all the usefulness of the Senate would be gone. Who would desire to remain a member of the Dominion Senate, with our integrity called in question? Let us shew everything, that the press may in the future have no grounds for the continuation of those reflections. In a free country such as this, with a people so intelligent, we require not the power of a Napoleon or a Bismarck, to curb any licentiousness of the press, for we have the happiness to live in a country where the love of truth and justice, and an honest and manly public sentiment will not long tolerate undeserved censure and opprobrium.

Hon. Mr. WARK—I have not had an opportunity of reading this resolution, but I should like to have seen inserted in it words to the effect that the accounts of this House have always been carefully audited by a committee appointed by the Senate.

Hon. Mr. CAMPBELL—I would put that in, but it would look like an attempt

at justification that I do not think is required, and it seems to me that it would be objectionable. We assume that we are right and we do not seek to justify ourselves in any way.

The motion was agreed to.

TIMBER TOLLS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (48) "To amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down rivers and streams." He said: This Bill proposes to amend clause 59 in the Joint Stock Companies Act, with regard to tolls that are chargeable on timber descending certain slides, and other improvements. The scale is a very slight change from the original tariff, and it is with a view to make it more equitable without relatively reducing the gross amount.

Hon. Mr. DICKEY—I would like to ask my hon. friend whether this Bill extends beyond the Provinces of Ontario and Quebec. It is an Act of the old Parliament of Canada, and we should object to the passage of any legislation that would interfere with the passage of timber down streams in New Brunswick, because we have already provincial legislation on this subject.

Hon. Mr. SCOTT—It in no way affects any companies but those that are incorporated under the old Joint Stock Companies Act of 1859. It in no way widens the scope of the original Act.

The motion was agreed to, and the Bill was read the second time.

SAULT STE. MARIE RAILWAY AND BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (E) "To incorporate the Sault Ste. Marie Railway and Bridge Company." He said: This Bill is a counterpart of the Act passed in 1871, for the same object, but for which the time was limited within which the parties applying were to exercise their privileges. Under the Act that term has expired. I apprehend that, during the years of depres-

sion, the parties did not find themselves in a position to go on with the enterprise.

Hon. Mr. ALEXANDER—As the leader of the Government is not in his place, I should like to ask the Secretary of State if he has read this Bill, and, if he has, I should like to know if he is prepared to allow certain parties to acquire a charter to cover ground which the press has been urging the Government to retain for their own railway extension.

Hon. Mr. AIKINS—I have looked over this Bill; it has been introduced into this House in the same way as other private bills—by petition. It will have to be referred to committee, and the principle of the Bill can be discussed there, and opposed just in the same way as it can be done here.

Hon. Mr. ALEXANDER—I must confess I am a little surprised at the introduction of this Bill, and I will state the grounds on which my surprise is founded. A leading member of the Government, only a few months ago, entertained very favorably the suggestion laid before him by a powerful deputation that the Government should continue their railway to the Sault, and, under those circumstances, I do not think it wise to grant to private parties a charter to occupy the same ground. As regarding the provisions of this Bill, I am sure that every member must be shocked at the introduction of such a measure. One is not surprised at the Local Legislature granting charters of this character to men of straw. They have been distinguished for bills of that sort, but one can scarcely believe that such charters could be obtained from this Parliament. There is no guarantee that any of the stock will be paid up, yet power is asked for to vest in a board of directors, who have no means to build the road or money interest in the same, to issue any amount of bonds up to \$20,000 a mile and any amount of promissory notes. It may well be characterized as handing over to five men a charter for sale, a charter to enable such a board to traffic in the Stock Exchange of New York or London. Such legislation, surely, should not be granted by the Dominion Parliament, and, surely, should not be found on our Statute books.

INDIAN LAWS CONSOLIDATION BILL.
IN COMMITTEE.

The House resumed, in Committee, consideration of Bill (C) "To amend and consolidate the laws respecting Indians."

Hon. Sir ALEX. CAMPBELL moved the adoption of clause 14.

Hon. Mr. TRUDEL—I expressed the opinion when this clause was under discussion, yesterday, that it would be perhaps proper to add a clause in amendment to it. I have looked carefully over the Bill, and I do not find in it any provision which regulates the position of some considerable part of the population of Caughnawaga who are engaged in farming. For a long time—for thirty years, I may say—there has been a good deal of trouble in that village, in consequence of the attempts on the part of Indians to expel half-breeds from the village. Some twenty-five years ago, a Mr. DeLorimier, whose ancestor settled in that village, married an Indian woman, was sued by the Indians, who sought to expel him, and, after a protracted suit, the Superior Court of Montreal decided that he could not be removed. He was a half-breed, and there are many other inhabitants of the village in the same position that he is. This question has been repeatedly raised in Caughnawaga, and has always been followed by troubles. Within a couple of years, a man, who was regarded as the author of those troubles and who, before, lived in another Indian settlement in the Province of Quebec, went there and excited the feelings of Indians against the half-breeds. As a result, efforts have been made to expel them from the village. Different meetings were held and proclamations in the Indian language were posted in various places, threatening the half-breeds that, unless they left the village, they would suffer very seriously. Those threats were followed by brutal assaults, and no less than nine incendiary fires, one of them attended with loss of life, have taken place in the village. Complaints were made to the Department at Ottawa, and redress was sought for without success. The press of our Province, during the last two or three years, has taken great interest in the matter, and I think that some measure should be adopted either to recognize the rights of

Hon. Mr. Alexander.

the half-breeds in Caughnawaga, or what, I think, would meet the views of the people at large, and especially the interested parties in this village: the reserve should be divided, and the Indians enfranchised. I should like to read a few extracts from correspondence published in the *Montreal Gazette*, the author of which, if am correctly informed, is himself a half-breed. When we are passing a bill affecting the interests of those men, it is desirable that they should be heard, and, therefore, I ask permission to read these extracts—the writing will explain the position better than I could myself. On the 21st of January last, the writer, in answer to correspondence published in the *Montreal Witness* said:—

"I do not know if you are aware that, in Caughnawaga, there have long been two parties strongly opposed to each other on a question which is undoubtedly of vital importance to all men of Indian race, or blood, in the old provinces of the Dominion, and perhaps nowhere more so than in the Province of Quebec. Of these parties, that which is largely in the majority may be called the party of inaction or retrogression. It desires to retain old Indian customs and habits, to confine the Indians, as far as possible, to the use of their own language, and to remain what their ancestors were before they migrated from the West to the banks of the St. Lawrence; and all this when Caughnawaga may almost be said to be, as regards daily intercourse, a suburb of the great city of Montreal, and is surrounded by a population of European extraction imbued with European civilization. The opposite party, or that of the minority, advocates the emancipation of the Indians from their present condition of degrading and mischievous pupilage, by safe and careful steps, and to confer on them the rights and privileges of British subjects in this country. I leave you to judge which of these causes deserves the support of the people of Canada.

"As I may, with your permission, address you again on this subject, I shall, in the meantime, content myself with describing, in a few words, the existing state of the law with regard to these 'Canadians' and 'squatters,' of whom the *Witness* speaks. By law, the term 'Indian' means, first, any male person of Indian blood, reputed to belong to a particular band or tribe; secondly, any child of such person; thirdly, any woman who is, or was, lawfully married to such person.

"The Canadians and squatters complained of, are the issue of such marriages; and as there are now no persons of pure Indian blood in Caughnawaga, the main difference between them and the rest of the population, and which constitutes their chief crime, is that they generally read, write and speak the English or French language, or both, instead of

restricting themselves to Iroquois, like the mass of their people. As for the white inhabitants of this reservation, they consist of a few persons in the employ of the Grand Trunk Railway, a few agriculturists and domestics in the service of the wealthier families, and who are retained on sufferance, and might be forced to leave the place at any moment.

"The Canadians and squatters are precisely in the same position as any other Indians who own a house on a piece of land in the village or reservation, with respect to title. It is, therefore, difficult to conceive the intentions of those who are evidently encouraging the inauguration of a new Indian trouble, and which, however exciting or useful to the instigators, will probably, as usual, result in injury and disaster to the Indians. Do they suppose that the Government will rob men of property legally held by them in compliance with a demand which is opposed both to law and equity, or do they intend that the majority shall take the law into their own hands by a recourse to brute force? In conclusion, let me observe that the assertion that the 'squatters' are owners of thousands of acres of land in this seigniori is a pure fiction. It were perhaps as well if they did, but they do not."

In the *Gazette* of the 29th of the same month, he goes on to describe the troubles in the village as follows :

"One fact, however, which I formerly stated, and which admits of neither cavil nor doubt, must be kept in mind in connection with this question, namely, that the party here whose cause the *Witness* and its friends have espoused are, and have always been, the deadly enemies of Indian emancipation from their existing legal disabilities. The pretension that these people are in favor of any change which would place themselves and their brethren in a position of equality with the rest of their fellow-subjects is wholly and notoriously false and unfounded; and their animosity to the so-styled 'Canadians' and 'squatters' had its source in the desire for enfranchisement which the latter entertain, and which they have long, but vainly, sought to accomplish. If this senseless movement were not certain to be attended with grave and mischievous consequences, perhaps the most prudent course to pursue in the matter would be to let it die of its own inherent weakness. The demand to chase away the pretended 'Canadians' and 'squatters' is no more likely to be complied with by the Government than if the petitioners had prayed to be put in possession of all the lands which the Iroquois nation owned when they were first known to white men; even and if the Government were willing to stultify itself, the law is stronger than the Government, and the law, as well as justice, is on the side of the 'Canadians' and 'squatters.' There need, therefore, be no apprehensions of danger from that quarter. Yet that there is danger must, I am sorry to say, be admitted, and danger, too, which is the

more to be dreaded because of the difficulty or impossibility of guarding against it. It is well known that there have been nine or ten cases of incendiary fires in the neighborhood within a comparatively recent period, and it has so happened that the 'Canadians' and 'squatters' were always the sufferers on these occasions. A large amount of property has thus been destroyed—the loss in one case having been estimated at \$3000,—and in another, the owner of the property was burnt to death. Indeed arson has become so prevalent among the Indians that a quarrel seldom occurs between them without a chance that one of the disputants finds his house in a blaze some dark night; and it was only some time ago that a person from whom some goods were stolen, on being asked why he did not take legal steps to punish the delinquents, replied that he feared the incendiary's torch too much to move in the matter. I am informed, likewise, that the three chiefs who dissented from the resolutions passed at the late meeting are in constant expectation of seeing their dwellings in a blaze over their heads. You are aware that the destruction of the Roman Catholic church at Oka is now before our courts of justice, and this presents another example of the custom of fire-raising in Indian communities. I do not say that the persons accused burnt the church, but somebody did, and, from present indications, the guilty parties, whoever they may be, are likely to go unpunished much to the increase, no doubt, of similar practices here and elsewhere. It is deplorable that, while other crimes are rare among our Indian population, this dangerous and cowardly one is so common that it is questionable if anything short of special and exceptional legislation can suppress it."

These half-breeds have inhabited the reserve for many years, some of them for half a century, and, though some of them bear the name of civilized families, they have, perhaps, as much Indian blood in their veins as the remainder of the inhabitants on the reserve, for it is a well known fact that there is not a single inhabitant of the reserve now who is of pure Indian blood. Therefore, the half-breeds should have the same rights as the other inhabitants of the reserve, especially when the courts have decided in their favor; yet the struggle goes on, and the question of their expulsion from the reserve continues to be discussed. What are those people to do? Are they to abandon their property because some feeling has been excited against them? Are they to submit to the dictation of a mob because some interpretation may be given by the Department here contrary to the decisions of the courts of justice? The Canadian Government in the past did

not think proper to expel them. It is a well known fact that these men are almost the only portion of the inhabitants who cultivate their lands. In fact they are the most important part of the population of the village. There are two parties in Caughnawaga, one consisting of those who have some education and who cultivate their lands and who are in every respect fit for emancipation, and there is the other party, consisting of those who intend to remain in the condition in which their tribe was two centuries ago.

Hon. Mr. MACDONALD—Is there no way to prevent incendiarism there?

Hon. Mr. TRUDEL—Although Caughnawaga is so close to the city of Montreal, the Indians are under different laws, and, under a special system, they are controlled by the Federal Government. I am clearly of opinion that the Police Magistrates of Montreal would have the right to send a force there and arrest the incendiaries, but up to the present time, they have not done so.

Hon. Mr. MACDONALD—Have they no organization of their own?

Hon. Mr. TRUDEL—So far as I could learn, they have not chosen to arrest the guilty parties, because the authors of the trouble seem to meet with the approval of the majority of the Indians. It is a kind of war between those Indians and the half-breeds that they seek to expel from the reserve. I shall now read another letter from the half-breed whose articles I have quoted on the subject of the enfranchisement of those Indians. I read from the *Montreal Gazette* of the 11th and of the 16th of February last:—

“I am really doing no injustice to this measure (the Act of 1876) in describing it as probably the worst specimen of legislation to be found on our Statute book. It contains every possible fault from bad grammar to bad sense. . . . It is enacted that an Indian who, for five years, shall continuously reside in a foreign country, shall cease to be a member of his tribe or band. The text of the law declares that the delinquent shall cease to be a member of the said foreign country, but this worthy legislator appears to have had as little consideration for the Queen's English as for the Queen's subjects and their rights, at all events when the subjects happened to be Indians. Just examine the nature of the proceeding. What moral authority has

the Government or legislature to treat a red man after this fashion? Would a white man be treated so? . . . Yet probably the scheme of Indian enfranchisement contained in the Statute of 1876 is the most extraordinary among its provisions. The Indian absentee I have above referred to, as has been seen, ceases to belong to his tribe, and, so far to be an Indian, but there is no provision for his becoming anything else. He is an Ishmaelite driven forth into the wilderness, without the rights enjoyed by other men, whether white, black or red. As I have said, he forfeits his tribal privileges, he is denied the elective franchise, he cannot enter into trade, for nobody will have dealings with a minor, and the protection which the law gives chiefly enables him to cheat his creditors, should he be so inclined, thus serving to demoralize him. Again, it is provided that any Indian woman shall cease to be an Indian by marrying and other than an Indian, and she is liable to the same forfeiture as the absentee for five years, with respect to property. It is true that she is allowed to share in the distribution of the annuities payable to the band, this favor being granted to her, no doubt, in chivalrous consideration for the fair sex. But to punish her apostasy she is empowered to commute her annuity at ten years' purchase, when all connection with her closes. But this is not all, for more has yet to be told. Before an Indian can proceed to procure his enfranchisement, he is bound to get permission to that effect from the tribe of which he is a member. Now, the majority of the Indians are bitterly opposed to the emancipation of the race; the performance of this condition is an utter impossibility, and it seems either a mockery or to be imposed as an insurmountable barrier to the attainment of the object which the maker of the law professed to desire. I know that one man in ten here would not give the necessary consent, and those who would, dare not do so, having a wholesome dread of the ordeal by fire to which they would thereby be subjected. But there is another impediment in the way of the aspirant for freedom; he must not merely secure the assent of his unwilling brethren, but they are asked to reward him for doing that which they do not wish him to do, and which they are determined he shall not do. The Act makes it imperative that as a preliminary to enfranchisement the applicant shall be assigned by the tribe a suitable allotment of land to the satisfaction of the Superintendent-General. The next stage of the procedure would be laughable if the matter were not too serious for laughter. After directing that the cession shall be announced at headquarters, the Act goes on to say:—‘Whereupon the said Superintendent-General, if satisfied that the proposed allotment of land is equitable shall authorize some competent persons to report whether the applicant is an Indian, who, from the degree of civilization to which he has attained, and the character for integrity, morality and sobriety which he bears, appears to be qualified to become a proprietor of land in fee simple; and upon the favorable report

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of such person the Superintendent-General may grant such Indian a location ticket as a probationary Indian for the land allotted to him by the band.' The probationary period named is three years, or such longer term as the Superintendent-General may deem fit. And all this tribulation the petitioner has to go through before he can aspire to enfranchisement, and to be ranked among the free and enlightened subjects of Her Majesty in Canada. By what confusion of brain the concoctor of this law came to the conclusion that a man who has attained to a degree of civilization, and who has a 'character for integrity, morality and sobriety' is unworthy of freedom it is difficult to imagine. Must he be a classical scholar or what? I fear that a good many among us, white or red, would scarcely come up to the mark if tried by the official test; and in fact there might be danger in trusting so virtuous a man among the wicked pale faces, especially the politicians. But the strangest blunder of all is connected with this allotment of lands, without which there can be no enfranchisement. Yet if there is no land, what then? The Indians of the Lake of Two Mountains, among others, are exactly in that predicament, as every foot of the land they occupy belongs to the seminary of St. Sulpice; and the Indians of the Maritime Provinces, or most of them, are in the same situation. So, here is one more fatal obstruction to enfranchisement, under the famous Indian Act of 1876. The Indian question, in my estimation, is one of no inconsiderable importance, even if confined to the scattered lands spread over the older provinces of the Dominion, apart from the North-West and British Columbia, which we are accustomed to regard as the red man's proper country and home. The latter will always command attention from our rulers, because, if not dangerous now, they are capable of becoming so, while the former are weak and powerless, and may be neglected with impunity. But we should remember that of the 100,000 Indians within the limits of Canada, nearly 30,000 are to be found in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, and, consequently, from their numbers alone, without a view to other considerations, they ought not to be overlooked in our scheme of legislation and government. We have heretofore encumbered them with legal disabilities and safeguards, which may have been useful or necessary for a time, but are no longer so, and are in fact a nuisance to themselves and others. It was never intended from the beginning that this race should remain in a continued state of debasing inferiority. The intention was to educate and civilize, and then to liberate them. We have not educated, and we have not liberated them. When is the process going to begin? The probation through which they were to pass has run over two or three centuries, and the results are what we behold. The tame Indian of eastern Canada is simply an emasculated wild man, whom, in curing of his ferocity, we have deprived of his spirit, like a vicious colt

in the hands of a careless or incapable trainer. Yet those who have studied the subject declare that the intellect of the North American Indian is naturally of a high order, and that under proper treatment it is eminently capable of expansion and development. * * *

We ought to admit that, as far as grants of money go, the American Congress has been infinitely more generous to the Indians than we have been to ours, while, in reality, there was no necessity for our being cruel to them. Our faults have been those of omission rather than of commission, except in so far as we have subjected them to the trammels of petty legislation and the pettier sway of official misrule. So, I doubt, after all, if we have a right to crow so loudly over our neighbors in this respect, the difference being that between two masters, one of whom flogs his apprentices and the other starves them, or leaves them to starve. We must not forget besides that, while the Americans have had to contend with hundreds of thousands of fierce savages along their frontiers, we had only to deal with a small number of Indians, distributed over the provinces, from Lake Superior to the Atlantic, and hemmed in by a more numerous population who could have exterminated them, had they been dangerous or given offence. I mention these facts because I am of opinion that a belief in their own exceeding justice towards the Indians has had much to do with Canadians' disregard to the true interests of a people intrusted to their charge."

This objectionable provision remains in the Bill, and the House will see the difficulty to which the civilized Indians are placed. They are required to get the permission of a majority of their tribe before they can be emancipated, and the majority, whether from prejudice or other feelings, will not grant them that permission, and, under the present system, the half-breeds will be kept in this condition for ever. I think it is the duty of the Government, therefore, to take immediate steps to emancipate them, and to divide the reserve amongst the present possessors. I have received a number of letters on the subject from gentlemen taking great interest in the matter, and all of them are of the opinion that in the old Province of Canada, at least—Ontario and Quebec—the Indians should no longer be allowed to continue in their tribal condition. I do not go so far as to say that they should be emancipated at once, but I do say that immediate steps should be taken to bring about their enfranchisement. For instance, it might be decided that at a certain period, which might be defined now, they would be freed. I have already referred to the troubles in

Caughnawaga, and I am informed that nothing has been done to prevent a continuance of them.

Hon. Mr. BUREAU—A reward has been offered by the Department for the conviction of the incendiaries.

Hon. Mr. TRUDEL—The present state of things cannot continue. I do not think it is fair to leave these half-breeds, who are the most intelligent and respectable part of the population on the reserve, in their present condition. I do not offer an amendment, but I think something like the following should be introduced after clause 14 :—

“ Any half-breeds now settled in the Seignior of Caughnawaga, and who have inhabited the said Seignior for the last five years, are hereby confirmed in their possession, right of residence, and property.”

and, after the 106th clause, the following :—

“ It shall be the duty of the Superintendent-General to inquire into the possibility of enfranchising the said Indians and half-breeds of Caughnawaga, and provide for an equitable way of dividing amongst themselves the said Seignior of Caughnawaga, having regard to the equitable right acquired by several of them in building or making improvements on certain parts of said Seignior.”

As I have already said, some of these men have been in possession of property for fifty years, and have made extensive improvements, while other members of the tribe, relying upon the favor of the Government, have done nothing towards cultivating their lands. Is it possible that the Government would require these half-breeds to abandon their property, and let the other portion of the population have the benefit of their improvements ?

Hon. Sir ALEX. CAMPBELL—The first difficulty is, that this would be establishing a precedent which would affect all tribes over the country where white people or half-breeds have been in possession of part of the reserves, and living in villages with the Indians. If the hon. gentleman restricted his proposed change to the cases of half-breeds who have been living in Caughnawaga upwards of twenty years, which is the term mentioned in the Statute of Limitations, which affects our lands in Ontario, (and I dare say there is the same limitation in Quebec) and whose Indian descent is on the father's side. I have

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no objection to confirming such people in their possession, but to confirm one who has lived only five or ten years would be an injurious precedent to establish with reference to Indian reserves elsewhere. In all those reserves there are such persons, and to confirm them in their occupations would be to arouse jealousy in the minds of the Indians, and to do injustice.

Hon. Mr. TRUDEL—But the Indian descent of those parties to whom I have referred is on the mother's side.

Hon. Sir ALEX. CAMPBELL—Then they are not Indians.

Hon. Mr. TRUDEL—They have been maintained in their possessions by judgments of the courts, and some three or four of them have been considered for, perhaps, twenty-five years as chiefs in the tribe. After having worked for so many years, is it fair to say that the fruit of their labor should be lost to their children ?

Hon. Sir ALEX. CAMPBELL—The fruits of their labor will not be lost. If we are required to legislate, we must do so on some principle, and I do not think it would be safe to treat these half-breeds as Indians, if their Indian descent is only on the mother's side. The rule pursued hitherto, and the only sound one, I think, is the occupation for that length of time with that descent, and I hope the hon. gentleman will be satisfied with such amendment as I have suggested.

Hon. Mr. TRUDEL—If these men had no rights it would have been better for the Government to have ejected them immediately, 30 years ago, and to have then disposed of the matter finally. If, on the contrary, the Government then found that they had rights, I do not see why they should not be recognised.

Hon. Sir ALEX. CAMPBELL—You cannot legislate for individuals ; you must legislate on some principle.

Hon. Mr. TRUDEL—This is not an individual case. It is a state of things which exists in that part of the country, and does not apply to individuals merely, but to a class of the population. Is Parliament prepared to say that a man who has occupied property for fifty years

has no right to that property because he happens to be the son of an Indian woman whose husband was a white man?

Hon. Sir ALEX. CAMPBELL—We do not propose to say anything about that. There is no reference to it in the Bill.

Hon. Mr. TRUDEL—You do not say anything about that, but you leave those people to the alternative of having to abandon their possessions or to risk their lives and properties.

Hon. Sir ALEX. CAMPBELL—I am willing to go as far as I can with what I consider safety. The rule among the Indian tribes has been to recognise descent only on the father's side. It is not necessary, and might exceed decorum, to go into details. I am unable, however willing I might be, to go the length which the hon. gentleman wishes. This Bill does not dispossess them; it is simply silent upon the subject.

Hon. Mr. TRUDEL—I would suggest an amendment in the law that would protect that part of the population.

Hon. Sir ALEX. CAMPBELL—I am unable to go as far as that.

Hon. Mr. TRUDEL—Then the least that the hon. gentleman can do is to seriously consider the matter.

Hon. Sir ALEX. CAMPBELL—I will undertake to have the matter considered, not merely by myself, but by the Minister of the Interior, who has charge of that branch of the service. If the hon. gentleman will let the clause pass upon that understanding, I shall bring the matter under the notice of the head of the Department, and if he thinks that the amendment which the hon. Senator advocates should be adopted, it can be introduced in the Bill in the other House. If it is not, notice will be given, and the amendment can be submitted in the House of Commons.

Hon. Mr. POWER—I cannot agree with the view of the hon. the Minister of Militia in thinking that the Government are perfectly justified in leaving the law as it is. The absence of legislation on this point has led to very serious trouble in the neighborhood of Montreal, and I think it is the duty of the Government, who are charged with the peace

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and good order of the whole country, to take steps to put an end to that unfortunate state of things.

Hon. Mr. TRUDEL—Will the hon. Minister of Militia also take into consideration the question of the immediate enfranchisement of the Indian tribes of Ontario and Quebec?

Hon. Sir ALEX. CAMPBELL—There is a scheme for enfranchising them now.

Hon. Mr. TRUDEL—There is a provision which, I suppose, might be applied to the Indians of the North-West, but I do not think it is at all suited to the circumstances of the Indians in the older provinces. At all events, it cannot be applied to the Caughnawaga Indians for the reasons given in the correspondence which appeared in the *Montreal Gazette*. It leaves those who want to be enfranchised at the mercy of the men most interested in preventing their enfranchisement. A feeling prevails in the minds of many members of both branches of Parliament that Indian affairs are not managed in a proper spirit by the Department of the Interior. Of course it is not necessary for me to say that the right hon. Minister at the head of the Department is far above any suspicion of that kind; but it is strange that all the members who have had occasion to come in contact with the officials of the Department have come away with the impression that there is something like religious prejudice which prevents somebody in the Department from seeing clearly in the matter and rendering justice to those parties. If I am correctly informed, eight-tenths of the Christianized Indians in the North-West are Catholics, yet the Government established at Battleford has no representative of their faith.

Hon. Sir ALEX. CAMPBELL—Is not Mr. Ryan one of the police magistrates? He is a member of the Council.

Hon. Mr. AIKINS—And Mr. Brelau is also a member of the Council.

Hon. Mr. TRUDEL—Then I was misinformed. There is another point. I am told that, almost every day, the authority of those at the head of the Mounted Police Force interferes with that of the Catholic clergy in the North-West. I am told that the civil authority require

Catholics to purchase marriage licenses from the agents who sell licenses to Protestants. This seems to me an extraordinary pretension, and a state of thing, which cannot be tolerated. Of course, I know how delicate it is to deal with those matters upon which we are divided, but I think that every hon. gentleman will admit that, when the question of civilizing the Indians is before us, no civil authority should be allowed to destroy religious authority, whatever it may be; I speak of the Protestant as well as of the Catholic clergy. The only way to civilize the Indians is to teach them to respect the ecclesiastical authorities, but, in the North-West, I am told that the good work of the missionaries is being destroyed by the interference of which I complain. In speaking of the Government at Battleford, I was in error in saying that it contained no Catholic representative. The information given to me was, with reference to the agricultural instructors, none of whom are Catholics. Since most of the Indians belong to that denomination, would it not be well that those who are sent to teach them agriculture should be persons who would agree with the missionaries and work harmoniously with them? These men, who have been appointed by the Government, are regarded by the Indians as men high in authority—representatives of the Queen.

Hon. Sir ALEX. CAMPBELL—I think the suggestion is quite reasonable, and I shall call attention to it.

Clause 14 was allowed to stand.

Hon. Mr. NELSON thought that difficulties might arise in British Columbia under the clause relating to the cutting of timber on the Indian reserves, as the reserves were not defined, though allotted, in that Province, and jobbers might trespass on them without knowing it.

On the 74th clause, "Chiefs to make regulations for certain purposes,"

Hon. Mr. MACDONALD feared that if the chiefs were allowed to make regulations on the subjects mentioned in this clause it would create trouble and difficulties among the bands.

Hon. Mr. CAMPBELL said the safeguard was that such regulations were subject to confirmation by the

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Governor in Council. He would propose a new sub-section to this clause, the following amendment, in order to meet the views of his hon. friend from De Lanaudière on the education question.

"The chief or chiefs of any band of Indians may decide as to what religious denomination the teacher of the school established on the reserve shall belong. Provided always that he shall be of the same denomination as the majority of the band, and provided that the Catholic or Protestant minority may always have a separate school with the approval of and under regulations to be made by the Governor in Council.

The amendment was agreed to.

On the 77th clause "Security not to be taken on exempted property,"

Hon. Mr. CORNWALL objected to the property of Indians being exempted from seizure or from being given as security for debt. The British Columbia Indians had a great deal of personal property, and they obtained from merchants and traders a good deal of credit on that security. He hoped that British Columbia would be exempted from the operation of this clause and moved an amendment to that effect.

Hon. Mr. SCOTT considered that the reading of the clause was that only tribal property was exempt from seizure.

Hon. Sir ALEX. CAMPBELL said that was the intention of the clause. Individual property that was subject to taxation was liable to seizure for the owner's debts.

Hon. Mr. SCOTT said that the whole tendency of the legislation of old Canada was to restrict Indians from getting into debt, and to compel traders to exact prompt payment for everything they sold to Indians. It was known that the Indians had valuable property, and they were credited by traders—no doubt, in many instances, for intoxicants—with a view to getting them into debt and tempting them to part with their property. The tendency of the legislation of old Canada was to restrain, as far as possible, credit dealings with Indians, and he had no doubt these clauses were conceived in the same spirit. This Bill should be looked at, as it affected the whole Dominion, and there should not be special legislation for the Indians of British Columbia.

The amendment was withdrawn.

On Clause 112,

Hon. Mr. POWER moved to strike out the portion referring to acts repealed by the legislation of 1876. He said: this opens up the broader question discussed yesterday. When I said that this was not the proper way to deal with this matter, the hon. the Minister of Militia came down on me with the authority of the Premier, and said that, because he thought this was the proper way to bring in this measure, the committee ought to take it for granted that it was so. That is not a wise principle to adopt in this Chamber, because, if the head of the Department knows better than Parliament how to legislate for his Department, it seems to me that calling Parliament together at an expense of \$700,000 per session is an utter waste of money. The Governor in Council might as well pass the laws if that principle is to be recognized. I do not say that it would or would not be the best way, but we are working under a different system. I do not think that it was parliamentary for the hon. Minister to undertake to stifle discussion by bringing down the authority of the Premier. Although the gentleman now at the head of the Department of the Interior has had much experience, and has shewn great skill in managing men, I am not aware that he has greater skill in drafting bills, or a higher reputation as a legislator than Mr. Blake; yet when the hon. Minister of Militia was the leader of the Opposition in this House, and Mr. Blake was Minister of Justice, the hon. gentleman (Sir Alex. Campbell) did not think that the authority of Mr. Blake was sufficient to prevent discussion upon his bills or any guarantee that they were drafted in the best form. If it had not been for the slips which were printed and distributed at the suggestion of the hon. Senator from Ottawa, (Mr. Scott), the House would have been completely in the dark as to the nature of the Bill.

The amendment was accepted, and the clause, as amended, was adopted.

Hon. Sir ALEX. CAMPBELL moved that the following be added to clause 14:—

"Any half-breed who is, by the paternal side, either fully or partly of Indian blood, now settled in the Seigniory of Caughnawaga, and who has inhabited the said seigniory for

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the last twenty years, is hereby confirmed in his possession and right of residence and property."

The motion was agreed to, and the clause, as amended, was adopted.

Hon. Mr. ODELL, from the Committee, reported the Bill with the amendments, which were concurred in.

THE FRENCH CABLE COMPANY'S BILL.

SECOND READING.

Hon. Mr. TRUDEL moved the second reading of Bill (23) "To give certain powers to the Compagnie Française du Télégraphe de Paris à New York."

The motion was agreed to.

The House adjourned at 6.10 p.m.

THE SENATE.

Tuesday, March 30th, 1880.

The Speaker took the chair at eight o'clock, p.m.

Prayers and routine proceedings.

A NEW SENATOR.

Hon. JOHN BOYD was introduced, and, having taken and subscribed the oath of office, took his seat.

BILLS INTRODUCED.

The following bills were introduced and read the first time:—

Bill (41) "To amend an act to provide that persons charged with common assault shall be competent as witnesses."—(Mr. Miller.)

Bill (47) "Respecting the Great Western and Lake Ontario Shore Junction Railway Company."—(Mr. McMaster.)

Bill (51) "To amend the Act 36 Vic., Cap. 108, intituled, 'An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.'"—(Mr. Chapais.)

Bill (35) "Respecting the Niagara Grand Island Bridge Company."—(Mr. Dickson.)

Bill (29) "To amend the Act entitled 'An act to incorporate the Anchor Marine Insurance Company.'"—(Mr. Vidal.)

Bill (25) "To authorize the establishment of superannuation, provident and insurance funds by the Great Western Railway Company."—(Mr. McMaster.)

Bill (33) "To amend and re-enact as amended the Act incorporating the Dominion Grange of the Patrons of Husbandry of Canada."—(Mr. Flint.)

Bill (40) "To incorporate the *Mail Printing Company*."—(Mr. Allan.)

Bill (17) "To incorporate the Bell Telephone Company of Canada."—(Mr. Hope.)

Bill (31) "To incorporate the St. Clair and Lake Erie Navigation Company."—(Mr. Vidal.)

Bill (J) "To repeal the Act extending the Dominion Lands Act to British Columbia, and to make other provisions with respect to certain public lands in that Province."—(Hon. Mr. Aikins.)

INDIAN LAWS CONSOLIDATION BILL.

THIRD READING.

The Order of the Day having been called for the third reading of Bill (C) to Amend and Consolidate the Laws respecting Indians,

Hon. Sir ALEX. CAMPBELL moved to amend sub-section 8, clause 14, by adding the words, "but not beyond the tribal rights and usages which the tribes enjoy." He explained that the object was to avoid giving to the half-breeds of Caughnawaga rights to the property in the Seigniorly other and in excess of those which the Indians had.

The amendment was agreed to.

Hon. Sir ALEX. CAMPBELL moved the third reading of the Bill.

Hon. Mr. POWER—Before the third reading, I should like to ask for another slight amendment, which, I think, is a most desirable one. I propose to add certain words at the end of the 9th section, which is as follows:—

"9. The Governor in Council may appoint an Indian Commissioner for Manitoba, Keewatin and the North-West Territories, or an Indian Commissioner for Manitoba and Keewatin and an Indian Commissioner for the North-West Territories, with such powers and duties as may be provided by Order in Council. The Governor in Council may also appoint an Indian Superintendent for the Province of British Columbia, with such powers and duties as may be provided by Order in Council."

Bills Introduced.

The amendment that I suggest is one which, I think, will recommend itself to the judgment of the hon. gentleman in charge of the Bill. It is to add the following words at the end of the section:—

"Any Commissioner appointed under this section shall reside in the district for which he has been appointed for not less than six months of the year, and any superintendent appointed for British Columbia shall reside permanently in that Province."

I do not think it is necessary to enlarge upon the subject. The duties of a commissioner require him to remain in the district to which he has been appointed. The commissioners appointed for Manitoba and the North-West Territories could remain there during the fine weather and spend the winter at the Capital. Unless they reside within the district to which they are appointed, they will be useless officers, and the work could be as advantageously done by the ordinary members of the staff of the Department here at the Capital. I presume the hon. gentleman will have no objection to the amendment?

Hon. Sir ALEX. CAMPBELL—I am sorry to disappoint the hon. gentleman's expectations. I do not think that the amendment will be desirable. If the hon. gentleman will allow it to stand, I will suggest it to the Minister of the Interior, and if he agrees to the suggestion, it can be made in another place. One objection to it occurs to me now. It is proposed in the Bill that one superintendent may be appointed for Keewatin, Manitoba, and the North-West Territories. How could he reside in all three places? I do not think that the clause as it stands is liable to lead to abuse. The Government is constantly exposed to having its opinions called into question and to the necessity of justifying them. However, the suggestion may be worthy of consideration, and, as I promised, I shall bring it under the notice of the Minister of the Interior, and, if he should see fit to adopt it, it can be introduced in the other House.

Hon. Mr. POWER—Under the circumstances, I shall not press the amendment, but I do not think it is open to the objection raised by the hon. the Minister of Militia, because, as I understand the section, it provides that one commis-

sioner may be appointed for Manitoba, Keewatin and the North-West Territories. That would be for one district.

Hon. Sir ALEX. CAMPBELL—He would be appointed for three districts. The amendment was withdrawn.

Hon. Mr. POWER—There is another point to which I wish to call the attention of the hon. the Minister of Militia. It is a matter of so much importance that I should ask the opinion of the House upon it, if the hon. the leader of the Government in this House does not think proper to accept the suggestion I make. It is with reference to the 90th section. I ventured, when the House was in committee upon this Bill, to call attention to what I considered the unusual and arbitrary character of some of its provisions. This section provides, in substance, that a party may be convicted, and fined not less than twenty-five, nor more than one hundred dollars, or imprisoned for not less than one, nor more than six months, on the evidence of an informer alone; and it is also provided that the informer is to receive half the fine. Now, it seems to me that that is a provision which does not exist in any other law on our Statute book, and I do not think it is a provision that should be adopted by this House. The original Bill provided that there should be two witnesses. I understand that there has been some difficulty in procuring the conviction of persons under the original Bill, because a second witness was not available; but I do not think that the risk of a number of men escaping punishment should lead us to adopt legislation which might lead to the conviction and punishment of an innocent man. The evidence of the informer should be corroborated by some circumstantial evidence, and it seems to me that some such provision must recommend itself to the sense of justice of the House. I therefore propose to move an amendment to that effect.

Hon. Sir ALEX. CAMPBELL—I am sorry to say that I cannot acquiesce in this amendment. The matter was discussed when the Bill was in committee. The offence which the clause deals with is that of selling or giving intoxicating liquors to Indians. That is a very ser-

ious offence, and attended with the gravest consequences in the unsettled parts of the country, and this clause is not only necessary for the suppression of the abuse of selling intoxicating liquors to Indians, but it is absolutely necessary for the safety of the Indians themselves, and those who have anything to say or do with them. It has been found in practice, and that practice was spoken of by the hon. Senator from British Columbia (Mr. Cornwall) when the subject was before the House in committee, that it is exceedingly difficult to procure a conviction for this offence if the evidence of two witnesses is required. The clause provides that the evidence of only one witness is necessary in the most unsettled parts of the country. If any person were to be prosecuted for selling liquors to Indians in Ontario, Quebec, Nova Scotia or New Brunswick, the evidence of two witnesses would be required, and it is only in certain sections of the country, which are, to a certain extent uninhabited, and where it would be difficult, or impossible, to get second witnesses, that these convictions can take place upon the deposition of the informant only. This provision is limited to Manitoba, Keewatin, the North-West Territories and British Columbia. I am quite content to leave it to the good judgment of the House whether it is best so to amend the Bill as to prevent conviction for such a crime—because one can only speak of it as a serious crime—as this, in the unsettled parts of the country; and when, upon the testimony of an hon. member of this House, who, as a magistrate, has found it almost impossible to procure conviction where more than one witness has been required. You cannot define what shall be circumstantial evidence in such cases, or in any way bring the matter down to a certainty. You cannot derive additional strength from circumstantial evidence. It would be legislation which would be idle, and could not be carried into effect. I do trust that the hon. gentleman will not proceed with the amendment. I should be sorry to put the House to the trouble of dividing upon it, and it seems to me, under the circumstances, that it would be undesirable to tie a statute down so closely as to prevent the possi-

bility of conviction in such cases. I regret that I cannot accede to the amendment.

Hon. Mr. MILLER—If the law is to be operative at all, the amendment of the hon. Senator from Halifax cannot be entertained. The House must consider that it is dealing with an exceptional state of things in that new country, and that it would be almost impossible, under the circumstances, to get a conviction for the offence of selling liquor to Indians if it made it necessary to have two witnesses. If the legislation were exceptional, I think the circumstances would justify it; but I am surprised to hear the Senator from Halifax say that it is exceptional. It is not new legislation, in some, at least, of the older provinces. In his own Province, I know breaches of the laws relating to the selling of intoxicating liquors are punishable on the evidence of a single witness, and that witness the informer. It is true that the punishment provided in this Bill for the offence is very serious, and it would be desirable, if possible, to have a second witness before inflicting it; but, under the circumstances, you would render the Bill altogether inoperative by accepting the amendment of the hon. Senator from Halifax.

The SPEAKER—Will the hon. gentleman withdraw his amendment?

Hon. Mr. POWER—I decline to do so. In reply to the remarks of the hon. gentleman from Richmond (Mr. Miller), I may say that this plea of necessity is a tyrant's plea. There never was a tyrannical act perpetrated without that plea being urged for it. I contend that the legislation is exceptional, and that nothing of the kind is to be found in the Canadian Statute book. I have not the Statutes of Nova Scotia before me, but I know that in trials for breaches of the License Law in that Province—at all events so far as Halifax is concerned—it is necessary to have some evidence to confirm that of the informer. Liquor, bottles or glasses must have been found on the premises to justify a conviction. Whatever may be the case in the other districts to which this clause applies, I think that Manitoba is sufficiently far advanced to be treated as a civilized community, and that this provision

ought not to apply to that Province at all events. It exposes any inoffensive man to the possibility of being made a victim by any scoundrel who may wish to prosecute him. The unsupported evidence of the informer who is to receive half the fines may perhaps commit half a dozen innocent men to prison.

The amendment was declared lost.

Hon. Mr. BROUSE—Before the Bill is read the third time, I desire to call the attention of the Government to the 46th clause, which is as follows:

"46. If the Superintendent-General is satisfied that any purchaser or lessee of any Indian lands, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale or lease, or if any such sale or lease has been or is made or issued in error or mistake, he may cancel such sale or lease, and resume the land therein mentioned, or dispose of it as if no sale or lease thereof had ever been made; and all such cancellations heretofore made by the Governor in Council or the Superintendent-General shall continue valid until altered."

I desire to call the attention of the Government to the immense power that is given by this clause to the Superintendent-General. He may, of his own motion, deprive a man of his property, and declare that he shall not have control of it in any way. The Superintendent-General is the sole arbiter and judge, and the man whose property is taken from him has no means of obtaining redress for his grievance. I think that such an arbitrary power should not be conferred upon any man, however confident we may be that he will be inclined to do justice. I think that the Government should at least give the aggrieved party the right of appeal against an improper exercise of this arbitrary power.

Hon. Mr. KAULBACH—My hon. friend from New Westminster brought this very clause to my notice, and asked me to call the attention of the hon. gentleman, the promoter of the Bill to the arbitrary power which it gives to the Superintendent-General. That official need only be satisfied that the conditions of sale or lease have been violated to dispossess a man of his property, confiscate and dispose of it to some one else, and no appeal is provided for. It seems to me that it is a very arbitrary and summary

power to give to any man, even to the Minister of the Interior and his successors, who may not at all times be possessed of supreme wisdom. It might possibly be a somewhat different matter if, in effect, the head of the Department exercised this power, but it virtually will enable an official, the deputy of the Superintendent-General of Indian Affairs, to confiscate a man's property, no matter what his legal or equitable rights are, without giving him notice or the right of appeal. This seems to me to be unwise, and even despotic power to vest even in the head of any department of the Government. How would it be possible for a poor struggling settler in the far wilds of the West, ignorant of the law and his rights, or too poor to make his wrongs known to the Department here to seek redress or to get satisfaction or justice? At least ample notice should be given, and means should be provided for a proper hearing of his defence. It may be said by the hon. the leader of the Government that this is not a new clause, and he may urge in its defence that the power vested in a member of the Government would likely never be abused. Yet I am advised that a similar clause to this has been tyrannically used by the late Quebec Administration, under which, without notice, land owners were deprived of their property and their applications for redress dismissed without hearing or reason assigned. If such has been done so near the Capital, is it not more than likely that those further removed, with less chance or power of being heard may be oppressed? I contend this 46th clause is too arbitrary, and may lead to the oppression of the poor settler.

Hon. Sir ALEX. CAMPBELL—It does seem to be a clause of an arbitrary character, but it has been in acts relating to Indian lands, and to the management and sale of Crown lands, for many years, in the old provinces, without any evil results. Hon. gentlemen must bear in mind that the Superintendent-General is the Minister of the Interior; and that when these questions come up he really sits as a judge. I, myself, had the management of the Crown lands for a number of years, and had repeatedly those matters before me. Disputes arise as to the commission or

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non-commission of fraud under circumstances in which a sale is asked for. Some circumstances may be concealed from the officer making the sale, as, for instance, the fact that a person is in possession of the land. Afterwards, when the circumstance comes out, the party in possession appeals to the Superintendent-General to cancel the sale or lease. Things of that kind occur constantly, and are really dealt with by the Minister in the spirit and with all the responsibility of a judge. I do not see that you could put it in better shape. I remember that such matters were repeatedly brought before me when I had the management of Indian and Crown lands, and they were disposed of in the Department. Although the power seems arbitrary, the decisions are given by a Minister of the Crown, who is responsible for his conduct, and, although no provision appears in the Bill for an appeal, there is substantially an appeal, because anybody who is dissatisfied with the decision of the Department can bring his case before the Government and have it heard over again. I remember one case that I heard myself in Quebec. Counsel appeared for the party, and it was argued before me. I indicated the decision that I would arrive at, and the matter was heard over again before the Privy Council, Sir John Macdonald and other ministers being present. In such a case it is really an appeal to a court, and it has all the advantages of being presided over by ministers who are familiar with the matter, assisted by officers who have passed their lifetime in the management of the public lands. Practically, there are no evil results, although I admit that the power seems arbitrary. We have had this clause with reference to Crown lands in our acts for thirty years, and it has been administered in the spirit I speak of, and always will be. No person could be at the head of the Department who could desire to deal with such matters in any other way than in the spirit and with the responsibility of a judge, and it is always open to an appeal to Parliament or to the Government. It saves to the parties concerned the expense of a law suit, and their cases are heard in the disposition that I speak of. I do not think, therefore, that, prac-

tically, there is any danger. I speak with some knowledge of the subject, being familiar with the practice of the Department for many years past.

Hon. Mr. KAULBACH—No notice is given to the party whose land is to be confiscated.

Hon. Sir ALEX. CAMPBELL—Oh yes, notice is always given.

Hon. Mr. HAYTHORNE—I trust the House will not allow itself to be persuaded by the argument of the hon. Minister of Militia to adopt this clause. It seems to me that it is an exceedingly objectionable one, and that the arguments advanced by the hon. gentleman are hardly tenable. He argues that, because a certain clause has not proved injurious under his administration of the public lands, it would not be injurious under the administration of others.

Hon. Sir ALEX. CAMPBELL—I gave my own experience, but I said also that, having been in the office, I knew the traditions of the Department for twenty or thirty years.

Hon. Mr. HAYTHORNE—And the inference was that things might always remain in the same groove. I conceive that our duty is to provide, not against able and competent ministers, but against the possibility of a diverse condition of things. It is quite possible that the hon. gentleman and his colleagues may be perfectly competent to manage that Department, but it is quite possible, also, that his successors may not all be equally competent, and, therefore, the hon. gentleman who proposes to make a change in this clause is perfectly justified in so doing, and I feel disposed to support his amendment.

Hon. Dr. BROUSE—There is no provision by which the party in possession of the land can appeal against the cancellation, and the Superintendent-General is given power to turn him out without notice. Great hardships have arisen under a similar law in the Province of Quebec, where persons who had purchased Crown lands, paid for them and held possession of them for years, have had their property taken from them and their money confiscated, without notice and without inquiry. I should like to

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see some amendment made to this clause, so that an appeal could be had to the Minister himself.

Hon. Sir ALEX. CAMPBELL—The Superintendent-General is the Minister.

Hon. Mr. AIKINS—The Superintendent-General is the Minister of the Interior.

Hon. Dr. BROUSE—Is there any provision that the individual in possession shall be notified before his land is taken from him?

Hon. Sir ALEX. CAMPBELL—There is no such provision, but it is always done. As a matter of fact, no notice is necessary, as the parties are always on the *qui vive*. How could any Minister be satisfied that the purchaser had been guilty of fraud or violation of the conditions unless he had been heard?

Hon. Mr. MILLER—No Minister would dare to cancel a title without notice and without the party being heard.

Hon. Mr. POWER—This Bill provides that the gentleman who has been heretofore First Clerk in the Indian Branch of the Department of the Interior shall be practically the head of the new department, and I presume that in almost no case will the Superintendent-General be guided by anything but the advice and suggestions of the practical head of the Department in such cases.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman is quite wrong.

Hon. Mr. POWER—I may be wrong altogether, but my impression is that that is the way it will work.

Hon. Sir ALEX. CAMPBELL—No, practically, the head of the Department hears these cases himself. That has been my experience.

Hon. Mr. MILLER—It is a judicial duty that is performed by the Minister himself.

Hon. Mr. POWER—When the hon. gentleman (Sir Alex. Campbell) was Minister of Crown lands for the old Province of Canada, consisting of the Provinces of Ontario and Quebec, these matters were practically under the eye of the Depart-

ment, and it was not easy for an improper use of this power to be exercised without its being brought to the knowledge of the Minister and the public; but we are now dealing with a different state of things. There are vast tracts of fertile lands in the North-West which will be coveted, some of them two thousand miles distant from the Department, and I think very much more care is necessary to prevent injustice now than under the old *regime*, when we had to deal with only the smaller territory of Ontario and Quebec.

The Bill was read the third time and passed.

DORCHESTER PENITENTIARY BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (G) "An Act respecting Dorchester Penitentiary." He said: This measure is one of a declaratory character, setting forth that certain lands, at or near Dorchester, shall be, by proclamation of the Governor in Council, declared as the Penitentiary for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island. The second clause declares what convicts shall be sentenced to be imprisoned in such penitentiary. The third clause makes provision for the extension of the provisions of certain acts to the cases of convicts liable to be imprisoned therein.

Hon. Mr. POWER—This Bill purports to be a measure to provide a penitentiary for Nova Scotia, New Brunswick and Prince Edward Island. The first section says it shall be "the" penitentiary for these Provinces, and it clearly intends that, after this is declared by proclamation to be the penitentiary, there shall be no other penitentiary in the Maritime Provinces. I think it is more than doubtful whether we should take that step just now. I have taken the trouble to gather some information on the subject, and it leads me to think that, with regard to Nova Scotia, this action is premature. If the Dorchester Penitentiary is intended for the three lower provinces it should be large enough to contain all the prisoners that are there now, and some additional. Accommodation is provided in the new building for only 120 prisoners. On

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looking at the report of the Inspector of Penitentiaries for the year 1878, I find that there were of long-term prisoners who would go to this new institution, seventy-four in St. John, seventy-four in Halifax and eight in Prince Edward Island, making in all over 150 prisoners. Hon. gentlemen will see that it is quite impossible to put 150 odd prisoners into a penitentiary in which there is accommodation for only 120. I find that the number of long-term prisoners, at the beginning of February this year, was in St. John 65, and in Halifax 62, or a total of 127. Last November, the Halifax Prison was over-crowded, and 30 prisoners had to be taken from Halifax and 8 from Prince Edward Island to Kingston Penitentiary. These, added to the 127 prisoners in St. John and Halifax in February last, would make a total of 165, so that the accommodation for prisoners in the Dorchester Penitentiary falls 45 short of the number of lower province criminals now actually undergoing imprisonment. Taking together the highest numbers in the three Provinces, we should have 196. It is quite clear that Dorchester Penitentiary is not large enough, and it seems to me that the best course for the Government to pursue would be to continue the Halifax Penitentiary as it now stands, until such time as the new wing of the Dorchester institution is constructed. In order to shew that I am not merely expressing my own, or local, or partizan views, I wish to call attention to the report of the inspector for the year 1878. In that report, Mr. Moylan says of the St. John Penitentiary:—

"As on all former visits for the last six years, the Penitentiary was over-crowded. This was notably the case since the fire, a calamity which increased the number of short-term prisoners. The number of cells in the male prison is 88, yet 163 convicts and common prisoners were registered on 15th August, 1877. Of these, no less than 75 were packed away on the top of the prison block. The danger of epidemic during the very hot weather was imminent. The risk of a lower depth of demoralization than the unfortunate inmates have already reached cannot be over-rated."

Of the Halifax Penitentiary, he speaks favorably. At page 17 of the report, the Inspector, speaking of the new penitentiary, gives his opinion as to what ought to be done, and hon. gentlemen

will see that his views on this question are almost the same as those which I have ventured to submit to the House :—

“When the penitentiary was commenced, 120 cells were thought to be sufficient for the number of convicts that would be removed there on its being finished, from St. John, Halifax and Prince Edward Island. There were then only 36 at St. John, 38 at Halifax, and about 10 on the Island, making a total of 84. A large increase has since taken place, and there is every reason to conclude that not less than 150 will require accommodation at Dorchester upon the inauguration of the penitentiary. From these figures it is manifest that all the convicts of Maritime Provinces cannot be sent to Dorchester until another wing be built. This should be commenced without delay, as along with the insufficiency of cell accommodation, neither dining hall nor chapels have been provided in the present wing.

“Taking into account, then, the hybrid character of St. John Penitentiary, where convicts and common prisoners are indiscriminately mixed up together, and all its objectionable surroundings, I beg leave to recommend the transfer of all the convicts from that institution to Dorchester.

“Assuming what I saw at Charlottetown Gaol to be a fair criterion of how convicts are treated on the Island, I would suggest the removal to the new penitentiary of any convicts that may be there, in Summerside, or elsewhere in that Province.

“With reference to the convicts at Halifax, I recommend for your decision, either that the number of convicts for whom accommodation can be had at Dorchester be sent there, or that the full number at Halifax, when the new penitentiary will have been opened by proclamation, remain undisturbed; the excess accommodation at Dorchester to be reserved for convicts that may be sentenced to the penitentiary from the several Maritime Provinces. I am of opinion the latter course will commend itself to your approval, as it will obviate the difficulty and inconvenience that may arise—Dorchester being full—in sending convicts from New Brunswick and the Island to the Halifax Penitentiary.”

I have only suggested that the Government should do what the Inspector recommends, and I do not see any objection to it. Probably the ground taken by the Minister will be that the plan he proposes is a more economical one; but I think that there is very little economy in it. The staff at Halifax is very small, and the amount of the salaries is small. The keepers would accompany the prisoners to Dorchester, and the expense of maintaining the prisoners would be as great there as at Halifax. The Warden at Halifax, and probably one or two other officers who

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are now receiving small salaries, would be superannuated; and the saving effected by the removal to Dorchester would be very small indeed. I feel, therefore, that it would be better to allow the Penitentiary at Halifax to remain, at least until the new wing of the Dorchester institution is finished, as it would be a benefit to the people of that city. I give notice that, when the Bill is in committee, I will move to strike out the words “Nova Scotia.” Another thing to which I would call attention is the fact that, although there are efficient officers in Halifax and St. John Penitentiaries, the Government have not, from what I see in the newspapers, appointed gentlemen who have had any experience as warden and deputy warden. The gentleman named as warden has had a good deal of experience in a somewhat similar capacity, and I should not be disposed to quarrel with the Government for having gone outside of the present staff to select a warden, as the Warden of the St. John Penitentiary is a rather old man, and the Warden of the Halifax Penitentiary is not in very vigorous health; but I do not think there is any excuse for not appointing one of the subordinate officers in Halifax or St. John to the position of deputy warden. The head keeper or Deputy Warden in Halifax, Mr. Ross, has been in that institution for eleven or twelve years, and is well qualified for the position of deputy warden in the Dorchester Penitentiary. There is an officer in the St. John Penitentiary who is also qualified to fill the position of deputy warden; but the gentleman who is named in the newspapers as having been selected for the office has had no experience, his particular recommendation being that he comes from the county which has the honor of being represented by the Minister of Justice.

Hon. Mr. KAULBACH—My views on this subject are very much in harmony with those of my hon. friend from Halifax, and his views are supported by the report of Mr. Moylan. It is quite evident that, until the new wing of the Dorchester Penitentiary is constructed, that prison will not have sufficient capacity for all the criminals now in the Maritime Provinces. It is clear that the Penitentiary at Halifax has been

over-crowded, as a number of the prisoners had to be sent to Kingston last year. From the report which my hon. friend has read, it seems that the condition of the Penitentiaries at St. John and Charlottetown, or Summerside, is not good, as the common prisoners and the convicts are mixed up together, and the surroundings are not satisfactory, or even beneficial, to the morals of the people inhabiting those buildings. It seems to me that, under the circumstances, the better course for the Government would be to adopt the suggestion of my hon. friend, as supported by the report of the Inspector, Mr. Moylan, and allow the full number of prisoners to be kept in the Penitentiary at Halifax until such time as accommodation can be provided by the construction of an additional wing in the new institution at Dorchester. There are now about 130 convicts in the Penitentiaries of Nova Scotia, New Brunswick and Prince Edward Island, whilst there are only 120 cells in the new penitentiary. So that it is impossible that all the convicts can be sent to Dorchester until another wing is built. Yet it would appear that, under this Bill, all would have to be sent there as soon as the proclamation is made. If the Dorchester Penitentiary is to be immediately filled up—as it seems will be the effect of this Bill—then, to avoid incarceration in Prince Edward Island and New Brunswick, convicts from these Provinces will have to be sent to Halifax Penitentiary. The hon. the Secretary of State had better consider this matter, and so alter this Bill, that for the present, the full number of convicts may remain in the Penitentiary at Halifax, and any surplus, with all from New Brunswick and Prince Edward Island, be sent to Dorchester Penitentiary.

Hon. Mr. MACFARLANE—If it is found that the Dorchester institution is not sufficient for the accommodation of the prisoners of the Maritime Provinces it will be the duty of the Government to provide quarters for them either at Kingston or somewhere else. From the returns which have just been laid on the table by the hon. Secretary of State, in reply to the address which I had the honor to move some time ago, I see that the expenditure on the Dorchester Peni-

tentiary has been very large. The prevailing opinion throughout the Maritime Provinces since the commencement of that work has been that both the location and expenditure have been injudicious. It is not, however, one of the expenditures for which the present Government are accountable, as they are not responsible either for the location of the institution or for the expenditures incurred. From the return before the House, I find that there has been expended on the Dorchester Penitentiary up to the 31st of December last, nearly \$193,000. Of that sum, \$22,000 was for land purchase. It is well known that, when the location of this penitentiary was made, the Government was in possession of a very valuable piece of land in the same Province—the old Cumberland Fort at Westmoreland—that offered a most eligible site for this institution. It was situated close to the railway, and could have been taken for the penitentiary without incurring any expense. It was stated at the time that the old Cumberland Fort, with which so many of the historical associations of the country are connected, was admirably situated, but that there was a scarcity of water and building material, and Dorchester was selected, because they could be obtained more conveniently. It has since been found that, although a very large sum of money has been expended to supply the penitentiary with water, it has been a total failure, and it will require a very heavy additional outlay to bring water from a distance. It has also been found that, by the same mismanagement, no retaining walls have been provided, and if the convicts were placed in the penitentiary tomorrow there is nothing outside to keep them. I believe that the location of the penitentiary and its construction at Dorchester have been a gross public blunder, and I regret to say, from all I have heard, it will require a very lavish expenditure before it will be fit for the purpose for which it was designed. The present Government are not to be blamed for it, as it is one of the legacies that has been handed down to them by their predecessors. Whatever is necessary to centralise the convicts of the Maritime Provinces, will have to be

done, and if the Dorchester Penitentiary is not large enough to accommodate them as it is at present, it will have to be enlarged.

Hon. Mr. AIKINS—It is very much to be regretted indeed that the criminal classes of the Maritime Provinces have increased as rapidly as the figures quoted by the hon. gentleman from Halifax would indicate. No person regrets it more than I do. It is evident that the persons who designed the Dorchester Penitentiary supposed it would be large enough to accommodate the criminal population of the Lower Provinces for some years to come. However, it proves to be too small, and the only thing to be done now, under the circumstances, is to have it enlarged. I could not help admiring the ingenuousness of my hon. friend (Mr. Power) when he expressed his desire to have all the convicts and vagabonds of New Brunswick and Prince Edward Island removed to the Dorchester Penitentiary, and his willingness to keep the criminals of Nova Scotia in the Penitentiary at Halifax. I presume his idea is that the maintenance of such an institution at Halifax will benefit the trade of that city. He gives as a reason why the Dorchester institution should not be proclaimed the penitentiary for the Maritime Provinces, that it is too small to accommodate all the prisoners, and those who could not be accommodated there could not be sent anywhere else. The hon. gentleman is quite mistaken. It is not the intention to turn out the surplus criminals on the public when the penitentiary is filled, as the balance can be accommodated in some of the other prisons, wherever the interests of society may be best served, until the Dorchester institution is enlarged.

Hon. Mr. POWER—Then the hon. gentleman will have to amend his Bill to do that.

Hon. Mr. AIKINS—I do not think there is any special necessity for amending the Bill.

Hon. Mr. POWER—The Bill provides that, after the proclamation is issued, Dorchester shall be the penitentiary for the Maritime Provinces.

Hon. Mr. AIKINS—That does not prevent any long-term prisoners from

Hon. Mr. Macfarlane.

being incarcerated in any other penitentiary; it does not prevent them from being taken to Charlottetown or Kingston. The Governor in Council has the power to do that under the General Penitentiary Act.

The Bill was read the second time.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (H) "To amend the Dominion Lands Act of 1879." He said that this Bill grew out of the results of working the measure of last session. The first section related to school lands which, under the present law, are specially set apart for school purposes. It had been found desirable, in the interests of the railway, that some of those lands should be used as station grounds. Provision was made by this amendment for taking these lands and crediting the school fund with their value, which was to be fixed by the value of railway lands in their immediate vicinity. Another amendment related to homesteads, and gave the Minister of the Interior discretionary power to permit a person who had forfeited his homestead, by absenting himself from it longer than six months, to enter it a second time. The fourth and fifth sections related to mineral and coal lands. Under the existing law, they might be settled upon as ordinary agricultural lands. This clause repealed the sections referring to them, and provided that lands containing minerals or coal, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead, but shall be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council. This amendment grew out of the discoveries of coal. Rings had been formed to get possession of these lands, and it was considered advisable, in the public interest, that they should not be disposed of in that way. The fifth clause made reservation as to minerals and coal in lands leased as timber limits. There were other amendments of minor importance.

The Bill was read the second time.

BETTER PREVENTION OF CRIME BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (I), "Further to continue for a limited time 'The Better Prevention of Crime Act, 1878.'" He explained that the object of the Bill was merely to continue the existing law for another year.

The Bill was read the second time.

The House adjourned at 9.45 p.m.

THE SENATE.

Wednesday, 31st March, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

SENATOR SEYMOUR'S DEATH.

Hon. Mr. ALEXANDER—Before the order of the day is called I would desire, as one of the oldest friends of Senator Seymour, who has just departed this life, to refer to the sad event of his decease, and to say how sincerely I join in paying this last tribute to his memory. He has been for a long period in the Parliament of his country, and during that period he has been a most faithful representative of the people. Having reached more than the ordinary term of life allotted to man, he has, of later years, not been able to take so active a part as formerly on the floor of the House, but, up to this very session, he has continued to render valuable service to his country as chairman of committees. He possessed many qualities and virtues, which made him a valuable representative of the people. He labored always faithfully to prevent any undue expenditure of the public money. He possessed qualities and virtues which we cannot value too highly. He was a man of unswerving integrity of purpose. No temptation or consideration upon earth could make him do a dishonorable act. Prudent, industrious and persevering, his affairs were always in a prosperous state. As a kind and affectionate parent, he was beloved by his family, and was universally esteemed by all who knew him. He was ever a just and good man,

Hon. Mr. Aikins.

whose memory we may well honor, and whose example we may well endeavor to follow. I will only add: *Requiescat in pace.*

THE LAW AND TRANSLATION DEPARTMENTS.

RESOLUTION.

Hon. Sir ALEX. CAMPBELL moved the following resolution:

"Resolved, that a message be sent to the Commons, to acquaint them that the Senate has appointed the Hon. Messrs. Bellerose, Cornwall, McLelan (Londonderry), Miller, Pelletier, Scott, and the mover, to be a Select Committee on the part of this House to consider whether it would not be attended with economy and advantage to the public service if the Law Department of each House, and that of Translation, were respectively amalgamated, and to act on behalf of this House with the Committee of the House of Commons, as a Joint Committee of both Houses, as desired by the Commons in their message dated Monday, the 22nd March instant, and received by this House yesterday."

Hon. Mr. POWER—I suppose this is the proper time to express any feeling of hostility to the motion which has just been made. I may say that, when the hon. the leader of the Government in this House first brought the matter before the Senate, it struck me as being a step in the right direction, being a movement towards economy; but, after further reflection, and making some inquiry in connection with the matter, I have been led to look at the proposed change in a different light. It strikes me now that, while the economy would probably be very small, this movement is really to a certain extent directed against the independence of this House. I do not think that that applies with so much force to the proposal to consolidate the Departments of Translation as to that which proposes to consolidate the Law Departments of the two Houses. At the same time, I think it is only proper that the Senate, which is supposed to be an independent House, in which bills and other business are introduced and dealt with independently of the Commons, should have translators at its own order solely. Our clerks do their work faithfully and well, and I think that, before an arrangement is made, care should be taken that the officers of this House do not suffer by the change. I think we should endeavor to retain our own trans-

lators. As a rule, I think it will be found that the business of the House of Commons will take precedence of ours, and further, that, just as happened in the Joint Committees on Printing and on the Library, these departments, when consolidated, will be controlled almost altogether by the House of Commons, and the patronage will rest with that House, and not with the Senate. This matter is one of much more importance than might at first strike the hon. gentlemen who are going on this committee, and I hope they will be very careful about the rights and privileges of the Senate. I regard the proposal to consolidate the law departments of the two Houses as one that will not commend itself, on reflection, to any member of the Senate. The peculiar function of this House, the principal one at all events, is to revise the legislation coming up from the House of Commons. Every bill that comes from that Chamber is supposed to have been inspected by the law officer of the Commons before it passes the other branch of the Legislature, and it leaves there with his entire approval. It is supposed to meet his views as regards the law contained in it, and the form of the measure. It comes up to the Senate, and our principal duty with that bill is to amend it in any particular in which it is defective. It is only very rarely that a bill is thrown out altogether by this House. The principal agent in dealing with a bill here is the Law Clerk of the Senate, upon whose advice we have chiefly to rely. The bill passes into his hands, and any member who wishes to know just what the effect of the bill may be, can have the opinion of the Law Officer upon it. Now, hon. gentlemen will see that, if we have no law officer of our own, independent of the law department of the Lower House, the members of the Senate will be left to their own unaided judgment in dealing with these measures. I feel that the doing away with the office of Law Clerk of this House is striking a very great blow at the utility and independence of the Senate, and I am sorry to see a blow of that kind come from the head of this Chamber. I know that hon. gentlemen have in former times manifested a good deal of reasonable indignation when mem-

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bers of the other branch of the Legislature have attempted to interfere in any way with the rights and privileges of the Senate, and I am sorry to see now that the leader of this House has taken the same course that has been so properly objected to.

Hon. Mr. SIMPSON—As the Printing Committee has been referred to, I may state, in the first place, that the Joint Committee on Printing continued me as their chairman for twelve consecutive sessions, and that during that time the two Houses had an equal representation upon it. It is possible that the gentlemen of the other House had more brains, and were, perhaps, sharper than we were, but I know that they used to complain that the Senate rather controlled them, that we checked their extravagance, and prevented them from getting as many useless documents printed as in former years. We saved the country not less than \$100,000 a year, and secured greater efficiency in the service. I am sure we have greater despatch in our publications, whatever they may be. We were bothered about the distribution too, and hon. gentlemen used to put the fault on me because they did not get their documents. The House of Commons had their distribution staff, and we had ours, and the result was confusion. Some six or seven years ago we recommended to the House—and our recommendation was unanimously adopted—that the distribution should be brought under one service, under the control of the Printing Committee. The result is that there has not been a word of complaint in either House since the change, and we are saving at least \$2,500 a year in that little service alone. My impression is that this is a movement in the right direction. You will have the service better performed, with greater economy; and, instead of having a law clerk in one part of the building and another law clerk in another part of it, the law department will be the common property of both Houses. I cannot understand why my hon. friend from Halifax wants to have the translators' department kept separate. Three or four years ago there was a great pressure to get some documents printed very rapidly for the Senate. I went myself to the translators, and they told me that they could not possibly hurry any more

than they were doing. I found, by inquiry from the Clerk of the Printing Committee (Mr. Hartney), that, in the other Chamber, there were three or four translators doing nothing at all; but when we applied for their assistance we found that we could not get their services, and we were obliged to go outside and employ men to do the work that ought to be done by the men in the translators' department of the House of Commons. We had no control over them. I am astonished to find the hon. gentleman from Halifax taking the ground that he has assumed, more especially with regard to the printing service. Had he been as long on that committee as I have been, he would not have made the observations that he has addressed to the House to-day.

The motion was agreed to on a division.

MAIL PRINTING COMPANY'S BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (40) "To incorporate the Mail Printing Company." He explained that it was in all respects framed exactly the same as the Act now on the Statute books for incorporating the Globe Printing Company.

The Bill was read the second time.

BELL TELEPHONE COMPANY'S BILL.

SECOND READING.

Hon. Mr. HOPE moved the second reading of Bill (17) "To incorporate the Bell Telephone Company."

Hon. Mr. HOWLAN said that this question of the rights of telegraph companies had been very fully discussed in both branches of Parliament in 1875. The 15th section of the Marine Electric Telegraphs Act, passed in that year, contained the following provision:—

"No such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company or association which possesses any exclusive privilege of landing a wire or cable for a marine telegraph in or upon the coast of any state, province or country in America, Europe, or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the first section

of this Act mentioned, or which may become incorporated in Canada under the provisions of this section of this Act."

Although this Bill was to incorporate a Telephone Company, it empowered them to construct, lease or acquire telegraph lines and even to lay cables to other countries. The 2nd section contained the following:—

"The said Company shall have power to manufacture telephones and other apparatus connected therewith, and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and to purchase, sell or lease the same and rights relating thereto, and to build, establish, construct, purchase, acquire or lease, and maintain and operate, or sell or let, any line or lines for the transmission of messages by telephone, in Canada or elsewhere, and to make connection, for the purposes of telephone business, with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line to be used for telephone purposes."

Now, this was a very important Bill. It conferred upon this Company powers which Parliament should be very chary in bestowing. There were two telegraph companies in this country—the Montreal and the Dominion—which had lines throughout Quebec and Ontario, and extended to Manitoba, but the Western Union Company had a monopoly of the telegraph business in the Maritime Provinces. It was a fact beyond dispute that the telegraphic communication all over this continent, to-day, was in the hands of Americans, controlled by the Western Union Company. Not only that, but the Anglo-American Company had leased to them eleven miles of the shore end of their cable because this Parliament had not given them permission to land in this country. That was why he asked the hon. Senator from Hamilton whether he was prepared to put in this Bill some such clause as this which he had quoted. The Western Union Company and Anglo-American Company could charge what rates they pleased all over this continent, but if a clause were inserted in this Bill, providing that the Company should not have exclusive rights in the Dominion, it might protect the public from the possibility of extortion.

Hon. Mr. HOPE said that this Company did not charge by the number of words.

Hon. Mr. Simpson.

Hon. Mr. HOWLAN said that it gave power to construct lines of telegraphs. Up to the present time no telephone had been invented that could transmit a message a distance exceeding 20 or 30 miles, but nobody could say to what perfection it would yet be brought, and it was possible that it might eventually be extended across the Atlantic. The third clause empowered the company to lay a cable across the Atlantic. It probably was not the intention of the hon. gentleman to give such powers, but they were contained in this Bill. If the hon. Senator would amend it by inserting the clause of the Act of 1875, which he had quoted, he would not object to its passage.

Hon. Mr. HOPE said that the amendment could be submitted in the Committee on Railways and Telegraphs, to which he proposed to refer the Bill.

The Bill was read the second time.

DORCHESTER PENITENTIARY BILL.

THIRD READING.

Hon. Mr. AIKINS moved the House into Committee of the Whole on Bill (G). "An Act respecting the Dorchester Penitentiary."

IN THE COMMITTEE.

Hon. Mr. DE BOUCHERVILLE in the chair.

Hon. Mr. AIKINS moved the adoption of the first clause.

Hon. Mr. POWER suggested that the words "shall be the Penitentiary," etc., should be changed to "shall be a penitentiary." There was no doubt that, for some time, the prisoners would have to be confined in Halifax Penitentiary until the Dorchester Penitentiary was enlarged, and the wording of the clause would convey to the ordinary mind that the latter was the only penitentiary in the Maritime Provinces.

Hon. Mr. MILLER did not see any necessity for the amendment. The policy of the Government was to economise expenditures in connection with these institutions as far as possible, by establishing one penitentiary instead of the three that now exist in the Maritime Provinces. The existing law had a provision similar to that contained in this

Hon. Mr. Hope.

Bill, and he doubted very much if it was necessary to pass this measure at all, except to supplement the law as it stood, and remove some doubts as to what convicts should be imprisoned in Dorchester Penitentiary. The only argument that could be urged against making Dorchester Penitentiary the penitentiary for the three Provinces was that, until the building was completed, there might not be sufficient room to accommodate all the prisoners incarcerated in the local penitentiaries. He hoped, however, that would not be the case, and that the increase of crime which had been witnessed within the last few years would not continue. If it did not continue, the space contemplated would be sufficient to meet the wants of the Maritime Provinces; if the accommodation was not sufficient, the expense of keeping another penitentiary open could be obviated by sending the surplus prisoners to Kingston until the Dorchester institution was enlarged. A criminal, when sentenced, was not sentenced to any particular penitentiary, but to a penitentiary. If, after the Dorchester Penitentiary was opened, there were fifteen or twenty prisoners over the number who could be accommodated, it would not be wise or prudent to keep the Halifax Penitentiary open, and maintain a large staff of officials, when the criminals could be removed to Kingston, and the Halifax property could be sold and the proceeds added to the revenue of the country. He hoped the Government would not accept the amendment.

Hon. Mr. AIKINS said he could not accept the amendment.

Hon. Mr. POWER said, with regard to removing prisoners that could not be accommodated at Dorchester to Kingston, it was just possible that there might not be accommodation for them at the latter place. The report of the Inspector for the year ended the 30th of June, 1878, shewed that the increase in criminals had not been confined to the Maritime Provinces. The report of the Warden of St. Vincent de Paul Penitentiary shewed the same state of affairs, while the Warden of the St. John Penitentiary reported a constant increase in the number of convicts, which might be attributed to the depression of trade

both in that Province and the neighboring states. Under these circumstances it was not at all probable that there would be room in the Penitentiary at Kingston for all the prisoners who might have to be brought up from the Maritime Provinces. If the argument of the Senator from Richmond was good for anything, he might go so far as to say there was no necessity for having a prison in the Lower Provinces at all, as all the prisoners might be brought to Kingston or some other central place. He could not see where the saving was to be effected by removing prisoners to Kingston. The total cost of maintaining the Halifax Penitentiary for the year ended 30th June, 1878, was something over \$18,000; the net cost was over \$14,000, and he did not think the same number of prisoners could be maintained in Dorchester, Kingston or anywhere else for much less than that amount.

Hon. Mr. AIKINS said that, even if this Bill did become law, all the long-term prisoners would not be removed to Dorchester Penitentiary, as those whose sentences were within two years of expiring would remain where they were, so that the number to be removed would be very much lessened on that account.

Hon. Mr. HAYTHORNE considered that his hon. friend from Halifax had made out a substantial case. It had been admitted by the Secretary of State and by the hon. gentleman from Richmond that Dorchester Penitentiary would not be large enough to accommodate all the prisoners who would be sent to it from the Maritime Provinces, and that a considerable amount of expense would have to be incurred in transporting prisoners to Kingston. It was to obviate that expense and inconvenience that his hon. friend (Mr. Power) wished to continue the Penitentiary at Halifax. In Prince Edward Island they had been obliged to keep their hard-labor prisoners in the common gaol, without the usual facilities for reformation until the Dominion Government removed a number of them to Kingston. Whether the hon. gentleman's suggestion was valuable or not, he was entitled to some consideration from the Government and from the House for

Hon. Mr. Power.

the pains he had taken to look up the question.

Hon. Mr. WARK said the question of penitentiaries had been one of discussion between the Dominion and the Province of New Brunswick since a short time after Confederation. It had been at last decided to submit the question to the Supreme Court to say whether the legislation of the Dominion Parliament was not an infringement upon the British North America Act. He did not rise to discuss the question, but he wished to know what course the Government intended to pursue with respect to New Brunswick Penitentiary in the meantime; whether they intended to separate the prisoners there before the decision of the Supreme Court was obtained, and, if so, whether was it on the Dominion Government or the Government of New Brunswick that the expense of the St. John Penitentiary and the prisoners remaining in it would fall, before the decision of the Supreme Court was had?

Hon. Mr. AIKINS understood that the matter was before the Supreme Court, and judgment would soon be given. But, so far as this legislation was concerned, it did not affect it at all. The Province of New Brunswick had set up a plea that they were entitled to certain privileges, and that the British North America Act was not applicable to them; that they were to have special exceptions in so far as penitentiaries were concerned. It was a remarkable thing that the hon. gentleman had not started this objection two years ago.

Hon. Mr. WARK said he was not raising an objection now; he was simply asking for information. But the reason he did not refer to the subject two years ago was that the matter was not then before the Supreme Court.

Hon. Mr. AIKINS said the intention was, as soon as the building was ready for occupation, to issue the proclamation. The clause was adopted without amendment.

On motion that the preamble be adopted,

Hon. Mr. POWER moved the following amendment as a 4th clause:—

“Nothing in this Act shall prevent any person convicted before any court of the Pro-

vince of New Brunswick, and lawfully sentenced to imprisonment by such court, from being imprisoned in the Penitentiary at Halifax."

Hon. Mr. MILLER considered that this additional clause, if adopted, would completely frustrate the object of the Bill. It not only provided that Halifax Penitentiary should be kept open for the usual class of criminals that were sent to penitentiaries, but for any person convicted and sentenced before any court in the Province for any crime, to imprisonment, and it would, therefore, have the effect of keeping the Halifax Penitentiary open after the Dorchester institution was completed. If the object of this Bill was to have but one penitentiary for the three Provinces, he did not see how the House could accept the amendment proposed by the hon. gentleman. The House would observe that this Act only came into force by proclamation of the Governor in Council, and the Government would take good care that there was sufficient accommodation for all the criminals before issuing the proclamation. One suggestion made by the Secretary of State shewed that, even without sending any prisoners to Kingston, a very large number might be left in the local penitentiaries—those criminals whose periods of imprisonment would expire within two years—and he supposed that, until those two years expired, the different penitentiaries would have to be kept open. Therefore, he could not see that there was any difficulty to be apprehended in allowing the Bill to pass as it was. Then, with regard to another observation which fell from the hon. member from Halifax, as to the removal of prisoners to Kingston, the object of the Government was to have but one penitentiary for the three Provinces, and if at any time, in an emergency, it was necessary to send a few prisoners to another penitentiary where there was more accommodation, he did not think it was any argument at all to say they should have no penitentiary in so large a district as that comprised in the Maritime Provinces.

Hon. Mr. AIKINS hoped the House would not support the amendment of the hon. gentlemen from Halifax.

The amendment was declared lost on a division.

Hon. Mr. Power.

Hon. Mr. DEBOUCHERVILLE reported the Bill from the Committee without amendment.

Hon. Mr. AIKINS moved the third reading of the Bill.

Hon. Mr. POWER moved, in amendment that the Bill be not now read the third time, but that it be amended by adding, as a fourth clause, the amendment he had moved in committee.

The yeas and nays having been demanded, a vote was taken on the amendment, which was lost on the following division.

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The Speaker ordered the third reading of the Bill.

Hon. Mr. BUREAU objected to the two stages being taken on the same day.

The SPEAKER ruled that the Bill, having been reported from the Committee of the Whole without amendment, could now be read the third time.

The Bill was read the third time and passed.

DOMINION LANDS ACT AMENDMENT BILL.

IN COMMITTEE.

Hon. Mr. AIKINS moved that the House go into Committee of the Whole upon Bill (H) "To amend the Dominion Lands Act of 1879."

The motion was agreed to.

On the fourth clause,

Hon. Mr. POWER called attention to what he considered an error, which occurred several times in this and the following section. The mineral lands in the North-West were described as "mineral and coal lands." Now, he had always understood that coal was a mineral, and thought the proper term was "coal and other minerals." He moved that the Bill be amended accordingly.

The motion was agreed to.

Hon. Mr. POWER suggested another amendment. This fourth section repealed four sections of the Dominion Lands Act which dealt with the mineral lands of the Dominion. Within the last few years, and particularly within the last few months, coal had been found about the Souris River, and in the neighborhood of Edmonton, and gold in the Saskatchewan and other rivers, and valuable minerals had been discovered in the country lying east of Manitoba and west of the western boundary of Ontario, and many people were engaged in prospecting and mining in that district. Every month those lands would become more valuable, and probably a great many would invest in them. The sections repealed by this fourth section provided a certain manner of dealing with these mineral lands, whilst this new section proposed to leave the whole thing absolutely in the hands of the Governor in Council. Now, while he had the utmost confidence in the Governors in Council, he thought it better that even they should not be tempted beyond what they could bear, as they might be, if possessed of such large powers; and if they could not be, their successors might not prove to be as virtuous. He thought that the section should be more definite, and he, therefore, moved to add the following words at the end of the fourth section:—

"By regulations to be made in that behalf, which regulations shall not go into operation until after they have been published in the *Canada Gazette* for not less than thirty days." That would prevent anyone being taken by surprise, and prevent those who happened to be near the Executive Council from getting an unfair advantage. He would also add words to provide that such regulations should be laid before both Houses of Parliament at the

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next session after the making of such regulations. He did not think that the Secretary of State could possibly object to that amendment.

Hon. Mr. AIKINS said he had very great objections to it. Under the existing law the Minister of the Interior had the power to lease, sell and dispose of public lands in a variety of ways. In consequence of the discoveries of minerals in the North-West, and particularly of coal, it had been found necessary to devise some means whereby the general public should get the benefit of those lands, instead of letting them fall into the hands of individuals. For instance, with regard to the Souris River, a few persons, by locating themselves there and spreading themselves over that country, endeavored to secure a complete monopoly of the coal lands, and they would have succeeded if the country had been surveyed. Now, that was not desirable, and hence the Minister of the Interior, after due consideration, proposed this means of protecting the public interest. He (Mr. Aikins) did not think it would be advisable to publish the regulations in the *Canada Gazette*, and to submit them to both Houses of Parliament: it would involve too much delay.

Hon. Mr. POWER said that it was quite a common provision to lay regulations of this kind before Parliament at its following session. That did not prevent them going into force at the time they were issued.

Hon. Mr. HAYTHORNE did not approve of the section as it stood. These mineral lands ought not to be disposed of without very great caution. To enable the Governor in Council to sell or lease lands of that description without precaution against jobbing would, in his opinion, be very unwise. The amendment offered by the hon. Senator from Halifax would be an improvement, but still it was inadequate for the purpose for which it was intended. In his (Mr. Haythorne's) opinion, mineral lands should not be disposed of except by public auction, and after the fullest notice had been given. The Government should be guided in such cases by the same principles which governed private individuals in disposing of their property,

and the utmost publicity should be given in order to bring from all quarters the greatest number of bidders. He was very much dissatisfied with the clause as it stood.

Hon. Mr. MACFARLANE said that it was not likely the power conferred by this clause would be abused by the Minister of the Interior, who was closely watched. If he should be guilty of any wrong-doing, it would not be long before inquiries would be instituted in both branches of Parliament. The best protection that the public had was the responsibility of the Government. They required, in the management of these lands, a degree of power that need not be exercised in the older parts of the country. In the Maritime Provinces, where the mineral lands are all known, it is a different matter. This Bill provided for dealing with remote parts of the country, where people were endeavoring to secure a monopoly of the mineral lands, and they could only be properly dealt with by a minister possessing the arbitrary power which this clause conferred.

Hon. Mr. AIKINS was not surprised that the hon. Senator from Halifax (Mr. Power), who had no confidence in the Government, should object to giving such discretion to the Governor in Council, notwithstanding that the responsibility which was thrown upon them would be exercised in the public interest.

Hon. Mr. POWER said that, as the Secretary of State objected to laying the regulations before Parliament, he was willing to strike out that portion of the amendment, and simply require the publication of the regulations for thirty days in the *Canada Gazette*.

Hon. Mr. MILLER did not exactly understand what would be gained by the amendment. He could readily perceive that a representative from such a Province as Nova Scotia, where this question of dealing with mines and minerals was one that had attracted a good deal of attention, and where there was very full and accurate legislation on the subject, would look upon the different kind of legislation which was required for a new country as unsatisfactory; but the House would bear in mind that they

were dealing with a country in regard to which they had very little information, and in respect to which they expected from day to day to be acquiring more knowledge. The action of the Government in relation to these mines and minerals in the North-west must necessarily be changed, from day to day and from month to month, as they received further information from their officers. Therefore, it might very materially hamper the Government to interfere with the development of these resources, if it were necessary, before taking any steps towards opening up those mines, to adopt regulations and have them published in the *Canada Gazette*. A system of regulations would be no check upon the Government, because they would not be submitted to Parliament to undergo any revision. A policy which might answer to-day might not suit under a different state of circumstances a month hence, when, perhaps, more accurate information on the subject might have come to the knowledge of the Government. He could, therefore, regard this Bill as a measure intended to fill a temporary want, and when more information on these subjects was obtained, Parliament would pass more accurate legislation, such as prevailed in the older provinces of the Dominion. This Bill had been drafted by the Minister of the Interior, no doubt, after very mature reflection. He had better means of possessing full information on the subject than any member of the Senate, and, without good cause being shewn for it, he was averse to supporting an amendment which might, perhaps, destroy the object the Government had in view, otherwise he could see no objection to the amendment. Perhaps he (Mr. Miller) was disposed to oppose the amendment because he had more confidence than the hon. Senator from Halifax had in the Government of the day dealing with these questions with a sense of their responsibility, and with the greatest care and foresight. The clause gave the Minister of the Interior power for which he would be responsible to Parliament, and the abuse of which would tend to weaken him and his Government more than any other offence, and, therefore, there was a guarantee that the law would be wisely administered. Under these

Hon. Mr. Haythorne.

circumstances, he hoped that the hon. gentleman would not press his amendment.

Hon. Mr. AIKINS suggested that the amendment might be withdrawn for the present, and before the third reading of the Bill he would consult with the Minister of the Interior upon the subject, and if there was no objection, the amendment could afterwards be made.

The amendment was accordingly withdrawn, and the clause was adopted.

Hon. Mr. WARK, from the Committee, reported the Bill with amendments, which were concurred in.

BETTER PREVENTION OF CRIME BILL.

THIRD READING.

The House went into Committee of the Whole upon Bill (I) "Further to continue, for a limited time, the Better Prevention of Crime Act of 1878."

Hon. Mr. PELLETIER, from the committee, reported the Bill without amendment, and it was then read the third time and passed.

TIMBER TOLLS BILL.

THIRD READING.

The House went into Committee on Bill (48) "To amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down rivers and streams."

Hon. Mr. MACFARLANE, from the committee, reported the Bill without amendment, and it was then read the third time and passed.

INSOLVENCY LAWS REPEAL BILL.

Hon. Sir ALEX. CAMPBELL announced that His Excellency the Governor-General would come down to the Senate at three o'clock to-morrow, for the purpose of giving his assent to the Bill repealing the Insolvency Act.

The House adjourned at 5 p.m.

THE SENATE.

Thursday, April 1st, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

INSOLVENCY LAW REPEAL BILL.

THE ROYAL ASSENT.

His Excellency the Right Honorable Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor-General of Canada, and Vice-Admiral of the same, &c., &c., &c., being seated in the Chair on the Throne,

The Honorable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House—"It is his Excellency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the title of a Bill to be passed, as follows: "An Act to repeal the Acts respecting Insolvency now in force in Canada."

To this Bill the Royal Assent was pronounced by the Clerk of the House in the words following:—

"In Her Majesty's name, His Excellency the Governor-General doth assent to this Bill."

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

CANADA GUARANTEE COMPANY.

MOTION.

Hon. Mr. PELLETIER, in the absence of Hon. Mr. SCOTT, 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 latest list of the shareholders of the Canada Guarantee Company, and copy of the latest annual balance sheet, including the amount of the shareholders' guarantee and reserve funds, respectively, and of the actual state of the said several funds verified in accordance with the 37th Section of the Act of the Parliament of Canada, 14th and 15th Victoria, Cap. 36, incorporating the said Company."

Hon. Sir ALEX. CAMPBELL—I do not know whether we have the informa-

tion that is asked for, but if we have we will bring it down.

The motion was agreed to.

MILLS ON THE CANALS.

INQUIRY.

Hon. Mr. HOPE inquired:—

“FIRSTLY—If mill owners on the Welland and St. Lawrence Canals are restricted to the surplus or waste water for the use of their mills, or if such mill owners are allowed to draw down the levels to suit their convenience, or if any regulations exist and are enforced respecting the use of waste water on the Canals?

“SECONDLY—If any application has been made to the Department of Public Works, by certain mill owners on the Williamsburg Canals, for permission to allow one of the Canals to be used as a mill-race, on the grounds that an increase in the velocity of the current improves the navigation of the Canal; and if such application has not already met with a refusal, how will the Government propose to deal with said application?”

He said: Since I placed this inquiry on the notice paper, I have been waited upon by some steamboat owners and captains, during the Easter recess, and furnished with information respecting these canals. The first that I shall allude to is the Matilda Canal, on which there are two mills, a saw and a grist mill. The canal is very crooked, there are a good many sharp bends, and considerable difficulty is experienced in navigating it. Any increase in the current of that canal, I am informed, by those who have had great experience of it, would render the navigation exceedingly difficult, if not impossible. Then, with regard to the Morrisburg Canal, there is a mill at the lower lock, and an experienced steamboat captain informed me that he has lain for twelve hours at a time at the entrance of that lock to get away from it. The current towards the mill was so strong that it prevented him from moving his boat; the vessel was drawn against the canal bank, and the captain was afraid to use his wheel in case of breaking it, and he could not get away until the mill shut down. A great deal of trouble has been caused there by the current which the mill produced. There is no complaint as to Farran's Point Canal. With respect to the Cornwall Canal, I wish to read an extract from a report made by the Board of Trade of

Hon. Sir Alex. Campbell.

Hamilton to the Canal Commissioners in 1871. It is as follows:—

“The Cornwall Canal is being turned into a mill-race from the machinery erected thereon, and the difficulty in navigating the canal is greatly increased. The fact of the waste weirs being so close to the entrance of the locks renders it dangerous for vessels passing out or into the locks, although it is quite possible to improve them so as to obviate this objection. It is generally supposed that the current created by supplying mills prevents the canals from freezing over, but this is a mistake, as may be seen from the Lachine Canals, which is noted for its strong current and rapid freezing.”

A factory is being erected outside the Cornwall Canal, where all these factories ought to be. It is on the bank of the river, and does not interfere at all with the canal. At the Beauharnois Canal there is a very large paper mill, a large woolen factory and a large cotton factory. They are all propelled by water from the river, and do not interfere with the navigation of the canal. There is a small mill at the mouth of the canal, but it is under the eye of the lock-master, who at once shuts down upon it if the levels are interfered with. In 1871 there was great complaint with regard to the Lachine Canal. I remember having been on a steamboat upon that canal, and the current was so strong that I thought the canal bank must have burst somewhere, and that an accident was inevitable. A propeller loaded with grain was actually wrecked there by the force of the current. The cargo was completely lost. I understand that, since the recent improvements on the Lachine Canal, the current or obstruction from the action of mills is not what it used to be, and there is very little complaint to be made now. All I ask is that the Government will see that no new hydraulic privileges are granted upon the Lachine Canal. It may be said that this would interfere with the progress of manufacturing industries, but some of the largest factories in the Dominion are established in Montreal, and run entirely by steam. There is the large Hochelaga cotton factory, and the large rubber factory, which are not dependent upon hydraulic privileges on the canal.

Hon. Sir ALEX. CAMPBELL—The notice which was given by the hon. gentleman did not point to the exact line that he has taken now, or else I

should have been prepared either to have given the assurance that he has asked for, or to explain why I could not. I hope that the House will allow me to return to the subject on some future occasion when I am armed with the authority of the Minister of Railways and Canals. My impression is now, and it would be the impression of anybody who has heard the hon. gentleman, that such an assurance as he has asked for might at once be given by the Government, but with reference to that assurance, I shall speak again. In reply to the questions put by the hon. gentleman, I submit the following statement :

"FIRSTLY—The regulations for the management and protection of the canals and harbors, of the Dominion of Canada, as authorized by an Order of the Governor in Council of 31st, May, 1873, in pursuance of the Act 31 Vic., c. 12 (1867) containing the following direction: 'Section 18—All owners of mills, or those in charge of them, shall stop or shut down their gates when directed by the superintendent or person in charge of that part of the canal on which they are situated, and not at any time to draw down the level below high-water mark, under a penalty of twenty dollars.

The leases of mill privileges on the Welland Canal contain the following clause: 'Together with the use and enjoyment of so much of the surplus water, passing, and to pass through the said canal, as shall be sufficient to drive and propel * * * run of ordinary mill stones * * *'. The leases provide, also, for 'the temporary stoppage of the supply of surplus water by reason of the same being required for the navigation of the canal, or repairs, improvement, alterations, enlargement or additions * * *'.

It is also provided in these leases that the regulating weir and gates, the flumes, races and works * * * shall be constructed by the lessees in the manner to be indicated by the commissioners or their successors in office, or their officers, 'with whom shall rest the sole management and regulation of the water and the sluices for the supply thereof, which shall not be controlled or interfered with in any manner by the lessees, except by permission of the public officer of the department in charge of the canal.'

The same covenants as for the Welland Canal water privileges are inserted in the leases of surplus water on the Williamsburg Canals.

SECONDLY—No trace of this application can be found in this department."

The House will see, in answer to my hon. friend's question, which is a very impor-

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tant point, that the proper restrictions are contained in the leases to mill-owners, that the direction and power is altogether in the hands of the Department, and that the only question would be on that branch of the subject, whether those regulations are enforced. I shall inquire specially about that and also the other subject, whether an assurance can be given the hon. gentleman that care will be taken not to increase mill privileges on the Lachine Canal to the injury of navigation there.

THE SENATE DEBATES.

Hon. Mr. MILLER called the attention of the House to the manner in which the Debates of the Senate were being reported and published. Having been a member of the Debates Committee for some years, he knew that the question was surrounded with many difficulties, and that, notwithstanding the efforts made from time to time to secure the efficient performance of the service, it was not yet in what might be considered a satisfactory state. His attention had been called, within the last twenty-four hours, by more than one member of the Senate, to the manner in which unimportant debates were spread out in the official reports. He did not think it was necessary or desirable that the discussions which took place in Committees of the Whole House, which were of a conversational character, should be spread out as fully as important debates in which the House and the country generally felt an interest. The report of Tuesday's proceedings, for instance, occupied seven columns in the newspaper of this (Thursday) morning. The system of reporting would require to be improved and amended. The full reports which had been given for some years past on trivial matters should not be published at all, and a condensed system of reports would be much more satisfactory to the Senate, and much more likely to be read by the country, and could be furnished at much less expense. The Senate now paid something like \$5,000 for the reporting and publication of its debates, a very large sum for which they did not get an adequate return. For a book of five hundred pages, the Senate paid \$4,500, and for every page over that paid three dollars and twenty-five cents, and the

consequence was that the reports had swollen to large proportions, with a corresponding increase in expenditure. He thought there was a feeling in the House that the expense was too much, and must be curtailed, and that a different system from the one that now prevailed should be adopted.

Hon. Sir ALEX. CAMPBELL had thought for some time that some such change as had been suggested should be made. The Committee on Reporting should have some instructions from the Senate with reference to the condensation of reports, and their being prepared in such a shape as would probably secure their publication in the large centres of population and intelligence throughout the Dominion. He had himself long been of the opinion that the sum expended for the reporting of the debates of the Senate and the publication of them in an Ottawa paper at great length was, to some extent, a waste of money. If the Senate could have some such report as was made a few years ago by a gentleman who was now in the House of Commons, a condensed report, which would be published in the cities of Toronto, Montreal, Halifax and St. John, as well as in Ottawa, it would direct public attention to the Senate, and accomplish the object they had in view. He also approved of the suggestion that proceedings of the Committee of the Whole should not be so fully reported as they were. The publication of full reports of discussions which were of a conversational character did not tend to elevate the House in the opinion of the country, but had rather another tendency. What he desired to see was short reports, made by some person of intelligence, accustomed to the country, familiar with the history of its political topics, and able, therefore, to condense clearly and logically the debates of the House. Such a report would, he believed, be published by the press, not only in Ottawa, but in all the large cities of the country. He should very much like to see a change in the present system in the direction of shortening the reports, and of economy.

Hon. Mr. ALEXANDER said that he had left the Chamber only for a few minutes, and on his return was utterly surprised to find the leader of the Gov-

Hon. Mr. Miller.

ernment springing this subject upon the House, and recommending a change in the system of reporting the debates. If the hon. gentleman had any suggestions to make, he might have appeared before the Debates Committee and have brought his suggestions up fairly. This whole discussion was, contrary to the practice of Parliament, sprung upon the House, without notice. In the absence of the Chairman of the Committee, remarks had been made calculated to mislead the House. If the Senate allowed a departure from all Parliamentary rules in this manner, he hoped they would permit him (Mr. Alexander) to reply to that portion of the hon. gentleman's speech which he had heard. The hon. gentleman had observed that a great part of the debates of the Senate were not worthy of insertion in the daily press. He would leave some other member to reply to that compliment. The members of the Senate always devoted their best ability and judgment to public business, and he was sure that none of them ever intentionally trifled with the patience of the House.

Hon. Sir. ALEX. CAMPBELL said that the hon. gentleman was mistaken in supposing that he (Sir Alexander) had raised this debate at all. He had not done so; nor had he said that the debates of the House were worthless. His remark was that the discussions in committees of the whole House, which were of a conversational character, were not worthy of publication.

Hon. Mr. ALEXANDER said this subject simply involved the whole status and utility of the Senate in the country. The most powerful paper in the Dominion had sent a special reporter to this Chamber to give its proceedings; but with every respect for that journal and for its representative, he would ask what space had that newspaper given to the proceedings of the Senate? Could any one learn from those reports what was going on in this House? Those gentlemen who did not want the utterances of the members of this House to go to the country were always prepared to use the argument that \$5,000 was too much to pay for the reporting and publication of the debates. If it were left to the press of the country, nothing

satisfactory would reach the people, and what was given would be made to suit the political views of the newspapers in which it appeared. There would be no impartial report of the proceedings. The debates this session had been well reported. It was a mistake to give all the conversational discussions while the House was in committee on bills, and this ought to be rectified. But no \$5,000 of the people's money was better spent than in securing the publication of their debates in the morning paper of this city. This was a time when the utility of the Senate was questioned. Throughout the country there were certain journals which maintained that it should be changed from a nominative to an elective body. If the suggestion of the hon. the Minister of Militia were carried out it would destroy the only medium by which the usefulness of the Senate could be known—the only way by which they could shew to the enlightened people of the Dominion, that they were indispensable to the weal of the commonwealth. By the publication of the reports in the morning *Citizen*, they were read not only by the public generally, but by the members of the Commons and the judges of the land, while all the leading county and city papers were supplied with them. The very fact of the leading papers of Montreal and Toronto not reproducing those reports as often as they should do, shewed that it would be unwise to adopt the suggestion of the leader of the Government. The status and honor of the Senate were involved in this question. Inquiries were being made by the House of Commons as to how the affairs of the Upper Chamber were managed, and a portion of the press of the country was decrying a second chamber. The hon. Minister of Militia might just as well seal the abolition of the Senate, as have the fair, full and impartial publication of the debates stopped. He asked the hon. Senator from Montreal (Mr. Penny), what space he could afford in the important newspaper which he controlled? It was well known that the largest daily papers could not, at their own expense, give proper reports of the debates of both Houses. The utility of the Senate could only be shewn to the country by a free and full

Hon. Mr. Alexander.

publication of all important proceedings, without any power to suppress what was shewing up wrong. Under these circumstances, he was surprised that a gentleman who was a barrister of the country, and who had been in the Government of the country some twenty years, should talk of saving \$5,000 by abolishing the only medium by which the proceedings of the Senate could be made known to the public. A more intelligent, upright and experienced body of men than those now comprising this Chamber could not be found in the Dominion, and would not probably be again chosen by the people if it were made elective. The effect of disturbing the present contract, to insert daily in a morning paper the debates, would be to destroy the utility of the Chamber. We all know that if it were left to the press; party organs might mutilate, change or suppress altogether the speeches made in the Senate, or put them in such a shape that no citizen of the Dominion could judge of their usefulness and power in the State.

Hon. Mr. KAULBACH was very much of the same opinion as his hon. friend from Richmond (Mr. Miller) as to the advisability of condensing the reports of the debates in committee. He was sure the reporters themselves would not regret to be relieved of it. On the other hand, he believed that debates on important questions should be reported as fully as possible. The reports of the debates of this House had never been done so satisfactorily as at present, and although they might not be perfect, or satisfy every hon. gentleman, yet it could not be questioned that they were more perfect now than they had ever been before. He considered that the responsibility of condensing the speeches was a serious one. When the reporter was given the discretionary power to condense the reports, the speakers were relieved from the responsibility of their utterances. It was impossible to find reporters who would give condensed reports of the debates in this House that would be satisfactory to the members and the country. Under the present arrangement the debates appeared in a morning paper; that paper was sent to all its exchanges in the country, each one of which could select from the re-

ports whatever was of interest to its readers. He considered that the full reports of the debates of this calm, deliberative assembly had a very important effect upon the formation of public opinion on leading questions of the day—even more so than the reports of the debates of the House of Commons. The members of the Senate were not supposed to be influenced by outside pressure or party bias, and consequently their remarks had more effect in determining the public sentiment of the country upon grave and important questions than those made in the other House. He would be very sorry if the Senate departed from their present arrangement, as it was a most satisfactory one. They had tried condensed reports, and had found that they were satisfactory neither to the House nor to the country. The Commons found it necessary to have an official report, which was sent to the country. If an official report was desirable in that branch of the Legislature, it was absolutely necessary in this House, which had not the advantage of being so fully reported by the press of the country. The warmth exhibited by the hon. member from Woodstock must be attributed to his misconception of the origination of this debate, and his high sense of the privileges and importance of the Committee of which he was chairman.

Hon. Mr. PENNY said that the remarks of the hon. gentleman from Richmond and the hon. leader of the Government, taken from an artistic point of view, were perfectly correct. It was quite likely that a condensed report might be a much better one than a report at full length; but who was to be the judge? Were they to put it into the hands of the reporters to say whether one member's remarks were worthy of being more fully reported than another's? He thought that would be a most invidious and extraordinary proceeding. Then, if not, who was to be the court of appeal? If a gentleman complained that his speech, which he might consider a very important one, had been cut down and spoiled, or put into such a form as, in his opinion, had done no credit either to his intellect or his argument, to whom was he to appeal? It seemed to him that the House must see that, if there was to be

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an official report, it would have to be a full report. As to the report in this morning's paper, speaking as a newspaper man, he would say it was too long, and the hon. gentlemen who addressed the House on that occasion might probably themselves prefer to have had it cut down. He did not, however, know that such was the case, and he did not see how anybody else was to know it was so. If they did not desire condensation, who was to force it on them? This was where the difficulty of official reporting came in; and he did not think any committee would undertake the invidious task of saying how much or how little of a member's speech should be published. He thought, however, that the reporters might cut down reports of debates in committee. If that were generally understood, then hon. gentlemen might take other opportunities than when they were in committee to address the House when they had anything important to say that they considered should be fully reported.

Hon. Mr. READ said he saw by the Public Accounts that the Senate cost the country over \$140,000 a year. Part of that expenditure, \$5,000, was for this official report, the publication of which was the only way, in his opinion, that their proceedings could go to the country. While the taxpayers of the Dominion were satisfied that \$135,000 should be annually expended to maintain the Senate, without knowing what took place in it, they would be better satisfied to pay this additional \$5,000 to know what it was doing. He thought it would be false economy to debar the people of the country from getting a full report of the proceedings of this House.

The subject then dropped.

THE INTERCOLONIAL RAILWAY.

THE BLOCK SYSTEM.

Hon. Sir ALEX. CAMPBELL—Before the Orders of the Day are proceeded with, I desire to refer to a matter which the hon. gentleman from Amherst brought to the notice of this House some time ago, with reference to running the Intercolonial Railway on what is known as the block system. I promised, when my hon. friend spoke about it, that I would take occasion to bring

his suggestion under the notice of the Minister of Railways, and would refer again to the subject in this House. I addressed a letter to the Minister, and that letter was sent by the Department to Moncton, and it elicited from the officer there, Mr. Pottinger, the following reply, which explains the position the officials take on that subject, and what they think can be and cannot be done.

"RAILWAY DEPARTMENT,
"MONCTON, 17th March, 1880.

"C. SCHREIBER, Esq.,
"Chief Engineer,
"Government Railways.

"DEAR SIR,

"Herewith I return you letter No. 4,668 from Sir Alexander Campbell in reference to the accident which occurred near Tartague, and in reference to running trains on the block system.

"The regulations for running trains upon the Intercolonial were not prepared by Mr. Brydges, nor under his management, as Sir Alexander seems to suppose, and my telegram, to which he refers, did not make that statement.

"What I said was that they were the same rules that were in force under the late management, and I might have stated that they were in force under Mr. Carvell, previous to the time that Mr. Brydges took charge, the rules having been the same for many years, with the exception of slight modifications from time to time.

"These rules are quite comprehensive and adapted to meet almost any case that is likely to arise in the running of trains.

"A great deal of care and attention has been given by the different persons who have been placed over the Government railways from time to time to the preparing and perfecting of them.

"The system by which trains are run on the Intercolonial is the same as is generally adopted on railways in America; and the block system, to which Mr. Dickey appears to have referred, is more adapted to railways with a double track than to single track lines.

"The large railways in Britain are worked upon the block system, which is well adapted for that country, where the traffic is heavy and the stations are at frequent intervals; but on a single track road like the Intercolonial, where the stations are, in many cases, long distances apart, I do not think it would be possible to work the block system. Even the railways in Britain, where the block system is in force, are not devoid of accidents from trains running into each other; nor will railways be under any system, because, usually it is not the fault of the system that causes an accident, but the fact that human instruments must be used to carry out the provisions of any system of running trains,

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and this fact will always leave the liability to accident, no matter how elaborate and complete, the system may be.

"Your obedient servant,

"D. POTTINGER."

It occurred to me at the time that the difficulty in the way of using the block system was the long distances between stations on a single track—some of them forty miles apart. This is the explanation, and if the hon. gentleman does not consider it satisfactory, he will, no doubt, think it important as elucidating the facts as they exist.

Hon. Mr. DICKEY—The suggestions which I made in a previous debate were entirely in the interest of the public, and for the purpose of giving protection to life and property. I confess that I need not be very much surprised that the officials who were employed to carry out the rules of the Department are not prepared to recommend that those rules should be changed. It is not in the nature of things, but at the same time I adhere to the opinion I gave on a former occasion, not that the block system should be adopted in its entirety, but that some modification of it should be adopted in this country, in order to prevent trains from running into each other between stations, and the still more objectionable sort of accidents we have had on this line, of two trains running in opposite directions trying to solve the problem of passing each other on one track. The fact of the Intercolonial having only one track, so far from being an objection to the adoption of the block system, it seems to me, shews more forcibly the necessity of greater protection for public life and property.

Hon. Sir ALEX. CAMPBELL—The paper I have read simply explains the difficulty in the way of adopting the block system.

Hon. Mr. DICKEY—When I proposed the adoption of something like the block system of running trains, my hon. friend (Sir Alex. Campbell) suggested at the time that the distance between stations was too great. With reference to that portion of the Intercolonial Railway that runs through Nova Scotia, the distance between stations there does not average more than five miles. Of course

in the more sparsely settled portions of New Brunswick and Quebec the stations are further apart, but whether they be wider apart or not, it appears to me the same rules should prevail. I do not know that they should be so strict that no train should leave a station until the train before it has reached the next station, but some modification of that system should be adopted, especially when we are called upon day by day to read reports of accidents on the road, accompanied by loss of property, though, happily, without loss of life so far. I am very much obliged to my hon. friend for the trouble he has taken, for it has called public attention to the matter, and I do hope that some modification of the block system will be adopted.

The subject then dropped.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day having been called for the third reading of Bill (H) "To amend the Dominion Lands Act, 1879,"

Hon. Mr. AIKINS said that, when the measure was last under discussion, a suggestion was made by the hon. gentleman from Halifax that the regulations should be published from time to time in the *Canada Gazette* for thirty days. He (Mr. Aikins) had submitted the suggestion to the Department, and they thought, with certain modifications, it would not interfere with the operation of the Bill. He would therefore move that the Bill be not now read the third time, but that it be amended as follows:—

"Page 2, line 14.—After 'Council' insert 'by regulations to be made in that behalf, which regulations shall not go into operation until after they shall have been published for four successive weeks in the *Canada Gazette*.'"

The amendment was concurred in.

Hon. Mr. AIKINS then moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

WITNESSES IN COMMON ASSAULT CASES BILL.

SECOND READING.

Hon. Mr. MILLER moved the second reading of Bill (41), "An Act to provide
Hon. Mr. Dickey.

that persons charged with common assault shall be competent as witnesses." He said: This Bill does not really belong to me, and I am almost at a loss what to do with regard to it. It came up here from the House of Commons without anyone to take charge of it, and sooner than allow it to lie on the table without having it advanced the usual stage, I consented to move it its first reading. I think it is only right that gentlemen who introduce measures in the other branch of the Legislature and send them up here should take some trouble to get members of this House to look after their bills. As in this case the measure is a very simple one, and one which altogether meets with my approval, I have no objection in stating briefly to the House what the object of it is. Hon. gentlemen will recollect that, during the session of 1878, Parliament passed a law providing for the admission of parties charged with common assault—husband and wife included—to give evidence in such cases as defendants. The Bill comprised three clauses, which will be more readily comprehended by the House by reading them. The object of this Bill is to repeal the proviso of the third clause of the Act, and make this section apply, as the two previous sections do apply, to cases which are tried either through the intervention of a jury or otherwise. As to the policy of this law, it is not necessary that I should say anything. The fact that Parliament has placed on our Statute book a law which makes, I admit, a considerable modification of the criminal law of the country—enabling a defendant charged with assault to give evidence on his own behalf, and also enabling husband or wife to give evidence on behalf of each other, in my opinion a wise principle—I presume it is unnecessary, while that law stands on our Statute book, to say anything in favor of the principle of this Bill. The proviso in the third section of the Act is something which will strike one as being somewhat unusual and incongruous, taken in connection with the whole tenor of the measure. By looking closely at it the House will see that, by repealing the proviso, they will merely be placing the same evidence, tried under somewhat different circumstances, in the same position that the evidence occupies under the two first sections. This is the

object of the Bill : We will suppose that a man has been indicted for an aggravated assault before a jury. In that case he would not be allowed to give evidence in his own behalf ; neither would he be compellable to give evidence against himself, nor would his wife be a competent witness in either case. But after the prosecution had come to a conclusion, if the judge then trying the case decided that the evidence proved only a common assault, then the same law that applies to common assaults to be applied to that case, although in the outset the party had been indicted for aggravated assault, and he should be allowed, or should be compellable, to give evidence in such case. Now, the House will see what injustice might be worked by the clause as it stands at present. The indictment is always found *ex parte* before the grand jury. Their witnesses are examined, and their statements, however unguarded or liable to be shaken, are taken without cross-examination, and the grand jury may find a bill for aggravated assault, where the petit jury would not find a common assault on the same evidence. But if a common assault is sustained, why not allow the party to be a witness in his own behalf, or compel him to give evidence against himself in that case as well as in the other. I can see no reason whatever for the proviso which exempts common assault, tried under such circumstances, either with or without the intervention of the jury—because it makes very little difference whether the jury intervenes to try these cases or not—from the operation of the law in ordinary cases. There might be cases, however, such as this : A man might be indicted for two different offences, one of which was an assault. The fourth section provides in that case, where there is any other offence in the indictment, then the party is not a competent witness, or compellable to give evidence.

Hon. Mr. KAULBACH—In 1878, when the Act which it is now proposed to amend was before this House, I questioned the propriety of the proviso in this clause. I considered that it was incongruous, and I could not understand why such a proviso, restricting such evidence to cases tried without the intervention of a jury, should be included in

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the Bill. The object and province of a jury is to try the facts and test the credibility of witnesses, and the duty of the judge is to explain the law and the legal effects of the facts elicited. The moment that you allow such witnesses to give evidence, their credibility should be purely a question for the jury, the best judges of the character and veracity of witnesses ; but in the Act of 1878 it is left to the judge to decide. I am rather inclined to the opinion that the fourth section of this Act might also be repealed, but the amendment, so far as it goes, is in the right direction. The experience of our courts is gradually leading to the conclusion that the best way to get at the real facts of any case is to admit everyone as competent witnesses. The court and jury are then placed in a better position, with all the testimony before them, to come to a correct conclusion as to the truth and the facts. An untruthful witness can seldom escape from the skill of the advocate or the scrutiny of the jury, whilst it frequently occurs that the real truth and the facts in doubt are established and made clear through such testimony.

Hon. Mr. BELLEROSE—Some two years ago I spoke against the principle of the measure which it is sought by this Bill to amend, and I see no reason to change the opinion that I then expressed. This Bill is worse than the other, because, to my mind, it only offers greater inducements to perjury. Two years ago I urged that, to permit a defendant to give evidence in his own behalf, in cases of common assault, was tempting him, unless he possessed a high moral character, to commit perjury. But this Bill applies the principle to cases of aggravated assault, the punishment for which is imprisonment with hard labor ; and, I ask, does it not offer a still greater inducement to a defendant to make false statements in his own behalf ? I regard the principle as being wrong and immoral, and for that reason I cannot give my support to this Bill. In fact, if I thought a majority of the House concurred in my opinion, I would move that the Act which it is proposed to amend should be repealed. A few days ago the hon. Minister of Militia informed us that it was important to consolidate the laws relating to Indians, to avoid confusion and errors.

I was glad to hear that, and I would suggest that a similar course should be followed in this instance. All our magistrates throughout the country have to deal with these assault cases, and I think it would be better to have all the legislation relating to them in one Act, instead of scattered in small amendments throughout the Statute books. I know of cases in which even lawyers have been led astray, and their clients been put to unnecessary expense, because of some small amendment to the law which had escaped their attention. These laws are put into the hands of justices of the peace in all parts of the country, and they should be consolidated in such a manner that they could be easily understood and properly administered. Two years ago I objected to the title of the Act which this Bill is intended to amend because it did not indicate its character. That Act defines the duties of magistrates in cases of common assault, and I suggested that it should be called "An act to amend the law respecting offences against the person," but the suggestion was not adopted. We have now before us another amendment, comprised in a few words, which will be in the form of a separate act, and will increase the difficulty, already serious enough, of administering the law. If the Government considered the consolidation of the Indian laws necessary, I think that they should find a way to embrace all this legislation in one act for the convenience of our magistrates.

Hon. Sir ALEX. CAMPBELL—It is certainly a great convenience to have the law upon any subject consolidated, and, no doubt, an amendment of this kind to an act that has been in existence for a year or two does sometimes occasion inconvenience, and is often puzzling to magistrates. I do not know how this Bill originated in the other House, or whether it was assented to by the Government. It might be consolidated with the Act that it is proposed to amend if the hon. Senator who has charge of the Bill would take the responsibility of doing so. No doubt it would be attended with some convenience and advantage. Perhaps my hon. friend from Richmond will consider whether that could not be done, and if he should accept the suggestion, the amendment can be made in

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committee and the Bill sent back, in that shape, to the House of Commons.

Hon. Mr. POWER—I think that the difficulty suggested by the hon. Senator from De Lanaudière (Mr. Bellerose) would be avoided if a little more care were taken with the titles of bills. As he very properly suggested, the title of a Bill should refer to the statute on the subject with which it deals. If the Statute of 1878 were intitled "An Act to amend the Act with reference to offences against the person," then no lawyer or magistrate could fail to observe it; but if, as often happens, the title of a Bill bears no relation to the Act which it amends, even the best lawyer may be led astray.

Hon. Mr. MILLER—I think there is a great deal of force in the remarks of my hon. friend opposite (Mr. Bellerose) with regard to the consolidation of these statutes, but I am not sure that this Bill could properly come under the head or in the connection that he indicates. The law to which he alludes defines crimes, and the mode of punishing them. This Bill relates to evidence. There is a marked distinction between a law which defines crimes and regulates their punishment, and a law regulating the evidence relating to those crimes. I am disposed to accept the suggestion, and, if the House will permit the second reading of the Bill now, I will consult with the hon. gentleman who introduced it in the other House, and, if it should meet with his approval, the amendment can be made in committee.

The Bill was read the second time.

SECOND READINGS.

The following Bills were read the second time without discussion:—

Bill (47) "Respecting the Great Western and Lake Ontario Shore Junction Railway Company."—(Mr. McMaster.)

Bill (51) "To amend the Act 36 Vic., Cap. 108, intitled, 'An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.'"—(Mr. Chapais.)

Bill (35) "Respecting the Niagara Grand Island Bridge Company."—(Mr. Dickson.)

Bill (29) "To amend the Act entitled 'An Act to incorporate the Anchor Marine Insurance Company.'"—(Mr. Vidal.)

Bill (25) "To authorize the establishment of superannuation, provident and insurance funds by the Great Western Railway Company."—(Mr. McMaster.)

Bill (J) "To repeal the Act extending the Dominion Lands Act to British Columbia, and to make other provisions with respect to certain public lands in that Province."—(Hon. Mr. Aikins.)

The House adjourned at 5.05 p.m.

THE SENATE.

Friday, April 2nd, 1880.

The Speaker took the chair at three o'clock.

BILLS INTRODUCED.

Bill (44) "To Provide for the Salaries of two additional Judges of the Supreme Court of British Columbia."—(Sir Alex. Campbell.)

Bill (K) "To remove doubts as to the true intent and meaning of sub-section 2 of the 9th section of the 'The Canada Temperance Act, 1878', and to further amend the said Act."—(Mr. Aikins.)

MAIL PRINTING COMPANY'S BILL.

THIRD READING.

Hon. Mr. TRUDEL, from the Committee on Private Bills, reported the Bill to incorporate the *Mail Printing Company* without amendment.

Hon. Mr. ALLAN moved the third reading of the Bill.

The Bill was read and passed.

BELL TELEPHONE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, as Chairman of the Committee on Railways, Telegraphs and Canals, reported Bill () to incorporate the Bell Telephone Company of Canada, with certain amendments. He said that, as this inaugurated a new species of legislation, the committee had thought it wise to subject the Bill to much closer scrutiny than was

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usually considered necessary, and the amendments, he was satisfied, would commend themselves to the favorable consideration of the House. In examining the third section of the Bill, the Committee had found themselves confronted with this difficulty: that it provided for the consent of the municipal councils of cities, towns and incorporated villages before the line could be constructed within their limits; but the promoters of the measure did not seem to have had their attention called to the fact that, in the Maritime Provinces, with very rare exceptions, there were no such municipalities. There were county councils, but not councils of towns and villages. The amendment which the Committee proposed gave the jurisdiction in such cases to the county councils. A similar amendment was made in the latter part of the same clause, relating to the cutting of telephone wires when necessary in case of fire. In the fourth clause there was an important amendment dealing with the question of amalgamation with companies in Canada or elsewhere. It was thought better to confine the granting of such powers to amalgamation with companies in Canada, exclusively. The last clause, which related to agreements entered into, was amended to confine its operations simply to agreements heretofore made.

MILLS ON THE CANALS.

Hon. Sir ALEX. CAMPBELL—In answer to the questions put by the hon. Senator from Hamilton in reference to the St. Lawrence and other canals, I was not able to say distinctly whether the restrictions which were to be found in the leases of tenants having water powers on the canals, or the regulations which I quoted, are strictly enforced, and I promised to make inquiries on the subject of the Minister of Railways and Canals, and answer more fully to-day. I am informed that the restrictive clauses in such cases have in no way been abrogated, and that the officers of the Department are required to enforce them strictly, and also in reference to the Lachine Canal, that the engineers advise the Department against the granting of any increased privileges upon that canal in excess of those already existing.

SECOND READINGS.

The following Bills were read the second time :—

Bill (33) "To amend and consolidate the Act incorporating the Dominion Grange of the Patrons of Husbandry of Canada."—(Mr. Flint.)

Bill (31) "To incorporate the St. Clair & Lake Erie Navigation Company."—(Mr. Vidal.)

THIRD READING.

The House went into Committee of the Whole on Bill (J) "To repeal the Act extending the Dominion Lands Act to British Columbia, and to make other provisions with respect to public lands in that Province."

Hon. Mr. BELLEROSE, from the Committee, reported the Bill without amendment, and it was then read the third time and passed.

The House adjourned at 3.35 p.m.

THE SENATE.

Monday, April 5th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE REPAIRS TO THE STEAMER
MAY FLOWER.

MOTION.

Hon. Mr. GRANT 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 of all the cost incurred in repairing the ferry steamer *May Flower*, in Pictou Harbor, from the time she stopped running, in 1879, until the work was completed, and to include the amount paid, or to be paid, for the use of the tug *Dragon*, during said repairs."

He said: The steamer *May Flower*, is the ferry boat which runs between Pictou Landing and the terminus of the Truro and Pictou branch of the Intercolonial Railway and the town of Pictou, and belongs to the Railway Department. That steamboat was laid up for repairs some time last fall. There happens to be in Pictou, a very valuable and serviceable

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marine slip, on which all vessels going into Pictou harbor requiring repairs to their hulls are placed, and vessels and steamers from Newfoundland and the northern shore of New Brunswick, also go down there to be repaired. It was supposed by the community that the *May Flower* would be immediately placed on that slip to get her repairs done, but to the surprise of all, the local managers of the boat undertook to erect a slip for themselves for the purpose of repairing the vessel. It is supposed that this course was taken because the lessees of the marine slip happen to be opponents of the present Government. Considerable time elapsed, and the boat was taken to the new slip and hauled, or attempted to be hauled upon it; but it was evidently erected by incompetent men, because, on the first attempt to raise her, the slip broke down with a tremendous crash, and the boat was placed in a perilous position. The repairing of this boat occupied, I think, two months, and, in the meantime, a steam tug, belonging to the Halifax Mining Company, was employed, at a very large expense, to take her place. This steam tug, for the purpose for which she was used in the company's service, was a most useful boat, but, for the purpose of ferrying a large amount of freight and a great number of passengers across the harbor, she was very unsuitable, especially during the late fall weather. The upshot of all of it has been that the *May Flower* has not done any service yet. The harbor of Pictou has been frozen, and the steam tug *Dragon*, which took her place, was frozen in the middle of the harbor on her last trip.

Hon. Mr. MILLER—As a member of the Senate, I have no objection to the motion passing; but I have a decided objection to letting the remarks of the hon. gentleman go to the country without some reply. I have been spoken to with regard to this motion by some hon. gentlemen, and have been informed that it is a question of very small local party politics in the constituency to which the hon. gentleman belongs. The slip in question is owned by a number of political partisans of the hon. gentleman who has just spoken, and on one or two occasions they have secured the repairing of some Government vessels, and have sent in most

exorbitant and disgraceful bills against the Government. The reason why the *May Flower* was not put upon their slip last year was because of the disgraceful and exorbitant charges which were made on former occasions by the company owning it. I believe that the intention of the officers of the Government in having the repairs to the *May Flower* made elsewhere was to have them done as cheaply as possible, and because they did not intend to pay exorbitant rates. I am sorry that my hon. friend has thought proper to make the remarks that he has addressed to the House, until the information which he asks for is laid before the Senate, because when that information is brought down, and when, perhaps, a motion may be made for other papers in connection with the repairing of steamers at the Port of Pictou, and those papers have been submitted to the House, the comparison will be very unfortunate for him. Therefore, I am sorry that he has considered it necessary to make these remarks before the papers he asks for are laid upon the table of the House.

Hon. Sir ALEX. CAMPBELL—I do not know anything of the facts of this case, but there is no objection to bringing down the papers asked for.

The motion was agreed to.

THE RAILWAY TO SAULT STE. MARIE. MOTION.

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 surveys, reports, plans, estimates and correspondence in the hands of the Government bearing on the question of the construction of a Railway from Lake Nipissing, the present provisional terminus of 'The Canada Central Railroad Company,' to the Sault Ste. Marie, and to Goulais Bay, on Lake Superior."

He said: My object in moving for these returns is simply to promote, if possible, the completion of, or at all events to call the attention of the Government to, a very important link in the great Pacific Railroad, and one which, if completed, will bring into active operation the works already constructed and which are likely to be completed about the time this railway from Lake Nipissing to

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Sault Ste. Marie and Goulais Bay, on Lake Superior, could be finished. The length of this link, starting at Lake Nipissing, where the provisional terminus of the Canada Central Railroad is at present located, and proceeding onward to the Sault Ste. Marie, and to Goulais Bay, is, I believe, 250 to 280 miles. The building of that road would give direct connection between the one trunk railroad which the Province of Quebec possesses and the waters of Lake Superior, which, I understand, are navigable for some seven months in the year.

Hon. Mr. SCOTT—For nine months.

Hon. Mr. RYAN—Well, nine months; at all events for seven. I do not wish to exaggerate in my statement; and even if it be for only seven months, it will still have the very important effect of connecting Quebec and Montreal directly with the lake navigation. The route from Thunder Bay to Winnipeg will, I hope, ere long, be in operation. The line of railroad by the north shore of Lake Superior is difficult of construction, and will hardly be built for many years. But, failing the possibility of having that line in operation within a reasonable time, advantage may be taken during the winter months, when the navigation of Lake Superior is not practicable, of a line which is very likely to be constructed in the United States, on the south shore of Lake Superior, from Sault Ste. Marie to Minneapolis and St. Paul. In this way we shall get, within two years, an uninterrupted line of railway from Winnipeg to the Canadian seaboard. This, as everyone can see, will be of great advantage to the Dominion, and it has also this advantage: that it will shorten the distance of the existing route between Winnipeg and Montreal by 200 miles, at a very moderate calculation; while the route from Winnipeg to Liverpool, by that line, will be shorter by 500 or 600 miles than by way of New York. These are matters which, I think, it is very desirable that we should attend to in this Dominion. By the time that the construction of these roads might be completed, taking a period of two years for building them, I hope the products of Manitoba will have increased very largely, and that the exporting powers of that Province will be very consider-

able. Keeping this in view, I think there should be no hesitation about taking active and immediate measures to construct the link which will connect our eastern roads with the United States system of railways south of Lake Superior, and, during the months when navigation is open, with our own system of water communication on Lake Superior, and with our own railway from Thunder Bay to Winnipeg during that season. I am sure that no one will question the great advantages of obtaining such a route, and I am emboldened to offer this resolution to-day in order to call the attention of the Government more directly to the subject. At the same time, I have little apprehension as to the views which the Government will entertain. Although I have no special or private information on this point, yet I have that contained in the public declarations of the Minister of Railways in January last, when receiving a deputation on this very question at Montreal. Sir Charles Tupper, in his remarks on that occasion, said that an engineer was then on the spot, completing the information that he required to have in his possession before formally submitting the views that he (Sir Charles) entertained to the consideration of the Government. He went on further to say :—

"The Government having provided for the extension of the Canada Central to Lake Nipissing, it had naturally attracted a great deal of attention to the scheme, and the project to carry on that road from Nipissing direct to Sault Ste. Marie had received an additional impetus from the attention which had been given to the question by the railway magnates and persons interested in the development of the North-Western States. They found, on looking at the map, that it was almost an air line running from St. Paul and Minneapolis, the great centres of commerce in the North-West, to the city of Montreal. They found that wheat could be placed in the harbor of Montreal, and by that route sent to Liverpool so much more cheaply and easily than by the existing routes, that it was not at all surprising that attention should have been directed to the project. The more he examined the subject, the more satisfied he was that, independent altogether of the great importance to Canadian interests of the construction of a line from St. Paul, or from Duluth, or from both, to Sault Ste. Marie, looking to a connection with ocean traffic at Montreal, independent of the great additional volume of traffic which Canada might fairly anticipate would flow from that road, he considered that we had a very great interest in establishing communica-

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tion between Nipissing and the Sault at as early a date as practicable. The development of our great North-West depended to a very large extent upon the ease, cheapness and rapidity with which we could send people into that country and bring the produce of the west to the seaboard. The fact that the extension of the Canada Central to Nipissing would be accomplished at an early day; the fact that the Government were pushing, with all the energy and vigor that they possessed, the line from Thunder Bay to Red River; the fact that, by the extension of the line from Nipissing to the Sault, it would bring Montreal within sixty hours of Red River, settled the question as to the great importance of carrying out this project at the earliest practicable day."

This explains, in language much more forcible than I could use, the importance of this road, and the sense which the Minister of Railways has of its importance. Sir Charles goes on to say :—

"The road from Thunder Bay to Red River, the Government fully expected, would be completed by the 1st of July, 1882, and there would be no difficulty, from what he could learn of the character of the country, in having the extension from Winnipeg to the Sault completed at the same time."

If, then, the railroad south of Lake Superior, which will form a part of the United States system, can be completed by July, 1882, as, from all the information I can collect, I believe it may be, we shall, within two years and a half, have easy and continuous railroad access to Manitoba. It is estimated that it would take sixty hours to travel from Montreal to Winnipeg by that route, which is a matter of great importance, in view of the large influx of population that we may reasonably expect will take place into Manitoba, and everyone will be sensible of the importance of carrying immigrants from the Old Country to the North-West with the greatest rapidity and comfort. I will quote one or two remarks of the hon. the Minister of Railways. He continued :—

"The road from Thunder Bay to Red River the Government fully expected would be completed by the 1st of July, 1882, and there would be no difficulty, from what he could learn of the character of the country, in having the extension from Winnipeg to the Sault completed at the same time. * * * He believed it was the duty of the Government to aid and foster in every way any enterprise for the development of the country, but he had great faith in the management of railways by private individuals or companies, and he thought the Government would render such assistance as they could afford to any company

that would undertake this work. * * * After a few more remarks, Sir Charles concluded by saying that the Government believed it to be impossible to over-rate the immense importance to Canada of the early development of the resources of the North-West, and he believed that this enterprise was calculated to promote that object by affording the earliest, easiest and cheapest route for the export of the produce of the west to the sea."

So far as the railroad from Lake Nipissing is concerned, it is in the hands of a private company. They hold a charter, with powers to extend their line to Sault Ste. Marie, but they have not complied, I believe, with all the stipulations of that charter, and they seek assistance and extension of time. It matters not, in my opinion, whether the Government take the project up themselves and make it a part of their Pacific line, or allow the Canada Central Company to extend their line to Sault Ste. Marie, with Government assistance, but the interests of Canada demand that the road should be built as shortly and expeditiously as possible. I need not say that it would be a great boon also to the Province of Quebec, which has expended a large sum of money on the trunk line extending from Quebec to Ottawa, and it would also be of advantage to the Intercolonial Railway, as making it a part of the unbroken route from Halifax to the Great North-West. I believe that every section of the Dominion—apart from the interest which we all take in seeing that important new country in the North-West developed, and put in a position to supply large exports over this continent—would benefit by the construction of this road. I should remark that Goulais Bay affords a good and sufficient harbor accommodation for steamers traversing Lake Superior to land and receive their cargoes and passengers, and I have only to hope that, in granting the papers which I asked for to-day, the Government will evince a disposition to meet the wishes of the country, and to give their support and countenance to this project, and to forward its completion with as little delay as possible.

Hon. Mr. BELLEROSE—I feel that the hon. gentleman from Victoria (Mr. Ryan) deserves the congratulations of this House for the course he has taken in bringing this matter under our notice.

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It is well known, and the statements of the hon. gentleman prove it, that it would be a great advantage to the people of this Dominion, if the Canada Central Railway was extended from Nipissing to Sault Ste. Marie at as early a date as possible. It is a wise policy to expend money in extending the Pacific Railway west of the Red River, but I believe that it is also necessary to do all in our power to push on the construction of the eastern end of the road, so as to obtain, at as early a date as possible, a through route from Sault Ste. Marie to Quebec, *via* the Canada Central and North Shore Railways. It would be an advantage, not only to Manitoba and the North-West, but also to the older provinces of the Dominion. The Province of Quebec is very much interested in having this railway constructed as soon as possible, now that the North Shore roads have been completed, as it would, with those roads and the Intercolonial, make a through route from Manitoba to Halifax. I hope that the Government will see their way to do what the hon. Minister of Railways has stated to be so advantageous to the country at large.

Hon. Mr. MILLER—I rise to make a remark or two with respect to what has fallen from the hon. gentleman (Mr. Ryan) who has resumed his seat. I have listened with a great deal of interest and pleasure to the speech of the hon. gentleman, who has brought the question before the Senate and before the country in such an able and lucid manner. I do not think it requires much geographical knowledge to convince anyone that the present duty of the Government, in connection with the Pacific Railway, would be to complete, as soon as possible, railway communication between Lake Nipissing and Sault Ste. Marie. I think the geographical evidence itself is so very clear that the Government should not hesitate for a moment in completing that link. If we wish to control the trade of the great North-West before the all-rail communication can be made between the Eastern Provinces and Winnipeg north of Lake Superior, it must be by the line by Sault Ste. Marie, and I do hope that the bringing of this question before the Senate at the present time may have some influence on the Government in determining them to take the course

which was foreshadowed in the remarks of the Minister of Railways that have been read to the House. There can be no doubt, if we wish to secure that trade; if we do not wish to see it go into foreign channels, we must build this connecting link, which will have the effect, during the navigation months at least, of diverting the trade of Manitoba into the other provinces of the Dominion. As a member from one of the Maritime Provinces, I feel, equally with the hon. gentleman who has just resumed his seat, and with the hon. gentleman from Victoria, that it is in the interest, not only of the Maritime Provinces, but of the Dominion, that this project should be carried out as soon as possible.

Hon. Mr. KAULBACH—Although my hon. friend has expressed my views in better language than I can, in relation to the benefits to be derived by the Maritime Provinces by the extension of this railway to Sault Ste. Marie, I feel it my duty to say a few words on the subject, in addition to what I said last session. If we in the lower provinces are to have the first fruits of the expenditure which is going on in the North-West, it certainly must be in connection with the proposed extension of the Canada Central to Goulais Bay, or to Sault Ste. Marie. It is quite clear that it is the most direct route, and, for cheapness and despatch, it must be the best way to bring out the products, not only of the fertile lands of Manitoba and the North-West, but many of the Western States. In the season of navigation, of course Quebec and our great commercial centre, Montreal, would reap the greatest advantage, but we in Nova Scotia believe that Halifax would derive some benefit from the trade of the North-West taking the Grand Trunk and Intercolonial railways as a winter route. This question came up last year. I think it was introduced by my hon. friend from Quinté division (Mr. Read), and my hon. friend from Halifax (Mr. Power), in an exhaustive speech, full of facts and figures, also expatiated on the great advantages which this connecting link would have for the whole country. I must say that his remarks on that occasion convinced me beyond what I had previously considered to be the advantages of this project. I am very glad

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that my hon. friend from Victoria has brought this matter before the House, and shewn that he is clearly alive to its importance. It will make us, especially the people of the Maritime Provinces, feel that this money expended in the North-West is a matter in which we are all collectively interested, and it will, to a large extent, dissipate much of the antipathy which, no doubt, does exist in the minds of many hon. gentlemen, and in the minds of a large proportion of the public men of the Dominion, with respect to the enormous expenditure which is being made to develop the North-West—which, I consider, nevertheless, in the public interest, we are bound to see to and provide for. I hope the Government will earnestly consider the matter. It is shewn that the Minister of Railways is alive to its importance; and, with as little delay as possible, they will, by subsidy to the Canada Central or otherwise, have that railway extended in such a way as to divert the trade of the west through our own Provinces, down to its natural and proper terminus at Halifax, for exportation to the markets of Europe. I trust the Government will give all possible aid commensurate with the immediate importance which such a connecting link would be to the provinces generally, especially when we consider that many years will pass by before we can expect to extend the line along the northern side of Lake Superior.

Hon. Mr. GIRARD—Although I am, perhaps, the last to rise to speak on this question, I am not the least interested in it. The east has spoken, and it is but right that a voice should come from the west and even from the far west, to express an opinion upon the matter now before the House. Coming from Manitoba, I am not less interested in this matter than the hon. gentlemen who have spoken, and it is well that I should tender my thanks to the hon. gentleman who brought this subject before the House. The question is full of interest, not merely to particular provinces, but the whole Dominion will naturally wish to see, as soon as possible, a through connection from the Atlantic to the Pacific. There is no other project to solve this question more readily if the Government will only adopt it. It is beyond a doubt that the through railway connection north of

Lake Superior cannot be made for many years to come. While waiting for the time when the finances of the Dominion will enable us to complete the all-rail route through our own territory, nothing would so conduce to the increase of our trade with the North-West as connection with the American system of railways at Sault Ste. Marie by the extension of the Canada Central from Nipissing. I must again thank the hon. gentleman from Victoria for introducing this important question. It is not the first project he has brought before the notice of the House, closely affecting the interests of the North-West, and I do hope that the remarks of hon. gentlemen in this Chamber will have considerable influence with the Government. I am sure there is but one opinion on the subject submitted to the House, and that is that the Ministry should, in the interest of the country, make every effort to forward this project.

Hon. Mr. CORNWALL—Coming from the very far west, I am glad to express my views as being in accord with those of the hon. gentlemen who have addressed the House on this question. It is one of very great importance, taken in connection with the successful carrying out of the vast project which is now before the country, and, without attempting to make a speech, I merely wish to express my gratification at the manner in which this matter has been brought before the Senate.

Hon. Mr. SUTHERLAND—I did not rise with the idea of being able to add much additional weight to the remarks made by the hon. gentleman from Victoria, but I must certainly congratulate him on having brought up this question, a question that we in the North-West are very much interested in, though it is a project of more importance to other parts of the Dominion, for if we did not have a pound of freight, or a passenger to bring through from the North-West, still I would consider it a very advantageous undertaking for the eastern parts of the Dominion. There has been nothing said of the great volume of traffic which may be expected from Minnesota and Dakota, which must necessarily come down

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by that road, and will, in itself, tax the whole capacity of the road shortly after completion. I had the good fortune to meet one of the gentlemen connected with the Northern Pacific Railway, and he seemed to be very anxious about the completion of this project, and I understood from him that the Northern Pacific intend to run a line from Duluth westward as a competing line with the one now running into our province. I am sure that hon. gentlemen will all see the advantage it will be for Manitoba to have competition. Although the present line has been a very great boon to us, still, they have a monopoly, and, of course, they charge rates that are much higher than we might expect if we had another competing line. I have met some gentlemen who have been endeavoring to throw cold water upon this scheme on account of its being a competing line to our own line from Thunder Bay to Red River, but I do not think there is any great force in that argument, because our own line will have more traffic, I hope, than it can carry, and if there is any advantage at all in adopting our route, it certainly will have all the patronage of the North-West. At all events, as we do not hope that the through line can be completed north of Lake Superior for some years to come, it is very essential that we should have some line to compete with the present one.

Hon. Mr. POWER—I am very happy, indeed, to find that the hon. gentleman from Victoria (Mr. Ryan), who represents here the commercial metropolis of the Dominion, is so deeply interested in forwarding this scheme. I think I may venture to claim the honor of having been the first to submit to Parliament any detailed statement of the benefits that were likely to accrue from this Sault Ste. Marie Railway; and, as my hon. friend from Lunenburg (Mr. Kaulbach) says, I made a very exhaustive speech last year on the subject, one which, I am afraid, exhausted the patience of my hearers. I do not purpose to trespass on the time of the House at any great length to-day; but I hope hon. gentlemen will bear with me for a little, while I submit a few statistics in relation to this question. Since the time when I ventured to address the House

on this subject, in connection with the motion of the hon. member from Quinté (Mr. Read), in respect to the Georgian Bay Branch, I have ascertained that Sir Hugh Allan, several years ago, contemplated building the Pacific Railway by this route; and, the probabilities are that, if it had not been for the political outcries that were raised at that time, to a certain extent by both parties, this road would have been constructed before now. It is only to be regretted that a delay should have occurred. The hon. gentleman from Ottawa (Mr. Scott), who is not now in his place, informed the Committee on Railways, the other day, that, as far back as 1852, the intention was entertained by prominent business and political men, of building a trunk line from Quebec by the north shore of the St. Lawrence and by the Ottawa to Sault Ste. Marie. I do not think that it is at all to be wondered at, because, as the hon. gentleman from Richmond said, it required a very slight knowledge of geography to see that this proposed road is very much the shortest that can be constructed from the western end of Lake Superior to Montreal and Quebec. This line is straight, and any other line which goes south of the great lakes must be the arc of which this is the chord. There are two or three errors in the calculations which I submitted to the House last year, which, I think, it is due to myself to correct. I may say that my calculations were substantially correct, but not strictly so. I assumed the length of the line from Sault Ste. Marie to South Bay, Lake Nipissing, which is the point to which the Canada Central Railway was at that time to be extended, as being 240 miles. Further inquiry has led me to believe that the length of the shortest line from the Sault to South-East Bay, the present terminus of the Canada Central, would probably be between 260 and 270 miles. The air line is only 234 miles. Then, last year, I was under the impression that the distance from Pembroke to South Bay was only 130 miles; but it is stated—I think, in the report of the Minister of Railways for the present year—that the distance has been accurately ascertained to be 142 miles. This increases the distance from Duluth to Montreal

to 1,024 miles. A company is now asking for an act of incorporation, to build a road from Aylmer to Portage du Fort, crossing the Ottawa at that point, and connecting with the Canada Central, which will shorten the distance from South-East Bay, *via* Ottawa to Montreal, by 24 miles. So that it will leave the distance from Duluth to Montreal exactly, or almost exactly, 1,000 miles, that is 30 miles more than I calculated it to be last year. The distance from Duluth to Toronto would be about 850 miles, instead of 820, as stated by me in the House last year. I am also led to believe that 1,600 miles, the figure at which I estimated the distance from Duluth to New York, is rather too high. The best information I can get on the subject shews the shortest distance from Duluth to New York, by the present lines, to be 1,526 miles. That would give to Montreal an advantage over New York of 526 miles, by our proposed line, instead of 630, as previously stated. From some statistics which Mr. Edgar, President of the Ontario Pacific Junction Railway, was kind enough to place at my disposal, and from other sources, I find that, from St. Paul, a central point in Minnesota, the distance to New York is 1,371 miles; and from St. Paul to Montreal, by Sault Ste. Marie, it would be 1,060 miles, or thereabouts, so that there would be an advantage of 300 miles in favor of the Canadian route. I find that it is 1,526 miles from Duluth to New York by the shortest existing lines, while it would not be more than about 1,400, by the Sault through Canadian territory—a saving of 120 miles, that is, going by the Suspension Bridge. I find a still shorter line can be got *via* Brockville and Morristown. This is a route to which I do not think public attention has been called, so far as I know, up to the present time. Taking it, and going by the Canada Central, and continuing down the Ottawa and Brockville to Brockville, crossing the river at that point to Morristown, and going by Utica to New York, a saving would be made of not less than 250 miles over the shortest American line. Hon. gentlemen will see that that is a very important consideration indeed in connection with this road. Not only.

as the hon. gentleman from Manitoba has just stated, would this road get all the traffic of our own North-West, and that of the North-Western States going to Canadian ports, but it would attract the traffic going to American ports from the United States territory for some distance south of the border. From Glyndon, the point on the Northern Pacific where the road from St. Paul diverges from the main line, to Montreal, it is 1,244 miles; to New York it is 1,606 miles, leaving a difference in favor of Montreal of 362 miles, and, of course, for all points on the Northern Pacific road west of Glyndon, Montreal would have the same advantage. Now, I have been very much gratified, indeed, to see that in the Senate and Commons and throughout the country, the excellence of this proposed road has been universally recognized. I think that, with very few exceptions, people interested in the trade and welfare of this country have recognized its great advantages. Boards of trade of almost every important city in the Upper Provinces, beginning with Quebec, in the east, have either sent delegations or memorials to the Government to advocate the construction of this road; and I was very glad to hear the hon. gentleman from Victoria (Mr. Ryan) lay so much stress on the speech made by the hon. the Minister of Railways, in Montreal, a few months since. He (Sir Charles Tupper) also made a speech in Toronto, in December last, in which he used almost identically the same language. It is to be hoped that that hon. gentleman, who is in a better position than any other gentleman in the country to see that his views are carried into effect, will see that some substantial result will follow from what has been done. I do not propose to say anything respecting the commercial effects of adopting this route, having dealt with them last year; but everybody will recognize that the effect of it will be to build up Montreal and Quebec. I dare say it will have a beneficial effect on the Lower Provinces also, although I must confess that, on that point, I am not quite as sanguine as some hon. gentlemen who come from the same Province as myself. The Americans have taken a very active interest in this matter. I see that a

company has been incorporated which has set to work at the construction of a road by the Strait of Mackinaw up to Marquette. This company proposes, if the Government of Canada proceed with the railway from Nipissing to Sault Ste. Marie, to build a branch from Marquette to Sault Ste. Marie on the American side, and, as the hon. gentleman from Manitoba has stated, the Northern Pacific Railway Company are prepared to extend their road eastward from Thomson Station, close to Duluth, to Marquette. They have already undertaken a survey of about 100 miles of the line from Thomson to Ontonagon, on the south shore of Lake Superior. All that the American capitalists are waiting for now is some action on the part of the Canadian Government—some guarantee that this road will be built on the Canadian side. I may mention that the capitalists of St. Paul and Minneapolis are building a road direct to Marquette from St. Paul. With the permission of the House, I shall read an extract from the *Detroit* correspondence of the *Toronto Globe*, in February last;—

“The sooner the Sault Ste. Marie branch of the Canada Pacific is built, and the Ontario Pacific Junction road to connect it with the Ontario roads, the sooner will Canada be able to bid for the large traffic sure to come to the Sault. As a Canadian, and knowing of what I write, I can say it is no secret that the three railway projects—the St. Paul, Duluth, and New Sault Short Line—are all three not a little delayed by the doubts of what the Dominion Government really intends to do, as the Americans do not wish to spend money pushing forward roads to the Sault if it is to be several years before the Canadian connection will be there to receive the business. There is no object in building from Duluth or St. Paul simply to carry grain to Mackinaw, where it would have to be ferried over the Straits, and brought down from the north of Michigan, to make a connection at Detroit with a line direct to the seaboard. The present lines from St. Paul *via* Chicago are better than that; therefore, if Canadians are really desirous of securing this immense North-West trade, which they can have by going to the Sault for it, they will require to be up and doing, and see that something authoritative is said by the Government that can be depended upon as reliable, and when that is done, that the Government work be pushed on without a day's delay.

“The Americans who have these enterprises in hand are shrewd, far-seeing, wealthy business men, and their large interests in the North-West will lead them to push forward

their part of the work as fast as possible from the very moment they know definitely what Canada is doing or going to do."

Now, the importance of this road being recognized, the only question is what aid it should receive, or whether it should receive any aid, from the Government? It is clear that the effect of the construction of this road would be to give very great impetus to the trade of Toronto, Montreal, Quebec, and some other places. The principal benefit to be derived from the St. Lawrence Canals, if they are to do any good to the country, is the building up of Montreal and other Canadian cities by the traffic to come down from the west. Of course, there is a certain amount of Canadian capital invested in the carrying trade; but I presume that the principal object the Government have in expending such large sums of money on the St. Lawrence Canals is to make Montreal the great port for the grain produce of the west. For the year ending June last, this country expended on the St. Lawrence Canals, for construction alone, \$2,663,000. That sum alone is as much as would be required to be paid for the entire construction of the road of which we are speaking, and I see that there is another sum of something like six millions of dollars in the Estimates of this year for the St. Lawrence Canals. This enormous expenditure has been going on for a number of years, and there is no likelihood of its ending very soon. It seems to me that, if this country can afford to expend such a vast sum of money on the canals, with some doubt as to whether the result will be very beneficial, we should not hesitate to expend a comparatively small sum of money in an enterprise of the results of which there is no doubt whatever. Having said this much on the general question, I should like to draw the attention of the leader of the Government in this House to one or two practical points in connection with this road. Some documents were laid on the table of the House of Commons a few days ago, in reply to an address of that House, asking for papers in connection with the cancellation of the Georgian Bay Branch contract, and for a statement of what had been done during the year. Now, it appears from that information, and from some words

that fell from the Minister of Railways, at Montreal and Toronto, that the advisers of the Minister of Railways have shewn a perverse ingenuity in dealing with this scheme.

Hon. Sir ALEX. CAMPBELL—Who have shewn it?

Hon. Mr. POWER.—The advisers of the Minister of Railways: I do not say the members of the Government themselves. I presume the advisers are professional men. I say, with all deference to these advisers, and with a consciousness of my own ignorance in engineering questions, that these gentlemen appear to have done their best to destroy, as far as possible, the utility of this road. The first survey that was made of the route from the Sault to Lake Nipissing was by Mr. Murdock in 1871. He made a regular instrumental survey, beginning at the Sault and running eastward 100 miles. That brought him to a point a short distance west of Serpent River, near the shore of Lake Huron. From that point (his report has been printed, and is in the 12th volume of the Sessional Papers for 1879) he made an exploratory survey eastward to the east side of French River. In all that distance he met with no serious obstacle to the construction of a railway. He also found that part of the country was fairly good agricultural land. There was no great difficulty in crossing French River, nor did the land rise at any point on the route more than 100 feet above the level of Lake Huron. One would suppose that, when parties were subsequently sent out to ascertain what was the best way to locate this road, they would have been instructed to find the most direct practicable line either from the mouth of Spanish River or from the point where Mr. Murdock's instrumental survey ended, to South East Bay. The most direct line, judging from the map, would have been south of Lake Nipissing, between the Lac Coche Mountains and Lake Penage; but the fact is that no engineer was sent there at all. Two engineers were sent to make a survey north of Lake Nipissing. I should respectfully ask the Minister of Militia to hear the objection which I venture to suggest to the line

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north of Lake Nipissing. In the first place, taking the actual mileage of the route, the line north of the Lake, as surveyed by Messrs. Austin and Brunel, is at least fifteen miles longer than the one to the south. In the next place, while the elevation above the waters of Lake Huron, on the southern line, is not more than one hundred feet, the northern line rises 365 feet higher. If there was only one summit to be overcome it would not be a matter of so much consequence; but the fact is that, at several points, summits of almost that height have to be dealt with. I do not know from my own knowledge, but I have been informed by gentlemen who are familiar with such matters, that every twenty feet of elevation on a railway line is equivalent to a mile in distance; the consequence is that this northern line, as surveyed, would be almost thirty miles longer than the one to the south; in addition to which, the curvatures on the northern route are much sharper, and the country is poorer. One would naturally ask why it was that such an unreasonable line had ever been thought of or adopted. The reason given for it by the Minister of Railways, a reason, I presume, suggested to him by one of his subordinates, is that, by building the road to Sturgeon River, this line would ultimately form a part of the all-rail route north of Lake Superior. I do not think that that is a satisfactory reason at all. In the first place, I think it may be found, as it has been already found in many instances, that the Government engineers have been mistaken as to the best route for this section of the Pacific Railway. The present Government, and the majority in both Houses, have become convinced that the engineers were mistaken with reference to the proper route to be taken through Manitoba, and the road has been diverted from the line originally adopted, because it has been found that the advice of the engineers was erroneous. It may be that a better line may be found by the Montreal River than by the Sturgeon River, or, if the road is constructed to Sault Ste. Marie, I have no doubt that a very easy line can be found by the Missisagaua River, and perhaps from Goulais Bay, to the alternative line to Thunder Bay, as laid down on the plan

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accompanying the Chief Engineer's report for 1878. I think there is another reason, which is still more satisfactory, why the Southern route should be adopted: This road is a commercial road; its advantages are all commercial, and it should be constructed on commercial principles. Every mile added to this route, either by increasing the mileage, or by increasing the grades and curvatures, is so much taken away from its usefulness, and a weakening of the great argument in its favor. I venture to hope that the Government will, during the coming season, take steps to have a survey made to connect Mr. Murdock's instrumental survey with the survey south of Lake Nipissing.

Hon. Mr. DICKEY — After the shower of compliments that has been poured upon the head of my hon. friend from Victoria (Mr. Ryan); I do not desire to add to his embarrassment by going on in the same direction, for, knowing, as I do, his native modesty, I fear that he would be overwhelmed were I to do so. But I must congratulate the House upon the general accord that has been expressed upon the views enunciated by the hon. gentleman, and which, as the House is aware, have not been expressed for the first time to-day in this Chamber. I should not have risen had it not been that the hon. Senator from Halifax (Mr. Power) has ventured to say that he was the first to bring the subject before the Senate when he introduced it last year. I can only account for the misconception of my hon. friend by calling his attention to the fact that, when these views were first expressed here, he was not a member of the Senate at all. It was in 1870 or 1871 that my hon. friend from Saugeen (Mr. Macpherson), whose absence we all deplore, first brought this question prominently before us. On that occasion, having made up my mind on the subject, I ventured cordially to support it. We two, at that time, stood almost alone in the contention that a line to connect the Canada Central with the the Sault Ste. Marie should be subsidized by the Government or built as a part of the Canada Pacific. We were overwhelmed with objections when we ventured to press that view upon the House. It is but fair to state that we further contended that the

construction of the Canadian Pacific Railway proper should commence at the Red River and go westward, so as to attract immigration into the North-West, and thus afford the means of afterwards building the line from Winnipeg eastward to Lake Superior. That policy was reversed by the late Government. Our contention was that we should, for a time, at all events for years to come, direct our attention to building a railway to the Sault, so as to carry out two objects—one, to tap the navigation of Lake Superior and take the trade which would come from the North-West by that lake, or by the extension from Red River when built; and the other to take the trade which would come over any American system of railways that would be constructed south of Lake Superior. My hon. friend from Quinté (Mr. Read) and myself, on several occasions, battled against the Georgian Bay Branch. We contended that, instead of wasting money upon an unprofitable and, as far as we knew, an impracticable undertaking, we should extend our railway system to Sault Ste. Marie. That was the contention for years in this House, and I was surprised, therefore, to find that our attention was first called to it last year. My hon. friend from Halifax gave us a very interesting speech, full of statistics, upon the subject, and I was very glad that he was not here under the *regime* of the late Government, for, possibly, he might have been committed to a different course. Taking an independent view of it last year, he took the right view, and supplemented it with a large array of figures. I am glad to find that we are taking a common-sense view of the subject to-day, and that, if we are to have a railway constructed there, it should be to Sault Ste. Marie, so as to catch the trade of our own North-West coming down by Lake Superior, and also the trade of Minnesota and other Western States, brought to it by the extension of American railways. That policy was advocated some years ago, as I have explained, and was sustained in this House before my hon. friend from Halifax took his seat here, and I am glad to recognize him now as one of its warmest supporters.

Hon. Mr. WARK—The hon. member who has just sat down rose to

Hon. Mr. Dickey.

correct a mistake which the hon. Senator from Halifax made, and for which, perhaps, that hon. gentleman was not blameable, since he was not a member of the Senate when the subject was discussed some years ago; but I must correct a mistake which the hon. Senator from Amherst (Mr. Dickey) has himself made in stating that he and the hon. Senator for Saugeen stood alone in supporting this project in 1871. I advocated it on that occasion, as he did, and the argument that I made use of, in reply to those who objected to connecting with American lines, was that the Americans used our lines—the Grand Trunk and the Great Western—in carrying the traffic of the west to the seaboard. I claimed that we should utilize a portion of their lines in the same way that they used ours.

Hon. Mr. POWER—I think, it will be remembered that I did not claim any special credit for having brought the scheme before Parliament. I think my remark was something equivalent to saying that it would strike any man who looked at the map, as a feasible project. I was not in the House in 1871, but I am very glad to learn that the hon. Senator from Amherst took such a sensible view of this matter on that occasion. When I introduced the subject last session neither the hon. Senator from Amherst nor the hon. Senator for Saugeen spoke of the view that I then ventured to take as having been expressed by themselves before. I remember that the hon. Senator for Saugeen stated on that occasion that my speech possessed the merit of freshness.

Hon. Sir ALEX. CAMPBELL—It can hardly be supposed that it would be possible for me to indicate, on a motion of this kind, the policy which the Government is prepared to pursue with reference to this railway. That the Government is fully alive to the importance of this project cannot possibly be more clearly shewn than by the remarks of the Minister of Railways, which the hon. Senator from Victoria (Mr. Ryan) has quoted. The advantages of the road to the Province of Quebec, as a means of through communication, are, no doubt, very great. My hon. friend does not allude to any disadvantages, but the Gov-

ernment, in taking so large a responsibility as a work of this kind involves, are obliged to look at the disadvantages as well as to the more gratifying side of the question. To construct this road would involve a very large expenditure of money; if built as a Government work—\$7,000,000 or \$8,000,000—and, if built by a private company, and aided by such subsidies as have been given to other roads under similar circumstances, some \$2,000,000 or \$3,000,000. These are very large sums of money, and, it must be remembered, that the Government is already committed to a heavy expenditure for railway communications. The question of the construction of this road has formed the subject of anxious consideration with us. There is a view which has been presented to us, and which has been alluded to by the hon. Senator from Manitoba—that the construction of this road, if it should connect at the Sault with an American line from that point to St. Paul, would be the means of diverting a large trade from our own line, which will soon be completed from Thunder Bay to Manitoba. If that should be the case, after the enormous expenditure involved in constructing our line, it would be very unfortunate. Whether this road, which my hon. friend from Victoria advocates, would be met at the Sault by another road on the American side is not known, but I think the probabilities are that it would be met; and, if it should be, he urges that you would still run on to Goulais Bay, and connect there with a line of steamers to Fort William, which would enable you to do a large business, and justify the Government in undertaking this work, or subsidizing a company to build it. Considering the disadvantages, as well as the advantages, the danger of failure as well as the chance of success, the Government is obliged to go carefully, and I am not prepared to indicate now what the policy of the Government will be. I recognize the importance of the road, and especially its importance to the Province of Quebec. That Province having gone to a large expenditure to construct a railway from Quebec to Ottawa, undoubtedly if it is a work which we can, with fair consideration to the other provinces and the large

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responsibilities which we have already incurred, undertake, it should have any assistance that we could give it, consistent with the responsibilities to which I have referred. But, while the Government is fully alive to all this, it is the St. Lawrence route which we are all interested in. To a considerable extent the interest of the Province of Quebec is the interest of all Canada. We are all interested in enlarging the traffic which descends by the St. Lawrence route, and it seems to me that everything which comes to Fort William will be of advantage to that route. After the completion of the road from Red River to Thunder Bay, the products of the North-West, which, we hope, are increasing enormously, will find their way to Fort William, and thence, by water communication, descend to Montreal and be transhipped to England. The hon. Senator from Halifax (Mr. Power) has referred to the large sums expended upon the canals, and, by some error, has, if I heard him correctly, supposed that the construction of this railway would benefit the canals.

Hon. Mr. POWER—I did not suggest any connection between them at all.

Hon. Sir ALEX. CAMPBELL—Of course, the effect would be to diminish the business of the canals. I am very much struck with, and will bring to the notice of the Government, the very remarkable chorus of assent which the suggestion of the hon. Senator from Victoria (Mr. Ryan) has received from all parts of the House, and from gentlemen representing every province in the Dominion. No doubt such an expression from this branch of the Legislature is entitled to and will receive the respectful consideration of the Government. All I can say with reference to the subject is, that it is receiving our anxious consideration, and, as to the motion which my hon. friend from Victoria has made, we shall be very happy to lay on the table copies of all the papers to which his address refers.

Hon. Mr. ALEXANDER—I desire to express my concurrence with the views of all those who have borne testimony to the able manner in which the

hon. Senator from Victoria has brought this subject before the House. The time of the Senate is well employed in discussing all those questions relating to the development of the country. At the same time, I quite agree with the leader of the Government in this House, and I was very glad to hear him drop one expression—that, while we admit the possibility of extending our trade in that and many other directions, the Government must, under our present obligations, proceed with great care to enter into deeper responsibilities. We are involved in enormous expenditures for our canals. We are building a road from Thunder Bay to Red River. We have already the navigation of Lakes Superior and Huron, and with regard to this work, while we all agree that it would be most desirable, in the interest of Ontario and Quebec, if it could be built by a private company, yet, when we look at our heavy responsibilities and the uncertainty of a line being built from Duluth to the Sault; to meet the road on our side, I should look with alarm upon any additional expenditure in this direction. We have the railroad from Thunder Bay to Red River nearly completed, and powerful propellers will be built to run from Prince Arthur's Landing eastward. This railway, which has been advocated here to-day, would only carry our railway system to Sault Ste. Marie, and would not get over the difficulty of Lake Superior. Under all these circumstances, while we have to thank the hon. Senator from Victoria for bringing the matter before the House, we should hesitate before incurring any new responsibilities. We have great geographical difficulties to overcome in developing our country. Our astute American neighbors have taken the lion's share of this continent, leaving us a large amount of the crust to develop. It is true that we have the fertile North-West, but we have also that region of rocks, north and west of Lakes Superior and Huron, and the enormous expense which we must incur to reach our fertile prairie lands will entail upon this country quite as heavy burdens as our people are prepared to bear.

Hon. Mr. HOPE—Had the views of the hon. Senator from Halifax been the same as those of the hon. gentleman

Hon Mr. Alexander.

from Amherst at the time he gave utterance to them, I certainly should not have seconded the motion which my hon. friend (Mr. Power) made last session to bring down the report of the survey of the line between Sault Ste. Marie and the south shore of Lake Nipissing. The fact is, the scheme to which the hon. Senator from Amherst referred and the one now under discussion are two different schemes. What was proposed in 1871 was a connection with the American system of railways at Sault Ste. Marie, ignoring entirely the construction of any Canadian Pacific Railway north or west of Lake Superior. We were to be left dependent entirely upon American railways, running through American territory, for communication with our own North-West. Parliament very wisely, and in a spirit of true patriotism, rejected that proposition, and determined that communication with our North-West should be through Canadian territory, by building a railway from Thunder Bay to Red River. But the scheme as proposed last session and taken up now by hon. gentlemen, is that the route from the Sault is to be a connecting link with the road from Red River to Thunder Bay, and we expect to see a great amount of traffic brought down the Canada Pacific Railway from Winnipeg to Fort William, where it will be loaded into large steamers and brought down to the Sault. At that point it will be put upon the railway and taken by rail down to Montreal. For that traffic there will be competition from Sault Ste. Marie to Montreal, as the steamers can pass down through the Welland Canal, to that port, instead of unloading at the Sault. There is no doubt that this will build up the trade of the St. Lawrence, as well as furnish traffic for the railway. I think it is but right that the hon. gentleman from Amherst should be corrected with regard to the proposition which he had in view some years ago, to connect with the American railways, and leave us dependent upon them, instead of having communication through our own territory. I think that the course now being pursued is the correct one, a patriotic course, and one I am glad the Government have expressed their willingness to aid and assist.

Hon. Mr. DICKEY—Did the hon. gentleman object to our contention that this line should be built to Sault Ste. Marie because it was to tap American trade at that point? If so, will he tell us upon what principle he supported, year after year, the Georgian Bay Branch scheme to connect the waters of Lake Huron, which was projected long before the line from Fort William to Red River was undertaken?

Hon. Mr. HOPE—The understanding was that there was to be a shipping port on Georgian Bay, and the produce and traffic coming from the west in steamers would be transhipped at French River, and brought down from there to Montreal by rail. It was something similar to this scheme, but this is a better one, as it will be more direct and more rapid; but the other project I never had any sympathy with, as it would have made us dependent upon the Americans. It was a proposition that the Government should never have listened to.

The motion was agreed to.

THE SENATE DEBATES.

A COMPLAINT.

Hon. Mr. MILLER—Before proceeding with the Orders of the Day, I should like to call attention to the report of a debate which occurred a few days ago in this House on some remarks which fell from me. I am very sorry to observe that the hon. Senator from Woodstock (Mr. Alexander) is not in his place. I started a discussion on that occasion, and was followed by the leader of the House, who made some remarks in support of the view which I then took. The hon. Senator from Woodstock came into the House while the hon. Minister of Militia was speaking, and indulged in very warm and severe condemnation of the observation which the hon. Minister had addressed to the House. I interrupted the hon. member, and told him that I, and not the Minister of Militia, was the one who had brought the subject before the Senate. I did that in the most marked manner. I rose in my place and did it in the most emphatic manner, but my remark does not appear in the official report. The reporters thought proper to suppress—to

dishonestly suppress my remarks, and gave them a different color altogether on that occasion. Not only that, but at the conclusion of the debate, the hon. Senator from Woodstock, when his attention was called to the fact that I had originated the discussion, publicly made an apology on the floor of the House to the Minister of Militia, and that apology has also been suppressed by these reporters. Now, for my own part, I do not care, because I have no confidence in their honesty, ability, or impartiality; but I say that it is an insult to the House that should not be tolerated, that two paid servants of the Senate should be permitted, unfairly and dishonestly, to report its proceedings, as these men are doing at this time. After the hon. Senator from Woodstock had understood that the Minister of Militia was simply remarking upon some observations which had fallen from me, he got up in his place and apologized to him for the style of address he had indulged in. Certainly, those observations should have appeared in the official report, but they were suppressed, and still the House imagines that it has an official report of its proceedings. Now, a few days ago, another debate occurred, in which several members of the House expressed their opinions. I am not sorry that that debate was suppressed; but, without any reference to me, remarks of mine, of the leader of the Government, and of several gentlemen on the floor of this House were suppressed. By what authority, by what secret influence this sort of thing is done by men who are paid here as servants of the House, I cannot understand. I think it was due to the hon. gentleman who leads this House, whose courtesy is a matter of notoriety in the Senate, and who was attacked in the most unjustifiable manner by the hon. Senator from Woodstock the other day, that the apology which the hon. Senator (Mr. Alexander), prompted by his own gentlemanly instincts, offered, when he found that he had made a mistake, should have been placed in the official report of the debates. It was not done. By what secret influence these individuals are controlled, I know not, but I have evidence that some of the vilest attacks upon me, which have appeared in some

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newspapers of late, have been instigated by these paid servants of the House. I treat them with contempt, of course. I care not what they may say or do, or how much they may influence penny-aliners to assail me in some of the Grit journals. I trace where the inspiration comes from, and I know that we have here, on the floor of the House, a couple of paid spies, ready to do any dirty work that may be required of them by political opponents.

Hon. Mr. KAULBACH—I must say that I cannot sit quietly here and allow this attack of the Senator from Richmond to go unnoticed. I think he has not taken a fair course in making an attack upon gentlemen who occupy the position of paid servants on the floor of this House. He has attacked men who are not in a position here to defend themselves. He has charged them with dishonesty, partiality, and with being "paid spies." He is a member of the Debates Committee, as I am myself, and if he had any complaint to make against the contractors for the reporting of the debates, he should have come before that Committee, where any grievance with regard to these gentlemen and their reports would have been fully and impartially investigated and every deference and respect paid to him. Any insult offered to him as a member of the Senate I consider offered to myself and the Senate, and that is the spirit, I am sure, which animates every member of this Chamber. The Debates Committee met this morning, but the hon. gentleman did not attend, although he was sent for and requested to come, as we had to deal with matters connected with a proposed system of reporting. We paid sufficient respect to him to await his coming longer than the time usually given to absentee members. He did not choose to attend and state his grievance there, but he has preferred laying it, in this manner, before the Senate, and attacking, in this way, gentlemen who are powerless to resent the insult in this Chamber. Whether they have written or inspired any attacks upon the Senator from Richmond, I do not know, but I cannot believe that they have been guilty of anything of the kind. I know very little of the contractors, except that they do

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their duty in a manner that is very satisfactory to the Senate, and the hon. Senator has done a gross injustice to men who, I believe, are in every way and in all things desirous to do their duty faithfully and impartially to every member of this House. It is due to ourselves that the conduct of the hon. member should not pass unrebuked.

Hon. Mr. FLINT—When this question was up the other day, and when the hon. Senator from Woodstock came into the House and commenced his attack upon the Minister of Militia, I tried to get his ear and explain that he was mistaken, but could not. As soon as he had got through, I spoke to him and explained that he was altogether wrong, and he assured me that he would make an ample apology, which he did. I spoke to him again in reference to his speech, and said, "Do you intend to let that speech go into the official report? If you do it will do you a vast amount of damage. I should regret to see you placed in that position." He said, "Come with me to Mr. Miller." We went to that gentleman's room and some conversation took place. The hon. Senator from Woodstock offered to withdraw his speech if the hon. Senator from Richmond would withdraw his, but the latter would not consent to it. I found him a little more outrageous than he ought to have been in reference to the matter. The hon. Senator from Woodstock came again to me and said that he would have it all right. When I saw the speech in print I observed that the strong language had been taken out of it, and I was very glad that it had been. As to the attack that the hon. Senator from Richmond has made upon the contractors for the reporting of the debates, I think he is not justified in the course that he has taken. These gentlemen have endeavored to do their duty faithfully and impartially. There may be some little difference of opinion between them and the hon. Senator from Richmond. If there is, I think he should have endeavored to have it settled quietly instead of bringing it before this House, and making use of strong and offensive language towards gentlemen who have no opportunity to defend themselves. I think he will, on calm reflection, withdraw the language that he has used.

Hon. Mr. VIDAL—I am sure that the remarks of the hon. Senator from Richmond (Mr. Miller) must have been painful to every member of the House. I share in the regret that has been expressed in reference to the language used by the hon. gentleman, and which, I feel persuaded, in cooler moments, he would himself regret. I must bear testimony, as far as my knowledge goes, to the efficiency and faithfulness of our reporters, and the accuracy with which the reports of debates and proceedings in this House have been given to the public. So far as I am personally concerned, I do not give them much to do, but, whenever I have addressed the House, so far from lacking confidence in them, I have always felt it an advantage to have my remarks pass through their hands. Even if I believed them guilty of the charges which have been made against them, I should still say that the manner in which the matter has been brought before the Senate must meet with our condemnation. It should, at least, have been discussed with closed doors; but since this course has not been followed, I cannot sit in my place and hear gentlemen bitterly assailed when they are not permitted to open their mouths in their own defence. For aught we know to the contrary they may have been instructed by the Chairman of the Debates Committee, who directs their movements, to omit those portions of the debate which have not appeared. I know nothing of the matter, and I hope that nobody will imagine that I am insinuating anything against the hon. Senator from Woodstock. I am merely using a suggestion, not improbable, as an illustration to shew that these gentlemen may be innocent of the charges made against them, and yet they must sit here silent under the opprobrium of an unfounded attack. It must be exceedingly painful to them, and it is a position in which, I think, no gentleman has a right to place them.

Hon. Mr. MILLER—I differ from the hon. gentleman as to my right to state what I believe to be the truth on the floor of this House, and I am not here to submit to him or any other member of the Senate in exercising my judgment on the matter. I express simply what I believe to be the facts of the

Hon. Mr. Flint.

case. It is untrue and unfair to suppose that these men have no means to vindicate themselves. A few days hence I will, no doubt, see some anonymous, assassin-like attack upon me in some Grit papers in consequence of what I have said here to-day. They have their own means of defence—their foul and dirty means, it is true—but still such means as they like to resort to. I believe they have instigated attacks upon me through the papers of the country, and, therefore, it is unjust to say that they have not the means of defending themselves.

Hon. Sir ALEX. CAMPBELL—Although I regret very much that the hon. Senator from Richmond found it necessary to make such a statement of officials in the service of this House, yet, I think that a statement of such a serious nature, made from his place in the Senate, cannot possibly be passed over, and I cannot, as leader of the House, suggest that it should be. On the contrary, I think that the responsibility of making it having been assumed in that serious way, it is incumbent upon us to give the member making it an opportunity of taking such steps as he thinks necessary to establish the truth of his statement, and, if he should succeed in doing so, to prevent a recurrence of such conduct. I have never before, I am glad to say, had occasion to make a motion with regard to such a matter, but it seems to me that the proper course to be pursued is to refer it to the Committee on Privileges, who will sit with closed doors and before whom an inquiry, if the hon. gentleman wishes to pursue it, will be made. If the hon. Senator from Richmond does not indicate that he does not wish further to prosecute the matter, I move that the statements made in his place by the Hon. Mr. Miller with reference to the official reporters, be referred to the Standing Committee on Privileges.

Hon. Mr. WARK—I think it is to be regretted that, on the former as on the present occasion, this subject was brought up in the absence of the Chairman of the Debates Committee. He is now in his place, but is not aware of what has been said. I think, when the inquiry is made, it will be found that the reporters have

made only such changes in the report of last Thursday's proceedings as he directed. I should like to know from him whether that was the case or not.

Hon. Mr. ALEXANDER—I was not present when this discussion commenced, and do not know what has taken place.

Hon. Mr. WARK—The hon. gentleman will have another opportunity of replying to my question.

Hon. Mr. DICKEY—This is a very painful and unpleasant subject to discuss, but I think we must distinguish between the charge itself, that has been made, and the language in which it was conveyed. While I listen with the greatest possible respect to the charge which an hon. gentleman, in the exercise of his undoubted privilege, thinks it his duty to make before the House, for his own protection, as well as for the protection of other members of the Senate, I, at the same time, feel that I cannot but express my regret that that statement was not made in language less offensive to the feelings of the House, and I would fain hope that my hon. friend, when he comes to reflect, will feel that the expressions which he used to-day might well have been left out. But that has nothing to do with the question before the House, because, no matter how much a gentleman, under the influence of lacerated feelings, may go beyond the bounds of what we, in our cooler moments, may think proper, yet, at the same time, the charge which has been made is one affecting the security accuracy and integrity of our official reports, upon which we all rely. Therefore I think it is quite right that the hon. leader of the Government should take notice of that charge, and I separate it in my mind entirely, as I think the House will, from the extravagant terms in which that charge has been made. But the charge having been made, we must deal with it, in accordance with the practice of Parliament. Therefore, I think the leader of the Government has taken the proper course. The Committee on Privileges is the constitutional tribunal to consider a charge made by a member against the reporters of the Senate, and I quite agree that the inquiry should be made with closed doors. We are bound to deal with the charge, not only for the

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sake of the hon. member who has made it, on his own responsibility, but for the sake of the Senate as a whole, because we are all indirectly affected by it.

Hon. Mr. VIDAL—I entirely agree with the remarks that have fallen from the hon. Senator from Amherst (Mr. Dickey), but I think a third reason might be assigned for taking this course. The inquiry is necessary, not only for the protection of the hon. Senator from Richmond and every member of this House, but I say that it is also for the protection of those gentlemen who have been assailed; and without any conference with them, whatever, or knowing their defence; I venture to say that it is only a matter of right and justice to them, and, I may add, I am satisfied that it is their desire that this charge should be investigated in the manner proposed.

The motion was agreed to.

BRITISH COLUMBIA SUPREME COURT JUDGES' BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (44), "To provide for the salaries of two additional judges of the Supreme Court of British Columbia." He said: This Bill is before the Senate for the second time, and, I think, under very different circumstances from those which surrounded it when we first had it under consideration. The measure is for the purpose of providing salaries of \$4,000 each per annum for two additional Supreme Court judges in British Columbia. When last I presented a similar bill to this branch of the Legislature, I was met by my hon. friend from Ashcroft with a keen opposition, so keen an opposition that it defeated me, and the measure was rejected, but I am glad to know that my hon. friend takes a somewhat different view of the duty which devolves upon him with regard to the present Bill. It is one which I think is simply a money bill, and, as it has received now, for the second time, the sanction of the House of Commons, and, although this branch of the Legislature thought they were justified, on a former occasion, in rejecting it, as we did once reject a similar measure in reference to some judges in Nova Scotia, yet, when it comes up a second time, having received

the sanction of the House of Commons, I am glad to know that my hon. friend from Ashcroft feels that he will be justified in allowing it to pass this branch of the Legislature. I think that the House will, generally, concur in the view that a bill which is simply to provide salaries for two judges should not be rejected, by us, after having been twice sanctioned by the other Chamber. That seems to me to be the proper view to take of it in this branch of the Legislature.

Hon. Mr. CORNWALL—With respect to this Bill to which I, last year, expressed a strong opposition, I have only to say that the circumstances by which it is surrounded, are, to my mind, exactly the same as they were then, and exactly the same objections to it exist now as existed at that time. But, as the hon. leader of the Government has explained, I have felt it my duty to take a different view of the subject from what I did last session, and to consider that, in view of the peculiar circumstances attending the presentation of the Bill for the second time to this House, I am obliged to withdraw my opposition to it. The facts of the case are these: the carrying out of the changes proposed to be made will cost the Dominion more money for the administration of justice than it has done; and justice is not likely to be as well administered under the proposed changes in British Columbia as it is at the present time. These two objections still exist with all the force they had last year. But, on the other hand, I find that the Local Government (presumedly expressing the wishes of the people) is persistent in its wish to bring about this change; I find, in the second place, that the Dominion Government is also persistent in its wish to carry out the views of the Local Government; and I find, further—and, perhaps, this has more weight with me than either of the other considerations—that, in the House of Commons, this session, this measure has been supported, in a more or less qualified manner, by every member representing British Columbia in that House. Again, I find that, although last year the three representatives of British Columbia in this Senate were unanimous in opposing the passage of this Bill, this session there is one hon. gentleman from

Hon. Sir. Alex. Campbell.

that Province who, I have reason to believe, will support it. These considerations force me to say that, although, personally, I have the strongest objection to the passing of this Bill, for the reasons mentioned, I have made up my mind that it is my duty not to oppose it in the same way I did last session, or to make any motion in reference to it. I cannot, however, refrain from asking the Government to pause before they exercise the power which this Bill will give them of appointing two Supreme Court judges in British Columbia, and begging them to look carefully into the question, and see whether they are justified in carrying out the object which the Provincial Legislature has in view when it asks for these changes to be made.

Hon. Mr. MACDONALD—Before this Bill passes, as I suppose it will pass, as the Government have determined that it shall become law, I wish to say a few words. I do not know if it is to be continued as a rule that whatever bill passes the House of Commons the second time must necessarily be accepted by this House.

Hon. Sir ALEX. CAMPBELL—It is not a rule, but it is usually the practice.

Hon. Mr. MACDONALD—After a year's delay, and after a year's time to reflect on the course I pursued last session, on a bill similar to that before us, I am as firmly convinced now as I was then that I took the right course on that occasion: that there was no occasion for this measure, and that it inflicts an injustice on gentlemen who have performed their duty honestly and faithfully in the Province for the last twenty-five years. When a bill of a similar nature was defeated last year, many hon. gentlemen supposed that a great deal of ill feeling and dissatisfaction would be caused thereby in British Columbia; but such has not been the case. I returned to that Province after the session, and I heard no complaints, nor did I see any manifestation of dissatisfaction or ill feeling at the defeat of the measure. In fact it was never brought up by the public; it was a matter over which the public mind had not been exercised. The law is properly administered and fairly

carried out at present and that is all they look to or wish for. I reside in the same locality as the judges do, and if my motives for opposing the bill could be attributed to a desire to have them remain where they are, surely the same motive could not be attributed to the hon. gentleman from Ashcroft, who resides three hundred miles from them, and yet thinks with me in this matter. Surely he ought to know, living at so great a distance from where the judges reside, whether the contemplated change in the judiciary of the Province is called for and is required in his district. If the change were necessary, I am sure he would be found to be the first to support this Bill, and the last to oppose it. In this matter, my hon. friend and myself are actuated by the same motives: to prevent, as far as we can, injustice being done to the judges of British Columbia. These gentlemen have been Dominion officials for the last ten years, and have given universal satisfaction in the discharge of their duties. When the Province came into the Union, the duties of the Supreme and County Court judges were clearly defined, and they had every reason to expect that the Government of the Dominion would not suffer anything to be done which would lower their status or impair their influence. The Bill before the House will lead to a breach of faith with the Supreme Court Judges, and it will throw upon them work of an inferior and insignificant character—work of which they were relieved some ten years ago, and to which they did not expect they would have to return. The change is neither beneficial nor desirable. I might also refer to the financial part of the Bill, and the extra cost it will involve in the administration of justice, but I shall not do so. I would like, however, to have the expression of the House on this fact: that we should not allow this to be a precedent that we are bound at all times to follow, and give effect to such measures as the Provincial Governments desire to put into operation. I should like to hear the leader of the Government say that, although he considers it necessary on this occasion to give effect to the Act of the Provincial Legislature, that he does not feel himself bound to do so on all occasions. I think it would be a very

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wise policy to put such a qualification on record.

Hon. Mr. KAULBACH—I have no doubt that due weight should be given to the expressed opinions of any local legislature, and especially, in this Chamber, to those of the smaller provinces, but, while due consideration should be given to the expressed opinions of the Local Government on such matters, the Federal Government should, on all occasions, be able to justify the expenditure, and shew that it is necessary in the interests of the country. I do not think that in this case, the Government have, either on the former occasion or now, shewn that this expenditure is necessary for the efficient administration of justice in British Columbia. Some do not hesitate to say that the present expenditures on the judiciary in British Columbia are very much out of proportion to the number of its population, some 35,000 people, all told. Certainly it is enormous and disproportioned to any other province. If I remember rightly, before Confederation, that Province had only two Supreme Court judges, and they were found to be sufficient. After Confederation, a third was appointed on the plea that he was necessary as an arbitrator, so that, on a division of opinion, there would be a decision, and now the demand is that they should be increased to five, although there has not been such an increase in population or advance in trade or business as to justify such an addition to the judiciary. When I heard my hon. friend from British Columbia (Hon. Mr. McDonald) just now contend that the service would be more expeditiously and economically performed as it is at present than under the proposed change, I would be inclined to again oppose the Bill, but for the reasons assigned by the Government and by the hon. gentlemen from Ashcroft and New Westminster. Last year, when we had this matter up before us, and this session, when we had the subject of the salaries of the judges of Prince Edward Island under consideration, I understood the Government to say that a general revision of the salaries of judges of all the provinces would be taken into consideration. I think "next session" was the time mentioned by the leader of the Government on that occasion. I am very sorry that this

matter has come up, as I do not believe the Government have given sufficient reason for its being pressed this session, or that the additional judges are necessary. It is not in the interest of economy that this Bill before the House should be adopted. No doubt the Local Government of British Columbia have been extremely liberal in creating judgeships, probably more liberal than if the pay was to come from their local revenue. It is necessary that we, at all times, closely watch such local legislation, appointing judges, when we are to provide the salaries.

Hon. Mr. MILLER—I cannot understand the hon. gentleman who has resumed his seat, when he says that this Bill, having come up to this House once before, it should now be adopted as a matter of course.

Hon. Mr. KAULBACH—I did not hear the hon. gentleman's remark correctly.

Hon. Mr. MILLER—It was difficult to understand what the hon. gentleman was saying from the manner in which he spoke, but I have no doubt the reporters will make a good speech of it for him—though not by taking his remarks literally.

Hon. Mr. KAULBACH—I did not catch the hon. gentleman's remarks, but I presume he is repeating in another form the attack that he made on the reporters a few moments ago.

Hon. Mr. MILLER—With regard to the Bill before the House, I have, on more than one occasion, expressed my opinion with respect to its most important feature that is involved in this discussion: the duty of this Parliament to make provision for salaries, whenever the local legislatures think proper to create new courts and new judges. I think that Parliament and the Government—both this Government and the late Administration—have not been as ready as they should have been to control the creation of new courts and new judges by the provincial legislatures. The Constitutional Act gives the power to provinces to create courts and to regulate procedure generally in them. Still, when this Parliament has to provide for the payment of salaries of judges, it

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should be understood that it is a matter of deliberation, a matter of concurrence on the part of Parliament, when they agree to provide for the appointment of new judges. To say that because the Constitutional Act gives power to the provinces to appoint judges and regulate courts, therefore, that in every case where they think proper to make provision for the appointment of judges we are bound here to coincide with them is, I think, a very dangerous doctrine indeed. Suppose any one of those provinces should be controlled by men who have no proper regard for the large interests of the country, and should, merely for the sake of the expenditure which would be the result of the appointment of half a dozen unnecessary judges, agree to the creation of new courts, would this Parliament be bound to provide salaries for these judges? I say, decidedly not. I think it is just as well now, that there should be a firm expression of opinion on this question, that it is a matter of deliberation and concurrence on the part of this Parliament as to how many judges are necessary in the various provinces. Now, with regard to the power of removing any one of these gentlemen to the mainland, I think the Government should take care, in the redistribution of these judicial districts that the private rights, (if I may so speak) of the judges who now hold office in British Columbia should be respected. I think it would be very unfair that these gentlemen should be asked to go to Ashcroft, or anywhere else in that Province, to reside, after he has made his home, and expended, perhaps, the savings of a life of toil and industry in establishing his residence in Victoria. I think that the Government should take care that nothing of this kind is done. I am very sorry to hear that, in connection with this measure relative to the judiciary of British Columbia, there is some personal feeling by influential persons in that Province, and that the judiciary themselves do not approve of the change any more than the leading members of this House do.

Hon. Mr. NELSON—I am very glad to know that my hon. colleagues from British Columbia do not oppose this Bill on the present occasion. I may say that

I never could thoroughly understand their opposition to this measure at all. I know the feelings of the people of British Columbia on this subject, and I know the feeling of the Law Society and of very nearly every lawyer in the Province in relation to it, and I can say that, with the exception of one firm, all the legal profession in British Columbia to-day are in favor of the change. I believe that the hon. gentleman from Ashcroft has certain reasons for his opposition; that there is a very great deal of friendship existing between him and the present judges of the Province. The judges themselves are opposed to this Bill, and, in fact, they are against everything that is done by the present Government of British Columbia. There is a strong feeling on the part of the judges against the Local Government to-day. The great reason for the appointment of judges for the mainland is this: it has been found that the expense entailed upon the Province and upon the Dominion by holding a sufficient number of Circuit Courts in British Columbia for the proper administration of justice will be very great, and the appointment of two additional judges will do away with the expense, to a great extent. They will be able to do the work that the County Court judges are doing, in addition to the Supreme Court work, which the present judges are not able to do. I would refer to the arguments made use of by hon. gentlemen in another place, which, no doubt, have been brought to the notice of hon. members of this House. I think those arguments are very conclusive. It has been shewn that, for the last few years, in Cassiar and Cariboo, men have been confined for twelve months, awaiting the circuit of the Supreme Court Judges, and in some of these cases the accused have been proved, on investigation, innocent of the charges for which they were incarcerated. It is to do away with this state of affairs that this Bill has been introduced, and I have been very much surprised at hon. gentlemen in this House from British Columbia opposing it, as the whole feeling of the people of the Province is in favor of the measure.

Hon. Mr. MACDONALD—Who is to blame for the courts not being held?

Hon. Mr. Nelson.

Have the judges ever refused to hold them?

Hon. Mr. NELSON—I do not know that the judges have ever refused positively to hold the courts, but I know that they have, again and again, complained very much about it. Then, with regard to the judges' residence in Victoria, it was a matter of complaint, when Confederation was being negotiated, that the judges all resided in Victoria, and the people on the mainland protested against it, as any person in the interior who had business before the courts had to go to Victoria, at great expense, to attend to it. The judges came over to the mainland to hold their circuits about once a year, and it was understood, when the last judge was appointed, that he should take up his residence upon the mainland.

Hon. Mr. HAYTHORNE—In any remarks I may have to make on this question I wish to disclaim any desire to oppose the views of the hon. gentlemen from British Columbia with reference to the appointment of additional judges for that Province. It seems that these hon. Senators are not absolutely in harmony themselves upon this point, and, therefore, perhaps it is unnecessary that I should make any apology for the course I feel bound to pursue in reference to it. I think, before this House undertakes to sanction a bill which will add to the judiciary of the country, it ought to take a fair and candid review of the country's position with regard to this question. What have we done on former occasions, and what did we do last year with reference to the position of the judges of the County Courts, and of the Supreme Court of Prince Edward Island, in reference to salaries? Before we agree to the appointing of two additional judges at salaries of \$4,000 each for British Columbia, we ought to satisfy ourselves, not only that they are necessary, and that we can afford to provide for their salaries, but that equal justice has been done to other parts of the Dominion. Last year, when the Bill to increase the salaries of the judges of the County Courts in Prince Edward Island was before the Senate, a promise of a distinct character was given by the leader of the Government in this House that the

question of an increase to the salaries of the judges of Prince Edward Island should undergo consideration this year. Before going further into this subject, I should like to state to the House some of the salaries which are now paid to judges in the different provinces by way of comparison, and to illustrate the inconsistency shewn in this matter. Leaving Ontario and Quebec out of the question, and taking the Province of Nova Scotia, I find that the Chief Justice has a salary within a fraction of \$5,000 a year, and the Equity Judge is paid an equal amount. Four other judges receive \$4,000 each. Then, as to New Brunswick, provision was made last year for one additional judge on the plea that the work of the courts was getting into arrear. I find that the Chief Justice of that Province has a salary of \$5,000, and that the puisne judges receive \$4,000 each. Then, looking at Manitoba, we find that the Chief Justice of that Province has a salary of \$5,000 a year, and two puisne judges receive \$4,000 each. But when we come to Prince Edward Island we find that the Chief Justice there receives only \$3,000 a year, the Master of the Rolls \$2,499, and the Vice-Chancellor the same. Now, compare those amounts with the salaries proposed to be given to the two additional judges of British Columbia, and you will find that they are to receive about \$1,000 a year more than the Chief Justice of Prince Edward Island. It seems to me to be very inconsistent. Last year, when the Bill to increase the salaries of the County Court Judges of Prince Edward Island was before the Senate, I induced the leader of the Government in this House, to state explicitly what course they would pursue with regard to the salaries of the Supreme Court Judges of Prince Edward Island. I must say that the hon. gentleman gave a very straightforward and explicit answer. He said, in reply to the question, that he could make no direct promise that the salaries of the Supreme Court Judges of that Province would be increased, but he would bring the subject before the notice of the Minister of Justice. I thought it my duty to place two questions upon the order paper this year, referring to the same subject. One

of them was to ask the hon. Minister of Militia whether he had fulfilled his promise of last year; and the other, whether he was prepared to give effect to the proposal to increase the salaries of our judges. His reply was, I thought, quite candid, and I have no reason to object to it, because I attributed the failure of the Government to do anything in the way of increasing those salaries to the fact that the revenue was not in a flourishing condition. The tenor of the reply was that they were not prepared to increase the salaries of the Prince Edward Island judges, but at some period, which they were not prepared to state, the whole question of the salaries of the judiciary would be taken up. Now, it appears to me that the course which the Government have taken, after this statement from the hon. leader of the Government in this House, is not consistent when they propose to appoint two new judges in British Columbia at \$4,000 each per annum, while the salaries of the Prince Edward Island judges are so far below that rate. I think it would be not only consonant with the opinions of members of this House, but it would also be a very becoming thing if the leader of the Government would postpone the second reading of this Bill and take counsel with his colleagues to ascertain if something could not be done to remove this inequality in the salaries of the judiciary.

Hon. Mr. MACFARLANE—I do not think that the judges of a province such as Prince Edward Island, where the expense of living is so moderate, should expect to receive as large salaries as the judges of British Columbia, where travelling expenses, and the cost of living are so very much higher. As to the fact of the judges residing at Victoria, the hon. gentleman from British Columbia (Mr. Nelson) has related a very singular circumstance, if it be a fact, that, in that province, prisoners have been confined for twelve months in jail without an opportunity of having the charges against them tried, and when they were investigated, they were found to be innocent. If such is the state of affairs, it is time the Government should step in and make a change. If the judges of Victoria refuse to go outside of

the limits of the Island to administer the law in a country of such extent as British Columbia, it is time the Government should make some other provision for the administration of justice in the Province. It does appear that the species of law which had been administered in the Province when it was a crown colony is not adapted to the present circumstances of the country. The wants of the people have outgrown the capacity of the old system, and the Government have found it necessary to provide that the gentlemen who administer justice in British Columbia shall be, as they are in other provinces of the Dominion, skilled in the law and competent to fill their judicial positions. I have no doubt that the interests of that large country imperatively demand the services now asked for, and I do not think we would be discharging our duty in this Chamber were we to refuse this Bill. When the measure was before the House last session, we were largely influenced by the hon. gentlemen who represent that section of the country in this Chamber. Although I voted on that occasion against this Bill, I shall support it now, under the circumstances that have been explained to the House.

Hon. Mr. CORNWALL—With permission of the House, I rise, for two minutes, to correct the idea entertained by the hon. gentleman from New Westminster and the hon. gentleman who has just sat down, that it is owing to the disinclination of the judges to travel into the interior that prisoners have been incarcerated for some considerable time awaiting their trial. The only reason why such hardship has occurred is owing to the supineness of local authorities in directing assizes to be held, and the disinclination of the Dominion Government to meet the expense of more than one annual circuit of the judges; and that, on account of such causes, there has only been one circuit of the Supreme Court during the last three years, instead of two annually as formerly. The expense of a circuit seems to be from \$1,200 to \$1,400, and, to avoid this, the Dominion Government, at the instance of the Local Government, seem inclined to incur an expense of \$8,000 as the salaries of two more judges of the Supreme Court. If the hon. gentleman will excuse me, I must

Hon. Mr. Macfarlane.

say it is simply childish to urge in this House such arguments in support of his views.

Hon. Mr. NELSON—According to certain statements that have been made in another place, there will be very little difference in the cost of the two systems.

Hon. Mr. MILLER—Two hundred dollars a year.

Hon. Mr. CORNWALL—More correctly \$3,000 a year.

Hon. Mr. NELSON—With regard to the salaries of judges of Prince Edward Island, referred to by the hon. gentleman from that Province (Mr. Haythorne), I think he might take into consideration the fact that British Columbia, with her small population, contributes double the amount of revenue to the Dominion that the Province of Prince Edward Island does; and, to enable the Province to do so, the earnings of every individual must be at least three times that of the Prince Edward Islanders, and the payment to her judges should be therefore something in proportion to the earnings of her people. Viewed in that light, the salaries of the judges are anything but excessive.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman from Prince Edward Island makes out a very strong case for a reconsideration of the salaries of judges in that Province. I have already given assurance that the Government will take the general subject into consideration. The present case is rather favorable to his views than otherwise as to the inconsistency of the Government, because we are fixing the scale of salaries which it is proposed to provide for these judges when the matter comes to be considered. With reference to the question put to me by the hon. gentleman opposite (Mr. Macdonald), I have no hesitation in saying that the Government of the Dominion, whatever course may be followed in the future, do not consider that they are absolutely bound by the decisions of the local legislatures on such questions as this, but I admit that a decision of the Local Legislature should receive great weight and consideration from the Government of the Dominion. They have the jurisdiction in the matter, and we are bound to respect here the opinions of the provinces. With reference to the expenditure, I may add that the differ-

ence between the cost of the present system and the expenditure which the present Bill intends to create is only about \$200 a year, and when we find that this is the dispute as between the two systems, and that the Local Legislature has asked for this measure, and that the House of Commons has, on two occasions, passed a Bill of this kind, it is time that this House should give it favorable consideration, and assent to its being passed.

The Bill was read the second time.

AN OMISSION.

Senator Alexander having eliminated from the report of his speech of Thursday, April 1st, his personal references to the leader of the Government, the following apology, which he subsequently made, was omitted from the official report; it is now published at the Hon. Mr. Alexander's request:—

"Hon. Mr. ALEXANDER rose to explain that, when he addressed the Senate, he was under the impression that the hon. Minister of Militia had sprung the subject upon the House, whereas the hon. Senator from Richmond had introduced it. He (Mr. Alexander) therefore felt it due to himself and to the Senate to make this explanation: That he had charged unjustly the leader of the Government with having acted in an unparliamentary manner."

The House adjourned at 6 p.m.

THE SENATE.

Tuesday, April 6th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. T. N. GIBBS, the newly-appointed Senator was introduced, and, having taken and subscribed the oath of office, took his seat.

THIRD READINGS.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported, without amendment, the following Bills, which were then read the third time and passed:—

Hon. Sir Alex. Campbell.

Bill (47) "Respecting the Great Western and Lake Ontario Shore Junction Railway Company."—(Mr. McMaster.)

Bill (25) "To authorize the establishment of Superannuation, Provident and Insurance Funds by the Great Western Railway Company."—(Mr. McMaster.)

Bill (23) "To give certain powers to the Compagnie Française du Télégraphe de Paris à New York."—(Mr. Trudel.)

THE BELL TELEPHONE COMPANY'S BILL.

REPORTED FROM THE COMMITTEE.

Hon. Mr. HOPE moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (17) "To incorporate 'The Bell Telephone Company of Canada.'" He said: The Chairman of the Select Committee on Railways, Telegraphs and Harbors, in presenting the report of that Committee upon this Bill, took occasion to point out the several amendments which had been made to it, and the effect of them. It is, therefore, unnecessary for me to say anything further about them. I move concurrence in the amendments.

Hon. Mr. CARVELL—I am of opinion that the Bill, as amended by the Committee, should not pass in its present shape, and that still further amendments or alterations are necessary. Although a member of the Committee to which the Bill was referred, I did not know exactly how to supply the remedy to the objection which struck me when I examined the Bill, and, if I am in order, I shall move that the Bill be re-committed for further consideration. The number of telegraph bills before Parliament now, I think, is five or six, and I, in common with others, feel there is a danger that, unless special care is taken with them, we may fall into the difficulty which was attempted to be avoided by the General Telegraph Act of 1875. The great monopoly which exists in this form of enterprise, and which has now got its hands completely on some of the provinces, may still further take possession of the telegraphy of Canada. I shall, as briefly as possible, state my position. It is this: Of course all legislation here should be as much for the smaller por-

tions of the Dominion as for the larger. If I want to send a telegram to Prince Edward Island, it costs me, to Sackville, which is about seven-eighths or nine-tenths of the entire distance, twenty-five cents, and for the other one-eighth or one-tenth of the distance, the charge is fifty cents. There is a monopoly in perpetuity, strange as it may sound to some hon. gentlemen, granted to one of those companies. The rate of fifty cents has been established from Sackville to any point of Prince Edward Island, in addition to a bonus of \$2,000, which is about ten per cent. on the capital invested, certainly on the cost of the cable, if not on the whole. I believe that use, unless the Act of 1875 is made full of by inserting this clause in each one of these Bills before Parliament, the same monopoly is likely to spread over every province. The amalgamations, connections, associations and poolings of the whole telegraphic system are even more difficult to understand than the fifteen puzzle. The alterations which I suggest to this Bill are simple, and perhaps would be received by its promoters. In section 4, first line, I would insert after the word "authority," "Subject to the provisions of section 28 of this Act," which would render necessary the addition of a clause, as there are only twenty-seven sections as the Bill now stands. That additional clause would read, "The provisions of the Act, 38 Victoria, chapter 26, shall apply to this corporation." I hoped to have had some full and definite information to submit to the House to-day in relation to this matter, but other engagements prevented me from procuring it. If it be in order to recommit the Bill, which would involve a delay of only a day or two, I should desire to have it done.

Hon. Mr. DICKEY—As Chairman of the Committee, I would point out that this is not the proper time to bring up this question before the House. The Bill will have to take another stage, and at the third reading it will be open to the hon. gentleman to offer any amendment that he thinks proper to make.

Hon. Mr. ALEXANDER—Does the hon. gentleman approve of the amendments that have been made by the Committee to the Bill?

Hon. Mr. Carvell.

Hon. Mr. CARVELL—I do.

The amendments were concurred in.

Hon. Mr. HOPE—I should like to know if the hon. gentleman opposite (Mr. Carvell) intends to persist in pressing his amendments? He had ample opportunity to bring them forward in the Committee, when the solicitor of the Company was present and everybody was willing to hear his objections. There was no opposition to the report in the Committee of which the hon. gentleman was himself a member. He has not stated what the effect of those amendments would be, and what he desires to prevent or accomplish. I beg to move that the Bill be read the third time to-morrow.

The motion was agreed to.

Hon. Mr. CARVELL—I give notice that, when the Bill comes up for third reading, I shall then press my amendments.

TEMPERANCE ACT (1878) AMENDMENT BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of the Bill (K) "To remove doubts as to the true intent and meaning of sub-section two of section nine of 'The Canada Temperance Act, 1878,' and to further amend the said Act." He said: This measure deals, not with the principles of the Canada Temperance Act, but with its details. The first amendment is to define more clearly what sub-section two of section nine is. That sub-section provides that no polling of votes under the Temperance Act shall take place on the same day that an election is being held in the same constituency for a member to serve in the Parliament of Canada or any of the local legislatures. A case occurred this last summer, in one of our western counties, where a proclamation was issued for taking a vote under the Temperance Act, and afterwards a proclamation was issued by the Government of Ontario, bringing on the local elections. The nominations for the latter were held a few days before the polling for the Temperance Act. It has been held that what is understood by election day is the time which intervenes between the nomination and the close of the polls. If that is a correct definition,

it might happen that the decision upon the temperance question was illegal. The proclamation having been issued, the Government was powerless to recall it, or to issue a new proclamation. The sub-section is amended by providing that the true intent and meaning of it is that the word "election" therein refers only to the polling of votes, so that the voting for the Canada Temperance Act cannot take place on the same day as the polling for a member to serve in the Dominion Parliament, or in any of the local legislatures. The second section refers to something that was not known at the time that the Temperance Act was passed, or if it was known, it was not mentioned when the measure was under consideration in the Senate. The second part of the Temperance Act could only be brought into force contingent upon licenses being issued. Now, in some counties in the Maritime Provinces, licenses are not issued, and, in such places, the Act could not be put in force. This clause provides a remedy for that difficulty.

The motion was agreed to.

BUILDING SOCIETIES' RELIEF BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (F) "For the relief of Permanent Building Societies and Loan Companies." He said: This Bill is the outgrowth of the returns which ought to have been made to the Minister of Finance by these societies. In some cases applications were made by these companies to the Finance Department for blank forms, which were forwarded to them; but these even when filled up, it appears did not meet the requirements of their special acts of incorporation. In most cases the penalty attached to failure to do so, is \$100 for every day that elapses from the time that the returns should be made until the provisions of the Act are complied with, and the prosecutor gets one-half of the amount. It appears that in one of the western counties, some person who was aggrieved by the action of one of those companies and was aware that its returns were incomplete, entered suit against it and a number of others. One case was pushed in the courts, and a verdict for

Hon. Mr. Aikins.

some \$1,000 and costs, I understand, was obtained. The other societies, I believe, arranged with the prosecutor and the suits were withdrawn. It is thought desirable that these societies should not remain in such a position. They were not wholly to blame for it. They knew the provisions of their acts of incorporation, it is true, but still they were not so very blameable in the matter. It is thought desirable that a form of returns to be made to the Government should be embodied in this measure. There is a clause which also refers to loan companies incorporated under the Canada Joint Stock Companies' Act, and under special charters, and companies incorporated without the limits of Canada and doing business here, which provides that these companies shall make returns similar to building societies. These societies having had recognition of their acts of incorporation by the Ontario Legislature, that body has passed an act somewhat similar to this in its provisions, furnishing a form of the return that was to be made from year to year. I think the provisions of this measure, when thoroughly examined, will commend themselves to the House. I move the second reading of the Bill.

Hon. Mr. DICKEY—I have not the Bill by me at the present moment, but I have looked at it and scanned its provisions as well as I could. Speaking from memory of those provisions, it appears to me that the state of the law was, as it has been explained by my hon. friend who introduced this Bill, that, under the existing Act, the companies were obliged to make a return upon oath, and the effect of this Bill, it is well the House should understand it, is to relieve those companies from any penalties for making the returns contrary to law, because it validates returns made without oath. That being the case, it is of some importance, not only with respect to the legislation which is to relieve those parties, but also as to the future. We have now a new provision, that returns shall be made giving more details, but that those returns shall be made on oath. I think that, in legislation of this kind, we should understand whether it is intended to be permanent or not, or if these provisions, good as they are, I admit, are to be followed by

other legislation hereafter to relieve parties from the penalties for not attending to these requirements. The legislation proposed is that all prosecutions hereafter shall be under the direction of the Governor in Council. That may or may not be a good provision, but, at all events, it may follow that, if these companies do not comply with the strict letter of the law, they will be relieved again by legislation. There ought to be some expression from members of the Government in this House to shew that this legislation is to be final, and that it is not expected that the companies will be relieved by any future legislation if they fail to comply with the Act.

Hon. Mr. AIKINS—Yes, I so understand it that it is final, but no hon. gentlemen in this House is in a position to say what the legislation of the future may be; but I agree with my hon. friend that I do not think it is desirable that we should have legislation so frequently in reference to these corporations. The returns made by all those companies should be uniform, and they should all be compelled to make them. In the Canada Joint Stock Companies' Act, passed in 1877, we find that the loan companies organized under it have to make returns, but there is no penalty if they fail to do so. They make the returns or not, just as they please; The form of affidavit to be made as to returns is changed by this measure. Anybody who knows anything of the working of these large corporations must be aware that it is a physical impossibility to make the examination required to take the necessary affidavit. The penalty is \$50 a day for every day they do not make their returns after a certain date, but not to exceed, in the whole, \$1,000. The prosecutor in the case shall be the Minister of Justice.

Hon. Mr. ALEXANDER—I claim permission only to observe that there appears to me to be an anomaly or defect in the British North America Act, in reference to this matter, and that is the power to enact such laws governing Permanent and Loan Societies rests with both the Local and the Dominion Legislatures, and when we are changing or consolidating the laws governing Perma-

Hon. Mr. Dickey.

nent Building Societies, we should be fully aware what laws have been passed in this connection by the Local Legislature of Ontario. We are, as it were, legislating in the dark, and I call the attention of the House to this fact in order that the leader of the Government may bring to the notice of his colleagues that this is an anomaly or defect in the Union Act that ought to be dealt with by the Ministry. It appears to me that there are some amendments now required to the British North America Act, and that application should be made to the Imperial Parliament at an early day in this direction. The anomaly is that two legislatures should be vested with full power to deal with the same questions without either knowing what the other may have done, and I simply call attention to this particular point to shew that, from practical observation, the Union Act requires some amendments without so many suggestions from Ministers. Gentlemen occupying the position of ministers of the Crown ought to know what is necessary to secure the proper administration of the Government. So in regard to railway companies. The power of legislation rests with both legislatures, which anomaly should be corrected. I know of acts of this Parliament which conflict with acts of the local legislature, and it is the duty of the Government to give their best consideration to this defect in the working of the Union Act. No one expects that acts of parliament are so perfect as to be incapable of amendment; but, after a trial of thirteen years, we are now beginning to discover anomalies in the Union Act which should be removed.

Hon. Sir ALEX. CAMPBELL—The question which arises in this particular Bill, and the reason why it is made a subject of legislation by both legislatures, is this: that with reference to many topics, the interests affected by the Bill are altogether local, but in reference to one question, the right to fix the amount of interest, it is one which the local legislature cannot settle; and, therefore, these societies are obliged to go to both legislatures. The difficulty which the hon. gentleman points out is one which cannot be settled by legislation. Legislation has already done all

that it can do. It is to be settled in Parliament by contestation. We must ascertain by experience, and we shall gradually settle down, I trust, into an accurate knowledge of the relative powers of both Parliament and local legislatures. I do not think it probable anything more can be done by the Imperial Parliament in the matter, as suggested by the hon. member from Woodstock. The language of the British North America Act is as plain as can well be used by the Imperial Legislature in creating a constitution for a province or colony of the Empire. We must trust to experience and the decisions of the Supreme Court, and we shall, by slow steps, arrive at accurate conclusions on these difficult questions.

Hon. Mr. ALEXANDER—I desire to take this opportunity of recording my own opinion that it would be in the interest of the Province of Ontario if the power to legislate for railways and loan societies were taken away from the local legislatures and vested solely in the Legislature of the Dominion.

Hon. Mr. VIDAL—It is quite clear that we have not the power to deal with that question, but such is not the case with the Bill now before us. The 8th section provides against any conflict of jurisdiction between the Dominion and Local Legislatures, for it distinctly states that the Bill applies only to companies incorporated by Act of the Parliament of Canada—societies and associations which are authorized to lend money by Act of this Parliament; consequently those societies exercising powers under the legislation of any particular Province do not really come under its provisions.

Hon. Mr. AIKINS—Although the hon. gentleman from Woodstock may not have much confidence in the Ontario Legislature, this Bill is not made contingent on the course they have pursued, but they have legislated in the same direction as this measure is taking.

Hon. Mr. HOPE—So far as I can understand the Union Act, the local legislature has no power to confer banking powers, yet those loan societies are enabled to take deposits and loan them out. That is an act of banking, pure and simple, just as much so as the issuing of promissory notes by the other

banking institutions, and I consider that the Dominion Parliament is the only power competent to deal with such societies. This Bill might be more properly named, "An Act for the relief of certain Permanent Building Societies," because they have not all made the same mistake, and some of them do not require this Act, as they have made their returns in accordance with the statute.

The Bill was read the second time.

BRITISH COLUMBIA SUPREME COURT JUDGES' BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (44) "To provide for the salaries of two additional Judges of the Supreme Court of British Columbia."

Hon. Mr. McLELAN reported the Bill from the Committee without amendment.

Ordered that the Bill be read the third time to-morrow.

THE SAULT STE. MARIE RAILWAY.

EXPLANATION.

Hon. Mr. DICKEY—Before this House adjourns, I desire to correct an error arising out of the debate of yesterday. I understood my hon. friend from Halifax (Mr. Power) to state, in answer to some observations of mine in reference to what took place last year, in the debate in which he took a prominent part, that it was strange I did not give utterance to the same sentiments that I did yesterday. I have taken the trouble to refer to the debate in question, and I find that, while the resolution was under discussion, I am reported as having said:—

"I certainly do not rise to interpose in any way between the two hon. members who have just spoken, but perhaps I may be allowed to do justice to my hon. friend for Saugeen. With reference to the propriety of constructing that Georgian Bay Branch, I have no hesitation in saying that I am, and always have been, utterly opposed to it. My hon. friend for Saugeen took the ground several years ago—and I supported him on that question—that it was unwise to enter upon the construction of the Pacific Railway from the proposed eastern terminus of it to Red River. His view, which I shared, was that, on the connection being made by the Canada Central with the eastern terminus, the line should be con-

tinued by the north side of Lake Nipissing to Sault Ste. Marie, so as to bring it in connection with the navigation of Lake Superior, and also with projected American railways, thus affording a continuous connection by rail with the North-West. But at that time there was a prejudice against connecting with the Northern Pacific Railway, which prevented that project from being entertained. We also contended that the proper mode of constructing the road was to commence where it could be built in the easiest manner, and where the effect of commencing that work would be to settle the North-West; and, therefore, we advocated that the line should be commenced at Red River, and built westward. Looking back at those long years of surveys and enormous expenditure, I believe that if this course had been adopted we would have had, by this time, railway communication half way to the foot of the Rocky Mountains.

Hon. Mr. MACPHERSON—Hear, hear.

“Hon. Mr. DICKEY—That proposition was not entertained. I believe that my hon. friend and I stood alone—to use an Irishism—on that question, and the sense of the country, exasperated by the opposition of the Northern Pacific Railway, was entirely opposed to the project. I believe that the true policy for the country and for Quebec, after subsidising the extension of the Canada Central to the point south-east of Lake Nipissing, fixed by the Act of Parliament as the terminus, would be to continue north of that lake to Sault Ste. Marie, where it could secure the rapidly developing trade of the North-West. I do not rise to argue the question at large, but merely to state my opinion, and my reasons for the course I shall adopt on this motion; and I should hope that some arrangement might be made, even yet, with the contractors who are constructing this road under a contract which the late Government ought never to have made, to transfer the enormous expenditure inevitable in the construction of the line to the mouth of French River, to extend the line to Sault Ste. Marie instead.”

These are the sentiments which I gave utterance to then, and which I repeated yesterday, and, therefore, my hon. friend is under a misapprehension when he supposes that I did not express these views last year, as well as a great many years ago, before he was a member of this Chamber.

Hon. Mr. POWER—Last year I did not catch the remarks which have just been quoted by my hon. friend.

The subject then dropped.

The House adjourned at 4.10 p.m.

THE SENATE.

Wednesday, April 7th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third time and passed:—

Bill (29) “To amend the Act entitled an Act to incorporate the Anchor Marine Insurance Company.”—(Mr. Benson.)

Bill (51) “To amend the Act to grant additional powers to the Quebec & Gulf Ports Steamship Company.”—(Mr. Belle-rose.)

Bill (33) “To amend and re-enact, as amended, the Act incorporating the Dominion Grange of the Patrons of Husbandry of Canada.”—(Mr. Flint.)

Bill (35) “Respecting the Niagara Grand Island Bridge Company.”—(Mr. Dickson.)

Bill (44) “To provide for the salaries of two additional judges of the Supreme Court of British Columbia.”—(Sir Alex. Campbell.)

THE QUALIFICATION OF SENATORS.

MOTION POSTPONED.

The motion having been called for the adoption of an additional rule of the Senate, requiring each member of the Senate, within ten days thereafter, and subsequently within the first twenty days of the first Session of each Parliament, to make and file with the Clerk a renewed declaration of his “property qualification,” and making it the duty of the Clerk to lay on the table of the House a list of those members who have complied with such rule,

Hon. Mr. PELLETIER said: On Wednesday of last week, when this motion was called, the leader of the Government in this House was kind enough, at my request, to postpone it until to-day. I was then under the impression that the leader of the Opposition would be here this afternoon, but, by a telegram from him, I find he will not be here until Friday. As this is a very important matter, affecting all the members of the House, and as the leader of the Opposi-

tion cannot be present to-day, I would request the hon. the leader of the House to let the motion stand till Friday next.

The motion was postponed accordingly.

THE PRINTING OF PARLIAMENT.

SEVENTH REPORT OF THE PRINTING COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the seventh report of the Joint Committee on Printing.

The motion was agreed to.

BUILDING SOCIETIES RELIEF BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (F), "For the relief of Permanent Building Societies and Loan Companies."

On the third clause,

Hon. Mr. POWER asked whether the Bill did not go a little further than to relieve those companies from the penalties provided by the various statutes incorporating them for neglecting to make and forward certain statements and affidavits. He wished to know whether this clause would not prevent an individual who might, in an action against him by a society, plead their neglect, from putting in that plea. He thought some amendment was necessary.

Hon. Mr. AIKINS said that an individual in that case might call the attention of the Minister of Justice or the Minister of Finance to the fact, and in that way see that the provisions of the law were fully complied with.

Hon. Mr. POWER asked whether it would not be as well to insert an amendment, such as he had suggested?

Hon. Mr. AIKINS did not think there was any necessity for it.

The clause was agreed to.

On sub-section F, 5th clause,

Hon. Mr. HOPE moved that the sub-section be amended by striking out all the words after "upon it," and inserting the following:—"the mortgage money due thereon collected by foreclosure of mortgage, or sale of mortgage property." The clause would then read as follows:—"The number and aggregate amount of

mortgages upon it, etc." He said the words "compulsory proceedings" were very indefinite. Some persons imagined that if a lawyer sent a letter demanding payment it was a compulsory proceeding. He wished to have the definition so clear that everybody could understand the meaning of the sub-section.

Hon. Mr. AIKINS contended that the amendment went further than was intended by the sub-section. He did not think the language of the clause could be improved, and he was decidedly opposed to the amendment.

Hon. Mr. HOPE wished to know what the words "compulsory proceedings" meant?

Hon. Mr. AIKINS said, as he understood it, in the foreclosure of a mortgage the initiatory steps would be compulsory proceedings.

Hon. Mr. PENNY thought it would be well to define the meaning of the clause more clearly, especially for the sake of those gentlemen who had to make out the returns.

Hon. Mr. ALLAN said the object of the hon. Senator from Hamilton seemed to him to be this: he (Mr. Hope) did not wish to have comprised in these returns, cases where parties had been written to by a lawyer, and who had, in consequence, paid up. Such a case might be construed, by some, to come under the head of compulsory proceedings. He (Mr. Allan) was quite satisfied with the clause as it stood, but could see no great objection to making it clearer.

Hon. Mr. McMASTER said that considerable sums were frequently brought in by lawyers' letters, and it did not seem quite fair to include such sums in the returns. He thought it would be well to confine it to amounts realized by foreclosure or judgment, or sale of the property.

Hon. Sir ALEX. CAMPBELL thought it would be very difficult to adopt any other language than the words used. Compulsory proceedings might be of different kinds. It seemed to him that the phrase was a happy one, and there could be no difficulty in understanding it. This was the phrase used in a similar

bill in Ontario, and if other language were employed in this clause it might result in different returns being sent in to different legislatures.

The amendment was declared lost on a division, and the subsection was agreed to.

On sub-section "G" of the same clause, which was as follows:—

"(g.) The present cash value of the Society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value which rate or rates shall be at least equal to the rate or rates which such mortgages or other securities respectively bear, or were originally calculated to yield."

Hon. Mr. HOPE moved to strike out all after the words "such present cash value." He said that the latter part of the clause was taken from the Ontario Statute; he did not see that this Parliament was bound to follow the acts of the local legislatures. He contended that the companies should be required to state the exact figures at which the mortgage was discounted: let them value their securities and state the value.

Hon. Mr. AIKINS said he did not know a better way to value the securities than according to the rate of interest they were bearing.

Hon. Mr. HOPE said these companies had borrowed very large sums of money on their debentures, and thought it was well that the public should know how their securities are valued. He hoped the hon. the Secretary of State would accept the amendment.

After some discussion, the amendment was declared lost, and the subsection agreed to.

Hon. Mr. AIKINS said that he had an amendment to propose to clause 8, and he therefore asked that the further consideration of the bill be postponed until to-morrow.

Hon. Mr. HAYTHORNE, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

BILL INTRODUCED.

Bill (21) "To empower the Stadacona Fire and Life Insurance Company to
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relinquish their charter, and to provide for the winding up of their affairs."—
(Mr. Pelletier.)

The House adjourned at 4.10 p.m.

THE SENATE.

Thursday, April 5th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

MONTREAL HARBOR COMMISSIONERS.

MOTION.

Hon. Mr. GUEVREMONT moved:

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be transmitted to this House a copy of the petition of certain inhabitants of the Town of Sorel, recently presented to His Excellency, complaining of the arbitrary and unjust conduct of certain persons employed by, and under the control of, the Harbor Commissioners of Montreal, and praying that an inquiry into the subject of the said complaint be held in Sorel, at which evidence in relation thereto may be taken on oath, and that justice may be done between the parties concerned, in the public interest."

He said (in French): In 1877 I brought up this subject, on a motion for certain documents, which were afterwards referred to a select committee appointed to inquire into the causes of the dismissal of Pierre Côté, Pierre Charbonneau and others, at Sorel, by the Montreal Harbor Commissioners, through their officers. The Committee consisted of seven members of this Chamber, and, after examining several witnesses, reported as follows:—

"The session being on the point of terminating, and the time necessary for completing the inquiry commenced being insufficient, your Committee has thought it right to suspend the examination of witnesses for the present session."

Since that time, changes have been made in the Harbor Commission, but nothing has been done to redress the grievances which I explained to the Senate in 1877. The consequence has been that these same citizens of Sorel and a number of others have petitioned for another investigation. I ask the Government to produce that petition; and, at the same time, I would request them to grant the prayer

of these citizens of Sorel, in order that it may not be necessary for them to appeal to Parliament again. In 1877, when I brought this subject before the Senate, we were told by these Harbor Commissioners that we had no right to interfere in the management of their works or to question the manner in which they expended the money entrusted to them. If they are beyond the control of Parliament, they are more independent than Parliament itself. The Harbor Commissioners collect considerable sums of money from the public of Sorel and other places. Large quantities of wood are brought down in boats, and on this wood a toll of six cents per cord is levied, besides the charges on the tonnage of the vessels in which it is carried. It seems unreasonable, under such circumstances, that no investigation into the manner in which that money is disposed of, is possible. If the Government have no control over these Commissioners, and believe that injustice has been done to these people at Sorel and other places, it is high time that they should assume the management of these works, which are now controlled by the Commissioners at Quebec and Montreal, for the protection of the public. One of the witnesses examined before the Committee, in 1877, was Capt. Charles Armstrong, who, for a number of years, from 1857 to 1865, worked for the Harbor Commissioners. In his evidence, he says:—

“Pierre Charbonneau always did his duty well, and I never had any fault to find with him. No accidents happened to him, to my knowledge; I never knew of a diver being employed for Charbonneau. In 1876, I heard it said that it had been necessary to have recourse to a diver for another dredge commanded by Dunbar. The first times, that is to say from 1857 to 1868, I was never obliged to have recourse to a diver. The captain of the dredge, and the engineer always fished up the buckets when they fell out of the frame.”

The petitioners allege that these men were dismissed, and replaced by others, who were not competent. Through their inexperience, the buckets soon got out of order, and the repairs, which should have been executed in a few hours, occupied some four or five weeks, during which time the dredge was idle, and heavy expense was incurred. I think it will be found, when the petition is brought down, that the case is one which

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demands investigation, and the mode which I suggest is the one which will involve the least expense, and be most satisfactory.

Hon. Mr. BELLEROSE—Having been a member of the Committee to which my hon. friend refers, I may say that the session was near its close when it was appointed, and we could not, therefore, take the whole of the evidence that the parties interested were prepared to submit, and we were obliged, consequently, to make the report which has just been read; but, while the evidence was not complete, it was sufficient to shew that those who made the complaint had good reasons for doing so. According to rumor, there is sufficient to make out a good case against the late Harbor Commissioners of Montreal. If I merely stated the facts of the way in which these commissioners acted when the first locomotives for the North Shore Railway had to pass through Montreal, the House would have an illustration of the manner in which these gentleman used to act towards the public. If I am well informed, it is not long since some *employés* of that Commission treated the Mayor of Montreal in a manner that would not be tolerated by that Board if they understood their responsibilities to the public. Therefore, when, for a second time, the citizens of Sorel prefer complaints against the Harbor Commissioners, and ask that an inquiry be made, I think the Government ought to do the best they can to give these complainants an opportunity to establish the truth of what they allege, and of many other charges, I suppose, which are not mentioned in their petition. I hope that the Government will see their way to bringing down the papers asked for, and comply with the request of the hon. gentleman who has moved for them by taking steps towards appointing a commission to investigate the matter. Instead of bringing witnesses all the way to Ottawa to give evidence before a committee, I think it would be better and less expensive if a commissioner who would have the confidence of all parties were appointed to go to Sorel to hear the evidence, and report the matter at once with his opinion and suggestions.

Hon. Sir ALEX. CAMPBELL—The question which has been brought under

the notice of the House by the hon. Senator from Sorel is one to which he called attention here in 1877 and a committee was then appointed to take evidence. A good deal of testimony was given, but no decision was arrived at, because the inquiry had been commenced so late that it could not be concluded before the close of the session. The hon. gentleman complains that certain citizens of Sorel have been unjustly treated by the Harbor Commissioners of Montreal; but he must remember that they are an independent body, not particularly under the control of the Government, although the Government is represented upon the Board. The Harbor Commission is the creature of an act of Parliament, and has rights and responsibilities of its own, and cannot be considered, in any way, as a department of the Government, so that we cannot deal with it in that sense. Certain inhabitants of Sorel, through my hon. friend (Mr. Guévremont), who has brought this matter very earnestly before this House on several occasions, think that they have been unjustly treated by the late Harbor Commissioners. My hon. friend suggests that the inquiry which was commenced in 1877, should be renewed, not before this House, because of the expense of such an inquiry, but before a commissioner, who should proceed to Sorel and take evidence there. The hon. gentleman did me the honor to come to me privately, and I suggested to him that he should see the Minister of Public Works, and, afterwards, the Minister of Marine and Fisheries on the subject. Whether he did so or not, I am not aware, but a commission could not be appointed to proceed to Sorel except under the power which the Government has to appoint a Royal Commission. That involves a considerable degree of expense, and I do not know that such a commission, even if it were thought desirable to create it, could do anything, even though its decisions should be in favor of the petitioners. The Government could not displace the Harbor Commissioners, and could not compel them to restore the men whom they are accused of unjustly dismissing. I am unable, therefore, to give my hon. friend any distinct or satisfactory assurance with reference to the future, or the appoint-

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ment of a commission. The papers for which he has asked will be brought down, and, if I can assist him in taking any other step in the cause he has so much at heart, and the justice of which he, no doubt, feels, I shall be happy to do so.

Hon. Mr. TRUDEL—The charges contained in the petition referred to by my hon. friend from Sorel (Mr. Guévremont) are of such a serious character that I do not think any member of this House can regard them with indifference. They come at a time when public opinion is awakened to the necessity of improving the navigation of the St. Lawrence by lessening the charges imposed on vessels. It is a singular fact that there are corporations in this country like the Harbor Commissioners, who have in their hands the management of very important matters, and who control the expenditure of hundreds of thousands of dollars every year, who have expended millions and millions of dollars during the last twenty years, and yet who are entirely beyond the control of Parliament. The hon. the Minister of Militia has remarked, and, I think, properly, that the Harbor Commission is a *quasi* independent body, and the hon. gentleman went so far as to say that, even in case a Royal Commission should be appointed, and, after inquiry, some charge of a very grave nature should be established against the Harbor Commissioners, the Government would be entirely powerless to provide a remedy. Such a state of things suggests at once the necessity for, if not a change of the system, at least an examination of the question to ascertain whether the time has not arrived for such a change. Neither the Dominion nor any of the Provincial Governments can spend a single cent without having the money voted by the representatives of the people, and afterwards accounting for its expenditure; but these Harbor Commissioners can expend the money entrusted to them as they like, and are only required to send in an annual report to the Marine and Fisheries Department of their operations when they are finished. One of the most important elements of the prosperity of Canada, is the navigation of the St. Lawrence, which affords the best route for the traffic from the west to the seaboard. To improve that navi-

gation we have spent many millions of dollars, yet we see the fruits of all our efforts for thirty years to improve our advantages are nearly lost to the Dominion, because of the excessive tolls imposed upon the navigation by that route, chiefly in the port of Montreal. The effect is to discriminate against Montreal in favor of the Harbor of New York. Only a few days ago an important deputation waited upon the Minister of Railways and Canals, and, I believe, met the Government as a whole, to shew the necessity of modifying these extravagant charges, or of abolishing them altogether. Now, I ask why are those tolls levied? Is it not the result of large expenditures by the Harbor Commissioners? I am not prepared to say that the money has been to a very large extent improperly expended, but there is a general feeling in the Province of Quebec that, in the past, the Harbor Commissioners have not conducted their work in an economical and profitable way. I have received a long letter from an old mariner who belongs to the District of Three Rivers, and who has great experience in all these matters. I happened to meet him a few months ago, and, speaking upon this question, he seemed to be so well informed upon the matter, that I invited him to give me his views in respect to it. I intended to have this letter, which I consider an important one, coming as it does from a practical man, translated into English. This gentleman, who has retired from active business, has nothing at heart but the interest of his country. He has shewn me, in the clearest manner possible, that, not only hundreds of thousands, but millions of dollars have been wasted in the works conducted by the Harbor Commissioners. A gentleman who was prominent for his great ability and his devotion to the public interest, but whose views were not shared by the great majority of the leading citizens of Montreal, had for many years the direction of the works executed in the Harbor of Montreal. His views have been carried out in spite of the opposition of many gentlemen, quite as competent (in my opinion, more so) to construct these works properly. The gentleman whose letter I have before me states that, in consequence of the course

pursued against the wishes of the majority of the people interested in the navigation of the St. Lawrence, a large amount of money has been wasted in three or four parts of the river between Montreal and Quebec, in cutting a channel through rock when a natural channel existed a few acres from the spot where the money was so wasted, and that expenditure was made in spite of the protestations of those interested in the navigation of the river between the cities mentioned. He says that Captain Vaughan, a civil engineer of very great ability, was brought out from England in 1852, to make certain improvements in Lake St. Peter. He began to improve the natural channel, and had cut through some shoals, when, after work had been going on for two years under his direction, and some \$400,000 or more had been expended, the views of the opposite parties prevailed, and the plan of Captain Vaughan was abandoned on the ground that it was impossible to open a channel in that way. Another channel was commenced on the north side of the lake. Two or three years ago it was found, when an exploration was made by some of the Harbor Commissioners, that the natural channel which Captain Vaughan was following averaged twenty feet of water, and would be, after cutting through some shoals, almost equal to the one which has been cut at a cost of millions of dollars. A similar waste of money occurred at places called Cap Charles, Cap à la Roche, and some other localities. If this statement is true, as I believe it is, I contend that such important works should not be left to men to whom the duty of conducting them properly is of secondary importance. I bring no charges against the present Harbor Commissioners or their predecessors. I have the honor to be acquainted with most of them, and I know that they are men of high character and great ability, and are devoted to the public interest; but they have to attend to their business affairs first, and then they meet from time to time to direct the management of works under their control. It can readily be seen that, under such circumstances, the Commissioners cannot control the works so well as the Deputy Minister of Public Works or the Chief Engineer of that Department could.

Then, is there not strong reason to believe that the present system is defective and should be changed, and that all important works of this character should be under the control of the Public Works Department? As the hon. gentleman who has brought this subject before the House has stated (and I have no reason to doubt the accuracy of his statement), when last year he moved a similar resolution, some members of the Harbor Commission inquired what business any member of the Senate had to investigate the management of their works? That certainly was a strange question. These Commissioners expend millions of dollars of the public money, and yet we are told that the Parliament of the Dominion has no right to inquire how that money is expended. It may be unpleasant to them to hear their management criticised, but they should remember that all who have the direction of public business are subject to such severe public criticism. The fact is, these works are not, properly speaking, prosecuted under the direction of the Harbor Commissioners themselves. They are controlled by two or three officers (especially the engineer in chief), who do as they like. If members of the Board should attempt to criticize any engineering work, those officials would answer: "You are not civil engineers, and you know nothing about the question." I have been informed that last year a dredge was employed in some parts of the river for weeks and months, at a work which, in the first place, was of no utility whatever, and which, in the second place, was improperly executed. It has been stated in the newspapers in the Province of Quebec, that men have been managing certain works on Lake St. Peter who know nothing at all about such matters. I have already alluded to the extraordinary charges imposed by the Harbor Commissioners of Montreal, on the traffic descending the St. Lawrence River. In one sense, we cannot find fault with them, because they have to pay the interest on the money expended, but an article was published in a newspaper last summer, in which some figures were given in support of the necessity of imposing such heavy charges. The article in question was written from a political point of view, but as the paper gave figures, I think

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those figures speak for themselves. It is shewn in this paper that, by the change of Government in 1873, the expenses of the Harbor Commission were increased by \$11,200 a year. Under the Conservative Government in 1872 the President of the Harbor Commission was the late Mr. Delisle, a very competent man, who received no salary. Mr. Neish was the only engineer for the Commission, at a salary of \$2,600 a year. After the change of Government in 1873, Mr. Delisle was dismissed with some others, and other commissioners were appointed in their stead, Mr. Delisle's successor receiving a salary of \$2,000 a year. Subsequently, Mr. Neish was dismissed by the Harbor Commissioners appointed by the Mackenzie Government, without any charge, at least that I am aware of, having been brought against him, though he was a very competent engineer and a man whose integrity could not be questioned. He was succeeded by Mr. Kennedy, at a salary of \$5,000, and two assistants and a secretary were appointed, further increasing the expense of the office by \$4,500 a year. Mr. Neish had no assistants, but performed all the work of his office alone, while Mr. Kennedy, in addition to his two assistants, had a secretary. Previous to 1873 the Commissioners received no pay for their attendance, but after 1873 they received five dollars each per sitting, which added to the expenditure about \$1,800 a year. In addition to the large salary paid to Mr. Kennedy, the same authority states that a carriage is provided for his use at a cost of about \$500 a year, making a total increase in the expense of the engineer's department of some \$11,200, from which should be deducted, of course, the salary of the President and the fee of the Commissioners.

Hon. Mr. PELLETIER—Who pays for that?

Hon. Mr. TRUDEL—I think it is the trade of the port of Montreal—the vessels—and hon. gentlemen will see that, when this \$11,200 is distributed in the form of increased harbor dues on vessels coming into that port, its tendency is to depreciate the advantages of our great national water-way, and send the trade that should come to the St. Lawrence to the port of New York. My intension is not to

bring charges against anyone, but I speak of the facts as I find them published in the *Courier* of Montreal of the 9th of June, 1879. This paper is largely circulated in Montreal, and I am not aware that its statements on this subject have been questioned or denied—in fact, I have heard them confirmed by other parties. The Government of the Dominion are now making large improvements on the Lachine Canal, and engineers are employed there. Would it not be a great saving of expense if the Montreal Harbor works were all under the control of one officer, who would be responsible to the Department of Public Works, or a special Department, if the Government should think fit to create one, presided over by a minister who would be responsible to Parliament? One engineer could manage the whole thing, instead of having the present expensive staff for the Harbor Commission and another for the Lachine Canal. There are a great many other facts which might be brought before the House, which would shew the necessity that exists for the Government and Parliament to examine carefully into this matter and see whether a great many of the difficulties which have arisen, and which bear so heavily on the navigation of the St. Lawrence, could not be obviated.

Hon. Mr. PENNY—If the discussion had turned simply on the motion before the House, I should have said nothing on the present occasion, as I think the Government and the hon. gentleman from Sorel, will be able to settle that matter between themselves without any intervention on my part. But after what has been said by other hon. gentlemen, as a representative of Montreal, it devolves upon me to reply to some of their remarks. First of all, as to the character of the Harbor Commission. During all the time I have lived in Montreal the majority on the Harbor Board were gentlemen who have not been politically in harmony with myself, but the members of that Commission have always been, I believe, animated with intelligence, enterprise and a just spirit of patriotism; and I believe no public work in the country has been carried on so cheaply and so well as the deepening of the channel in Lake St. Peter, and other improvements made by the Harbor Com-

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mission. Of late years the Harbor Board has not been a nominative body, but its members have been chosen from amongst those who have the most direct interest in the trade of the country. Could anybody have more direct interest in the reduction of the charges upon vessels coming to the port of Montreal than the merchants and ship owners of that city, and the gentlemen engaged in the grain trade? All these interests are represented on the Board. Take for instance the great house of Allan & Co. They are not political friends of mine, but they are gentlemen largely interested in the trade of the port, and in keeping down the harbor charges, and one of them has always been a member of the Board ever since the elective system came into operation. If these gentlemen are not interested in keeping down the charges, I should like to know if the persons in Sorel who have signed this petition, and who do not own a vessel amongst them, would be likely to be so? I do not think if the work were done by members of the Board, it would be done very much better. The hon. gentleman from DeSalaberry has alluded to the late Chairman of the Harbor Commission, a gentleman who enjoyed the respect of all who knew him. The hon. gentleman (Mr. Trudel) has stated that Mr. Young's plan did not meet the views of the public, generally. I believe that is quite true with respect to some of them. For instance, he had a project for enlarging the harbor, which was probably in advance of the times. That project was opposed by the gentleman who preceded him as Chairman of the Harbor Commission, but plans actually undertaken, were subsequently carried out by Mr. Delisle and his colleagues, while the extension of the harbor, in the way proposed by Mr. Young, was never undertaken. Captain Vaughan, who has been mentioned by the member for DeSalaberry, was, in his way, probably an able man, but he was not the engineer that the hon. gentleman from DeSalaberry represents him to have been. He had, if I recollect rightly, been a lighthouse keeper, at any rate he was far from being an authority on engineering. Still, there were authorities who took the same view that it was said

he took, and, on their recommendation, the Government of that day undertook to deepen the channel of Lake St. Peter. They spent, some \$400,000, the hon. gentleman says, but I think it was £70,000, as we counted in those days, in digging at this channel, and, after the money was all expended, the work was abandoned. The money was just put into the river and there it lay. Amongst those who then professed to know the river was Captain Armstrong, Mr. David Armstrong, for many years a member of that House, Mr. Young, and some other gentlemen. They undertook to do, not something abnormal, as the hon. gentleman (Mr. Trudel) describes it, and which the first scheme really was, as it consisted in a straight cut through all obstructions, but to excavate the natural channel. They obtained from the Government of that day—a Conservative Government, I think—the necessary powers to carry out their project, and the consequence is, instead of seeing to-day vessels of 300 to 350 tons coming to the port of Montreal, drawing only about seven feet of water, we have vessels of 2,000 tons unloading at our wharves. It is quite true that this has cost a great deal of money, and very heavy charges have to be imposed upon the trade, but, without this expenditure, these vessels could never have come there at all. The question is whether it is better for them to come there, even if they have to pay the tolls, or to be unable to get there at all for want of a channel. These remarks apply, I think, to the main points of what has been said by the hon. gentleman, but if notice had been given that this motion was to embrace so large a number of topics, I have no doubt a great deal more information would have been given on the subject. The hon. gentleman says that, after Mr. Delisle's time, there was a considerable increase in the expenditure; amongst the rest there was a salary paid to the Chairman of the Board, and fees to the Commissioners. That is quite true, but it is equally true that if Mr. Delisle had remained in office, the same thing would have occurred, as it is very well known to everybody that he was to have had a salary, and the other gentlemen were to have fees for attendance. And it was quite right that it should be so. Mr.

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Young worked for a great many years with an earnestness and singleness of purpose more hours in the week than many persons devote to their own business, and during that time he received no remuneration whatever for his services. It was intended, however, that Mr. Delisle, who had only served a few years, should have his salary, and when he was removed, and Mr. Young took his place, he only got what Mr. Delisle was to have had, and what he was fully entitled to. As to the question of engineers, it is very difficult for any hon. gentleman here to say why one man should be dismissed, and why another should be taken in his place; but I think if I understood the matter rightly at the time, it was that Mr. Kennedy was a gentleman who was specially adapted, from previous experience, for the position, and that it was thought Mr. Neish did not possess all the qualifications that were necessary for the business. I do not wish to say anything against Mr. Neish, but I know that this was felt by the gentlemen who made the change. After Mr. Kennedy took charge of the harbor, the work done by the dredges, measured by cubic yards, was greatly increased—to an extent far exceeding, if I recollect rightly, the amount of his salary. I would say, as to the motion that has given rise to all this discussion, that it originates from the complaint of two artizans who claim to have been improperly discharged. Now, if they were engaged for a length of time, and were improperly dismissed, they have the means of enforcing the contract, and payment of damages. I was one of the committee appointed, some years ago, to inquire into this matter, and I certainly did not arrive at the conclusion that seems to have been arrived at by other gentlemen. I could see no reason in the world why these men should not have been discharged, and I think, when the Government or country commit to a respectable body like the Harbor Commissioners such an important trust, it would be preposterous if they were to interfere on behalf of every man that the Commission think ought to be discharged. I do not think any gentleman would work on the Board under such circumstances, and that is the whole point in the motion before the House.

Hon. Mr. TRUDEL—With the permission of the House, I rise to make an explanation. The hon. gentleman from Alma (Mr. Penny) complains that the points to which I alluded were not included in the notice of motion. I felt that my remarks were irregular, but the system has grown up in this House, of going beyond the subject embraced in a motion, and, under the circumstances, I think the same latitude should be given to me that is allowed to other hon. gentlemen. One of these days, I shall give notice of motion that will afford an opportunity of thoroughly discussing this important matter.

The motion was agreed to.

THE SENATE DEBATES.

A QUESTION OF PRIVILEGE.

Hon. Mr. ALEXANDER—I rise to a question of privilege. The members of this House will remember that a grave charge was preferred against the reporters of the Senate. They were charged with unfairly and dishonestly reporting the proceedings, and with inspiring an attack in one of the city papers upon a Senator of this House. Such charge having been made, it was moved by the leader of this House, and seconded, that it be referred to the Committee on Privileges. Now, when a charge of so grave a character is openly made on the floor of Parliament against two officials who cannot reply, one would suppose that every sense of right and fair play would demand that the investigation of the charge should take place at the earliest moment after it is made. The character of every man is dear to him, but especially of those who have, by their ability and industry, to earn their bread, and as the Chairman of the Debates Committee, I conceive it to be my duty to put the question: Why the Committee on the Privileges of this House has not been already called to dispose of this matter?

The SPEAKER—In reply to the hon. gentleman, I may state that this is a new case. There is no precedent of a similar character on the Journals of the House, and I took time, as Chairman of the Committee on Privileges, to inquire into it. After doing so, I gave instruc-

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tions that the Committee should be summoned on Monday.

THE BELL TELEPHONE COMPANY'S BILL.

THIRD READING.

Hon. Mr. HOPE moved the third reading of Bill (17) "To incorporate the Bell Telephone Company of Canada."

Hon. Mr. CARVELL—When I gave notice that I would move this amendment to the Bill, the Hon. Senator from Hamilton (Mr. Hope) thought I was taking a very strange course, and that I had not discharged my duty to the Committee in not raising the objections at the proper time, but had sprung this amendment on the House at the eleventh hour. I can only say that, while this may all be true, my plea is that I am not yet familiar with the usages and rules which govern this House. In fact, when the matter was before the Committee the other day, I saw the difficulty, but did not see the way to remedy it. When this matter first occupied my attention, it was with a view to see if there was any possible way in which the Province of Prince Edward Island could be emancipated from the position which she now occupies in reference to telegraph business. Since the meeting of the Committee I had occasion to look into the matter, and found I had a great deal to learn, of which I have acquired but a small portion, and I find myself with a matter on hand which I consider of the utmost importance—second to none, perhaps, that has occupied, or will occupy, the attention of hon. gentlemen during the present session, and I only wish that I were able to do the subject justice. The importance of the matter which I am looking to is not so much with reference to this Bill alone. It is the preservation, in its operations, of the Marine Telegraph Act of 1875. This Bill is one of a number of Telegraph and Telephone Bills now before Parliament, and my fear, my belief, is that, unless they be made subject to the provisions of the Act of 1875, they, or some of them, will be utilized to render inoperative that Act, so far as the existing cable companies' combination is concerned. I did not learn until this morning that this question, in other forms, has already been twice before the Parliament of

Canada—the first time in 1875, during the passing of the Act. The second time was last session, when the Bill to repeal the Act of 1875 passed the Lower House by a considerable majority, and came up to this Chamber, where it was defeated by a majority of two. If I had any idea that this matter had occupied the attention of the leading men in both Houses, I should have hesitated to have undertaken such a duty as bringing it up here on the present occasion; but it must be dealt with in some way or other, and I am confident that hon. gentlemen who are familiar with the subject will take it up where I shall be obliged to leave it, and, if possible, carry out the object for which I make this motion. We all remember the rejoicings in 1856 over the successful completion of the first Atlantic cable put down by the Anglo-American Cable Company. We all know the fate of that cable—it lived to utter but one sentence, and then there was corresponding disappointment and gloom at its failure. We remember that, subsequently, the perseverance, pluck and energy of the Anglo-American Company enabled them to lay a second cable, and the world at large was greatly indebted to them for their successful efforts in the interest of science and civilization. Time has gone on, and, to-day, instead of one we have eight telegraph cables across the Atlantic. Some of them have followed the fate of the first and second. I think there are now belonging to the Anglo-American Cable Company seven cables—useful and useless. In 1865 the second cable was laid, broken, and finally abandoned; in 1866 there was another; in 1869, another, which is working to-day; in 1874 and 1875 there were two more. Of these seven, two were not laid by the Anglo-American Cable Company, the first French cable, which was put down in 1869, and the direct cable in 1875. These companies, with their connections as they now exist, are not the Anglo-American Cable Company; but had better, perhaps, be called the “Anglo-American Combination.” The Anglo-American Cable Company first took possession of and absorbed the New York, Newfoundland and London Telegraph Company, which latter had exclusive right in Prince Edward Island in perpetuity. Then the Western Union

Hon. Mr. Carvell.

Company, entirely a foreign one, secured all the telegraph lines in Nova Scotia and New Brunswick, and purchased the Nova Scotia shore ends of the Anglo-American Company's cables; then the Montreal Company is found combining with the Western Union, and all the great companies, so that now the Anglo-American Cable Company, the New York, Newfoundland & London Cable Company, the Western Union Company, the American Union Company, the Montreal Company, the French Cable Company, the Direct Cable Company and the Dominion Company are absorbed by the Anglo-American combination, one vast monopoly that will continue and extend if this amendment be not adopted, not only with reference to this Bill, but with respect also to each of the Telegraph and Telephone Bills now before Parliament. When the Direct Cable Company's stock was being taken, it was with the distinct understanding that it was to be an independent line, that it should not amalgamate, but should be in competition with the Anglo-American combination. We all know the fate of that company. We all know that it was absorbed. I am willing to believe that the gentlemen having control of it fought as long as they could for existence and for the maintenance of their pledges. But the power being too great for them, they were obliged, in self-protection, and in the interest of the capital under their control, to yield to the pressure. The same course was taken with the French Cable Company. As hon. gentlemen will remember, when the French Cable Company had succeeded in connecting France with Canada and the United States, this “combination” immediately reduced their rates from three shillings to sixpence per word for all messages between the continents of America and Europe, whilst their rates to England continued to be three shillings per word; but, as soon as the French cable was connected with England, the pooling began and the rates went up, and the “combination” had control again. The course pursued in reference to the Direct Cable Company was somewhat similar. The charge I bring against this combination is that, having so far defeated the legislation of 1875 as to absorb the

Direct Cable Company, they came to Parliament and asked that the Act which was passed for the protection of that Company should be repealed. The same persons who were promoting and advocating the passage of the Act of 1875, were last year seeking its repeal. The reasons for this change of opinion, or of action, are very obvious. Finding they could not accomplish, directly, the repeal of the Act last year, they come to Parliament this session with the Bills now before us. They come as the five fingers of one hand. Some of these Bills, as first introduced, may be used, if not amended in the way I suggest, so as to evade the Act of 1875, and it will then matter very little to the "combination" whether that Act remains on the Statute book or not. One comes in as a Telephone Bill, while the others are Telegraph Bills. If you throw out one of these Bills and pass another, without making it subject to the provisions of the Act of 1875, the latter may be so used by the combination as to continue the monopoly. I contend that the provision which I wish to have applied in this Bill should be inserted in each and all of these Bills in turn as they come up. Some of these measures come in without any reference at all to the Act of 1875; some come here with a clause to the effect that the provisions of the Act of 1875 shall apply to those corporations only "so long as it remains in force," still hoping that it shall be repealed. The last clause of one of them (Bill 72) is "the provisions of the Act 38 Vic., Cap. 26, shall not apply to this corporation." They strive in every way to get rid of it. I wish it to be understood that I do not desire, by anything I have said, or may say, to deprive, if I could do so, the Anglo-American Cable Company, or the New York, Newfoundland & London Telegraph Company of their vested rights. What I do object to is that other cable companies should be permitted to land under the assumed privileges claimed by this "combination," and so perpetuate the monopoly to the detriment of Canada and the commercial interests of the world. The Government of the United States are legislating in the same direction as that to which the Act 38 Vic., Cap. 26, points; they

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would not allow the French Cable Company to land, except under the express condition which requires any company enjoying exclusive privileges to share those privileges with the competing company. I do not think I shall occupy the time of the House any longer, as there are several gentlemen who understand the question much better than I do, but I would urge the amendment of this Bill, of which I have given notice. I do not think that the hon. gentleman from Hamilton, who is as much opposed to monopolies as I am, will object to it, for, if it be a fact that this Company have no desire to go beyond the confines of the Dominion, there can be no harm done by accepting the amendment. If, on the other hand, the Bill is allowed to go through as it is, and the combination are allowed to evade the Act of 1875, the monopoly will be perpetuated, high tariffs will be maintained, and I do not hesitate to say that the interests of the commercial world at large will be prejudiced. The original Anglo-American Company had a claim upon us, for, by their energy and enterprise, they gave us Atlantic telegraphy, but the "combination" which is now spoken of as the Anglo-American Combination, is a very different thing. It is under the management of foreigners. I do not know what the position of the Government would be to-day if they had to make confidential communications with England. We all know what the secrecy of telegraphing amounts to; and if important political information that passes between this Government and the Mother Country has to be supervised by foreigners, who are not in sympathy with us, and who might take advantage of an emergency, it would be a matter very much to be regretted. I ask hon. gentlemen to prevent the continuance of such a monopoly by adopting the amendment.

Hon. Mr. DICKEY—I do not intend to follow my hon. friend through his long indictment against the submarine telegraph companies doing business in connection with telegraph companies in this country, but I must say that I find it difficult to reconcile the just comments that he has paid to their enterprise with the animus that he has exhibited against them.

Hon. Mr. CARVELL—I have no animus against them.

Hon. Mr. DICKEY—They have given to the world the very great blessings of telegraphic communication between the two hemispheres. I do not intend to follow my hon. friend's remarks upon that subject, because, really, it has nothing whatever to do with the Bill before the House, which is simply a measure to incorporate a telephone company. So far from such a bill calling for obstruction in this House, it is one that should commend itself to our most favorable consideration, because it initiates a new species of legislation, in connection with one of the most interesting of modern scientific discoveries. It is, at all events, one which calls for fair play. My hon. friend proposes an amendment which has nothing to do with this Bill. He proposes that the 4th clause shall read as follows:—

“4 The said Company shall have power and authority, subject to the provisions of Clause A of the Act, to purchase or lease for any term of years any telephone line established, or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company or person possessing, as proprietor, any line of telegraphic or telephonic communication connecting or to be connected with the Company's line in Canada.”

Clause A, which he proposes to add to the Bill, is as follows:—

“The provisions of the Act 38 Vic., cap. 26, shall apply to this corporation.”

This Company has nothing to do with submarine telegraphs, which that Act was intended to reach. The 2nd section of this Bill states, in clear and distinct language, the objects of this company. They are:—

“To build, establish, construct, purchase, acquire or lease, and maintain and operate, or sell or let, any line or lines for the transmission of messages by telephone, in Canada or elsewhere, and to make connection for the purposes of telephone business, with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line to be used for telephone purposes.”

Hon. Mr. Dickey.

The whole scope and object of this Bill is for telephone purposes alone, and it has no earthly connection whatever with submarine cables. But to place the matter beyond the possibility of a doubt, the words “or elsewhere,” have been struck out of the Bill, so that the Company can make no arrangements with other companies outside of the Dominion. The object in giving them powers to enter into arrangements with other lines is purely to save them the expense, in many cases, of putting up wires if they intend, as I believe they do, to extend their operations over the settled portions of Canada. In the French Cable Bill, to which my hon. friend has alluded, a clause has been inserted to provide that it shall be subject to the General Act, because it is a submarine cable company. But this is a company for telephone business solely, and I do hope that the House will not attach to this Bill conditions which belong to submarine telegraph business. The hon. gentleman does not suppose that this telephone company has any intention of using the trans-Atlantic cables for telephone business. We know that the utmost extent to which messages have yet been sent is a few miles only, at all events, not hundreds of miles under the sea. It is for local convenience, to enable people to exchange messages in the various centres of population. I have no interest in the Bill, and the only reason I have ventured to trespass upon the House is, that I was Chairman of the Committee to which this Bill was referred, and where it was fully considered. My hon. friend was present, and if he had chosen to expand his views there, the Committee would have listened to them with great respect. This Bill comes with the unanimous approval of the Committee, and I think, under the circumstances, that the only excuse we can make for my hon. friend is, that he comes, as he says, to this question as a new and untried member, and was not exactly prepared to state his views before the Committee on a former occasion. He did state his views on several points, where the Committee made amendments to the Bill, and therefore, I do not think he ought, under the circumstances, to press his motion, but, if he does, I trust the House will not yield to the pressure.

Hon. Mr. KAULBACH—As the hon. Senator from Amherst (Mr Dickey) has explained to the House, there is no necessity for this amendment. If it were adopted it would have no effect; it would probably do neither good nor harm. After the remarks which have fallen from the hon. gentleman who has just resumed his seat, anything that I could say on the subject would only be tautology.

Hon. Mr. CARVELL—So far as my action or inaction at the Committee is concerned, I have already thrown myself on the indulgence of the House, and I feel that it will be granted. The Bill, as it originally came here, was not a telephone bill, pure and simple. It was a telegraph bill, giving the right of amalgamation and other powers, which it does not contain now. If I had known my privilege, as it was my duty in that Committee, I should have endeavored to amend the Bill, and I believe that if I had known as much then as I do now, it would not have reached this stage in its present shape.

Hon. Mr. HAYTHORNE—In a general way, I never feel disposed to object to bills of this sort which come to the House for third reading, knowing very well that they undergo a thorough examination in the committees to which they are referred. But, in this case, the circumstances are peculiar, as my hon. friend (Mr. Carvell) who moved the amendment, has shewn. Though a member of that Committee, he was also a new member of the House, and was not aware of the privileges he possessed, as a member of that Committee, to introduce amendments to the Bill. The consequence was that, although disapproving of some details of the measure, he did not avail himself of the opportunity to move in committee the amendment which he now submits to the House. I regret that he has found it necessary to take this course. I think it would have been far preferable, and there would have been a better chance of success in the House, had the hon. gentleman moved to send the Bill back to the Committee for further consideration, and shewn grounds for doing so. As it is, I must give my opinion that, in the remarks with which the hon. gentleman

has supported his motion, he has made out a sufficient case for the amendment which he has offered. It is clear that the hon. gentleman is by no means a novice with regard to telegraphic affairs, however novel parliamentary duties may be to him; but these are duties with which, no doubt, the hon. gentleman will soon become familiar. It must be evident to all who have heard him, that he must have been, for a large portion of his life, connected with telegraphic affairs, and probably has been, to a considerable extent, a sufferer by the want of caution shewn in passing certain acts which have been in operation, and enabled companies to amalgamate, and put up their charges on the public in a manner that the hon. gentleman desires to prevent for the future. In looking over the other Bills to which he has referred, I am struck with the want of that necessary precaution to prevent amalgamation with other companies. There is nothing which this House ought to look after with greater jealousy than the establishment of large monopolies. In the Mother Country these dangers have been got rid of, so far as telegraphs are concerned, by the Government purchasing all the wires, and undertaking the entire management of the national system of telegraphy. Those accustomed to travelling in that country must have experienced the advantage of having these well-ordered establishments in every town and village throughout the kingdom. I consider it one of my most important duties as a legislator to guard against the evils of monopolies, and to watch the proceedings of companies as well as Government—not of this Company only or of this Government, but all companies and other governments—and always to bear in mind the necessity of binding these companies in such a way as, without checking their usefulness or impairing their efficiency, to prevent the possibility of any such contingencies happening in the future, as we know have happened with some telegraphic companies to which my hon. friend has referred. I always listen with very great respect to the remarks of my hon. friend from Amherst, because they are always judicious, temperate and to the point, and, therefore, I regret that it should be my duty on this occasion to

differ somewhat from him. While I agree with him, as every thoughtful person must do, in considering these Atlantic cables magnificent enterprises, and that the individuals who undertook them were worthy of all praise and the thanks of our whole race, still, there is a distinction between the legitimate enterprises which we all admire, and the mode of conducting them. Having experienced, with reference to those Atlantic cables, the danger of allowing the privileges of amalgamation, we should beware of conceding similar privileges to companies of analogous character, and, in my opinion, we should be abandoning our duties in this House if we let this Bill pass without some guarantee against the evils which may arise from the amalgamation of companies.

The amendment was declared lost on a division.

Hon. Mr. POWER moved to amend the second clause by striking out the words "side of the." He said: The Bill now reads:—

"Where lines of telegraph are already constructed, no poles shall be erected by the Company in any city, town or incorporated village along the same side of the street where such poles are already erected, unless with the consent of the Council of such city, town or incorporated village."

By striking out the words "side of the," this Company will have the right to erect poles in any street where poles have not been already put up. In Montreal, for instance, where many of the business streets are very narrow, and where telegraph poles are already up, it would interfere very seriously with street traffic to permit this Company to put up a second line of poles. The streets of a city are very valuable property. As a rule, they cost the public a good deal, and no private company or individuals should be allowed to occupy this property, or encumber it for their own purposes, without paying compensation, or obtaining permission from the corporations who may be regarded as trustees for the public.

The amendment was declared lost on a division.

The Bill was then read the third time and passed.

Hon. Mr. Haythorne.

BUILDING SOCIETIES' RELIEF BILL IN COMMITTEE.

Pursuant to Order, the House resumed, in Committee of the Whole, consideration of Bill (F) "For the relief of Permanent Building Societies and Loan Companies."

Hon. Mr. AIKINS moved that the 8th clause be amended by adding the following thereto:—

"Clause A.—The compliance by or on the part of any such society or company, institution or corporation and its officers with the said provisions shall be deemed and taken to be a compliance with the provisions of any section of any act requiring such society, institution or corporation to transmit to the Minister of Finance any annual statement or return of its affairs or of its assets and liabilities."

The amendment was agreed to, and the clause, as amended, was adopted.

Hon. Mr. HAYTHORNE, from the Committee, reported the Bill with an amendment, which was concurred in.

BILL INTRODUCED.

Hon. Mr. BELLEROSE introduced a Bill "To repeal the Act 41 Vic., Cap. 18, and to amend the Act 32-3 Vic., Cap. 20, intituled 'An Act respecting offences against the person.'" He explained that he proposed to substitute this for the Bill relative to witnesses in cases of common assault.

The House adjourned at 5.30. p.m.

THE SENATE.

Friday, April 9th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

CANADA GUARANTEE COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. TRUDEL, from the Committee on Standing Orders and Private Bills, reported, with certain amendments, Bill (22) "Further to amend the Act therein cited, incorporating the Canada Guarantee Company."

Hon. Mr. FERRIER moved that the amendments be concurred in.

The motion was agreed to, and the third reading was ordered for Monday next.

THE PROPERTY QUALIFICATION OF SENATORS.

MOTION.

The Order of the Day having been called for the adoption of an additional rule of the Senate, requiring each member of the Senate, within ten days thereafter, and, subsequently, within the first twenty days of the first session of each Parliament, to make and file with the clerk, a renewed declaration of his "property qualification," and making it the duty of the clerk to lay on the table of the House a list of those members who have complied with such rule,

Hon. Sir ALEX. CAMPBELL said: The motion of which I have given notice is one which has been the result of a good deal of consideration on my part, and I am anxious to approach it in the spirit which would be most consonant with the feelings of members of the Senate. I have no desire whatever to do anything, or to suggest the adoption of anything, which will at all go beyond what, in my judgment, is necessary for the purpose of maintaining the position of members of this House as required by law. The British North America Act is double in its enactments. The first part, as it affects this point, requires the possession of these qualifications; the second part, reversing the language and assuming the negative, says that, as soon as these qualifications are not possessed, the member shall lose his seat. Attached to the Act there is a schedule declaration of the property qualification. It is not stated, in the Act whether that declaration shall be made once or several times. There is no enacting clause in the Act which refers to the schedule, but the declaration is annexed to the Act. In framing the rules and orders of the Senate, the Committee, which was appointed immediately after Confederation, did not adopt any rule upon the subject affecting in any way the future conduct of members in regard to their qualification for continuing to occupy their seats, and, in con-

Hon. Mr. Trudel.

sequence, the declaration is only made once, when a member takes his seat for the first time. There is no doubt the British North America Act requires that the property qualification shall be continuous, and it is desirable, I think, that we should have a rule by which it will be shewn to those interested, and to the public, if they desire to take cognizance of it, that this provision of the Statute is followed and observed by the Senate. The rule that I desire to submit is the result of some deliberation, and, I think, meets the case. Hon. gentlemen may ask: what will be the effect if the rule is disobeyed? The effect of that would only be, and that is all I contemplate, to draw attention to the circumstance that certain members of the House had not made this declaration. Then it would be for the House, or for any member of the House who thought proper to do so, to take such a course as might seem desirable. It would, I think, have the effect of making us all, and those who may sit here after us, more strict in possessing the qualification which the law requires. The truth is that the requirements, in this respect, of the British North America Act of 1867 should have been carried out by the original rules of the House. I take blame to myself, along with others, as having been one of the Committee who framed these rules, for not having considered the point. I think if this rule had been adopted in 1867, it would have been far better. It was omitted, and it is for the Senate to say whether it should now be adopted or not. It will shew that we are anxious to observe the provisions of the Act under which we sit. I need not say anything further to bring under the notice of the House the desirability of a rule of this kind, and I, therefore, move the adoption of the rule of which I have given notice.

Hon. Mr. SCOTT—I do not think it is at all incumbent upon my hon. friend to prepare a rule of this kind, because I do not believe the British North America Act contemplated a renewal of this affirmation after it was once made. Of course it is open to any member to attack the seat of a senator who may have forfeited it under the British North America Act. One cannot fail to recognize that the question involves a great

many delicate considerations, to discuss it at any length. I should, therefore, be quite ready to accept the proposition of the hon. the leader of the House, if he would so frame the rule that the affirmation to be made by a senator should be made within the first twenty days of the next session, and the first twenty days after the meeting of each new Parliament. It is now very near the end of the session, and probably a little sharp to introduce a rule of this kind, and, therefore, I think it may very well be considered by the House, whether, in the event of the adoption of the proposition, we should not limit it to the first twenty days of next session. I, therefore, move that the words "ten days thereafter" be struck out, and the following substituted, "the first twenty days of next session." If the hon. gentleman will accept this amendment, I have no objection to the rule.

Hon. Sir ALEX. CAMPBELL—I have no objection to the amendment.

Hon. Mr. SMITH—Suppose a Senator should be absent through sickness, or should be away from the country during the first twenty days of the first session of a Parliament, would it not be well to provide that, in such case, he should not be disqualified in consequence of his absence?

Hon. Sir ALEX. CAMPBELL—He would be excused by the House.

Hon. Mr. SCOTT—He would only break a rule of the House, not the law.

Hon. Mr. BELLEROSE—Though I have always been in favor of a property qualification for members of both Houses, and though I opposed the removal of that qualification in the case of members elected to serve in the House of Commons, I believe it my duty to oppose this resolution for divers reasons. Amongst those, I may allude to one: the very bad position in which this resolution, if adopted, would place hon. senators hailing from the Province of Quebec. In any other province of the Dominion except that one, if a senator possesses \$4,000 in any part of the province that he represents, he is duly qualified to take and hold his seat and to vote in this House. But each Quebec senator is required either to reside in or to possess that

qualification in the division which he represents. Many, in fact the greater number of senators from that province have been obliged, in consequence of that provision in the British North America Act, when appointed to this House, to secure their qualification by purchasing properties in their respective constituencies though they might have had elsewhere in their province more than was sufficient for their qualification. Though I do not fully understand what may have been the reasons for making such a distinction, I may say that I do not complain of it. It is so provided by the constitution and I have always been and I am still ready to submit to it; but, while I feel bound to accept cheerfully the constitution as it is, I do not and cannot accept, without a protest, the position in which this resolution, if adopted, would place hon. senators from Quebec. It would clearly operate disadvantageously to them, and to them only. For instance, let me take, amongst many others, my own case. When I was appointed, I had, and I still have, properties in some four or five electoral divisions, but none in the one which I was appointed to represent, and, as I was not a resident of that district, I was obliged, therefore, to buy property there which I did, to the value of \$5,000. That property has increased in value, it being situated in a town. But suppose it should be destroyed by fire just at the beginning of next session, or the beginning of the first session of a Parliament, how could I comply with the terms of this resolution? Surely this is a serious objection, and, as I said before, I do not raise it because I am opposed to the property qualification, but because it places the Senators from Quebec in an exceptional position—in a worse position, for years to come, than our colleagues. If a Senator from any Province but Quebec should lose the property on which he qualifies, he can, if he possesses other property in any other part of the Province from which he comes, still qualify, and merely have to change his qualification; but, in Quebec, no matter how much property a man may own, if he does not possess sufficient in his division to qualify him, he forfeits his seat. It is because this would be the consequence of the adoption of this rule that I cannot accept it. If the resolution could be so

Hon. Mr. Scott.

framed as to affect all the provinces equally, I would have less objection to it, though I may say that it contains many other objectionable features. I do not wish to be understood as advocating that a senator ought to sit here in violation of the law of the land, which, I consider, impliedly enacts that senators are to be qualified so long as they have a seat; on the contrary, my views have always been that members of both Houses, when required by law to hold a property or other qualification, ought to be so qualified during the whole of their term of office. The Journals of Parliament shew that such has been my views in years past. Consequently, though I am quite favorable to the principle on which this resolution is based, I cannot—for the very good reasons that I have given, and for many others which I do not see the necessity of taking the time of the House to mention—favor such a rule, and I feel bound to give it, in the name of my Province, an adverse vote.

Hon. Mr. PENNY—I should rather have allowed this motion to pass without discussion, if the hon. gentleman who has just resumed his seat had not spoken upon it; but I rise to say that I entirely agree with what he has said. In fact, the case of the Quebec senators is rather harder than he has stated it, and, possibly, what I am about to say will apply to other members besides those who come from that Province. The law declares that any gentleman who has lost his qualification absolutely ceases to be a member of the Senate, and, I imagine, there is no legal means by which that can be remedied. I suppose a good many gentlemen enjoy a qualification which consists of houses. They may be burnt down at any moment, and the owner of the property, who is qualified upon it, would then absolutely cease to be a member of the Senate. That is one of those things that I believe should be considered, and I think the leader of the House would do well to ascertain whether my reading of the law is correct, and in case it should be so, to see whether some alteration could not be made to allow a gentleman who loses his qualification in that way time to regain it. The remarks of the hon. gentleman opposite, (Mr. Bellerose,) apply particularly to Quebec.

Hon. Mr. Bellerose.

I know the case of a Senator who could qualify ten or twelve times over on the same terms as senators from other parts of the Dominion, and yet whose property qualification is probably not much more than is required by the Statute, that is, the property he possesses in the division for which he sits. These are matters which, if we are going into the strict qualifications of senators, should be looked into with a little more care than they have been heretofore. I know that if it is thought desirable to make a change in this direction, we cannot do so here. It would have to be done by the Imperial Parliament.

Hon. Sir ALEX. CAMPBELL—That ought to be the subject of a resolution.

Hon. Mr. PENNY—My impression is that it would have to be done by a change in the Constitution. That could easily be done. I have no doubt that what the hon. gentleman opposite (Mr. Bellerose) has said is quite proper, and I hope that the House will consider my remarks are also appropriate, because it is a matter which affects us all.

Hon. Mr. VIDAL—It is with no little diffidence that I venture to express a difference of opinion from the hon. the Minister of Militia, and more especially upon a question of this nature; but I have been looking carefully into it, and I am so thoroughly satisfied that this resolution, when adopted, will be utterly valueless, that I venture to suggest that a little more time should be given for consideration, in order that such rules or enactments should be adopted as would really effect the object which the hon. gentleman has in view. We have been working for thirteen years under the existing constitution, and possibly this difficulty may, to a limited extent, have existed all the time, but it has never been noticed, and we have gone on very smoothly and satisfactorily; and why not continue to do so, if this property qualification be regarded as an undesirable restriction, for we have, of course, no power to alter or amend the British North America Act, which requires it. I cannot conceive how a gentleman who, by his talents, experience in public affairs and commercial knowledge, is qualified to discharge his duties in this House with advantage to the country to-

day, should, by the destruction to-night, by fire, of the property on which he qualified, be unfitted to discharge those duties to-morrow. In my judgment he would be just as useful to this House and to the country to-morrow as he is to-day, and I think that a qualification which is so unyielding in its terms ought, in some way or other, to be modified, or, if possible, left in abeyance, as it has been during the past thirteen years. Suppose, for instance, I considered this resolution unwarranted by the Constitutional Act, and paid no attention to it, the Clerk, I presume, would report to the House that I had failed to make the necessary declaration. What can the House do? Can they follow it up by expelling me?

Hon. Sir ALEX. CAMPBELL—No. The effect would merely be to call attention to the fact that you had not done so.

Hon. Mr. VIDAL—And I should remain in my seat. Nothing would be accomplished whatever, except that the House would be informed that, for some reason or other—and it could not know whether from a mere whim or other cause—I had failed to make this declaration. I question whether there is anything in the British North America Act, or in our rules which gives the Senate power to deal with such a case, and, consequently, I think that the proposed rule would be entirely inoperative. Now, my idea is that if this property qualification is to be of any real service, it must be enforced, and, to accomplish that, would require, not merely the rule that has been offered for our adoption, but several others, and, I believe, even more than that—either a change in the British North America Act, or the enactment of a law similar to that which protects the House of Commons, and which would soon bring anyone to book who ventured to take a seat here without possessing the necessary qualification. If this latter plan should be adopted, and a heavy fine be imposed for each day that any person disqualified should sit or vote in this House, it would be a very serious matter for any person to violate that law; but, unless we have some legislation of that kind, I do not see how this rule can be made effective. I am not familiar with the law, and do

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not see where we get powers to enforce it; possibly it may be given in the 18th section of the Confederation Act, by which we may exercise all the privileges, immunities and powers enjoyed by the British House of Commons. Under those powers, there might be some way found to deal with the matter.

Hon. Mr. BUREAU—The 33rd section provides that the Senate shall hear and determine questions respecting the qualifications of senators.

Hon. Mr. VIDAL—It is that clause which constitutes the Senate a court to try such cases, but there is no rule by which we can really bring this clause into operation.

Hon. Mr. MILLER—There is one rule with regard to a member who shall be absent for two sessions.

Hon. Mr. VIDAL—I was about to allude to that rule to shew that what we have the power to do we have done. In the case of a member who forfeits his seat by being absent for two sessions, we have directed our Clerk to perform a simple and easily-discharged duty, because he has in his possession the documents by which he is able to give the required information to the House. He is the person, of all others, in the best position to certify to the absence or presence of members during a session, and, on receiving his report, the House is in a position to take action in the case.

Hon. Mr. MILLER—The case is not as clear as would at first blush appear, with regard to a member who has forfeited his seat by two years' absence, because he may have been absent in consequence of sickness, without any record of it being in the possession of the Clerk. In all such cases, though the member has virtually lost his seat, it would not be declared vacant without the action of the House, as in the case of Sir Edward Kenny.

Hon. Mr. VIDAL—I can see no way by which this question of qualification can be decided by any similar process. Now, it is a matter of history, that there was a qualification for members of the British House of Commons. It existed as far back as Queen Anne's time. A member was required, when he took his seat in the House, to make an affidavit that

he possessed the requisite qualification. He did so in general terms, and that declaration was accepted. He simply said that he was qualified according to the terms of the statute. But if any member from his seat, or anybody outside of Parliament, by petition, called attention to the fact that the member making that declaration was not possessed of the qualification, then the House called upon that member to make a new declaration, specifying the property on which he qualified, and he was held to that declaration; and if that was determined by a committee of the House of Commons to be insufficient, his seat was forfeited, although he possessed a sufficiency of other property, so particular were they about it. It will have to be the same here before qualification can be inquired into. The declaration that we make is that we have property to the value specified in the Act, but if that declaration should be questioned we should then have to specify where the property was situated, and give its description and value. It is a serious and difficult question, and, while this resolution is a move in the right direction, I think it requires more careful consideration than it has yet received.

Hon. Sir ALEX. CAMPBELL—My hon. friend is probably not aware of the consideration that has been given to this matter by members of this House for the last two or three sessions; and where I think the hon. gentleman is mistaken is in this: he does not bear in mind that this rule is only suggested for the purpose of calling attention to the fact that a member of this House has not made the declaration. The only way of inquiring into the question, if it comes before the House, is by referring it to the Standing Committee on Privileges. There are only two ways of bringing the matter under the consideration of the House at all, at present—one by petition, preferred by somebody to the House, and if such a petition should be presented, the course of the leader of the House would be to move that the petition should be referred to the Committee on Privileges; the other way would be for some member to rise in his place and say that he believed the hon. Mr. so-and-so

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is no longer qualified to occupy his seat in this House. What could be more painful than this? And yet it is desirable to bring attention to the subject, and this resolution provides the least offensive way in which it can be done: that the member has not made the proper declaration. It would then be a matter open for the consideration of the House, and some hon. member might feel it his duty to mention it to the Senate, and, in that way, it could be referred to the Committee on Privileges. That is the only object contemplated by the rule; it draws attention to the subject, and then it is for the Senate to say whether any further step is to be taken or not. With reference to the objection raised by the hon. gentleman from De Lanaudière (Mr. Bellerose) I do not think he has considered that this proposed rule does not press any additional obligation on the members from Quebec. That obligation is already imposed on them under the provisions of the British North America Act, and this rule does not propose to increase it or render it more burdensome in any way. If an hon. gentleman from Quebec ceases to hold property in the division which he represents, and no longer resides there, he would, when the declaration came to be made, have to restore himself to the position of a property owner or resident in his district. He ought to have been in that position all the time, under the Act. When his attention is called to the fact every five years, he would naturally endeavor to maintain his qualification, and it seems to me to be desirable, in the interests of the Province of Quebec, that it should be so. My hon. friend says he does not know why the members from Quebec should have been placed in this exceptional position. The reason was this: that, in Quebec, the population is mixed—partly English and partly French. The minority is English, and it was thought very desirable by the gentlemen from Lower Canada who attended the conferences held for the purpose of framing the Confederation resolutions (and the French representatives, in a most liberal spirit, acceded to the suggestion then made), in the interests of the English-speaking people of the Province, that there should be fixed geographical divisions for each

Senator from Quebec, because the bulk of the English-speaking people is found in the Eastern Townships and in the Ottawa district, and it was thought desirable to enact that certain members of this House must come from certain districts or divisions, or must hold property in such districts, the presumption being that it would insure a representation of the English minority as well as of the French majority of the Province in the Senate. That was the reason the distinction was made. It seems to me that, in drawing attention to this matter once in every Parliament, we are doing the very least that ought to be done by this House, and we are adopting the least offensive means which could be used for inviting the attention of hon. gentlemen to the terms upon which they hold their seats, namely, that the qualification must be permanent, and securing, as far as it can be done, that it shall be so. I had hoped very much that the resolution which I had proposed would have been allowed to pass without debate. For my own part, I refrained purposely from going at all beyond what was necessary for the purpose of explaining it. I believe it would be found very much in the interest of the House, and I trust that it will now be adopted unanimously.

Hon. Mr. BELLEROSE—I believe that the Hon. Minister of Militia (Sir Alex. Campbell) has not quite caught my objection. I do not complain of the exceptional position in which the constitution places Senators from Quebec as to their qualification. This we have accepted, and we are ready to stand by, but what I have been trying to shew is, that the adoption of this resolution would, practically, put us senators from Quebec in a far worse position than we occupy under the British North America Act. Under existing circumstances, if, as I have already stated, the property on which a Senator from Quebec is qualified should be destroyed by fire at the beginning of the first session of a new Parliament, no one would even think of laying a complaint before the Senate, at least for a few months, in order to be sure that new buildings were not to be erected, but, if this resolution is to be adopted, no Senator from Quebec could escape. He would have to specify his qualification, and, as he could not,

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on account of the circumstances above mentioned, the Clerk of this House would have to report the fact and practically lay a complaint against that senator, a thing which certainly could not be agreeable to any member.

Hon. Sir ALEX. CAMPBELL—He would be excused from making his declaration.

Hon. Mr. BELLEROSE—The hon. Minister who has interrupted me will excuse me if I answer that the Senator, standing in such a position, could not legally or decently be excused by this House. To be so excused would require the House to be informed of the facts, and the facts having come to the knowledge of hon. members, either in this way or by a report of the Clerk, how could their honors excuse the member so disqualified, in the face of the constitutional law, which enacts in the 31st section of the British North America Act, as follows:—

“The place of a Senator shall become vacant in any of the following cases.

“If he ceases to be qualified in respect of property or of residence.”

Would not the Senate, then, be forced to take up the case and decide that the seat of that hon. Senator was vacant? The hon. Minister of Militia has stated, in answer to my remarks, that the only reason which had led the framers of our Constitution to make such a difference between the qualification of senators from Quebec and that of senators hailing from the other provinces, was the fact that the Province of Quebec contained an important minority of English-speaking people. To that I may answer that this only shews the liberality displayed by the majority of the people of that Province. It is much to be regretted that the majority of the people of our sister provinces have not shewn the same liberality to the different minorities speaking the French language, living amongst them. If such had been the case, senators hailing from each and every province of the Dominion would have been placed on the same footing as to qualification, and then there could have been no objection to the passing of the resolution now under consideration, because then the new rule would have affected all senators alike. But if the new rule

should be adopted, such would not be the case, and it might then happen that the very day a senator from Quebec would lose his seat, one of his colleagues hailing from another province, and having met with a similar accident, could retain his, even in case he might be a less wealthy man. I ask hon. gentlemen is this fair? I say it is not, and consequently it is my duty to oppose it. Not that I am afraid that it may work injuriously to myself, or to the greater number of senators from Quebec who have now a seat in this House, but I know not, and none of my colleagues can tell who may take my seat, or those of our colleagues, from that Province when we are gone to another world. Therefore, I feel it my duty not to allow such a precedent to be established, for, when that rule shall have been adopted, it will be more difficult to remove it from our book of rules and orders, than it is now to vote it down, before it is made a precedent.

Hon. Mr. ALEXANDER—I feel that there is very great force in the objection which the hon. gentleman (Mr. Bellerose) has stated to this House. It ought not to be the desire of the Senate, and I am sure it is not their desire, to pass any resolution, in the discharge of our duty, which will unfairly embarrass senators from any part of the Dominion. The members from the Province of Quebec, as has been explained by the hon. gentleman from De Lanaudière, do stand in a different position from that occupied by members from the other provinces, and it might be well if the leader of the Government in this House would allow me to propose that this debate be adjourned until the next sitting of the House, in order to give us an opportunity to consider the objection that has been raised.

The motion, as amended, was agreed to.

The House adjourned at 4.15 p.m.

THE SENATE.

Monday, April 12th, 1880.

The Speaker took the chair at eight o'clock p.m.

Prayers and routine proceedings.

Hon. Mr. Bellerose.

DISALLOWANCE OF BRITISH COLUMBIAN ACTS.

MOTION.

Hon. Mr. MACDONALD 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 between the Dominion Government and the Provincial Government of British Columbia, and between the Supreme Court Judges of British Columbia and the Local and Dominion Governments, on the ‘Better Administration of Justice Act, 1878,’ and the ‘Judicature Act, 1879,’ both passed by the Local Legislature, together with the official protest of the said Judges against the allowance of those Acts; and, also, copies of the reports of the hon. the Minister of Justice on the various British Columbian Acts of the sessions 1877, 1878 and 1879, not hitherto printed.”

He said: My object in moving for these papers is to get the opinion of the Minister of Justice on these Acts mentioned in this motion, and also his opinion of the protest of the judges against the allowance of these Acts.

Hon. Sir ALEX. CAMPBELL—I do not know that there is anything in the papers asked for that would prevent them from being brought down. Some of them may be of a confidential character, and, in that case, cannot be made public; but any that are not, will be brought down.

The motion was agreed to.

THE SENATE DEBATES.

A QUESTION OF PRIVILEGE.

Hon. Mr. ALEXANDER—I rise to a question of privilege. I claim permission again to repeat that a grave charge was preferred against the reporters of this House on the 5th April, just a week ago. They were charged with unfairly and dishonestly reporting the proceedings, and with inspiring an attack in a city paper upon a Senator of this House. I now ask the leader of this House, who ought, by virtue of his high position, to be the guardian of its honor—who ought to be the protector of the weak against the strong—who ought, clothed as he is with the power and authority of a minister of the Crown, to see even-handed justice meted out to all—I ask him: does he think, when we sat to-day as a Committee on Privileges, that he acted in a manner to reflect honor upon this

House? We all feel that the character of every man is dear to him, but especially of those who have, by their ability and industry, to earn their bread; and are we, as members of the Dominion Senate, to be placed in the humiliating position, by the leader of this House, of not seeing a fair opportunity afforded to the accused to defend themselves against the charges preferred against them?

Hon. Sir ALEX. CAMPBELL—I do not know that I have much to say to the remarks made by the hon. gentleman. The hon. Senator from Richmond, the other day, made some reference to the conduct which he believed had been pursued towards him by certain persons employed by the Senate, and he made a statement on the subject from his place in the House. I suggested, as the best plan which occurred to me, that the matter should be referred to the Committee on Privileges. That Committee met to-day, and the hon. gentleman (Mr. Miller), in the just exercise of his privileges as a member of the House, said that he had not asked that there should be any reference to the Committee on Privileges, and that he had nothing to submit to that Committee. I therefore moved that the Committee should rise, and I am satisfied that I was quite right in doing so; no other step could have been taken. I think the House will believe, as I do, that I have done my duty, and that they will smile, as I do, at the attack which the hon. gentleman (Mr. Alexander) has made upon me.

Hon. Mr. HAYTHORNE—I think that this is a matter of too serious a nature to be treated in a jocular manner. While anybody who rises to speak of it should approach the subject with great tenderness and regard for the feelings of everybody affected by it, we ought to remember that two individuals, whose character has been attacked, have not been given an opportunity to defend themselves, and I think the reporters, who have done their duty faithfully during this and former sessions, are entitled to an investigation of the charges made against them a week ago. I do not desire to continue this discussion at the present time, but I must say, that it would be a mistake, in my opinion, and unbecoming the dignity of the Senate to let the matter rest where it is.

Hon. Mr. Alexander.

THE COMMITTEE ON CONTINGENCIES.

QUESTION OF PRIVILEGE.

Hon. Mr. ALEXANDER—I rise again to a question of privilege. I see the Chairman of the Committee on Contingencies in his place. May I ask him when he intends to call the Committee together?

Hon. Sir ALEX. CAMPBELL—That is not a question of privilege.

Hon. Mr. ALEXANDER—Then, I ask, as a member of this House, when the Committee on Contingencies is to be called together?

Hon. Mr. MILLER—The hon. gentleman asked me a few days ago to call the Contingent Committee together, and I had made up my mind at that time to do so on Tuesday, at his request, with the object of having some informal conversation in reference to a motion which is on the paper. On consideration, however, I concluded, as the Committee would have to be called together after the adoption of that motion, that it would be useless to have two meetings so near each other on the same subject, and, besides, I was not so sure that it would be respectful to the House to attempt to call an informal meeting to discuss a matter which it had before it, to forestall, as it were, its action. I, therefore, concluded not to call the Committee together until after the consideration of the motion on Wednesday next.

Hon. Mr. ALEXANDER—Will the hon. gentleman call the Committee on Contingencies together on Wednesday next at eleven o'clock?

Hon. Mr. MILLER—No.

Hon. Mr. ALEXANDER—The hon. gentleman declines?

Hon. Mr. MILLER—Yes; I decline.

Hon. Mr. ALEXANDER—I have a most important matter to bring before that Committee; one deeply affecting the public interest, and the honor of this House, and, yet, when I ask the hon. gentleman, with all respect and deference to the House and himself individually, to call the Committee on Contingencies together, he refuses to do so.

Hon. Mr. MILLER—If the hon. gentleman will state to me the matter

which he desires to submit to the Committee, I shall state in reply whether I will or will not call the Committee together. But the hon. gentleman has already told me that he desires the meeting to be held, in order that there may be an informal discussion on the subject of the resolutions on the paper for tomorrow. Is that the matter which the hon. gentleman wishes to submit to the Committee? If it is, I shall not call the Committee together until after the motion which is now on the paper is dealt with.

Hon. Mr. ALEXANDER—I am surprised at the course taken by the Chairman of that Committee. I have been in Parliament for twenty-two years, and it is the first time that I have known a Chairman of a Committee refuse such a request, when it has been represented to him that a grave and important matter required to be investigated. I want to know how this House is going to deal with this matter? Are not all the members of that Committee the public servants of the Senate? Is not the Chairman of that Committee a public servant of the House? We are appointed by the House to discharge our duty, and, when a member feels that he has a grave and serious duty to discharge to the country, the hon. gentleman refuses to call that Committee together. I charge him, seriously and calmly, on the floor of this House, with impeding the public business. He has taken the responsibility of refusing a member the right to bring before a committee of the Senate a matter of the gravest possible importance to the public.

Hon. Mr. MILLER—If the hon. gentleman expresses surprise at my conduct in this instance, I do not stand alone in a surprise of a different character. I am sure that the great majority of the House have expressed surprise, during the whole session, at the course he has pursued in relation to the business of the country. His conduct this session in connection with the public business seems to be one of an extraordinary character, one, first, of a vain glorification of himself in connection with the reporting of his own speeches; and, second, of his attacks upon certain members of the Senate. The hon. gentleman has, to my knowledge, been defaming, in a most infamous manner,

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some of the leading members of this House in connection with the motion which is now on the Minutes, and which is to come up for consideration, I am glad to say, next Wednesday. The hon. gentleman has been defaming, in my presence and in the presence of other members of the Senate, in the most unjustifiable manner, some of the most respectable members of this House, and has been shewing a temper and passion for which there may be some excuse in a charitable construction of his conduct and circumstances; but in no other light can his conduct be, for one moment, tolerated or justified by any sane man.

The subject then dropped.

CANADA GUARANTEE COMPANY'S BILL.

THIRD READING.

Hon. Mr. FERRIER moved the third reading of Bill (22) "Further to amend the Act therein cited, incorporating the Canada Guarantee Company."

Hon. Mr. SCOTT moved the following amendment to clause A of the amendments:—

"Nothing in this Act contained shall be construed to affect, change or diminish the liability of any existing shareholder in the said Company, for any claim or demand now existing under any policy heretofore granted by the said Canada Guarantee, whether such claim be now in suit or whether the same be merely notified to the said Company, or otherwise awaiting adjustment or examination; but such person holding claims and the said Guarantee Company shall remain in the same relative position as if the Act had never been passed."

The SPEAKER—I observe that the practice in the House of Lords, in all cases where a bill has been set down on the Orders of the Day for the third reading, is that the bill is read before the amendments are proposed, and then, any member has a right to propose amendments. But the course has been adopted here of making a motion that the bill be not now read the third time, but that it be amended in a certain direction. That course would apply where it was desirable, or where it was the wish of a member of the House to refer the bill back to committee to amend it, as may be determined by the House, but the practice of the House of Lords, as far as I have had an oppor-

tunity of observing it, is that, when the Order of the Day is called, the bill is read the third time, and then it is quite competent for any member of the House to move an amendment. It simplifies proceedings, and is attended with less difficulty in keeping the minutes. I merely make a suggestion; I would not attempt, myself, to interfere with or change the practice which has prevailed in this House.

Hon. Mr. SCOTT—Practically, I suppose, there is no objection to adopt this amendment. It seemed to me that when a bill was to be read the third time, an amendment might be made of which notice was given.

The Bill was read the third time.

Hon. Mr. SCOTT then moved his amendment.

Hon. Sir ALEX. CAMPBELL—I suppose that this amendment does not include those claims which are inchoate—claims that may exist, but have not been pressed?

Hon. Mr. SCOTT—It only affects claims of which the Company have had notice.

Hon. Sir ALEX. CAMPBELL—That is the intention?

Hon. Mr. SCOTT—Yes.

The amendment was concurred in, and the Bill was passed.

WITNESSES IN COMMON ASSAULT CASES BILL.

ORDER DISCHARGED.

The Order of the Day having been read, that the House go into Committee of the Whole on Bill (41) "To provide that persons charged with common assault shall be competent as witnesses,"

Hon. Mr. MILLER said he had been unable to obtain an interview with the promoter of the Bill in the other House, although he had tried on two or three occasions to see him. For that reason, and from the fact that his hon. friend from De Lanaudière had a Bill of the same nature before the House, but which would take a different place on the Statutes, it might possibly be that his measure would supersede the one which he (Mr. Miller) had in charge. As they

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had arranged to allow the two Bills to go to Committee together, he would ask that the order be discharged, and that this Bill be referred to Committee of the whole House on Wednesday next.

The motion was agreed to, and the order was discharged.

OFFENCES AGAINST THE PERSON PARTIAL REPEAL BILL.

SECOND READING.

Hon. Mr. BELLEROSE moved the second reading of Bill (L) "To repeal the Act intituled 'An Act to provide that persons charged with common assault shall be competent as witnesses,' and to amend the Act intituled 'An Act respecting offences against the person.'" He said that this Bill was to the same purport as the measure of which the hon. Senator from Richmond had charge.

The Bill was read the second time.

Hon. Sir ALEX. CAMPBELL moved that the House do now adjourn.

Hon. Mr. MILLER asked permission, before the House adjourned, to make a correction in the report of a few remarks he had made, when the resolution in reference to the qualification of Senators was under discussion a few days ago. Those remarks had not been sent to him for revision. He had been made to say, that absence, through sickness, would prevent a senator from being disqualified. What he had said was in reference to a remark from the hon. gentleman from Sarnia (Mr. Vidal), who had stated that it was an easy matter for the Clerk to report to the House when a member's seat was affected by absence, because he was the person in the best position to certify to the absence or presence of members during a session. To this, he (Mr. Miller) had replied that the records did not always shew it, because a member might be at Ottawa, or within ten miles of Ottawa, sick, and his time would count in the same way as if he had attended in his place—a very different thing from saying that absence from sickness would have no effect on his seat.

The House adjourned at 8.50 p.m.

THE SENATE.

Tuesday, April 13th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings,

THE SENATE DEBATES.

REPORT OF THE COMMITTEE ON PRIVILEGES.

The SPEAKER, as Chairman of the Committee on Privileges, submitted the following report:—

“That the said Committee met in the Senate Chamber on the 12th instant, and took into consideration the order of reference of the 5th of April, when it was moved and carried that the Committee do rise.”

Hon. Mr. MILLER—At this stage of the proceedings of the day, I rise to move that the House do now adjourn. I make this motion in order to enable me regularly to bring before the House a statement of the circumstances under which, a few days ago, I made certain charges in my place against the reporters of the Senate. That question was referred, not at my instance, to the Committee on Privileges, but I did not consider, in the present stage of the matter, at least, that it was necessary I should make a question of privilege between myself and two *employés* of the House. I, therefore, stated to the Committee when it met that I did not desire the question to be discussed in the Committee on Privileges, at least, before I took an opportunity of offering to the House such explanations as I considered I was in a position to submit in reference to the charges which I made against these individuals. I have been a member of the Senate for nearly thirteen years, and during that time I have experienced, on more than one occasion, and, in fact, on all occasions, the greatest kindness and consideration from my colleagues. I cannot charge my memory with ever having brought, during that long period of years, a single personal question before the Senate, and from this fact I would wish hon. gentlemen to understand the unpleasantness which it caused me to have to introduce a matter of a personal character to your notice. Before proceeding to touch upon the question to which I intend to address myself, I wish to make a remark or two with regard to

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other subjects which have been connected with the discussion of it in this House. It seems to be considered by some gentlemen that it is very wrong for a member of Parliament, in his place in the House, exercising one of his highest functions and privileges, the unshackled freedom of speech which is a peculiarity of our constitutional system—that a member exercising that privilege should, in his place in Parliament, arraign one who has not an opportunity of defending himself on the floor of this House. Why, a proposition such as that must strike every scholar of constitutional history as one of a most absurd character? The man who finds fault with a member of Parliament for assaulting an individual, or any number of individuals, no matter how high or how low may be their position, on the ground that they have no opportunity on the floor of the House to defend themselves, is ignorant of the first principles of parliamentary privileges. I have, therefore, been astonished to hear myself censured on the ground that I had done an unwarrantable act in assailing men who have not the chance to defend themselves on the floor of the Senate. Why, nine-tenths of the assaults made in Parliament are made upon individuals who are not members of Parliament, and if you take away the right to make such assaults you would denude both Houses of Parliament of their most important powers in serving the true interests of the country. I should like to hear what would be said to a member of the House of Commons who would state that it was improper to assail in that House a man who was not a member of that Chamber, and, therefore, had no opportunity of defending himself? I say that it is not improper to assail anybody that a member of Parliament thinks it is his duty to assail, and he is to be controlled only by his consciousness of his responsibilities, and by public opinion. There is another distinction which some gentlemen require to be reminded of in connection with this question. They consider language applied to individuals not on the floor of this House governed by the same rules as regulate debates before the Senate, between its members, which is a very mistaken conclusion. In order to encourage and secure decorum of discussion in

Parliament, there are certain rules laid down with regard to parliamentary utterances, which have no reference whatever to an individual who is not a member of Parliament. These rules are laid down for a wise purpose, in order that in the deliberations of Parliament, members may not overstep the limits of propriety, and thereby prevent calm deliberation and that harmony of feeling and gentlemanly intercourse which it is necessary should prevail. If a member of Parliament believes that an individual, whether an official of either House or not, is a disreputable character, it would be perfectly parliamentary for him to say so, in language which would not be proper for him to use to a member of the House. If he believes that an official of the House, or an individual outside of it, is a dishonest character, or a spy on the deliberations of the House, it would be perfectly parliamentary for him to designate the individual in such language, though it might not be parliamentary if the person assailed were a member of the House. I may say that I approach this question with feelings of regret. Those who know me intimately will believe that it can afford me no pleasure, but, on the contrary, much pain, to have to assail individuals who do not occupy the same position that I do in this Chamber. But, feeling conscientiously that I have been wronged by these reporters, and that I am certain in the future to be wronged by them, it is my duty, my right and my privilege to express what I feel, and it is not a breach of parliamentary decorum for me to do so in the strongest terms that I may use. With regard to these reporters, I have no doubt whatever that, to a large number of hon. gentlemen, they have discharged their duties satisfactorily, and, up to a short time ago, I had myself not much fault to find with them; in fact, I was myself not unfriendly to them until a very recent period. I have no doubt there are men in this Chamber who have found these reporters discharge their duty more than satisfactorily, and such members have a right to entertain their own opinions with regard to them; but, so far as I am concerned, I believe that they have not discharged their duties satisfactorily or fairly to me, and it is my right and privilege to complain when I

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think so. The first occasion on which I had any differences with these gentlemen was towards the close of last session. A sub-committee of the Debates Committee was appointed, in order to make arrangements for the reporting of the debates of this session. My hon. friend from Prince Edward Island (Mr. Haythorne) was Chairman of that Sub-Committee. Arrangements were entered into with the present reporters under which the publication of the Senate Debates should take place in the *Free Press*. I, myself, was desirous that the reports should appear in a morning paper, and I ascertained, what I did not know before, until a late period of the session, that it would be possible to obtain a publication of our reports in the *Citizen*, a morning paper. I, therefore, used every exertion that I could to have the agreement with the *Free Press* cancelled, and I believe that I was mainly the cause of that being done, much to the displeasure of the reporters. I do not know why the reporters preferred to have our debates published in the *Free Press*, but the fact was notorious to the gentlemen who acted on the Committee that they were desirous that the official reports should not appear in any other paper, and they were displeased with me for using my influence in this House and in the Committee to bring about a change. Shortly after that occurrence, I had occasion to speak in this House on a matter in which I took some interest, and addressed the House for some fifteen minutes. A gentleman followed me who spoke for about five minutes; and in the next morning's telegraphic summary in the Montreal and Toronto papers I found that the gentleman who followed me, and who was a slow speaker in comparison to myself, had nearly twice as much space in the telegraphic summary as I had. It was a matter on which I desired at the time to have my views brought before the country, and I thought the thing was so very marked that it could not be otherwise than intentional. I went, myself, to the reporter's office, and asked them how such a thing could have occurred, and I told them that I could not help looking upon it as intentional. I informed them on that occasion that, if they treated me in that manner, I would not forget it, and, because I said so, it has

been mentioned by them and by members in this House that I made a threat against them! Could anything be more absurd? When I came up to Parliament this session I was placed upon the Reporting-Committee without any request of mine. I took very little interest in the reporting of the debates of the House. I spoke very little and intended to speak very little during the session, and, therefore, hardly ever attended the meetings of the Debates Committee. Day after day the hon. chairman of that Committee (Mr. Alexander) came to my room complaining of the manner in which the reports were being made, and asked my permission to have the reporters called to my room in order to have them reprimanded, and to insist upon them doing the work better. I generally told him that I did not care how the reporting was done. I, in fact, regretted to see that there was more of a personal sort of glorification and vanity in connection with reporting in certain quarters than was in the interest of the House or the country, and I was, therefore, indifferent as to whether his views were carried out in regard to the reporting of the debates. At his earnest solicitation, one of the reporters was brought to my room on several occasions, and was remonstrated with in my presence. After the reporter retired, the hon. gentleman (Mr. Alexander) upbraided me with not having sustained him, and helped him make the reporters do their duty more efficiently. The first occasion on which I sent for the contractor himself, was, I think, something like a month ago, and it happened under these circumstances: I came to the House early one morning and found that the papers had not been distributed in our boxes. I requested a messenger to go out and buy me a paper. He returned with one which contained no supplement. An hour after, I got my *Citizen* in the box at the Post Office, and found that it contained a supplement, in which two or three columns of our debates appeared. I thought it strange, as the understanding with the *Citizen* was that not only papers furnished to us, but also the entire edition, should contain the supplements in which the debates of the Senate appeared, and I conceived it was just possible that the paper was not faithfully

carrying out its contract. I thought it a matter which deserved investigation and sent for the contractor—the only time that I sent for him during the session. He came to my room and explained the matter to me. He said he did not understand how it had happened, and did not believe that it occurred as a general thing. I ascertained myself, during the day, that the *Citizen* newspaper was faithfully carrying out the contract for the publication of the debates, notwithstanding the incident to which I have alluded. I was satisfied when I had that information, but the reports were, at that time, several days behind hand, and I called the attention of the contractor to the necessity of more prompt publication. I said that, for my own part, sooner than have the reports issued in such a dilatory manner I should prefer to have no reports at all. This was the amount of conversation that I addressed to him on that occasion. He at once became aggressive, and, I will go further, and say, decidedly insulting. He turned upon me and said, "I have been in Washington and New York, reporting there, and had no trouble at all," and, addressing a gentleman who was in the room, he remarked, "Mr. Miller, last year, threatened that he would give me trouble, and this is the way he is doing it." I made no answer to that, knowing its untruthfulness, and, not desiring to get into an altercation with the reporter, I requested him to leave the room. As he was leaving, when he got to the door, he said, "If I cannot talk to you here, I will find some other place to do so," and he went away. Shortly afterwards—next day, I think—an attack appeared in one of the newspapers of the country upon me, a falsified report of that very interview. I knew of no means by which the correspondent of that paper could have got it, except through the reporter, and I believe now that he was the inspirer of that attack. I may be wrong, but I honestly and sincerely believe it. On several other occasions, attacks of a similar character have been made upon me in the same paper, all in connection with some difficulty growing out of the reports of the debates of the House, and, therefore, I concluded, as I have a right to conclude and infer, that they were

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all from the same source as the original attack. I am in the habit of weighing circumstantial evidence, and I believed that this case was a strong one. I felt that this conduct was an injustice to me, that I did not deserve it, and that we had, on the floor of the House, men who were acting as spies upon my conduct, and reporting every trivial incident that occurred in the House, in order that newspaper attacks might be made upon me. Thinking so, I made use of language in the House which I was justified in using under the circumstances, which I have explained. Shortly afterwards, on the 1st of April, I took occasion, in my place in the House, to call the attention of the Senate to the manner in which unimportant discussions, especially upon bills in committee, were spread over our reports, and suggested the propriety of curtailing and condensing such reports. The Senate will recollect whether, in doing so, I exhibited the slightest warmth or temper. I ask if I did not do it in the calmest and most dispassionate manner, and with the simple desire of promoting the business of the House? In making that suggestion, no one would suffer more than myself, because no member of the House participates in discussions on bills in committee more than I do. Therefore, I was aiming at myself, perhaps, more than any other member of the House. After I resumed my seat, the hon. the leader of the House got up and followed me in the same strain. While he was speaking, the hon. member from Woodstock (Mr. Alexander), who is Chairman of the Debates Committee, entered the Chamber, and, when the Minister of Militia resumed his seat, took the floor, and indulged in a tirade of the most unjustifiable character upon him. While he was doing so, I stood up in my place and assured him that the Minister of Militia was not to blame for bringing the matter before the House, and that if anyone was to blame it was myself. The hon. gentleman, however, proceeded with his speech, but, at the conclusion of it, finding out his error, he made an apology to the Minister of Militia. In the report of the discussion of that day, my speech, which exonerated the Minister of Militia, was suppressed altogether, without any refer-

ence to me, or knowledge on my part. Taking this in connection with the antecedents which I have referred to, I believed that it was dishonestly suppressed, and it will be so believed by every impartial man. More than that, the whole tenor of the speech of the hon. Senator from Woodstock (Mr. Alexander) was altered—altered, I do not know by whose authority, because no one has the right to completely alter or remodel a speech delivered on the floor of this House which is to go in the official report of our debates, and it could not have been done without the improper connivance of the reporters. It was their duty not to permit it without the consent of the Debates Committee, and I am not aware that any meeting of that Committee was called to secure that consent; but, more than that, the apology which the hon. Senator from Woodstock made to the Minister of Militia, which was the most important feature of the discussion, because it completely relieved the hon. the leader of the House from all blame for bringing the matter before the House, was suppressed. I say these are facts which cannot be denied, but which may, possibly, be explained, and if they can be explained, nobody will be more happy to hear the explanation than myself. With these facts before me, I was justified, I am sure, in the opinion of every impartial and right thinking man, in using strong language in condemning the conduct of the reporters of the House. There was no justification for the suppression of my remarks, and I say that the reporters took an unwarrantable liberty with the records of this House when they attempted to omit that portion of the discussion and the apology made by the hon. Senator from Woodstock from the report. The hon. gentleman (Mr. Alexander), on that occasion, said it was very wrong to bring such a matter before the House, and that it should be referred to the Debates Committee. Some hon. gentlemen have peculiar ideas about the functions of committees. Committees are struck for the convenience of members and that of the House, and to promote the public business, but they do not supersede the functions and powers of the House. If, therefore, an hon. gentleman desires to make a charge or bring any matter before the House, in-

stead of going to any of its committees, unless the matter be referred to a committee under standing orders, he is at liberty to bring it before the House. It was in the exercise of my undoubted right to suggest an improvement in the system of reporting the debates that I brought up the subject in the House on that occasion. I think, therefore, anybody who has heard the facts which I have related will feel that I was not unwarranted in the course which I have pursued. As I have already said, many hon. gentlemen in this House are satisfied with the present reporters, but they have taken a personal dislike to me, and, therefore, I am not likely to get justice from them. I need not remind the House what power these individuals possess. A member gets up and attacks me in the House, and, if the reporters are friendly to him, they can polish up his speech to make it ringing and stinging, and far worse, and they can slyly and quietly blur over my sentences, and drop the point of my argument in such a way that it is impossible to bring a charge of intentional dishonesty against them. Therefore, I feel that I occupy an unfortunate position towards these reporters under the circumstances, and that I am justified in expressing my dissatisfaction to the House. This ends the explanation I desired to make to the Senate in relation to the charge I brought against the reporters a few days ago.

[The remainder of Mr. Miller's speech, which was a reply to the speech of Mr. Kaulbach, of April 5th, inst., is omitted, Mr. Kaulbach having consented that all that was offensive to Mr. Miller, in that speech, should be expunged from the official report of the debates.]

SAULT STE. MARIE RAILWAY AND BRIDGE COMPANY'S BILL.

BILL WITHDRAWN.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported that the promoters of the Bill (E) "To incorporate the Sault Ste. Marie Railway and Bridge Company," desired to withdraw it.

Hon. Mr. ALLAN moved that leave be granted to the promoters of the Bill to withdraw it, and that they be refunded the fee paid upon it.

The motion was agreed to.

Hon. Mr. Miller.

ST. CLAIR AND ERIE NAVIGATION COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (31) "To incorporate the St. Clair and Lake Erie Navigation Company," with several amendments, some of which, he explained, were important. One was to provide for compensation for the diverting of water-courses. The sixth clause was amended to provide for the appointment of a third arbitrator, there being no provision therefor in the Bill as it came from the Commons. The 10th clause, which provided for the punishment of persons maliciously obstructing or impeding navigation, was considered entirely unnecessary, as there was already a law which applied to such cases, and this part of the clause was struck out. In the 26th clause there was an important omission—that was, the liability of a shareholder for the debts of the Company in case he made himself personally liable. That error was rectified. The 31st clause was important, because it enabled the Company to issue promissory notes. As the public who took the notes could not know whether they were properly issued or not, the clause was amended to provide that the President and Treasurer should be personally liable, unless they were issued by authority of a quorum of the Directors of the Company. There were other verbal amendments, which could not now be explained, as the report would be printed in the Minutes.

Hon. Mr. VIDAL moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

BUILDING SOCIETIES' AND LOAN COMPANIES' RELIEF BILL.

THIRD READING.

Hon. Mr. AIKINS moved the third reading of Bill (F) "An Act for the relief of Permanent Building Societies and Loan Companies."

The motion was agreed to, and the Bill was read the third time.

Hon. Mr. AIKINS—Before the Bill is passed, I desire to make an amendment to it. Under the provisions of the 8th clause, foreign corporations doing busi-

ness in this country, under authority of the Act 37 Vic., cap. 49, were to make returns. I find that there are only five companies, foreign corporations, doing business in Canada, that have taken out license, consequently those that have not taken out licenses would not, under the Bill as it stands, have to make returns. The object of my amendment is that all foreign corporations doing business in Canada shall be obliged to make returns.

The amendment was agreed to.

Hon. Dr. BROUSE—In moving the amendments, of which I have given notice, I desire to offer a few remarks. Legislation to be just should bear equally on all classes. The interests of the poor man should be held as sacred as those of the rich man, or even more so. The rich man is the man of power. He has the means to protect himself, but the poor man must look to the laws of the country for his protection, hence the laws should be so enacted that they will protect the weak against the strong. In former legislation, this matter has been carefully looked to in granting bank charters. While the interests of the banks have been cared for, the interests of borrowers have not been forgotten. There they have been surrounded by all necessary protection, but the whole tendency of the legislation for loan and building societies has been to give power to the moneyed interests as against the borrower. It is much more necessary that we should be careful with regard to legislation for those building and loan societies, than with legislation affecting banking institutions. The class of men who borrow from the banks are generally men of education, trained in finance, and capable of looking after their own interests; but we know that the powers that have been conferred on building and loan societies have been exercised in a manner that has borne heavily upon the class of borrowers who come under obligations to them. Many of the borrowers from those institutions are men who are not able to read or write, and they are often induced to sign documents, by agents of these companies, which, in many cases, ruin them. Some legislation is necessary for the protection of this class of people. What are the powers conferred upon some of those loan associations? They can not only

Hon. Mr. Atkins.

charge any rate of interest they please against borrowers, but can fine them for non-fulfilment of any of the conditions laid down in their contracts. That power is unlimited. They can pass by-laws to inflict almost any fine they please upon delinquent borrowers. They can charge a rate of interest against the borrower that he had no idea of when he signed the contract. They extend the payments over a term of years, and charge interest in such a manner that any failure to meet a payment involves the sacrifice of the borrower's entire property. If an unfortunate farmer finds it necessary to borrow from one of these companies \$1,000, the payments of principal and interest are extended over a period of ten years, and he is obliged to pay \$150 or \$165 a year for that term, or \$1,650 altogether. The farmer meets his first payment of \$165 at the end of the first year. At 8 per cent. the amount would have been \$80, but the farmer pays \$165, and there is left a balance due of \$915. But he is under an obligation to pay \$165 yearly, and if he makes any default in payment at the end of the next year, through loss of crop or some other misfortune, he may be made to pay—and in some instances the property has been sold out for it—not the balance of \$915 due, but the whole \$1,650.

Hon. Mr. SMITH—You are mistaken.

Hon. Dr. BROUSE—I am not mistaken. This has been tested in the law courts of Ontario, and it has been ruled by the Chief Justice, that an individual having signed an obligation of that kind, he must fulfil it. I believe that what I say can be substantiated on the floor of this House. This being the case, I say that the unfortunate farmer who signs such a document should be protected by the Parliament of the country. Who become the borrowers from these companies? Look through the country and you will see. You will find the effect that these companies are having upon the land. We have some 35 or 40 loan and building societies in Ontario and some 16 in Quebec—between 50 and 60 in all. They have loaned out no less than \$30,000,000, for which they hold mortgages on

farms in these two provinces. And these companies are multiplying every year to such an extent that their ramifications will soon extend, not only through the older provinces, but throughout the entire Confederation, and it is time that Parliament should look into this matter. These companies possess immense power and exercise it to the disadvantage of borrowers. I know I will be told that no individual need borrow money from those societies, and that if anyone does so, it is his own business. If hon. gentlemen would pass through the land and converse with the farmers, they would soon understand how these companies operate. I have been appealed to scores of times to explain such contracts which farmers had signed, the purport of which they did not understand. Many farmers are induced by agents to mortgage their properties. Every small paper throughout Ontario contains advertisements of these societies, offering to loan money at a certain rate of interest. The companies always appoint the cleverest men that they can get in each section of the country to carry on their business of loaning money upon improved farms, "at a low rate of interest, circumstances favorable." These societies have their agents at every four corners in the townships and villages throughout the country, to induce farmers to mortgage their properties for various purposes. An agent approaches a farmer and says: "This is a beautiful farm of yours; have you cleared and improved it all yourself? You must have worked hard to bring it from a wilderness to its present state of perfection." The farmer replies: "I have done it all myself." The agent says: "You have two boys here, John and James, very fine lads; surely you do not wish them to moisten the soil by the sweat of their brows? John, if he had an opportunity, would no doubt, make a successful merchant; why not give him an easier life? Then, there is James; he is a bright lad; why not send him abroad, and educate him for a profession?" The farmer says: "I have no money." The agent remarks: "I will lend you any amount of money for that purpose, on your farm. You can send your sons out, and when they become distinguished men they can repay you the money that it costs you to start them in life. I will only charge you

9 or 10 per cent. for the loan." The mother, who thinks her sons are as smart as anyone's, advises her husband to mortgage the farm to give the boys a chance. In this way, farm after farm is mortgaged in order to send young men into the cities to swell the lists of bankrupts and the over-crowded ranks of the professions. The great trouble in the country to-day is that farmers' sons prefer city life to following in the footsteps of their fathers. Hon. gentlemen will say that these companies transact their business fairly and squarely. If they do, they cannot object to the resolutions that I have introduced, but there is an opinion prevailing that they do not conduct their business fairly. A loan company says to a borrower: "We will lend you money at 8, 9 or 10 per cent.," and they make him believe that; but what is the fact? If the borrower fails to make a payment, his property is taken from him, and he is held responsible for the whole amount. These companies pay to their stockholders, not 10, 12 or 15 per cent., but much larger dividends, besides adding a large rest to their capital. There is one company, which is under the management of an hon. gentleman opposite, that has boasted of having made a clear profit of 25 to 28 per cent. in a year, although they profess to charge a poor farmer only 8 per cent. on the straight loan plan.

Hon. Mr. AIKINS—I should like to know if the hon. gentleman refers to me?

Hon. Dr. BROUSE—No.

Hon. Mr. SMITH—Does the hon. gentleman refer to me?

Hon. Dr. BROUSE—No; to the hon. Senator from Sarnia (Mr. Vidal). It is necessary that the public should understand this matter; the more thoroughly it is ventilated the better. These institutions are becoming so numerous throughout the land, and have such extraordinary powers, that it is time some check should be placed upon them before they go any further. All of them do not work injuriously to the borrower, and I do not think that such companies will object to these amendments that I have proposed. In fact, I think they would prefer to see them engrafted on the Bill that is now

before the House. Any company that is willing to conduct its operations squarely and above board on the straight loan system is sure to succeed. I beg to move the following amendments:— That after clause A of the amendments the following clauses, B, C and D, be added:—

"**CLAUSE B.**—Every loan made after the passing of this Act by any permanent building society or loan company, incorporated under the said chapter fifty-three of the Consolidated Statutes of Upper Canada, or any act thereby consolidated, or by or under any act of the Parliament of Canada, or by any institution or corporation incorporated without the Dominion of Canada, and authorized under the provisions of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter forty-nine, to lend and invest money in Canada, shall be subject, and shall be held to have been made subject, to the following conditions, anything in any deed or writing in relation to such loan to the contrary notwithstanding, that is to say:—

"*First.*—That no default on the part of the borrower shall subject him to any fine, or to the payment of interest at any higher rate than the rate of interest on the loan.

"*Second.*—That when the amount lent shall be wholly paid back, voluntarily or under compulsion, the interest on that amount, or any balance thereof, shall be calculated and charged and paid at no higher rate than the rate agreed upon when the loan was made.

"*Third.*—That the loan shall be redeemable at any time by the repayment of the amount lent, or of any balance thereof remaining due, in one sum, and by the payment of all interest due thereon, and of interest thereon for six months from and beyond the day of payment."

"**CLAUSE C.**—Every such society or company, institution or corporation, shall cause a true copy of every indenture of mortgage to which it shall become a party as mortgagee, after the passing of this Act, to be delivered to the mortgagor at the time of the execution of such indenture of mortgage, or at the time when the loan is completed."

"**CLAUSE D.**—No such indenture of Mortgage shall be valid or shall be binding on the mortgagor for the collection or payment of interest, unless the rate of the interest payable by the mortgagor on the principal sum, or sum lent by the mortgage, and thereby secured, in whatever way the same be made payable, has been written, or printed, or stamped, across the first page, or only page, as the case may be, of each original part of such indenture of mortgage, in ink of a different color from that in which such original part of such indenture of mortgage is written, stamped or printed, and in words as follows, that is to say: 'Rate of interest, six (or, as the case may) per cent. per annum' before the execution of such indenture of mortgage; and such words shall be taken and held to form

part of the indenture of mortgage on which they are written, or printed or stamped."

Hon. Mr. READ—This is a Bill for the relief of building and loan societies. To my mind the time has arrived when Parliament should be called upon to discuss a measure for the relief of borrowers as well as lenders. If a little regard had been paid in the past by Parliament to borrowers from loan societies, I think we should not have found so much of the distress that exists in the country at the present time. I have always been opposed to free trade in money. I have always contended that money is not like any other commodity, but that the rate of interest should be restricted. The proposed amendments do not interfere with existing contracts, but only provide a necessary safeguard for the future against those harpies who, in some cases, exact as high a rate of interest as 24 per cent. from unfortunate borrowers. I hold in my hand a statement from the Hamilton Provident and Loan Society, from the hand of Mr. H. D. Cameron, Treasurer of the Society, which I shall submit to the House by way of illustration, in the hope that it will arouse the country to the enormity of the evil that exists and the extortion that is being practiced by those companies. This statement was sent to Mr. John White, M.P., and is an account addressed to a Mr. A. R. Wigmore. He had just married and purchased a farm, on which he had paid about one thousand dollars of his own means, and had borrowed on it one thousand dollars, to pay the balance of the purchase money, from the Hamilton Provident and Loan Society. The number of the loan is 2,069. The first instalment in payment of the loan was \$131.37, which fell due on the first of January, 1879. Through the failure of his crop and other causes, he was unable to send the money promptly when it was due. All appeals for time to allow him to make up the amount were unheeded, and, on the 19th of March, the Company proceeded to sell the property. On the 19th of April following, the farm passed into other hands for \$1,400. No writ of ejectment was taken out against the mortgagor, who was led to infer that he would be permitted to reap the crop of fall grain he had in the ground. It had just been harvested and put in the barn,

Hon. Mr. Brouse.

when the Company placed a writ in the hands of the bailiff, who sold the crop also, leaving the unfortunate man stripped of everything. Now, I wish to shew that it cost this man for the use of that thousand dollars, \$233.97, or nearly 24 per cent. for one year. The costs in selling the farm were \$210.09, so that for the short space of one year, three months and nineteen days, this man paid, for the use of a thousand dollars, over \$455.31, besides bailiff's fees and other expenses. I think I cannot do better than to submit the whole statement in order to convince my hon. friend from Hamilton (Mr. Hope) that those companies do exact as high a rate of interest as 24 per cent. from borrowers.

"THE HAMILTON PROVIDENT AND LOAN SOCIETY,
HAMILTON, Ont., Nov. 4th, 1879.

"WM. E. ROXBURGH, Esq., Norwood.
Re A. R. WIGMORE, No. 2,069.

"Dear Sir,

"The following is a statement of the Society's claim as at October, 1879 :

"STATEMENT.

" 14 instalments yet to pay of \$131.37 each, the first due Jan. 1st, 1880. \$1839 19	
" Less discount for pre-payments... 736 58	
	\$1102 60
" Add 1st instalment, due Jan. 1st, 1879..... 131 37	
" Interest on arrears to Oct. 1st, 1879 11 25	
" Costs, Selling, Commission, Solicitors, &c..... 210 09	
	\$1455 31
" Property sold, for..... 1400 00	
" Amount due the Society..... \$ 55 31	
" Yours truly, (Signed) "H. D. CAMERON, "Treasurer, "Per K."	

It is time that the farmers of this country were waked up ; a farmer requires only one transaction of this kind with a loan company to keep him in bondage for the rest of his lifetime. The letter enclosing the above statement was sent to a member of the other House, Mr. John White, M.P., requesting him to use his influence to obtain some measure of protection for unsuspecting farmers against these loaning institutions. I think this House is a place where, probably, the borrower will get less relief than the lender, as we are not influenced by the same feelings as other representatives, to whom the people

Hon. Mr. Read.

have the right to say, when appealed to : "What course will you take in Parliament on this vital question?" It is a question affecting deeply the best interests of this country—probably more so than any other subject before the House. I know it is said : "let borrowers and lenders make their own bargains," but I have never believed in it, and I do not believe in it to-day.

Hon. Mr. KAULBACH—Is not the hon. gentleman a shareholder or director in one of those companies ?

Hon. Mr. READ—I have stock in one, but I am not a director.

Hon. Mr. AIKINS—Does it pay well ?

Hon. Mr. READ—I am not under examination on that point.

Hon. Mr. SMITH—Do you take the interest when it is offered to you ?

Hon. Mr. READ—I have received some interest, and I have also received some light on the operations of loan societies. I know how the people are imposed upon ; I know that, when borrowers suppose they are only paying seven per cent. they are paying fourteen or fifteen per cent.

Hon. Mr. KAULBACH—Has not my hon. friend been a director ?

Hon. Mr. READ—I have been a director, and I know what I am talking about ; and I say that Parliament has a right to step in and assist the weak against the strong. I do [not wonder that many of our people are going to the United States, though I do not know that legislation will prevent it ; but I do say that cases like the one I have cited deserve to be exposed, and they shall be exposed by me wherever I get an opportunity to do so. This is the only case in which I have the statement of a company.

Hon. Mr. HOPE—The hon. gentleman has no such statement from the Company ; it is something that has been sent down, or invented by some other party.

Hon. Mr. READ—Will the hon. gentleman be so kind as to be called to order ? How does he know that I have not ? What right has he to say so ? The

hon. gentleman speaks feelingly; no doubt it touches him, and when people are touched, they become uneasy and cannot keep their seats. I was not aware that the hon. gentleman from Hamilton was the Hamilton Provident & Loan Society, or that he had been chiselling this unfortunate man out of twenty-four per cent. a year—

Hon. Sir ALEX. CAMPBELL—Order! Order!

on. Mr. READ—If he is, I wish him luck of his ill-gotten gains, that is all. I speak strongly on this subject, but I think it is my duty to do so. Companies have no right to set traps and snares for poor people, leading them to believe one thing, when, in fact, it is something else entirely different. I am inclined to think that this Bill ought to be amended, and that, before we get through this session of Parliament, we will have another measure before the House containing even more stringent provisions than those now proposed by the hon. gentleman from Prescott. The people are going to take it up, and the people's representatives will be heard in a manner that this House cannot disregard.

Hon. Mr. AIKINS—I hope that the House will not consider it necessary that I should follow the remarks of the hon. Senator from Prescott (Dr. Brouse) or the hon. Senator from Quinté (Mr. Read) because these amendments are not pertinent to this Bill, and, as the hon. gentleman has just said, there is a measure now before the other Chamber to which these amendments may apply. The Bill under consideration merely deals with the returns to be made by building societies. The question before the House is whether the returns that these societies and corporations are to make under this Bill are sufficiently large to inform the Government and those interested in them as to their position and the value of their securities. The building societies profess to have been misled in the manner that I have already explained, by the blank forms sent out to them by the Government. They filled these blanks and returned them. If they had been in accordance with the requirements of the law, this Bill would not now be found in the hands of a member of the

Government. I do not think the amendments which have been submitted to the House to-day are at all applicable to this Bill. Some of them might very well be embodied in the Bill which is under consideration in the Commons. Even if these amendments were adopted, there are several of the largest companies in Canada that would not be compelled to comply with its provisions.

Hon. Mr. HOPE—For what reason?

Hon. Mr. AIKINS—Because they are foreign corporations, not doing business under the Act to which my hon. friend refers.

Hon. Mr. READ—Then it could not have any effect, and it would not make any difference.

Hon. Mr. AIKINS—Why should you attempt to reach some of the companies without including the whole of them? By the amendments just adopted, all foreign corporations doing business in this country, whether they are acting under the provisions of the Act referred to or not, will be included. The amendments of my hon. friend (Dr. Brouse) are not at all pertinent to this Bill, and, further, they are not the amendments of which he gave notice. They have been changed and elaborated; and I do not think the hon. gentleman has treated the House quite fairly in the matter in proposing such amendments at this stage of the Bill. I hope that they will be rejected.

Hon. Mr. KAULBACH—After hearing the remarks of the hon. gentleman behind me (Dr. Brouse), and of the hon. member from Quinté (Mr. Read), my sympathies must go with these hon. gentlemen in their endeavors to do away with the abuses of the instalment system of paying off mortgages that have grown up under those loan societies acts, and I do think that there are hon. members of this House who are sufficiently untrammelled and independent in their opinions and actions to give the public the protection which seems so necessary against the crushing and exorbitant rates of interest exacted from borrowers. I think the Bill now before us could be so changed and made retroactive as well as prospective in the protection of the borrowing public, so as to control and regulate the operations of loan societies.

Hon. Mr. Read.

Hon. Mr. AIKINS—It would change the character and intent of the Bill altogether.

Hon. Mr. KAULBACH—Even so ; I think this gross abuse of power by those companies in the imposition of fines and extorting large rates of interest would justify it. The hon. gentleman from Quinté has related an extraordinary case, an official statement from the treasurer of one these societies : A young man buys a farm for \$2,000, he pays \$1,000 in cash, and borrows, by mortgage from a loan company, \$1,000, payable in fifteen instalments of \$131.37. But, failing to meet his first instalment by three months and a few days, his property is taken from him and is sold, under a power of sale contained in the mortgage, by the company for \$1,400, and, not only that, but his personality is sold to make up the deficiency claimed under the conditions of the mortgage. I must admit that the manner in which these calculations are made is intricate and deceptive, and, as it must be difficult for the borrower to understand, he surely should have some protection in the manner suggested by my hon. friend from Prescott, and power to redeem loans after six months' notice. I have always been opposed to the usury laws as they existed in Nova Scotia, as I believed that their tendency was to send money out of the province that might profitably have been expended in it, to where higher rates of interest were obtainable, and they were, therefore, contrary to our interests. Although I am rather opposed to restricting the rate of interest for money, which must be regulated by supply and demand, I agree with my hon. friend that the arbitrary power to impose fines and penalties should not be given to these companies, as the tendency is to abuse such powers to the great injury of the borrower. We have none of those extortionate loan societies in Nova Scotia, and it is well we have not, and I am amazed at what I have heard as to their mode of conducting their operations in the Upper Provinces. If they can exact such exorbitant rates of interest in the manner described, we will soon have them multiplying and spreading over the whole country, and if they are allowed thus to encumber the farms of old and new settlers, the tendency will be to

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discourage settlement and injure the country. If the abuses by those societies are such as have been depicted, I hope there will be found in this House a sufficient number of men of independent opinions, apart from those who are said to be large usurers, to vote for these amendments, or for a measure that will protect the people from such extortion.

Hon. Mr. HOPE moved the adjournment of the debate.

The motion was agreed to, and the House adjourned at 6 p.m.

THE SENATE.

Wednesday, April 14th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE NAVIGATION OF THE ST. LAWRENCE.

A PETITION.

Hon. Mr. PENNY—In the absence of my hon. colleague for Montreal (Mr. Ryan) which I much regret, I beg to present a petition asking that the carrying trade of Canada, both inland and sea-going, should be exempted from the onerous fees and dues now pressing upon it. This is a matter of considerable importance, not only to Montreal, but to the whole country, and a delegation has been here to confer with the Government upon the subject. The points on which the petitioners desire the Government to take action and this House to support the Government, are, first of all, a reduction of canal tolls ; if possible, to make the canals free, as I believe they are in the State of New York at this moment. In the next place, they ask for the completion of the enlargement of the canals, which is in the course of being done, but the petitioners desire that it should be done as quickly as possible. Then, they ask that measures be taken to enlarge the harbor of Montreal to meet the increasing trade. They ask, further, that means be taken to prevent the rates of towage from becoming excessive, and particularly, if I understand the matter correctly, to prevent their being

dishonestly charged to strangers to the port. That is a matter of some importance, even in the eyes of those who think that the subject of towage should be left to the law of supply and demand. Perhaps, at all events, a maximum rate might be established for the purpose of being shewn to strangers coming to the port, who, it is said, are sometimes victimized. Last of all is the question of pilotage. It is a matter of great concern to trade, as everyone is aware, and the proposed increase in charges threatens serious consequences unless something is done. In the absence of my hon. friend (Mr. Ryan) I have thought it desirable, in presenting this petition, to make these explanations, and I may add that the petition is, I fear, not quite in order, because of its making reference to another document which is attached to it. I will, however, hand the whole to the Clerk and ask him to take away whatever is out of order.

THE SESSIONAL INDEMNITY TO MEMBERS.

MOTION.

The Order of the Day having been called for the motion, "That a committee be appointed to inquire into and report to this Chamber respecting the sessional indemnity paid to members since the year 1876, the said committee to consist of the hon. Messieurs——"

Hon. Mr. ALEXANDER said: I would ask permission from the House to withdraw this motion.

The request was complied with, and the motion was withdrawn accordingly.

Hon. Sir ALEX. CAMPBELL—Although the hon. gentleman has withdrawn his motion, I deem it right to proceed with the amendment of which I have given notice. I do so because I think it is desirable that the facts which are hinted at in the motion which has been withdrawn, should be brought out and be at the disposal of all the members of the House. I think the House will allow me, considering the patient manner in which I have waited upon the motion of the hon. gentleman from day to day, to proceed with my amendment as a main motion. The hon. gentleman's notice pointed to the accounts of the

Hon. Mr. Penny.

House for certain years, the suggestion being that there is something irregular in those accounts for sessional indemnity paid to members during those years. Now, the accounts of the House referred to in that notice, have been duly audited by the proper authority—the Committee on Contingencies—and, so far as anybody knows, and so far as I know, they are absolutely correct, and nothing has been done by any member of the Senate that is not strictly in accordance with the law which governs us all. The dispute and the difference of opinion which have arisen, are with reference to the question of counting non-sitting days as days of attendance to make up the thirty-one days which constitute a session. Now, that is a point which arose many years ago under a similar provision to be found in an act of the Legislature of the former Province of Canada. I will not go back to the Statutes of that Province beyond the year 1860, when an act was passed which amended former ones and constituted the law at the period to which I am about to refer. Within a session or two after the passage of this last Act, a question arose bringing up the very point now in dispute. It so happened that three of the cases affecting three members of the then Upper House of the Province were brought before me. I had at the time the honor of being Speaker of the Legislative Council of Canada. The language of the Act of that Province of the year 1860 is as follows. Under the marginal note, 'What shall be reckoned as days of attendance?' it is enacted:

"But each day during the session, after the first on which the member attends as aforesaid, on which there has been no sitting of such House, in consequence of its having adjourned over such day, or on which the member was in the place where the session was held, but was prevented by sickness from attending any such sitting as aforesaid, shall be reckoned as a day of attendance at such session, for the purposes of this Act."

Omit the sentence after the disjunctive conjunction *or*, and the reading is,

"Each day during the session, after the first on which the member attends as aforesaid, on which there has been no sitting of such House, in consequence of its having adjourned over such day, shall be reckoned as a day of attendance at such session, for the purposes of this Act."

And the third clause says that the

"Member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance, reckoned as aforesaid."

And I draw attention to the fact that this language was used by the Legislature of the former Province of Canada in the year 1860, in amendment to a previous act which required the presence of the member at the seat of Government, in order to entitle him to an allowance for a non-sitting day. The matter first came up in the case of a member of the Council, now no more, a personal friend of the hon. Senator from Sarnia—Mr. Malcolm Cameron. It was referred to me in June, 1863, by the Clerk of the House, now, also, no more—Mr. Taylor. I wrote to the Clerk, in that case, as follows:—

"KINGSTON, 12th June, 1863.

'My Dear Sir,

"The state of the facts in Mr. Cameron's case not being as you first thought and mentioned to me, but as they are represented in your note of 20th May, I have had to reconsider your reference to me.

"Under the first section of the Act of 1860, chap. 16, I think that the Easter holidays would count for Mr. Cameron as days of attendance, and that he, therefore, was present, under the 2nd section, for more than thirty-one days, reckoned under the provisions of the statute, and is entitled to the sessional allowance, but subject to the deduction for all (sitting) days of non-attendance."

The same question was subsequently brought before me with reference to Mr. Hollis Smith, whose death occurred during the session.

Hon. Mr. WARK—He died at the seat of Government?

Hon. Sir ALEX. CAMPBELL—No; at his residence in the Eastern Townships. In that case I decided that the days of the recess, up to the time of his death, should be added to the days of his actual attendance, and his executors received the money accordingly. Then there was the case of the Hon. Sidney Smith, who had written a letter concerning his indemnity in 1863. In his case, as in the other two cases, I expressed the opinion that the non-sitting days should count, and the indemnity should be paid according to the law. That closed the era before Confederation. Then came the Act which governs us still, and which is precisely the same, as regards the point in question, as the one

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from which I have quoted. Our first Speaker was Mr. Cauchon, and similar cases were brought before him. This question was put to him by the Clerk of the Senate:

"SENATOR'S INDEMNITY QUESTION.

"A member attends for a number of days under thirty-one, and then absents himself for the remainder of the session, has he a right to six hundred dollars, provided there be a sufficient number of non-sitting days after the first left to make the thirty-one days?"

And the Speaker answers, "Yes, according to the strict literal interpretation." Then the Speaker is asked:

"A member, towards the close of the session, cannot complete his thirty-one days of attendance, has he a right to reckon in his favor non-sitting days previous to his arrival to make up his thirty-one days?"

The Speaker answers, "No." Our next Speaker, Mr. Chauveau, had the point before him, and gave a like decision. Our late Speaker, Mr. Christie, was of the same opinion, and so ruled, I am told. I will now read copies of letters which have been written by the Clerk in past years to the Speaker for the time being, on this point, which bring out the opinions of our former colleague, Mr. Samborn, than whom no more distinguished lawyer or upright man ever sat in this Chamber; of our present colleague, Mr. Macfarlane, also a learned member of the profession; and of the Deputy Minister of Justice, to whose Department special application seems to have been made by the Clerk:—

"LETTER TO THE SPEAKER.

"My dear Sir,

"Besides your opinion, and that of Mr. Chauveau enclosed to Mr. Wicksteed, I never asked a written opinion of any legal gentleman. Mr. Cauchon was of that opinion. I am sorry he left this morning, or I would have asked him. I am sure he has not forgotten my speaking to him on the subject of absent days. Mr. Christie, whom I have just called upon, says he coincides with you, as he had already told me. I consulted many lawyers on the subject, whose names I do not recollect, except the late Judge Sanborn and Mr. Macfarlane."

These gentlemen concurred. I now read the letter to the Deputy Minister of Justice.

"My dear Mr. Lash,

"I am of opinion that, after the first day on which a member attends a sitting of the House, he has a right to count the non-sitting

days to entitle him to the thirty-one days required to make up the allowance, in virtue of the 32nd section of the Indemnity Act. It has so been decided by the sub-committee. Will you kindly give me your opinion? If you wish to see me on the subject I shall go to you at any time you may name, but I should feel obliged if you would kindly write your answer at the foot of this note.

"Yours faithfully,

(Sd.) "ROBERT LEMOINE."

And Mr. Lash writes at the foot of the note :

"My dear Mr. Lemoine,

"I agree with you in the above opinion.

"Yours faithfully,

(Sd.) "Z. A. LASH.

Now, hon. gentlemen, I have referred to the opinions of successive Speakers of this House, putting aside my own, and to those of Mr. Sanborn and Mr. Macfarlane, and I have also referred to the opinion of the Law Officers of the Crown, given by Mr. Lash, on behalf of the Minister of Justice. I will add to that, the uniform practice of both Houses of the Legislature of the Old Province of Canada and of Parliament since Confederation. I do not know of any exception or of any instance in which a member declined to have non-sitting days count for the purpose of making up the 31 days necessary to draw his indemnity. I understand that the practice of the other House has been uniform in that respect, that no usage has crept into the proceedings of the Senate that does not prevail in the other branch of Parliament, and that this has always been the interpretation and the only legal interpretation of the Act, and that every member of the House has had non-sitting days reckoned to him as days of attendance. By what authority is the sessional indemnity paid, and Saturdays and other non-sitting days counted, except by the authority of this Act; by what authority do our Easter holidays count as days of attendance but by the same Act? I desire to refer now to a more immediate matter, for the purpose of explaining the part which I took not very long ago in the settlement of the account of a member now in this House. Three or four cases involving the question which I have been discussing have arisen in this Chamber since 1876—and these were the cases, I have no doubt, pointed at in the notice of motion to which mine was to

have been moved as an amendment. With one of these I had all to do, and am wholly responsible for. I refrain from mentioning the names of hon. gentlemen in this House, because I have no right to do so, and it is unnecessary and undesirable that I should. It happened in 1877 that a member of the Senate was called away to Europe by the severe illness of a member of his family. He wrote to me to settle his account with the Clerk of the House. I accordingly called upon the Clerk, and asked for the account of the hon. gentleman. It was made up a day or two afterwards by the Clerk, after the ordinary usage, and I then saw, what had escaped my notice at first, that this question was involved in the account, that he had not been present during 31 days, and that non-sitting days had been added to make up that number. Although I had given my opinion on similar cases before, and was perfectly satisfied that it would be right to settle the account as it was, and would have done so had it been my own, still, as acting for another, I said to the Clerk: "let us proceed with extra caution. Go to Mr. Wicksteed, the Law Clerk of the House of Commons; find out what the practice has been there, state the facts, and ask his opinion." After a day or two, the Clerk of the Senate saw me and showed me the following endorsement on the opinions and ruling of Mr. Speaker Chauveau:—

"I think Mr. Chauveau's opinion, as here expressed, is correct.

(Sd.) "G. W. WICKSTEED.

"April 25, 1877."

The Clerk then handed me the cheque for the indemnity of the Senator to whom I have reference, and the money was sent to his agents, as he had requested. What more or what less could I have done? I mention these facts that the House may know there is nothing in them that anybody can make anything but a "mare's nest" out of, and that nothing has been done in this or in the other instances that is not perfectly proper and legal. The very same law which says that a member shall have his sessional allowance, also says that these days shall count. Every member has them counted to him, and it is a mere matter of accident whether they make up his 31 days or not. I have on several occasions—on two, at all

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events—suggested that there should be some change in the law ; that it should be made more restrictive. I have gone so far twice as to prepare a bill with that object, but it was not concurred in by others, members of the House of Commons, without whose concurrence nothing could be done. They thought that the law might remain as it is, at all events, until some general change should take place. It may or may not be desirable to amend the law, but that anything irregular—far less anything improper—has been done, is absolutely untrue, whoever utters it, and, therefore, I have thought it best to go on with the amendment of which I gave notice, in order that this matter, and all these accounts since Confederation for sessional indemnity and mileage, may go before the Committee on Contingencies, that these gentlemen may ascertain if anything wrong or improper has been done. I cannot think for a moment that the House would have allowed the accounts of any senator to be submitted to a committee specially selected by any member of the House. The investigation of such matters has always been the duty of the Committee on Contingencies, and has been faithfully discharged in the past. They know that the law has been closely observed, and that nothing has been done which is not perfectly correct and in accordance with it, or that anybody can point the finger of reproach to. I therefore move, seconded by the hon. leader of the Opposition, the following as an original motion :—

“That the Clerk be instructed to prepare, for the use of the Standing Committee on the Contingencies of the Senate, a statement of all sums paid to members of this House for Sessional indemnity and mileage since 1867, inclusive, and to submit the same to the said Committee.”

Hon. Mr. SCOTT—In seconding the motion before the House, I do not think it is necessary for me to add anything to the very clear and lucid statement that has been given by the hon. the leader of the Government, further than to express my regret that such a motion has been thought necessary, in consequence of the improper inuendoes and extraordinary observations that have been made as to examinations heretofore had in the Contingent Committee. We had this discussion up a few days ago, and the opinion

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was then very generally expressed that the Committee had carried out their instructions from the House in a most exhaustive and thorough manner ; but I think it is extremely unfortunate that the question has been brought up to-day, because we have had from the leader of the Government a very full statement of the opinions of gentlemen who are an authority on this matter, which opinions have all been in the one direction. One can scarcely see how there could be a doubt as to the true construction of the Statute ; and, that being the construction that governs the practice in both Chambers, and as given by the Deputy Minister of Justice, it does seem to me to be unnecessary to pursue the matter any further ; but, as inuendoes have been made use of in relation to the matter, I think the proper course is that all the accounts, from Confederation to the present session, should be referred to this Committee.

Hon. Mr. READ—Before this motion is carried, I would like to say a few words on the subject. It is true there may have been improper inuendoes, but when we know that, for a few days' attendance in this House, some hon. gentlemen take away large sums of money, while others, who attend for a much longer time, receive smaller sums, it is right to call attention to it. I have, on the Contingencies Committee, complained of this matter when it has come to my notice ; I have contended that if this is the true construction of the law, and a member can take away as many hundreds of dollars as the days he attends in this House, it is time some change was made in the Statute. I should not have taken part in this debate if the ex-Secretary of State had not said there were improper inuendoes thrown out. I say there have been truths told, not inuendoes, and I think it my duty to rise in my place because I may have been one of those to whom reference is made, as it is well known that I have spoken of this matter.

Hon. Mr. SCOTT—I made no reference to my hon. friend.

Hon. Mr. READ—The hon. gentleman was present when I brought it up in Committee. It was no hearsay on my part ; it is what I know to be a fact,

as far as a man can know, and it is my duty to refer to it.

Hon. Mr. FLINT—Last session, I felt it my duty to bring under the notice of the Contingencies Committee my position as compared with that of some other gentlemen the year before, in relation to our indemnities. In 1878 I attended here twelve sessional days, and was present five non-sitting days, making in all seventeen days' attendance, for which I received \$170. I had remained at home attending to my own business until the latter end of the session, and then came down here at a time when the presence of members was most required, and attended to my parliamentary duties for the time I have stated. But I found that other gentlemen, who had only attended four or five days at the commencement of the session, had received their whole sessional allowance, less the eight dollars per day deducted for days that they had not attended. It struck me as very unfair that one gentleman should thus receive five or six hundred dollars for four or five days' attendance, while I received only \$170 for seventeen days. I am not a lawyer, and may be a little dull of comprehension, but it does seem to me that the law is so construed that, supposing a member attended only the first three sittings of the House, at a time when there is nothing doing, and there were sixty sittings during the session, he would be able to draw his \$1,000, less \$8 per day for fifty-seven days, which would give him \$544 for his three days' attendance. I ask if this is fair? Is it right that any gentleman should receive this much money for three days' attendance at the commencement of the session, while another member who could only attend the latter, and most important part of the session, should receive but \$10 per day? When I brought the matter before the Committee the hon. gentleman from Richmond explained it as it has been already explained here to-day, but, notwithstanding that explanation, it seems to me to be very unfair that one member should receive so much for so little work, while another should receive so small a sum for very much more work. I should not have risen on this occasion but for the remarks of the hon. Minister of

Hon. Mr. Read.

Militia that, as a matter of course, when a member comes here at the opening of the session and sits three days he is entitled to pay for all the holidays between that and the close of the session to make up his allowance. Under such a construction of the law, it would be an advantage to all the members to remain away for the latter half of the session altogether. I do not think it is justice to the members of this House or justice to the country, and I do trust that the Minister of Militia will see that the law is amended in accordance with what is right and just.

Hon. Mr. ALEXANDER.—I am sure that this House must have been shocked at the speech delivered by the leader of the Government (Sir Alex. Campbell), and I am sure that, when a report of that speech appears in the public press, the honest men of the country will also be shocked at a member of the Government having given utterance to such sentiments on the floor of Parliament. We are here a body nominated by the Crown, constituting the highest court or chamber in the land. We stand before the country as a body of men independent in means and independent of the popular vote—appointed here for life, beyond the control of the people, and the people look to us as being the guardians of the honor of Parliament, and above all suspicion. Good God! what will the people of the Dominion say when they hear a Minister of the Crown, who knows what was the intention of the law—

Hon. Sir ALEX. CAMPBELL—I have stated it.

Hon. Mr. ALEXANDER—A barrister of long standing, on the floor of this House, talk of straining the law to enable any of the members of the Senate of Canada to put their hands into the public treasury and steal—for there is no other word I can apply to it—

Hon. Mr. MILLER—I rise to a question of order, and I ask that the words be taken down. The hon. gentleman says: "The construction put upon the law by the leader of the House to enable members to steal."

Hon. Mr. ALEXANDER—I withdraw the expression.

Hon. Mr. MILLER—That will not do. A member is not to say things of that kind and simply withdraw them.

Hon. Mr. ALEXANDER—You can take them down, but I withdraw the words I used.

Hon. Mr. MILLER—Make an apology to the House also.

Hon. Mr. ALEXANDER—If the House desires that I should make an apology for these words, I do so.

Hon. Mr. MILLER—The House does desire it, and the hon. gentleman should make the apology now before he proceeds.

Hon. Mr. ALEXANDER—I have made the apology.

Hon. Mr. MILLER—We have not heard it.

Hon. Mr. ALEXANDER—I do make it.

Hon. Mr. SMITH—Then it is all right.

Hon. Mr. ALEXANDER.—It is no wonder that a humble member of the Senate should feel warmly when he knows that the leader of the House has delivered a speech that will sink us in the estimation of the people of this country. We are here a body regarded as responsible men, and the people look to us to act as men of honor. A law has been framed to give an ample indemnity to gentlemen who come here to discharge their duties as members of Parliament. We all know that the intention of that law was that members who cannot attend for thirty days should only be entitled to ten dollars a day for that time, but, as my hon. friend behind me (Mr. Flint) has stated, he, as an honest member of this House—

Hon. Mr. FLINT—I did not say that I was an honest member of the House.

Hon. Mr. ALEXANDER—As an honest member of this House, he had never taken more than ten dollars a day when he could not attend such period named. I know that he would rather cut his right hand off than do an act that was dishonest or dishonorable.

Hon. Mr. MILLER—Does the hon. member mean to insinuate that a mem-

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ber of this House has done a dishonest or dishonorable act in connection with his indemnity?

Hon. Mr. ALEXANDER—I make no insinuation.

Hon. Mr. MILLER—I rise to a question of order. The hon. gentleman has said that the member from Belleville would not take more than ten dollars a day, because he would not do a dishonest or dishonorable act, therefore, by implication, he says that those gentlemen who have taken more than ten dollars a day for their attendance here, have been guilty of a dishonest and dishonorable act. It is out of order, under the rules of this House, to imply anything of that kind.

Hon. Mr. ALEXANDER—The Speaker will decide the point of order.

The SPEAKER—I think the hon. gentleman has no right even to insinuate that any hon. member has done a dishonorable act.

Hon. Mr. MILLER—Apologise!

Hon. Mr. ALEXANDER—This is a very grave matter. The utility of the Senate depends entirely on our standing well in the estimation of the public. We cannot be removed without a change in the Union Act, but I fear that when the speech of the leader of the Government in this House goes to the country, the people will say that we are morally sunk, that our moral sense is gone. I venture to say that the poorest man, the poorest laborer, the poorest mechanic or the poorest farmer in the country would not strain the law as the hon. leader of the Government has interpreted it.

Hon. Sir ALEX. CAMPBELL—I object to the hon. gentleman saying that I have strained the law; I have interpreted the law to the best of my judgment.

Hon. Mr. ALEXANDER—I am allowed to state that it is straining the law.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman is quite at liberty to say that he believes I have strained the law, but he is not at liberty to say that the Minister of Militia has strained the law.

Hon. Mr. ALEXANDER—I am sure that every farmer in the country will say that the construction put upon the Act is straining the law. Members of the legal profession may argue this point with great ability, and may make a semblance of argument that the law will bear that interpretation, but no farmer, mechanic or laborer,—no citizen of the country who reads the speech of the hon. gentleman, can come to any other conclusion than that the hon. gentleman's moral sense is gone.

Hon. Mr. MILLER—I rise again to a question of order, and I ask that the words be taken down. The hon. member, in referring to the Minister of Militia, says that his moral sense is gone.

Hon. Sir ALEX. CAMPBELL—Really, as far as I am concerned, I do not mind it much, but I believe, with reference to the hon. gentleman, that some other sense besides his moral sense is gone.

Hon. Mr. MILLER—I ask that the words of the hon. member from Woodstock be taken down. I submit to the chair that they are a violation of the rules of the Senate, as applied to the Minister of Militia.

The SPEAKER—Does the hon. gentleman persist in the words being taken down?

Hon. Mr. MILLER—Yes.

The SPEAKER.—I direct the Clerk to take the words down.

The CLERK—"The Hon. Mr. Alexander said of the Minister of Militia, 'his moral sense is gone.'"

Hon. Mr. VIDAL—I beg to call the attention of the Speaker to the 27th rule of the House:—

"If a Senator be called to order for words spoken in debate, upon the demand of the Senator so called to order, or of any other Senator, the exceptionable words shall be taken down in writing. And any Senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor, to the satisfaction of the Senate, will be censured or otherwise dealt with, as the Senate may think fit."

Hon. Mr. PENNY—It seems to me that, in this, the old maxim becomes true: "One man may steal a horse, while

Hon. Sir Alex. Campbell.

another may not look over the fence." The experience of yesterday and that of to-day fully bears me out in the belief that I am quoting the maxim relevantly. And, having drawn the attention of the House to the comparison between the two days, I take my seat.

Hon. Mr. DICKEY—I beg to say that the proceedings of yesterday had nothing to do with the proceedings of to-day. Each question has to be decided on its own merits, and if no action was taken yesterday to prevent unparliamentary language, it was as much the fault of the hon. gentleman as of any other member.

Hon. Mr. PENNY—But I am at least acting consistently. I was silent yesterday; so I cannot see why one hon. gentleman, who speaks on one day in a sense which might certainly call for the taking down of his words, should be the man repeatedly to call for the taking down of words of another hon. Senator, that are not nearly so violent as those he himself had used.

The SPEAKER—I consider that the words are objectionable, and the hon. gentleman should be called upon to retract.

Hon. Mr. ALEXANDER—I retract any words that may be considered offensive to the House. It is a matter of very little importance as to my retracting them. The leader of the Government has made a statement that a member of this House came here last session, but was obliged to go to Europe, after a few days' attendance, and that he (Sir Alex. Campbell) put a construction on the law, that that member might draw a large amount of money. Did I understand the leader of the Government to state that?

Hon. Sir ALEX. CAMPBELL.—No.

Hon. Mr. ALEXANDER—I understood the leader of the Government to say that a member of this House, who had only attended some ten or eleven days—

Hon. Sir ALEX. CAMPBELL—I did not state any number of days.

Hon. Mr. ALEXANDER—A few days.

Hon. Sir ALEX. CAMPBELL—I did not state “a few days.” I said “some days,” and that it was necessary to add the holidays.

Hon. Mr. ALEXANDER—I am prepared to state, as a member of the Contingencies Committee, that a member of this House had been only present ten or eleven days, and that he drew the sum of \$670. And yet the hon. leader of the Government states that it is only a mare’s nest. Will the farmers of the country, who pay the taxes, say that it is “a mare’s nest” that gentlemen who drive in liveried carriages should come down here for eleven days’ attendance and take away \$670 of the people’s money? Does the hon. gentleman say that this is only “a mare’s nest?”

Hon. Sir ALEX. CAMPBELL—Yes.

Hon. Mr. ALEXANDER—Then I can only say I do not believe that this House, composed of men of high integrity and principle, will allow such language to be used by a member of any Government. When I look around me at the body of gentlemen who compose this Chamber, I feel that I have reason to be proud of being a member of this Senate. I do not believe such a body of men could be elected were the House to be elected to-morrow, and I am sure they will not allow the leader of the Government to drag the Senate of the Dominion into the mire.

Hon. Sir ALEX. CAMPBELL—I object to the remarks of the hon. gentleman. Nothing can be more contrary to order, and if he has any sort of sense left, he must know that it is not right.

Hon. Mr. ALEXANDER—It may be considered too bad, but the only pride and pleasure that any of us have, in being members of this body, is that the Senate should be above suspicion, and that the people should feel that we do not come here for the money we receive, but because we have a pride in being associated with the progress of this country. It has pained me to hear the leader of this House enunciate the idea that a member should receive payment to which he is not fairly entitled. What will our chieftain, Sir John Macdonald, the

Hon. Mr. Alexander.

Premier of this Government, who, with all the charges that have been brought against him in his long parliamentary career, has never been charged with putting a sixpence of the public money unworthily in his pocket—what will he say when he hears of it? What will the other members of the Government—the Minister of Finance, a gentleman who stands high in the estimation of the people of Canada, or the Minister of Railways, the Minister of Justice, and the other ministers, who are an honor to the Government and the country, think of their colleague; and what will the people think of the Senate, when its leader ventures to address such sentiments to justify a gentleman—a man who calls himself a gentleman—

Hon. Mr. SMITH—I rise to a point of order. I do not think that this House should be degraded in this manner by a Senator who has taken liberties with every man in this Chamber, and ventured to abuse our leader. I think it is time for us to say whether we shall put up any longer with this kind of torment. Last session the hon. gentleman (Mr. Alexander) took a spite at one hon. gentleman—

Hon. Mr. ALEXANDER—Order! order!

The SPEAKER—The hon. gentleman is not in order.

Hon. Mr. HAYTHORNE—I ask that the words of the hon. gentleman (Mr. Smith) be taken down.

Hon. Mr. ALEXANDER—I can only say, in conclusion, that, when such a speech is allowed to be delivered in this House, it is about time for us all to resign our position and leave the Senate for ever.

Hon. Mr. THIBEAudeau—We have been treated to a stump speech, which is degrading to this House. I think it is perfectly disgraceful to see any hon. member rise in his place, as the hon. Senator from Woodstock (Mr. Alexander) has done, to throw discredit on members of this House, for acts which are not their own. I, for one, have been, for the last two sessions, an irregular attendant of this House, and, if the non-sitting days have been counted as days of attendance, according to law,

it is no fault of mine, because I have never sent in any claim, or presented any account for indemnity; but, after the close of the session, I took whatever I was entitled to take, according to law. It may be advisable to change the law, but it is disgraceful for any member of the Senate to asperse the characters of hon. gentlemen in this Chamber.

Hon. Mr. DICKEY—The House will scarcely feel that any reply is necessary to the extraordinary and extravagant speech of the hon. Senator from Woodstock; at the same time it is due to the gentleman, whom we all respect, who has made this motion, to say that a fairer, franker, more lucid and convincing statement I never heard made in this House than the speech which he delivered when he introduced this resolution. At the same time, I am bound to say further, that my hon. friend was careful not to go outside the record; that he was not tempted by anything contained in the original motion to go beyond what was decorous and proper. Under the circumstances, I confess that I was surprised when the hon. Senator from Woodstock stated that he was shocked at that speech, that the hon. Minister of Militia was straining the law, and that it would sink us—I will not say how low—in the estimation of the people of the country, when that speech came to be read. Apart from any objectionable words used, the sentiments to which the hon. gentleman gave utterance, he will see himself, on second thoughts, were unworthy of him, as they would be of any member of this House. The hon. Senator has given the best answer to his own motion, because he has asked to-day to be allowed to withdraw it. Why was it put on the order paper at all? Why was it not brought before the proper tribunal, the Contingent Accounts Committee? We cannot suppose for a moment why, unless it was to give him an opportunity to vent his spite against a member of this House, who has done nothing to deserve it. In no other way can I possibly account for it, and I think the hon. member would have best consulted his reputation had he said nothing, and allowed this motion to go to the proper tribunal to look into this matter, if he had anything to examine. The hon. member has talked

Hon. Mr. Thibeaudeau.

about indemnity, but it appears to me that he ought to ask from this House an indemnity for his conduct to-day. Speaking of indemnity, what is the question, after all? It is simply a question of law. When my hon. friend from Belleville gets up and makes a complaint, I sympathize with him, to a certain extent, as to the change that ought to be made in the law, but the hon. gentleman overlooks the fact that his case was dealt with strictly according to the Act. The other cases were also dealt with strictly according to law.

Hon. Mr. FLINT—I do not dispute that.

Hon. Mr. DICKEY—I sympathize with the hon. gentleman and my hon. friend behind me (Mr. Read) in their contention that the law ought to be made more explicit and applied in a different manner, but I will not go into that question to-day. It is sufficient to know that we have had a body of legal and parliamentary authority, which is quite superfluous after looking at the plain words of the Act to shew that every step that has been taken has been in strict conformity with the law and the practice of both Houses. If the testimony that has been brought forward is not sufficient, I beg to submit another memorandum, which comes from a high authority in the House of Commons:—

[Mr. DICKEY here read the paper, which was strongly confirmatory of the construction placed upon the Indemnity Act by the other authorities cited.]

The hon. Senator from Woodstock and some other hon. senators have found fault with members for taking this indemnity, but they will see that this is a rule of the House of Commons, and I will undertake to say further, that it is the rule upon which the hon. member from Woodstock, himself, has taken his indemnity. He has acted under this very law, and he has pocketed money which, he says, the people of this country will condemn others for taking.

Hon. Mr. ALEXANDER—I beg to correct the hon. gentleman. I challenge him to refer to the records of this Senate, and to shew whether I have ever taken an indemnity under the circumstances to which I have referred!

Hon. Mr. DICKEY—I am making no unworthy imputation against the hon.

gentleman, because, as I have said, he took it in strict conformity with the law, but he did take it. He knows that, when the House adjourns over from Friday to Monday, he does take indemnity for two non-sitting days of the week, or nearly one-third of the session, to begin with.

Hon. Sir ALEX. CAMPBELL—
And the Easter holidays also.

Hon. Mr. DICKEY—Yes; and he does it rightly and properly; and when he says in a vaunting tone "What will Sir John A. Macdonald, our chieftain, and what will the Minister of Finance say upon this question?" why, they would say they took it themselves, and so does every hon. member, including the hon. gentleman himself.

Hon. Mr. ALEXANDER—I challenge the hon. gentleman to say that Sir John Macdonald or any member of the Government in the other House ever took the public money on the same principle that the leader of this House has advocated.

Hon. Mr. DICKEY—They could not take it on any other principle, because it is the law of the land, and the hon. gentleman should not attempt to cloud the question by such interruptions, because he is casting reflections upon nearly three hundred gentlemen who are legislating for this country. I do not know that it is necessary to follow the hon. member any further, except to say that I deprecate in the strongest manner the course he has pursued and the language he has used to-day, for which he has been called to account. It is necessary for us to pause now and consider our course for the future. The hon. gentleman speaks of the character of the Senate. He might well have added that the Senate is acknowledged to be, rightfully, I believe, the first body of gentlemen legislators in the Dominion, and it rests with ourselves to say whether we shall deprive ourselves of that high pre-eminence by extravagant language, such as we have heard to-day. Without referring more particularly to the past, I may say that the scenes which have occurred in this House, and which have given us all infinite pain and regret, are calculated to pro-

Hon. Mr. Dickey.

duce a very different impression upon the country. My hon. friend (Mr. Alexander) speaks of the opinion of the country, which he values so highly, while the course he has taken and the language he has used to-day have not been such as to elevate the character of the Senate before the country, but I console myself with the reflection that there is not another member who will endorse the course that has been taken by the hon. Senator, or the unwarrantable language he has used in attacking the leader of this House. Therefore, I contend that we will still be able to maintain before the country the high character we have hitherto held, if only we protect ourselves from the degrading scenes to which I have adverted. I was pleased when the hon. gentleman to-day thought proper to withdraw the offensive resolution which he had kept hanging upon the order paper for nearly a fortnight, and if he had been content also to have said nothing I should have been spared the pain of making these observations, but I do it to preserve the fair name and fame of the House. Unless hon. members restrain themselves, or are restrained by the House from using such unparliamentary language as we have lately heard in this House I do say, as an humble member of the Senate, that, if the leader of the Government does not interfere to protect the decorum of debate, I shall feel it my duty, as opportunity arises, to take the responsibility of calling attention to the language used, so that we may be spared such scenes as we have lately had to endure. In doing so, I feel convinced that I shall be sustained by the opinion of both sides of the House.

Hon. Mr. KAULBACH—I do not agree with the hon. gentleman who has just resumed his seat, that this matter should not have been brought before the House, neither do I consider it improper that it should be discussed here. If the hon. Senator from Woodstock (Mr. Alexander) believed that the Indemnity Act was misinterpreted and violated, it was his duty to bring it before the House, and he was not out of order in saying that he was shocked at it, and that the law was strained. I am very glad to find that we are entering upon a new era to-day—that the freedom

and decorum of our debates will be maintained for the future. We are suddenly growing very critical upon that point, but it is a pity that those gentlemen who are so sensitive to-day did not come to the same conclusion yesterday, and at an earlier stage of the session. My hon. friend from Amherst (Mr. Dickey) has been derelict in his duty, regarding himself, as the guide of the House, in not proceeding in the way that he has indicated to-day on former occasions, when he would have been more justified in doing so than he is at present. Though the leader of the Government in this House may have given the strictly legal construction of the Statute, and may, therefore, consider the taking of the money perfectly proper, legal and right, any other member of the House has a right to consider, and give expression to his opinion, that such a construction is shocking in its effects. I am not now going to dispute the Minister of Militia's strict interpretation of the law, sustained as it is by so many eminent authorities, but I say that it is not right. That it is not the spirit or intention of the law, or of the framers thereof, that a man who comes here early in the session and sits for a day or an hour, and then absents himself altogether, should be allowed to draw his \$1,000 indemnity, less actual sitting days absent, if the non-sitting days subsequent to that should make up the 31 days. It may be legal, and, therefore, right and proper, but law is common sense, and it does not appear to be reasonable, or in accordance with the spirit or intention of the law that such a case as I have just described should be possible. Why, a senator may come here 30 days before the close of the session, when the real work of the session is done, and sit every day until prorogation, and yet, forsooth, he merely receives so much per day for the number of days that he sat in the House, while the member who attends only a day or an hour at the beginning of the session, receives his full indemnity! I repeat, the framers of the law never could have intended that should be its effect, and, therefore, I am not surprised at my hon. friend from Woodstock saying that he was shocked at such a shocking interpretation of the Statute, or that he should consider it strained.

Hon. Mr. Kaulbach.

Hon. Mr. DICKEY—Can my hon. friend put any other interpretation upon the law?

Hon. Mr. KAULBACH—I said, at the outset, that I would not dispute that point.

Hon. Sir ALEX. CAMPBELL—How can you say that I strained the law?

Hon. Mr. KAULBACH—That might be my opinion, but I did not say so. I say that the hon. Senator from Woodstock (Mr. Alexander) may have very properly believed that it was strained.

Hon. Sir ALEX. CAMPBELL—I do not object to that, but he accused me of straining the law.

Hon. Mr. KAULBACH—I did not understand the hon. Senator from Woodstock to say that the leader of the House intentionally strained the law; he merely said he believed that the hon. gentleman strained it.

Hon. Sir ALEX. CAMPBELL—I do not care what the hon. gentleman believes.

Hon. Mr. KAULBACH—I do not know who these gentlemen are that got the money, but I think it is proper that the law should be amended to prevent a recurrence of such cases. The House can not attribute any base motives to the hon. gentleman for bringing up the subject here, and I do not think that it was wrong for him to do so. Law should be based on common sense; that is wanting in this Act if, after an hour's sitting here, a Senator may be enabled, at the end of the session, to draw his full indemnity less the sittings days absent.

The motion was agreed to.

WITNESSES IN COMMON ASSAULT
CASES BILL.
IN COMMITTEE.

The House went into Committee of the Whole on Bill (41) "To amend 'An Act to provide that persons charged with common assault shall be competent as witnesses.'"

Hon. Mr. MACFARLANE, from the Committee, reported that they had made some progress, and asked leave to sit again to-morrow.

ST. CLAIR AND LAKE ERIE NAVIGATION COMPANY'S BILL.

THIRD READING.

The Amendments made by the Select Committee on Railways, Telegraphs and Harbors to Bill (31) "To incorporate the St. Clair and Lake Erie Navigation Company," were concurred in.

Hon. Mr. VIDAL moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

STADACONA INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. TRUDEL moved the second reading of Bill (21) "To empower the Stadacona Fire and Life Insurance Company to relinquish their charter, and to provide for the winding up of their affairs."

The motion was agreed to, and the Bill was read the second time.

The House adjourned at 4.35 p.m.

THE SENATE.

Thursday, April 15th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE OPENING OF THE WELAND CANAL,

INQUIRY.

Hon. Mr. PENNY—I beg leave to ask the leader of the Government if he can say, with any degree of accuracy, what day the Welland Canal will be opened for traffic?

Hon. Sir ALEX. CAMPBELL—I have made inquiries since the notice was given yesterday, and I find that, for vessels drawing less than seven feet of water, the canal will be opened to-morrow; but, for vessels drawing more than that, it is not probable that it will be open until the end of the month. The Minister of Railways and Canals wishes me to say, in addition to that, that the canal had not been opened last year until the 4th of May, and the year

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before that until the 8th or 9th of May. Contracts had been given out for the deepening of the canal, and the contractors were obliged to ask for a stipulation on the part of the Government, to allow the water to be drawn out until the 26th of April. Arrangements were also made with the Grand Trunk Railway Company, whose track crosses the canal, and who had engaged to construct a new bridge across it, that the foundation for this new bridge was to be built by the Government. It was to be ready by the 10th of April. The foundation was constructed and ready by the 6th of April, and then the Grand Trunk was put in possession of it, and they have ever since been using every exertion to get the superstructure finished before the opening of the canal. That and the contractors' claim have combined to cause any delay which may occur, but the Minister of Railways is of the opinion that both of these causes of delay will terminate between the 26th inst. and the end of the month, and he fully believes that, for vessels of all purposes, the canal will be open by the 1st of May.

WITNESSES IN COMMON ASSAULT CASES BILL.

DROPPED IN COMMITTEE.

The Order of the Day having been read that the House go into Committee of the Whole on Bill (41) "To amend 'An Act to provide that persons charged with common assault shall be competent as witnesses,'" "

Hon. Mr. BELLEROSE asked that his Bill (L) "To repeal the Act intituled 'An Act to provide that persons charged with common assault shall be competent as witnesses,' and to amend the Act intituled 'An Act respecting offences against the person,'" which he proposed to substitute for Bill 41, should be referred to the Committee at the same time.

Mr. SPEAKER said that course was not the usual one.

Hon. Sir ALEX. CAMPBELL did not think there was any difficulty in referring them to the same Committee, one after the other, the Speaker not leaving the chair until after the second reference.

Hon Mr. BUREAU said the proper way was to refer the first Bill, and the hon.

gentleman from De Lanaudière could, in the Committee, substitute his own Bill or amend the other.

The House then went into Committee of the Whole on Bill 41, Hon. Mr. Macfarlane in the chair.

Hon. Mr. MILLER said the Bill was before the House under peculiar circumstances. The hon gentleman from De Lanaudière had introduced a Bill of a similar kind, and it would only complicate the law by having two acts upon the Statute book relating to the same subject. He (Mr. Bellerose) had therefore proposed a Bill which would repeal the existing law and place a new act on the Statute book, such as they thought was desirable, and render the Bill now before the Committee unnecessary. He (Mr. Miller) would have no hesitation in adopting that course, but he had not obtained the consent of the promoter of the Bill, in the other House, to allow it to be disposed of in that way. His objection was that the Bill originating in this House might not be able to pass through the Commons this session, and the law would remain in its present unsatisfactory condition. He understood, however, that a conversation had been had with the leader of the Government in the other House, and he had undertaken to say that there would be no difficulty in getting the Bill through the other House, if it were sent down from the Senate at once. He (Mr. Miller) suggested that this Bill should be allowed to pass through Committee and stand for third reading; then, if there was a probability of the Bill of his hon. friend from DeLanaudière getting through the Lower House in time, this one could be dropped.

Hon. Mr. BELLEROSE objected to the course suggested by his hon. friend. If the leader of the Government in the Lower House had stated that he would see that his (Mr. Bellerose's) Bill would be carried through, there would be no danger in dropping the one now under consideration. He moved that Bill L be substituted for the one then before the Committee.

Hon. Mr. MILLER said he did not think that one bill could be substituted for another in the Committee. He doubted if there was any precedent for

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it. He had written to the promoter of the Bill that morning, informing him of the circumstances under which the two Bills were before the House, and had told him that unless he heard from him by three o'clock he would drop his Bill. He had received no reply, and he felt that he was justified in dropping it, under the circumstances. He would, therefore, move that the Committee do rise.

Hon. Mr. MACFARLANE reported that the Committee had risen.

The report was adopted.

OFFENCES AGAINST THE PERSON PARTIAL REPEAL BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (L) "To repeal the Act intituled, 'An Act to provide that persons charged with common assault shall be competent as witnesses,' and to amend the Act intituled 'An Act respecting offences against the person.'"

Hon. Mr. PELLETIER reported the Bill from the Committee, with some amendments.

Hon. Mr. BELLEROSE moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

BUILDING SOCIETIES' RELIEF BILL.

THIRD READING.

The Order of the Day having been called for resuming the adjourned debate on the Hon. Mr. Brouse's motion at the third reading of the Bill further to amend (Bill F) "Building Societies and Loan Companies' Relief Bill,"

Hon. Mr. HOPE said: Before proceeding to make some remarks on the amendments moved by the hon. Senator from Prescott (Dr. Brouse) I shall take the opportunity to refer to some statements made by the hon. Senator from Quinté (Mr. Read) with regard to a transaction that had taken place between a person in the eastern part of the province and the Hamilton Provident and Loan Society, which, I think, in justice to that institution, should be set right before this hon. House. The facts of the

case are merely these: In September, 1877, a loan was made to a man named Wigmore of \$1,015, and the solicitor's and valuator's fees were \$19. The man paid nothing on that loan, and, finally, proceedings were taken, and repeated trips were made by the inspector to endeavor to effect a sale of the property. The sale took place in October, 1879, two years and a month after the loan was made. The expenses disbursed by the Society amounted to \$210, making in all \$1,244, which the Society had to pay out. They got for the property \$1,400, though not in cash; in fact it has not been paid yet, and it is doubtful when it will be paid; but they have a promise of \$1,400, which left \$156 of a surplus to pay interest, thereby giving the Society, on their advance, an interest of $7\frac{3}{4}$ per cent. per annum—not a very large rate—certainly not 24 per cent., as the hon. Senator from Quinté (Mr. Read) proclaimed in his stentorian tones. The individual that furnished the information to the hon. Senator was a person who had a second mortgage on the property. He did not come forward and redeem the property, though he knew it was about to be sold; and he said nothing about it until the whole matter was closed, and then, I suppose, he thought it was an unfortunate thing that he lost his money. Moreover, the crops were sold for the benefit of the purchaser, and not of the Society. The man who bought the land paid \$1,400, and got everything that was on the place. These are the plain and naked facts. I regret to have to allude to a personal matter like this; but the next time the hon. Senator from Quinté has occasion to refer to any transaction of the Hamilton Provident and Loan Society, I would recommend him to see that his statements are not so much at variance with the facts as they are in this case. I am sorry to observe that the hon. gentleman is not in his place; I thought he was present when I rose to speak. That disposes of the personal question. With regard to the amendments which have been moved by the hon. Senator from Prescott, I would remark that, when building societies were established, which was in 1846, they had a very humble origin. They were more like a mutual benefit society, to

which all the members contributed certain sums, and then paid out their respective shares when they matured. Under such a primitive organization, fines were absolutely necessary; but building societies have become large loan societies now, with large capitals, and large amounts of borrowed capital which they work upon, and they have outlived the old system of fines, which one amendment now proposed is intended to abolish. I think it is a very wise provision to have them abolished, and I am glad the hon. gentleman (Dr. Brouse) has made a motion to that effect. There are some other amendments that he has moved which are in the right direction. They are in the interest of every fair-dealing loan society, as well as of the public and the borrower. There is one clause which, I think, would be better left out, that is the compulsory redemption of mortgages. Before sitting down, I would like to call the attention of the Secretary of State to the fact that, in the preamble of the Bill, it is stated that there is a difference in the language used in the forms sent out by the Finance Minister, as compared with the language of the Act which it is proposed to amend. I see that, in the fifth clause, among the particulars which the societies are required to include in their statements are some which I do not find in the Statute. I do not find in the Act that they have any power to hypothecate their securities for borrowed money.

Hon. Mr. AIKINS—Do they not issue debentures?

Hon. Mr. HOPE—They borrow on debentures.

Hon. Mr. AIKINS—That is their security.

Hon. Mr. HOPE—The only security they have is the lien on the assets of the society, and the society has no power to assign mortgages for borrowed money. With regard to another clause, following up the amendments which are likely to be made in the Bill, I think, if the Secretary of State could see his way to make an alteration, and bring the Act into force, say about the 1st of July, it would be better. This clause, affecting the alteration of mortgages should not go into force sooner, because the societies will hardly have sufficient time to pre-

Hon. Mr. Hope.

pare new forms and be ready to comply with the law before that time. If the Bill could be amended to provide that this Act shall go into effect on the 1st of July, I think it would be well.

Hon. Mr. AIKINS—There is no objection to that.

Hon. Mr. FLINT—I am glad that the hon. Senator from Prescott has proposed this amendment to the Bill which is now before the House. My knowledge of those loan societies extends back to the time of the Trust and Loan Society of this country, which was, I believe, the first that did business upon the principle of loaning money upon mortgages on real estate at 8 per cent. interest. In the course of my business I was called upon repeatedly by officers of that Company, to look into certain matters connected with various properties upon which persons wished to obtain loans, and I did so free of charge. They had, at that time, no agent in our part of the country, and, where I could give them a helping hand, I was willing to do so. I can say to the honor of that Company, so far as my knowledge extends, I never heard that they treated anybody harshly who had received money from them, but, on the contrary, that in every instance they gave the widest latitude that could be asked for before proceeding to extreme measures. But that has not been my experience with reference to some other societies, although I had nothing to do with other societies, except to know that some of my customers, who had become involved in days past, had placed their properties in such a position that, if they had not made a strike at the time of the gold excitement, they would have lost a large amount of money. In one case that I know of, where a man borrowed money from the Provident Loan and Savings Society, he had to pay 22½ per cent.

Hon. Mr. HOPE—It is not so. You are entirely mistaken. No such thing happened.

Hon. Mr. FLINT—The hon. gentleman contradicts me, although he does not know anything about the case. I have examined the matter from beginning to end, and I say it boldly, that the parties had to pay at the rate of 22½ per cent.

Hon. Mr. Hope.

Hon. Mr. HOPE—It never happened.

Hon. Mr. FLINT—I do not know whether the hon. gentleman was connected with the Society or not. If he was, the more shame for him. This led me in every instance to say to all parties who came to me to ask where to look for loans, "Go to the old societies. I know that those societies have been very careful, and, while they have made some mistakes, and have had properties fall on their hands, they deal fairly." I am ready to back up the assertion of the hon. Senator from Quinté, (Mr. Read), and say that I know of a large number of farms in Hastings County that have been abandoned simply because of heavy claims brought against their owners by those societies. The owners knew that they could not pay such large sums, and, rather than have their personal effects sold to make up the difference in value, if there was any, they, themselves, sold out and abandoned the country. Some of these farms have been idle ever since, and others have been sold. When you take these matters into consideration you will see the importance of these amendments. There can be no objection on the part of the Secretary of State to having them embodied in this Bill. We cannot be too careful of the rights of borrowers, for, as was stated yesterday, there are many of them that do not understand these things. Many of them cannot read or write and they are obliged to be dependent upon those from whom they obtain loans and are often deceived. I could cite many cases, but I do not wish to take up the time of the House unnecessarily. I am very glad that the hon. Senator from Prescott has found it his duty to bring forward these amendments, and I trust that the Secretary of State will allow them to pass, and that, from the time of the passing of the Bill, these fines, fees and extras will be done away with, and justice will be done to the poor man who has to borrow money.

Hon. Mr. READ—I only came into the Chamber a few moments ago, and was then informed that the hon. Senator from Hamilton (Mr. Hope) had disputed the statements which I made when this subject was under discussion the other day.

Hon. Mr. VIDAL—Explained ; not disputed.

Hon. Mr. READ—I think the statement which I hold in my hand explains itself. It is not in my writing ; the words are not mine ; it is a copy of the statement sent by the Secretary-Treasurer of the Company itself. I will hand it to anybody who wishes to look at it, and ask if it can be disputed that it is the account of the Company itself. The amount loaned was \$1,000, and, after the borrower had the money fifteen months and seventeen days, his farm was sold for \$1,400, leaving a balance still due to the Company of \$55.31, which was afterwards collected by the bailiff when the crop was reaped. That is the plain statement of the Company, yet the hon. gentleman attempts to deny it. I do not wonder that he is ashamed of it, as I would be if I attempted to defend a transaction like that, by which a poor man is deprived of his property. Perhaps I will be told that he should have complained to the Company. Little relief he would get when gentlemen connected with it could defend such a transaction. The hon. gentleman denies the correctness of this statement, but he should have met it with something more than a bare assertion. I do think it is time that something should be done in this direction. And now I should like to say a little about the lawyer's costs in this case, though I am aware that it is a tender subject. I am told, on good authority, that there was no ejection in this instance, yet the lawyer's costs, for selling this poor man's property, amounted to \$210.09. I will be told, "He should have paid it." No doubt he would have paid it if his crop had not failed. The farmer does not receive his returns from his farm oftener than once a year, and frequently not for three or four years, yet, because this poor man could not meet this payment, he was thus unmercifully treated. The lawyer's costs, selling and commission, as I have said, amounted to \$210.09. I daresay that also will be defended. Lawyers think that they never can get too much. They take—Shylocks that they are—their pound of flesh. I never heard one of them yet say that they collect too much. They are called gentlemen when they charge a man for something that they do not earn.—

Hon. Mr. Read.

Hon. Mr. MILLER—Order ! Order !

Hon. Mr. READ—What I say is quite correct. If a grocer charges you for two pounds of butter when he only gives you one pound, he is called dishonest ; but the lawyer who charges for something that he never did, is a gentleman, forsooth. I know that I am raising a storm about my ears, but I say it is time that lawyers' costs were attended to by Parliament. They have no politics when their interests are at stake. If there is grist for their mill, there is no division among them. They come down to the committee table and agree nicely among themselves whenever anything affecting their profession is before Parliament.

Hon. Mr. MILLER—I do not get up to defend the profession of which I am a very humble member, from the attack that has just now been made upon it. I do not think that an assault like that is likely to do us a great deal of injury, or will trouble any one of us ; but I rise to call the attention of the House to a want of accuracy again in the statement of the hon. gentleman who has just sat down. The item of \$210, is not for lawyer's costs alone, but is for costs of selling, commission, solicitor's fees, etc., four items altogether, and probably the lawyer's fees is the smallest of the four. I suppose the expenses of the sale form the larger portion of the \$210, and, with his usual accuracy, my hon. friend denounces the lawyers for having taken the whole of this money. We do not know what litigation there may have been in connection with this matter. There may not have been an action of ejection, but there may have been a suit in foreclosure, and, if so, I know that the ordinary costs of foreclosure in my province are \$100. But, whether there was or was not, it is clear that other items besides lawyer's costs have been included in this statement. My hon. friend told the House that he had the statement of the Treasurer of the Hamilton Provident and Loan Society. He has nothing of the kind. He has what happens to be a copy of a statement not verified in any way.

Hon. Mr. READ—That is all.

Hon. Mr. MILLER—I understood my hon. friend to say that he had the original paper of the treasurer.

Hon. Mr. READ—No ; I did not.

Hon. Mr. MILLER—This document may be falsified in every item, but I do not say it is so. To make such a charge as the hon. gentleman has made on a copy of a paper is a thing that no prudent man would attempt to do here or elsewhere, and my hon. friend has placed himself in a very unfortunate position, when he obliges me to shew that it is not an original paper.

Hon. Mr. VIDAL—Is it certified at all?

Hon. Mr. MILLER—Not in any way. That my hon. friend should make such an attack as he has made on the Company, founded on such a paper, is very surprising to me. I am sure there was not a member who heard the hon. gentleman that did not believe he had the original paper in his hands, signed by the Treasurer of the Provident and Loan Society.

Hon. Mr. READ—Will the hon. gentleman be kind enough to read it as I read it? It begins "Copy of a statement," etc.

Hon. Mr. MILLER—My hon. friend said that it was a statement by the Secretary-Treasurer of the Hamilton Provident and Loan Society. It is not an original paper at all, and what I find fault with is that he should attempt to lead the House to believe that it was original, when it was not. I do not say that it is a falsified statement, but it might be.

Hon. Mr. SMITH—Perhaps the hon. Senator from Belleville (Mr. Read) would state to the House, for its information, the amount of interest that that Society agreed to receive, provided the instalments were properly paid up according to agreement. Then, perhaps, we would be better able to judge whether the Society was acting fairly towards this borrower or not.

Hon. Mr. READ—According to this statement, the borrower was to pay 13 per cent. I have not made it up, but you will see that he borrowed \$1,000 and agreed to pay \$131.37 for fifteen years. For the first year, at least, he had to pay 13 per cent.

Hon. Mr. GIBBS—The instalments are all of the same amount.

Hon. Mr. Miller.

Hon. Mr. READ—It is a little too much to expect me to make a calculation here of what that interest would be ; but what I have stated is this : that of the \$455.31, which this man was made to pay after he had had the \$1,000 fifteen months and seventeen days, no less than \$245 was interest.

Hon. Mr. GIBBS—I do not rise for the purpose of defending any action of any loan society such as some hon. gentlemen who have addressed the House have described. That some improper things have been done by such societies will not be denied, but the facts elucidated to-day will shew that gross exaggerations have been indulged in by members addressing the House. The hon. gentleman who has just sat down says that the borrower to whom he has alluded, paid for a number of years \$131.67 per annum.

Hon. Mr. READ—He never paid anything.

Hon. Mr. GIBBS—That is where the trouble begins and ends. He never paid anything, and, because proceedings were taken to enforce payment upon what he had agreed to pay, he subjected himself to costs which he need not have incurred. But what I complain of is that the hon. gentleman has made a statement calculated to mislead the House. I do not think that he would do it purposely, but he has said that a certain borrower obtained the sum of \$1,000 from the Building Society, and agreed to pay therefor \$131.67 for fifteen consecutive years, that the principal was paying during that whole period, some 13 per cent. per annum.

Hon. Mr. READ—I did not say so.

Hon. Mr. GIBBS—I understood him to say so, but I think he saw the point that I was going to make, and withdrew the statement, to some extent. If I did not misapprehend him, his intention was to convey to the House that the borrower had been paying the Company 13 per cent. per annum. I ask the hon. gentleman if the amount that was to be paid annually for fifteen consecutive years did not extinguish the capital as well as the interest upon it? I rose for the purpose of saying this: that borrowers frequently go to those societies, and have

the option of either borrowing at building society rates, or on the straight loan plan. It is frequently an advantage to the borrower to take the money at building societies' rates, that he may be able to pay off, in a series of years, the amount of money which he desires to borrow. It frequently happens that, if he had to borrow a sum of money payable in two or three years, he would be unable to obtain the amount he desired, and would be unable to pay it at maturity. I do not sympathise altogether with the hon. gentleman who says that many borrowers do not know what they are about when they obtain these loans; that they are frequently imposed upon. I have no doubt that, with the amendments proposed by the hon. Senator from Prescott, any recurrence of such evils will be prevented. I think they are in the right direction, and I desire that every borrower should know exactly what he is paying. Every loan society should state clearly and unmistakably to the borrower what rate of interest he is paying. I do not believe there is any respectable society doing business in Ontario to-day that would object to the amendments the hon. gentleman desires to attach to this Bill. On the other hand, I believe that these amendments will remove a great many prejudices against these societies. I was glad, therefore, when the hon. gentleman moved them, and I hope they will be incorporated in the Bill. It will enable every borrower to ascertain exactly what he is to pay, and, in the end, benefit the building societies themselves. As one connected with such institutions, and doing business, I believe, in a fair, straight-forward and honorable way, I felt called upon to make these observations, and I have done so without any desire to cover up any transactions, such as have been alluded to to-day, and which, I believe, on examination, will be found to have been greatly exaggerated.

Hon. Mr. ALLAN—The hon. Senator who seconded the amendments introduced by the hon. Senator from Prescott, stated that he had always been a Protectionist, and opposed free trade, and that he approved of these resolutions because he believed they were in the direction of protecting the farmers. If any legislation would have the effect of

protecting people against their own improvidence and want of frugality and economy, I am sure that every one of us would do our best to promote legislation of such a character; but I am afraid that it would take a great deal more than we can effect by all the laws we are ever likely to pass here, to bring about such desirable results. I listened with a great deal of interest to the remarks made by the hon. Senator from Prescott, in reference to the efforts that were made, and the inducements held out, by the agents of various loan companies to persuade parties throughout the country to become borrowers, and I very heartily sympathise with much that he said. There is no doubt, and I think that every Canadian must feel, that it is a very great misfortune that the community generally, and our farmers more especially, have become borrowers to such an extent during the last few years. I think that the hon. gentleman might have drawn even a more moving picture than he did, if, in addition to his description of those silvery-tongued gentlemen going about so busily, and trying their powers of persuasion, not only upon the farmers, but even upon the farmers' wives, to induce their husbands to become borrowers, if he could also have exhibited a map of some of our counties or townships with all the lots on which mortgages were held, separately marked. I think that would have been as striking an appeal as he could have made to the House, and would have revealed a state of things that we must all heartily deplore. But I do not think that the loan companies can all justly be held accountable for this state of things any more than they can be held responsible for some of the individual cases of harshness in the treatment of borrowers mentioned by the hon. gentleman. It is nearly a quarter of a century since the older building societies commenced business under the present system in Ontario. They introduced, for the first time, the principle of the sinking fund for the repayment of loans paying back the principal by instalments along with the interest. Now, there can be no doubt that the effect of the organization of these societies and their mode of loaning money was, in the first place, to

bring down the rate of interest; and, in the second place, to offer a safer and better mode of repayment of their loans to borrowers. Many of us here can remember the time when money was not to be had except at high rates from private lenders, and where, in the case of farmers especially, the most usurious rate of interest was charged by one farmer lending money to another. Happily that state of things has been done away with, to a great extent; but it has been mainly due to the organization of these societies and the introduction by them of large amounts of money into this country, that this reduction in the rate of interest has been brought about. The second point, and which has been alluded to by the hon. gentleman who immediately preceded me is this: As a general rule, outside of the business men in towns and cities, parties who borrow money in the country—I am speaking more especially of the farming class—are very often unprepared or unable, without great difficulty, to pay up the principal in a lump sum at the end of the term for which it has been borrowed, and to them, in many instances, the sinking fund system has been an immense boon. By this mode of repayment of principal and interest together in small instalments, they have been enabled to meet their engagements without difficulty, and without having to look forward to being obliged to raise the large sum required to redeem the principal at the end of the term, as in the ordinary straight loan. Many a farmer has, in this way, been enabled to carry out extensive and much-needed improvements upon his farm—or to add to his holding by the purchase of new land, or to secure, on favorable terms, farms for his sons, whom he wished to settle in the world. Again, the system of loaning money and the facilities offered by these societies have been a very great advantage, not only to the farming community, but to other classes, as well, in cities and towns, as in the country, and I can speak from my own experience when I say that I know of numbers of persons who have acquired comfortable homes for themselves by the aid of these very building societies, but who, without the facilities thus afforded them, could not possibly have done so. They borrowed on the sink-

Hon. Mr. Allan.

ing fund principle, and paid back the loan by monthly or quarterly instalments, and it not only made it much easier for them to meet their engagements in that way, but more than that—it enforced upon them habits of punctuality and frugality. They knew that they had to meet those instalments monthly, quarterly or half-yearly, as the case might be, and calculated their incomings and outgoings accordingly, and, in the end, it secured for them comfortable homes, paid for and free of any incumbrance, which they could not have secured for many a year if the only means open to them had been borrowing in the usual way, or waiting until they could provide the means themselves without any assistance. Now, as to the abuses complained of by my hon. friend from Prescott, in soliciting parties to become borrowers, the fact that these older societies had all been very successful led to the organization of new companies for going into the same business, and they have been multiplied to a very great extent lately in Ontario. The result has been keen competition for business, and, while that very competition has assisted, to a great extent, in gradually bringing down, and keeping down, the rate of interest, it has also introduced those very evils to which the hon. Senator from Prescott alluded so feelingly the other day. It has led to a system in many parts of the country of soliciting for loans and inducing parties to become borrowers, by the tempting nature of the representations made to them, who ought never to have borrowed money at all. Many a man has doubtless thus been induced to borrow money for wants which were either artificial or could have been supplied by a little more perseverance, a little more frugality and economy on his own part. But, while we must all regret such cases as I have alluded to, and while, doubtless, among the number of companies now doing business throughout the country, individual cases of hardship, in their relations with their borrowers, will occasionally occur, I am quite sure that what has been said now by the hon. gentleman opposite will be admitted by the House to be perfectly true with regard to the large number of associations and companies of this kind carrying on business in Ontario—that their business

has been fairly and legitimately carried on, and in a spirit of liberality and perfect fairness towards their borrowers, and, in such cases, they have certainly nothing to fear from the utmost publicity. I can, therefore, say that these societies will have no objections to the amendments proposed by the hon. gentleman from Prescott, and which, I understand, the Secretary of State intends, with some small alterations which the hon. gentleman (Dr. Brouse) accepts, to incorporate in his own Bill. I think anything that we can do which shall enable these companies to shew that they are carrying on their business in a legitimate manner—without any desire to mislead people, and that they are perfectly willing to give to these borrowers every opportunity of knowing exactly what the nature of their engagements are when they enter into those agreements—we are bound to do; and I think that any move in that direction is a right one. I shall be very glad, therefore, to see these amendments added to the Bill. Before concluding, I desire to say a few words in reply to a remark which fell from my hon. friend from Belleville (Mr. Read), who I wish was in his place. I do not know whether he so intended it, but it struck me at the time that there was something in the tone of his closing remarks, the other day, which would lead us to infer from them that he thought that the interests of the farmer, and of the people generally would be more likely to receive attention at the hands of the people's representatives in the other House than here, in the case of such legislation as that now under consideration.

Hon. Mr. READ—That is what I did say.

Hon. Mr. ALLAN—I do not think that it is a fair thing to say of this House. I do not think the members of this House have ever shewn themselves indifferent to the rights or well-being of any class of their fellow-subjects. I do not think that, because it happens there are in this Chamber gentlemen who are in connection with the banking or other monetary institutions of the country, that they look only to the special interests with which they may happen to be individually connected,

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or are in any way wanting in consideration for the interests or the welfare and well-being of the community at large. I hope that we shall never deserve that character, but that we shall always prove ourselves quite as ready as the members of the other branch of the Legislature to do all that lies in our power for the welfare of the whole community.

Hon. Mr. VIDAL—I think it is to be regretted, both on our own account and on account of the hon. Senator for Quinté (Mr. Read) that he was not in his place at the time the hon. member from Hamilton (Mr. Hope) made his explanatory remarks. It would have saved the House considerable time, and the hon. gentleman (Mr. Read) a great expenditure of his strength had he been here, but he comes into the House and vigorously attacks what really does not exist. He sets up a man of straw and belabors it most manfully. Had he been here he would have found that the accuracy of these statements that he read to the House was not challenged in any respect. It was simply his own deductions from them which were contradicted and shewn to be inaccurate, and I think it has already been proved to us that he has not been sufficiently guarded as to having full authority for the statements he has given to the House. I do not know whether the hon. gentleman thinks that, because he has strong lungs and a sonorous voice, and makes strong assertions, that he is going to carry the House with him by the power of his eloquence. If he does, he is decidedly mistaken. This House is not to be swayed by the arts of oratory. Calmly and deliberately they will look into the merits of each case presented to them, and will not be swayed in judgment by the plaintive appeals on the part of one gentleman or the vehement denunciatory speeches on the part of another. I think a great deal has been said very unwisely in connection with the resolutions now before us. While, in sentiment, I agree with the hon. Senator from Prescott, and approve the object of the movement he is making in proposing these amendments as improvements to the Bill, I certainly differ from him very widely as to the probable benefits he thinks likely to flow from them. I do not believe that it

is possible, by any legislative enactments, to make an improvident man provident, a careless man careful, or a lazy man industrious, nor do I believe that our legislation, however well designed and carefully worded, will have any perceptible effect in regulating the traffic in money in our country. We might just as well try to fix a price upon every bushel of wheat sold in the Dominion, and say that a man will not be allowed to sell it at any other figure. Money, like everything else, will find its market value, and when, as we have been told by the hon. Senator from Prescott, there are already thirty or forty loan companies in the Province of Ontario, is there not in that fact a guarantee that competition will keep money at its right value? With such competition, is it not impossible that such usury and oppression could continue as have been insinuated against some of those companies? It is not the interest of loan societies to oppress anybody, and, so far as my acquaintance with them has extended, it is their constant practice to exercise the greatest leniency in dealing with delinquent borrowers, and not to resort to extreme measures until they are absolutely compelled to do so. I have to thank the hon. Senator from Prescott for the gratuitous advertisement that he gave of the company with which I am connected, not, however, as manager, but simply as its president. But, lest my hon. friend's statement of extraordinary profits should induce any gentleman to wish to become stockholders in that company, I must guard them from being deceived by saying that, it is without foundation. He, like the hon. Senator from Belleville, has been incorrect in his statement, through imperfect information. I am quite aware that he would not, intentionally, misrepresent me or the company with which I am connected, but he said that: "The Company boasted of having made a clear profit of from 25 to 28 per cent. in a year, although they professed to charge the poor farmer only 8 per cent. on the straight loan plan." Both of these statements, I assure the hon. gentleman, are inaccurate. No gentleman connected with the Society has ever made that boast.

Hon. Dr. BROUSE—Will the hon. gentleman tell us what their highest profit has been in a year?

Hon. Mr. Vidal.

Hon. Mr. VIDAL—! am not going to be put off my track by that question. The hon. gentleman says that this Company boasts of having made this large profit. I say that the Company has never made that boast.

Hon. Mr. SCOTT—Has it made the profit?

Hon. Mr. VIDAL—No; nor anything nearly resembling it; but, because that statement was made in a plainly adverse criticism upon the Company which appeared in a certain newspaper, he accepts it as true without inquiry, although, had he looked into that paper two weeks afterwards, he would have seen an editorial explanation that the statement was made under a misapprehension of the facts. I can assure the hon. gentleman that not a single dollar has been charged by the Company on any loan beyond the amount set forth on the printed table of rates furnished to the men who borrowed from it, nor, as far as I know, has there been a dollar imposed in the way of these obnoxious fines. Hon. gentlemen must not suppose that large dividends have been paid. The Company has declared eight per cent. per annum dividends.

Hon. Dr. BROUSE—How much has been added to the reserve?

Hon. Mr. VIDAL—There has been a very satisfactory profit made by careful and economical management, by reducing the expenses of management to a limit that no other loan company has reached, in its infancy. By dispensing with a general manager, we have saved, I presume, about \$3,000 of salary, and carried it to the reserve fund. That is the kind of management by which the Company that I am connected with has done so well, but not so extravagantly well as the hon. gentleman has stated. Now, I would remark, with reference to this evil which, it is asserted, prevails in our land, that it is a very remarkable thing, if it does so prevail, that not a single petition on the subject has been presented to Parliament. Has a single one of these poor, oppressed fellow-subjects of ours come here and asked for protection? Not one. Where then does all this ostentatious sympathy spring from? Do the hon. Senators from

Prescott and Quinté suppose that they have, within their two souls, all the generosity, sympathy and compassion for the poor, and the desire to do them justice? If so, I can assure them that they are very much mistaken; that there are 67 other hon. gentlemen here who are animated by the same good motives and desires, and who act upon, I think, even a more righteous principle than the hon. Senator from Prescott has announced. He says that "the interests of the poor man should be held as sacred as those of the rich man, or even more so." I take higher ground. I say that, in our legislation, rich and poor stand on the same level, and I do not see that we should legislate for either in preference to the other. I must say that I suspect there is a tendency in this legislation to ignore the rights of the mortgagee, while carefully endeavoring to protect those of the mortgagor. My hon. friend (Dr. Brouse) made an assertion—the accuracy of which I venture, in part, to dispute—as to the great wrong done to the borrowers under the sinking fund system of repayment—that he was compelled to pay the total amount of interest for the full period of the loan if he failed in his first payment. He may be sued for it, and the hon. gentleman says there has been a decision in our courts in favor of such a claim. If so, I have not seen it; but I do know that, in a case of this kind, where I was trustee, guarding the interests of another person, in a suit in the Court of Chancery, judgment was given simply for the amount of the loan, with costs and interest upon it up to, but not for a single day beyond, the time that judgment was given.

Hon. Dr. BROUSE—Was it on an annual payment?

Hon. Mr. VIDAL—Yes. The amount sued for was somewhere about \$29,000, and the Court allowed about \$19,000, shewing that the rights of the individual are protected, at all events in the Court of Chancery. I cannot speak of other courts.

Hon. Mr. KAULBACH—Was that a recent decision?

Hon. Mr. VIDAL—Quite recent; within the last two or three years. The hon. gentleman (Dr. Brouse) has also

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used as an argument the alleged innocence, or rather ignorance, of the farmers dwelling in the section of the country with which he is familiar. From intimate knowledge of those living in the part of the Province in which I have the happiness to reside, I cannot appreciate this; for, when I go amongst the farmers and others borrowing from the Society with which I am connected, I find them just as keen and clever in money matters as I am myself. I think, as a class, in our section of the country, at all events, they are just as well able to take care of their own interests as anyone else. Now, the hon. gentleman from Belleville thinks he has made a point in actual figures. I wish to give him a few figures to digest—just the figures that he has given to us, only differently arranged. He says that this man borrows \$1,000, for which he has to pay \$131.37 per annum for fifteen years, and he asserted that the rate of interest that the borrower would have to pay was 13 per cent.

Hon. Mr. READ—I said plainly to the House that I had not made up the calculation for the whole time, but that the borrower had to pay \$245.22 interest for the use of \$1,000 for fifteen months and seventeen days.

Hon. Mr. VIDAL—That is quite apart from the argument. The impression which the hon. gentleman sought to create was that the borrower had to pay 13 per cent. interest. If he paid \$131.37 a year for fifteen years, he would, at the end of the term, have paid, in all, principal and interest, \$1,970.50. Had he borrowed the same amount at 8 per cent. he would have paid \$80 a year, or \$1,200 for interest in the fifteen years, and then, in addition, the \$1,000 principal, or \$2,200, instead of \$1,970.50.

Hon. Mr. KAULBACH—Are you allowing him interest on the instalments as he pays them?

Hon. Mr. VIDAL—No; I was just coming to that. I am merely mentioning the actual cash he would have to pay, and, on that calculation, I am going to shew the equitable plan on which this sinking fund system is really based, and that it is not the oppressive and extortionate thing that it is said to be. Calculating the interest on

the borrowed money at eight per cent. the man would pay, the first year, \$80 interest, and the balance, \$51.37, would be on account of the principal. It is not actually credited as payment, but is considered so in order to make the calculations. That money and all similar subsequent yearly payments are allowed to remain as a sinking fund, and interest, at the rate of six per cent., is computed upon and added to it. The only difference is between the two rates of interest—six and eight per cent. If there is anything outrageous or extortionate in that, it is very strange that, with a free and intelligent press in all parts of the Province, it has not been denounced throughout the length and breadth of the land. The fact is, these companies have been a benefit to the country, and, although it may be that very large profits have been made by some of those associations, the people desire to have them. I have already said that I do not at all demur to the proposals which my hon. friend from Prescott has made, because there is really nothing in them that a company, doing a fair and open business, can have any objection to; but I do not think that they should have come into a bill which is simply intended to rectify an error in forms of returns. However, since the framer of the Bill does not demur to the amendments, it is unnecessary for me to raise an objection. I think, also, that the hon. gentleman (Dr. Brouse), in proposing that these companies shall mark across the face of each mortgage the rate at which the money is loaned, is imposing a duty which will be really difficult to enforce, the rate is dependent upon so many contingencies of times of payment. I have myself sat down to calculate the value of a mortgage, with an actuary sitting on the other side of the table engaged at the same work, and we arrived at different results.

Hon. Mr. READ.—And yet the poor man is expected to know exactly what he is doing!

Hon. Mr. VIDAL.—The farmer knows exactly what he is doing when he has to pay a fixed sum every year. He may not be able to discriminate whether it is 8, 9, or 10 per cent.—

Hon. Mr. READ.—According to this statement it is 12 per cent. at least.

Hon. Mr. Vidal.

Hon. Mr. VIDAL.—I will undertake to stake my reputation as an arithmetician that it is under nine.

Hon. Mr. READ.—And I will venture to repeat that it is twelve.

Hon. Mr. VIDAL.—While I have no objections to my hon. friend's amendments, I do not think they will accomplish what he desires. The men connected with these companies are gentlemen of good reputation, morally and commercially, and their books are open for inspection, and a good many people besides the auditors do inspect them. There is nothing in them that these companies need be ashamed of, but, at the same time, I greatly doubt whether my hon. friend will realize those very desirable results that he has in view in moving these amendments.

Hon. Mr. REESOR.—I think the hon. gentlemen who have taken an interest in the proposed amendments to this Bill will congratulate the House on the different tone of the debate upon this question from what was evinced some two years ago, when I introduced a measure similar in principle to the amendments submitted by the hon. gentleman from Prescott. On that occasion I failed even to get a seconder. Both sides of the House seemed disposed to ignore the whole question, and thought that it was an interference with chartered rights and privileges which these societies had held for years. Now, however, we find gentlemen connected with those loan companies—institutions that are really conducted in the manner that they should be—are disposed to admit these amendments, and I confess that I am highly gratified that such a change has taken place in their opinions. Whether this opinion has been influenced by the discussion of the matter through the country, or by the measure that has been introduced in the Lower House, to limit the rate of interest to seven per cent., I know not, but the acceptance by the hon. Secretary of State of the amendments of the hon. gentleman from Prescott indicates very clearly that public opinion has pretty well settled down to the principle advanced here to-day. A good deal has been said about a certain Loan Society in this House. I do not believe that the

hon. member for Quinté division would intentionally mislead the House, and I am sure that the hon. member from Hamilton would be equally guarded against making any statement that he believed to be wrong, and the only inference I can draw from their statements is, that the hon. gentlemen have referred to two different cases. With regard to the power of those loan societies, I find, upon looking over the Chancery reports of Ontario, that some very extraordinary powers and privileges are enjoyed under the present law. They are allowed to impose fines and penalties and exact bonuses, and these acts can be enforced by the courts. There are cases where this question has been referred to the Master in Chancery, and he has made a statement based upon the repayment of a loan and the rate of interest due. It was afterwards carried before the Vice-Chancellor, who decided that there were by-laws under which building societies were enabled to impose fines and penalties quite beyond the repayment of principal and interest. I will refer to a single case in the Chancery reports of 1879—Crone vs. Crone.

"By one of the rules of a savings and loan society, which were subscribed by all members on obtaining loans or advances of shares, it was provided that when a payment off of a mortgage was made before it became due the present value of future repayments should be calculated to the end of the term, and discounted at such rate of interest, and on such terms as the directors might determine; and by another of the rules, the directors, on default, were empowered to sell the mortgaged estate, and on such sale to retain and apply so much of the purchase money as should be necessary to redeem the property, pursuant to the provisions contained in the foregoing rule.

"Held, that the Master proceeded on an erroneous principle in calculating interest on the sum advanced at 9 per cent. from the date of its advance until the day appointed for payment; and that he was bound to ascertain the amount necessary to discharge the mortgage by the same rules, and on the same principle as the directors of the society computed the same."

The mortgagor was not allowed to get off with paying the whole principal and nine per cent. interest, according to the calculation of the Master in Chancery, but he was compelled to pay, by anticipation, a large amount upon future payments that had not matured at all. They were dis-

counted according to the rule that the directors had laid down:

"Rule 23 provides that, if any member shall desire to have his property discharged from a mortgage to the Society before the expiration of the full term for which it has been taken, he shall be allowed to do so on payment of all re-payments, and any fines, fees and other sums due in respect thereof up to the time of the redemption of such mortgage, and of the present value of the future re-payments calculated to the end of the term, and discounted at such rate of interest, and on such terms as the directors may determine. * * *

"*Judgment*.:—The society have the right to say they never intended to enter into a contract to take the principal and any specific rate of interest; their agreement was to take the annual instalments, or, if redeemed beforehand, to calculate the present value of the undue payments at such rate as specified by the directors. I understand that to be the effect of the decision in the *Western Canada Loan and Savings Society vs. Hodges (a)*, and in *re O'Donohoe's Estate (b)*.

"And I apprehend that a member applying for an advance of his shares is bound by the rules regulating the advance, and the mode of repayment. * * * The mortgagors in becoming members of the society, covenanted to observe, perform, fulfil and keep all the rules, including, therefore, amongst others, the terms upon which the proceeds of the sale of the property were to be applied, and the terms for redemption.

* * * But it nowhere appears that members obtaining an advance are to be bound only by what appears in the mortgage, or that the execution of the mortgage was to relieve them of the obligations they incurred by becoming members of the society.

"I think the Master has proceeded upon an erroneous principle in ascertaining the amount due upon the mortgage, and that the calculation should be made in the way I have indicated."

The party giving the mortgage signs it, and the presumption is that he knows what he is signing, that he is bound by those rules, and that he knows what those rules are. But I venture to say that, in nineteen cases out of twenty, the borrower does not know what are the rules. By signing this contract, the borrower becomes a member of the society, and is bound by the rules of the society. I think it will hardly be disputed, after years of experience, that there are hundreds of cases—in fact the large majority of cases—in which the borrowers do not defend themselves in the courts at all. They submit to what the societies charge, and either pay or give up, as they

are not able to employ lawyers to contest the claims. The case I have quoted was that of a wealthy man, who was able to defend himself in court, but I have not the slightest doubt that many honest, industrious men have, through the failure of their crops, been unable to meet these exorbitant demands, have lost their properties, and have been driven from the country, not at a time when the country was prosperous, not when the crops were good and their neighbors had money, but at a time when the country was suffering from depression, and their property had to be sacrificed. I do not say it of the societies with which any hon. gentleman in this House is connected, but I do say that there are societies in the country that have been guilty of gross wrongs, and I am glad, to-day, to find that those gentlemen who are connected with respectable institutions are willing to accept of these amendments. They go even further than my Bill did. They make it necessary that the mortgage shall be made out in triplicate, and that the rate of interest which it bears shall be written across the face of it in different colored ink. I think that is a valuable restriction upon the loan societies, and, in the end, it will be better for the lender as well as for the borrower, because it will lead to more legitimate transactions, and will do away with the conniving, scheming systems that are practised by some societies, and that are a disgrace to any civilized community. It destroys the confidence and respect that the people should have for the law, when they see it so construed as to grossly mislead them. We have had occasion to notice a case of this kind within the last three months. A property was sold on which there was a mortgage to a building society for \$1,100, payable in ten equal annual instalments. The party who was selling the property was asked by the buyer what rate of interest the mortgage bore. He replied that he did not know exactly, but was sure it was not more than eight per cent., and agreed to covenant that it did not bear more than that rate of interest. After the sale had been made and the mortgage was looked into, it was found that the society were getting about ten per cent., which made a difference of

Hon. Mr. Reesor.

over two hundred dollars, which amount had to be deducted from the price of the property. The owner was an industrious mechanic, who had borrowed the money from the society on the representations of the agent that he was getting it at eight per cent. We are every year making laws to protect the public in some way or other. It was only the session before last we passed a law to prevent gambling in public conveyances. In order to make it operative for the protection of travellers against sharpers, it was found necessary to provide that no card playing should be allowed on a public conveyance—not even a simple game of whist. If gambling, pool-selling and horse-racing have to be legislated against for the protection of the public, I think the legalized right of loan societies to cover up the character of their loans so as to mislead borrowers, should also demand the attention of the Legislature.

Hon. Mr. SMITH—It would not be becoming of me to sit silent on this occasion, connected, as I am, with two loan societies in this Province. I think it is well for the House and for the country that this debate has taken place, as it will let people see whether these charges can be substantiated or not. The hon. member from Prescott has referred, in feeling terms, to the hardships put upon "the poor farmers" by those loan societies in charging them high rates of interest for loans. I have had the honor of sitting on the same board with an hon. gentleman who is now identified with one of these loan societies; and, from what I knew of his management in the loaning of the Society's money, I never knew a case in which a poor farmer sustained hardships or injustice at his hands. The hon. gentleman from Prescott presses very hard upon this House the claims of the "poor" farmer, the "ignorant" farmer, for protection against the loan societies. I contend that ninety-five per cent. of the farmers of this country know perfectly well, when they ask an agent to loan them a thousand dollars and are told the rate of interest they can have it for, what it will amount to per annum. They are all perfectly satisfied until they get the money, and they often get it on security that would not sell for the face value of

the mortgage if the property were put into the market the next day. I contend that societies should not advance more than fifty per cent. on the market value of any property; and it has been shewn by the hon. gentleman from Quinté Division that, in the case of which he spoke, there was a thousand dollars advanced for fifteen years on a farm that brought only \$1,400 when the mortgage was foreclosed.

Hon. Mr. KAULBACH—But it is claimed that the property was sacrificed.

Hon. Mr. SMITH—The property was not sufficient security for the money. There should never have been more than \$700 loaned on that security. On the instalment system that borrower was to have paid to the Company \$1,970.55 at the expiration of fifteen years. Now, let us see what he would have to pay on the straight loan system for the same term of years: the interest on a thousand dollars at eight per cent. per annum is \$80, which, multiplied by \$15, gives \$1,200 as the interest to be paid in fifteen years. Add this \$1,200 to the principal, and we have \$2,200, to which must be added the solicitor's bill, \$210, making the total payments on that loan of \$1,000, on the straight loan plan \$2,410. I challenge any hon. gentleman to deny the accuracy of this calculation. Now, which of these two systems is the better one for the poor farmer? The hon. gentleman from Prescott pleads for the poor farmer, but he has no consideration for the widows and orphans, the poor and the aged in the Mother Country, whose funds are invested in those societies as their only means of support. They have entrusted the hon. gentlemen who represent those societies with their money, feeling that there is good security for it, and that they will get their interest when it becomes due. I fancy that this class of people have as much claim on our sympathy as the borrower, the "poor" farmer, the "ignorant" farmer, as one hon. gentleman so called them, whose cause the hon. Senator seems to have so much at heart. The poor farmer takes the money of the widow and he builds himself a grand brick house; he takes money from the orphan and extends his barns; he borrows more from the aged

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and helpless and buys a handsome carriage in which to drive to church—as he ought to do, I admit—and when he is called upon to pay the simple interest on these loans, he must be sympathised with, and the legislature must be appealed to to protect him from the money-lenders. I am sorry to see that hon. gentlemen should endeavor to create ill-feelings against loan societies in this country, as they have been a great benefit to the people. During these years of depression they have brought millions of dollars into the country from England, Ireland and Scotland, and other parts of the world, by which fine houses have been built, farms have been improved, and many a homestead has been saved from the sheriff. I say that when a man deliberately enters into a bargain or contract, he should be obliged to carry out his part of it, and I say that the hon. Senator from Prescott has made out no case for the farmer. I contend, also, that the hon. Senator from Quinté has made out no case; he has not shewn even what rate of interest the Company to which he referred received on the property they sold.

Hon. Mr. READ—I have not made up the interest for the whole time of the loan; I have only made it up for the time he actually had the money, and it amounted to twenty-four per cent.

Hon. Mr. SMITH—I say that, if that borrower had carried out his payments, at the end of fifteen years he would have paid less money than he would have been required to pay had he borrowed the money on the straight loan system at eight per cent. I would not have taken part in this debate at all had it not been for an attack that was made on a certain Company. I have nothing to do with that institution, but I consider that it is every hon. gentleman's duty, when he hears unfounded charges made against a public institution, to stand up in its defence when he knows that those charges are not true. I say now that the loan complained of was a fair loan, and, if the borrower had paid his instalment of \$131.37 when it fell due, there would have been no solicitor's charges, no over-rate of interest, and he would have retained his property. It is

preposterous to say that the lender should lie out of the interest on his money, allow payment after payment to lapse until the end of fifteen years, and then run the risk of having to take a property very much depreciated in value for the principal. These companies do no more than private individuals who loan money have done, and are doing every day, and these private money lenders are the enemies of loan societies, because they know that the competition of these companies has reduced the rate of interest to borrowers. I have loaned a great deal of money in my lifetime for other people, and I do a little in that business now sometimes, and I can honestly say that I have never exacted a fine or bonus from any borrower for being behind-hand with his instalments, so long as he paid up within a reasonable time. But I have had occasion to protect the interests of the societies for which I acted, and when the default was beyond what could be reasonably allowed, steps had to be taken to collect the money for the lenders. I am connected with societies that have no fines. The face of the application shews what rates are charged to the borrower from the day he gets the money until it is repaid; there are no commissions to agents, and nothing but the simple rate of interest that is agreed upon. I do not think it is necessary for me to detain the House any longer. I am sorry that the debate has taken the course it has done, but, after all, it may not be without advantage. No doubt in the earlier history of building societies, borrowers were frequently imposed upon, but, of late, money has become so plentiful, and loan societies so numerous, that lower rates of interest and easier terms have been established by competition, and any farmer can understand the terms on which he borrows from a society.

Hon. Mr. McMASTER—I had intended making a few remarks with reference to the amendments now under consideration, but so much has been said, and well said, in defence of the companies, that I do not think it is necessary to prolong the discussion. A great deal has been stated about the abuses of which those companies have been guilty. When, however, we con-

Hon. Mr. Smith.

sider the magnitude of their operations, it would be singular indeed if some abuses did not exist; but very little has been said with reference to the great advantages and the many facilities that they have afforded to the public. Nothing has been said about the hundreds—I venture to say, thousands, of people in the West, who, through the accommodation afforded them by these companies, have been enabled to keep themselves out of the hands of the sheriff, save their farms, and, in a few years, have them free from encumbrance. At this present moment, I do not think that farmers, or any other parties who require advances on property, can borrow money on more favorable terms than those offered by these companies, and I regard it as being most unfair for an hon. gentleman who spoke on the other side to represent the transactions of respectable institutions of long standing as being gambling operations.

Hon. Dr. BROUSE—In conference with the hon. the Secretary of State, I am happy to say that he has agreed to the purport of my amendments. Some changes were suggested which I was happy to adopt and which I am sure will prove acceptable to the House. They now read as follows:—

"CLAUSE B.—Every loan made after the passing of this Act by any permanent building society or loan company, incorporated under the said chapter fifty-three of the Consolidated Statutes of Upper Canada, or any act thereby consolidated, or by or under any act of the Parliament of Canada, or by any institution or corporation incorporated without the Dominion of Canada, lending and investing money in Canada shall be subject, and shall be held to have been made subject, to the following conditions, anything in any deed or writing in relation to such loan to the contrary notwithstanding, that is to say:—

"*First.*—No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest which shall have the effect of increasing the charge on any such arrear beyond the rate of interest payable on principle money not in arrear: Provided always, that nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principle at any rate not greater than the rate payable on principle money not in arrear.

"*Second.*—That when the amount lent shall be wholly paid back by agreement, or under compulsion, the interest on the mortgage money or any part thereof shall not be charged for any period beyond the period of actual pay-

ment, and up to that period only at the rate originally contemplated in such mortgage, with interest on the sums in arrear thereon, as provided by the next preceding section.

"CLAUSE C.—Every such society or company, institution or corporation, shall cause a true copy of every indenture of mortgage to which it shall become a party as mortgagee, after the passing of this Act, to be delivered to the mortgagor at the time of the execution of such indenture of mortgage, or at the time when the loan is completed.

"CLAUSE D.—No such indenture of mortgage shall be valid or shall be binding on the mortgagor for the collection or payment of interest, unless the rate of the interest payable by the mortgagor on the principal sum, or sum lent by the mortgagee, and thereby secured, in whatever way the same be made payable, has been written, or printed, or stamped, across the first page, or only page, as the case may be, of each original part of such indenture of mortgage, in ink of a different color from that in which such original part of such indenture of mortgage is written, stamped or printed, and in words as follows, that is to say: 'Rate of interest, six (or, as the case may be) per cent. per annum' before the execution of such indenture of mortgage; and such words shall be taken and held to form part of the indenture of mortgage on which they are written, or printed or stamped."

Hon. Mr. AIKINS—I little expected, when I introduced this Bill, that we would have heard such an extensive discussion as we have had. The object of the measure was to deal with one question, and, therefore, when the hon. Senator from Prescott proposed his amendments, I objected to them because I considered they were irrelevant to the Bill. As I stated at the time, I would have had no objection to them if they had been introduced as a separate measure, because, if it is necessary to protect the class to which he refers (and that is the general impression, although it may be an unfounded one), I, for one, would not stand in his way and add to the feeling which exists in the country that these building societies have been dealing unfairly. As the hon. gentleman from Quinté (Mr. Read) informed us, there is another measure dealing with this question now before the House of Commons. My impression was then, and I think now, that it would have been far better to have had these questions separated. However, the feeling of the House appears to be strongly in favor of the amendments, and, as I was not opposed to the principle of them, I thought it would be just as well, under

Hon. Mr. Brouse.

the circumstances, to accept them, and put them in such a shape as to accomplish what the hon. Senator from Prescott desires.

The amendments were agreed to.

Hon. Mr. AIKINS moved that the following clause be added to the Bill:

"This Act shall come into force on the 1st of July next."

The amendment was adopted.

Hon. Mr. AIKINS moved that the title of the Bill be "An Act for the relief of Permanent Building Societies and Loan Companies, and to restrict their modes of lending."

The motion was agreed to.

The Bill was then passed.

BILLS INTRODUCED.

The following Bills, from the Commons, was introduced and read the first time.

Bill (94) "An Act for the final settlement of claims to lands in Manitoba, by occupancy, under the Act 33 Vic., cap. 23."—(Sir Alex. Campbell.)

Bill (73) "To amend the Act respecting the Port Whitby Harbor Company."—(Mr. Simpson.)

The House adjourned at 5.40 p.m.

THE SENATE.

Friday, April 16th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

STADACONA INSURANCE COMPANY'S BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (21) "To empower the Stadacona Life and Fire Insurance Company to relinquish their charter and to provide for the winding up of their affairs," without amendment.

The Bill was read the third time and passed.

BILLS INTRODUCED.

The following Bills, from the House of Commons, were introduced and read the first time:—

Bill (37) "Further to amend 'the Supreme and Exchequer Court Act.'"—(Sir Alex. Campbell.)

Bill (81) "To confirm the purchase by the Dominion of a portion of the Grand Trunk Railway and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto."—(Sir Alex. Campbell.)

The House adjourned at 3.30 p.m.

THE SENATE.

Monday, April 19th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

A NEW SPEAKER.

The Senate was informed that a commission under the great seal had been issued, appointing the Hon. DAVID LEWIS MACPHERSON Speaker.

The commission having been read, the Speaker took his seat.

THE TARIFF.

A PETITION.

Hon. Mr. HAYTHORNE—I beg leave to present a petition signed by between five and six thousand voters of the Province of Prince Edward Island. Although on a political question, it is not a party petition. It is signed by men interested in trade, commerce, agriculture and the fisheries. Many of them have long been engaged in business in the Province, holding the positions which their fathers occupied before them half a century and more ago. The petition is signed by twenty-one members of the Local Legislature, out of a total number, in both Houses, of forty-three. The prayer is that the tariff may be reduced to as low a point as is consistent with the revenue requirements of the country, and that all duties which are simply protective in character may be removed.

BANK VILLE MARIE BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, as Chairman of the Committee on Banking and Commerce, reported the Bill (D) "To pro-

Bills Introduced.

vide for the winding up of La Banque Ville Marie, and the reduction of its stock," with several amendments, the principal one of which, he explained, was striking out those provisions of the measure which referred to the reduction of the capital stock. The Bill, as it went to the Committee, empowered the shareholders, if they saw fit, to reduce their stock and continue the business. The Committee did not think that this was a proper power to give, and subsequently the representatives of the Bank withdrew the provision. Consequently, clause 11, which allowed the corporation to reduce the capital stock, was struck out altogether, and this necessitated other changes.

Hon. Mr. TRUDEL moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

SAULT STE. MARIE RAILWAY.

INQUIRY.

The Order of the Day having been called, that the Hon. Mr. POWER would call attention to the desirability of proceeding with the construction of a railway from the western terminus of the extension of the Canada Central Railway to Sault Ste. Marie or its neighborhood, at the earliest date and by the best route practicable, and would ask the Government whether they propose to have further surveys made, with a view of ascertaining the best line from South-East Bay to Spanish River,

Hon. Mr. POWER said: I almost owe the House an apology for bringing this matter before them again, as it has already been discussed this session, and I, at that time, took occasion to express myself on the subject; but there are one or two special reasons why I bring the matter up again; and, even apart from that, I think the very great importance of the construction of a line of railway to connect the Canada Central extension with the waters of Lake Superior and with the international boundary line would almost justify any member in bringing the subject before the House again; and I think that further justification is found in the fact that the Government have not yet altogether defined their position with reference to the matter.

Hon. gentlemen, and, in fact, all intelligent people of this country, are aware that Canada has invested immense sums in unproductive public works. The national debt is represented almost altogether by public works; and I regret to say that, in nearly every case, those works are unproductive. The Intercolonial Railway, the different other Dominion and provincial railways and canals, I think, almost all fail to pay their working expenses. No doubt a great many gentlemen think that, while these works do not pay directly, they do so indirectly. That may be the case, but I have myself very grave doubts whether the country would not be better off to-day if we had not many of those public works, and were also free from the debts incurred in constructing them. We are at the present time expending millions of dollars in the country lying between Ontario and the Pacific Ocean. This year we are committed still further to an enormous expenditure in the extreme west, and sanguine people think that the country will have a return for the expenditure in the western region. It is claimed that, in a very few years, a very considerable increase of our population will take place, and that there will be a great influx of people into our fertile prairie country. It is believed that, while that will take place on the one hand, the products of that country will, on the other, find places of shipment in Canadian ports in the east and build them up, and that the eastern portion of the Dominion will manufacture for the west. That may or may not be the case. I must confess that I do not feel as sanguine as a great many hon. gentlemen do on the subject. But the question which has suggested itself to me is this: supposing that that is to be the case—supposing that there is to be large immigration into the North-West, that that country is to be built up very rapidly, and that there is to be a considerable export of grain from the fertile prairie country to Europe—are we now in a position to reap any advantage from that? I think that the answer must be in the negative. I do not see, in the present state of things, unless some further action is taken, any reason to believe that we are likely to reap any

great advantage from the growth of the North-West. At the present time we have really no independent communication with our North-West territories at all. No doubt, after the railway is opened from the Red River to Fort William, we shall have communication by way of Lake Superior and down the St. Lawrence River and canals, for about six months in the year, and the probabilities are that a good deal of heavy freight, a good deal of produce coming from the prairie region, will find its way to Montreal, and other points east, by that route; but the winter traffic and the passenger travel will continue to find its way by United States lines, and Chicago, St. Paul, Minneapolis, and other American cities will really benefit as much, if not more, from the development of our North-West territories than our own eastern cities. There is another objectionable feature in the present state of things. It is one to which attention has been called at the other end of the building—that is, that those immigrants upon whom we calculate to build up our western country are led astray by the wiles of American agents while travelling between Ontario and the border of Manitoba, at Pembina. It is very desirable that that condition of affairs should be put an end to, and that a route should be furnished to our immigrants on which they will be free from any temptations to settle in the United States. There is also another consideration: that, if at any time an unfriendly spirit should grow up amongst our neighbors, such as manifested itself recently in the House of Representatives in the introduction of the resolution of Mr. Hurd, we might be cut off almost altogether from communication with our fellow-colonists in the North-West. In the present state of things, and still more in a state of things that might be produced by unfriendly action on the part of the United States, this country would be led to take action to provide a remedy, and it seems to me that the country generally feels that one of two courses has to be adopted. Either we have to build the road through our own territory north of Lake Superior, from Fort William to the South-East Bay of Lake Nipissing, or to build the shorter line from South-East Bay to Sault Ste.

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Marie. I do not think that hon. gentlemen will hesitate long, or that those who have considered the subject outside of Parliament have hesitated long, as to which should be chosen. The adoption of the line north of Lake Superior would involve the construction of about 620 miles of road through an inhospitable wilderness. The Minister of Railways, in speaking on the subject, in the other House a few days ago, calculated that the construction of that line would cost \$24,000,000. That is probably the lowest estimate, and it would be safe to say that it would cost between \$25,000,000 and \$30,000,000. I do not think that we are prepared for such an expenditure as that. We have already as much on our hands as the resources of the country enable us to deal with, probably more; and I do not think that we are in a position to undertake anything that would involve such an expenditure, if there is any other way to attain the desired end. I do not hesitate to say that, in the winter months, this railway north of Lake Superior would not pay its running expenses. It would be simply a heavier burden on the country, for the greater part of the year, than the Intercolonial Railway is at the present time. It would never carry a large amount of American traffic, and would merely carry a portion of the traffic of our own North-West. Now, the other line would not exceed 270 miles in length, and, as it would probably be constructed by a company for a subsidy of \$10,000 a mile, the cost of that road would not exceed \$2,700,000. It would do all the work that the other could, and much more. I have already given the House more statistics than, probably, is necessary, but I shall just call attention to a few more figures in order to shew, by comparison of the distances by this line and other routes, what the effect of building the road is likely to be. The distance from Duluth to New York by the American roads is 1,526 miles; from Duluth to Montreal, by the proposed line, it is 1,000, shewing a saving of 526 miles. The distance from Glyndon, on the Northern Pacific, which is the point of junction with the lines running south to St. Paul and Minneapolis, to New York, is 1,606 miles, and from the same point

to Montreal, by the proposed line, 1,244 miles, a difference in favor of the proposed route of 362 miles. As I stated the other day, not only are the distances shorter to Montreal, but the distance is also 260 miles shorter to New York by way of the Sault and Brockville than by any United States line. The consequence is that the great bulk of the light freight and passenger traffic at least, going between the extreme north-western and eastern states must pass along this route, and leave a large amount of money in the Dominion which is now left in the United States. I find that the distance from Winnipeg to Montreal, by the Canadian Pacific Railway, as proposed to be built north of Lake Superior, is, in round numbers, 1,390 miles, and the distance by Sault Ste. Marie is 1,461 miles, a difference of only some 70 miles in favor of the northern route, while the distance from Winnipeg to Montreal by any existing line is some 400 miles more. This comparison shews, first, the great advantage to arise from the construction of this road, from its bringing our North-West much nearer to us than it is now, a point which has been referred to at considerable length in the other House by the Minister of Railways; and, second, that this road will do practically the same work, and bring the North-West as near to Montreal and other Canadian cities as the road north of Lake Superior. It also shews that there is no object to be gained by expending large sums of money to open up the northern route. Then the length of the water line, which has also been referred to by the Minister of Railways, is 1,313 miles from Winnipeg to Montreal. That is considerably shorter, nearly 80 miles shorter, than the land line north of Lake Superior; and, with steamers of a respectable size on Lake Superior, the journey could be made as quickly by that route as by any all-land line. It has been contended, I know, by some writers and speakers, that our road north of Lake Superior would be as short, if not shorter, from the American border and the territories lying near the border, than the road by the Sault; but close inquiry shews that that is not the case. If my figures are correct, and I think they are—at any rate, they are very nearly so—the distance from the border

to Montreal by the Sault is 1,400 miles, and the distance from the border to Montreal by the Canadian Pacific Railway, if built, would be 1,440 — a difference of 40 miles in favor of the Sault. I find also that it is 260 miles shorter from Duluth to Boston by the Sault and Brockville than by Chicago, and 390 miles shorter to Portland by the Sault than it is by Chicago. From St. Paul to New York is 300 miles further than to Montreal. From Duluth to Liverpool, by way of New York, is 4,566 miles; from Duluth to Liverpool by Sault Ste. Marie and Montreal is 3,760 miles; a saving, in round numbers, of 800 miles. The figures that I have quoted, though there may be some slight inaccuracies in them, establish quite clearly, I think, that freight passing to and from our own North-West, Montana, Dakota, and parts of Minnesota, Michigan and Wisconsin, must necessarily go by this proposed route, and that the construction of the line will build up our Canadian cities from Hamilton, east to Quebec. Hon. gentlemen have only to add 150 miles to get the distances to Quebec. Now, my contention is that this road, if built, will do more for Montreal and Quebec, and for all our eastern cities, than the canals will when their enlargement is completed; and we are prepared to spend, altogether, something more than \$20,000,000 on the Canals. I do not know just what we have spent already, but the proposal is to spend altogether something over the amount I have mentioned. Last year we expended something over \$2,600,000 upon the St. Lawrence Canals. All that is asked by the advocates of this road of which I am speaking, is that we should spend as much upon it altogether as we spent last year on these canals, and I think the general feeling of the country is that there would be a greater result from that outlay than from all the money that we have spent on the canals. So far, at any rate, the country has failed to reap any substantial benefit from the money that has been expended in enlarging the canals. It may be that, in some period of the future, we do not know how remote, a return may be made for this vast expenditure; but I think the general feeling of the country is that the present generation ought to see

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some return for this large outlay, and that is one of the principal reasons why members of both Houses, as well as people outside Parliament, express the opinion that this road should be constructed without delay. The Minister of Railways spoke in high terms of this railroad in his speech a few days ago. I do not think it necessary to quote what he said there; but I should like to call the attention of the House to what is said of this line by the Chief Engineer in his last report, and I may preface what I have to say by the remark that the Chief Engineer has not been especially favorable to this route. At page 26 he speaks as follows:—

“The project of connecting the railway system of the Dominion by a branch line with Lake Superior will extend desirable facilities to traffic, and must exercise an important influence on the settlement of the North-West country. Such a scheme will admit of the construction of steamers of large draught to navigate Lake Superior, the use of which will greatly reduce the cost of transit for freight and passengers. The present depth of water available for navigation from ports on the lower lakes is limited. The River St. Mary and the shallow waters of Lake St. Clair present a bar to any craft of deep draught. Vessels which would be confined to the navigation of Lake Superior may be built of any draught and size that cheap transportation may dictate.

“On the completion of the line from Fort William to Selkirk, a railway from the east to Sault Ste. Marie, to connect with commodious steamers on Lake Superior, would greatly facilitate the introduction of settlers to the North-West. During the season of navigation, this line would offer great advantages. It would be the most direct route, it would be subject to no delays and inconveniences from customs regulations, and it would provide more efficient means of rapid and cheap transit than could be obtained elsewhere.

“We have not yet sufficient data to speak of the period of the opening and closing of navigation on Lake Superior, nor of the extent to which that lake may be navigated during the winter months. It is not improbable that, owing to its deep and open water, the season of navigation may be prolonged to a later date than on the rivers and canals which connect the lower lakes.

“There is ground for the belief that the construction of a line to the navigable waters of the eastern end of Lake Superior would attract traffic from Duluth and the new harbors which are rising up around the United States shore of the lake. Even now grain is brought by Canadian steamers from Duluth. With enlarged capacity for carrying, and facilities for rapid discharge and speedy transit to tide water, the Sault Ste. Marie line would be able

to compete with more southern routes, and thus, in an important degree, promote the interests of the lower St. Lawrence navigation. Cars loaded at Lake Superior would follow a course direct to Montreal and Quebec.

"The facilities for bridging the River St. Mary will doubtless soon lead to the establishment of railway connections extending through the northern part of Michigan, and through Wisconsin to Minnesota. Already the railways of the United States south of Lake Superior extend to Escanaba, a point not more than 150 miles from Sault Ste. Marie. A railway on this short distance, with the Sault Ste. Marie Branch, would connect the railway systems of the North-Western States with Eastern Canada. All the country north and west of Green Bay and St. Paul would have a choice of outlets. The Canadian outlet would be more direct than any route *via* Chicago and the south shore of Lake Michigan. It would consequently command the traffic, at all seasons of the year, from every point north of the latitude of St. Paul."

Now, as I have already stated, the road to Goulais Bay would give us communication with our North-West territories for eight months of the year. The hon. Senator from Victoria (Mr. Ryan) said nine months; but, to be within the mark, I say eight months. These would be the most important months. The lake would be open long enough to allow the fall crop to come out, and, as I have already said, it would bring our immigrants in without being exposed to the temptations of United States land agents. While the construction of the Canadian Pacific Railway is going on, the rails and other materials for its construction could be carried by this route cheaper and better than by any other. Probably it was not necessary for me to say so much on this subject to-day, because there has been an almost unanimous expression of sentiment in favor of the Sault route in both Houses, and throughout the country, and I do not think I should have said anything about it if it had not been that the hon. gentleman who leads the Government in this House, when the subject was last before us, seemed to dissent from the view that I then expressed, and intimated that the construction of this road would interfere with the canals. Now, supposing the road did interfere with the canals, and carry some of the freight that would otherwise go by water, there is one fact to be considered: it would not give the freight to foreign cities, but bring it to the same point that the canals would. It would simply be

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that, instead of going by the canals, freight would go by our own railroad, so that we would not be any worse off in the one case than in the other. But my contention is that the hon. gentleman is not correct. Either canals can compete with railways or they cannot. If they cannot, then the St. Lawrence Canals cannot compete with the railroads running both north and south of them, and the enormous sums that we are expending on the Weiland and other canals are thrown away. I do not know whether the hon. gentleman takes that view of the matter or not; but, if canals cannot compete with railways, then the only policy for the country to pursue is immediately to stop the expenditure on canals. The probabilities are that, if this railway were completed, the heavy freight would go by the canals when they were open, and that the railroad would carry all the heavy freight when the canals were closed, and the light freight and passengers during the season of navigation. But I contend that, instead of this railroad being an injury to the canals, its principal effect would be to give our great North-west and the extreme North-western States a new and better outlet than they have by existing routes through the United States, and would attract the freight that now goes over American roads to our own lines and our own ports. I think hon. gentlemen must feel that, looking at the fact that we have expended so much money for which we are getting no return, and seeing that we have here a public work which, if constructed, would bring in some return for the vast sums of money that have been expended on public works, it is the duty of the Government to let the country have that road as soon as possible. The Minister of Railways has intimated, in a speech made, I think, in Montreal, that this railway is to be opened at the same time that the road from Fort William to Red River is completed. Unless some action is taken by the Government themselves, within a very few months, the Sault Ste. Marie road cannot be opened by 1882; and it seems to me that they ought to take steps at once towards prosecuting this undertaking. I have already said that the Government have not laid down

their policy very clearly or decidedly in connection with this matter, but the drift of the remarks made by certain members of the Government is to the effect that this railroad should be built by private enterprise. There is not enough capital in Canada available to construct that road by private enterprise, and if it does not receive assistance from the Government, the probabilities are that we shall remain as we now are—reaping no benefit for our vast expenditure in the west—for a number of years. If the Government would even loan the money to the Canada Central Railway Company, the desired object might be attained, and the money advanced, could, probably be all repaid in future years when the business of the road would be established. If that is not done, either the road may not be constructed at all, or it may be built by United States capital, and if that is the case, the probabilities are that the railway will, as far as possible, be made to serve American interests rather than our own. I think it would be very unwise now, when we have an opportunity to build the road, so as to benefit ourselves, not to undertake it. As I have before remarked, this is a commercial railway, and I think it ought to be built with a view to traffic alone. I refer to this because, in the speech to which I have alluded, the Minister of Railways said that this road might be utilized for 60 or 70 miles west of Nipissing, if a road should eventually be built north of Lake Superior; but if this railway is built now it will not be necessary to construct a road north of Lake Superior for a number of years to come, and when it has to be built, it may be found that a much better line is available than that by Sturgeon River. The proposal to build by Sturgeon River on the line that has been surveyed will practically add some 30 miles to the length of the road, and I think it is the duty of the Government to abandon that route, and find out, at as early a date as possible, the best line from South-East Bay to Goulais Bay. There is no difference of opinion as to the route from the mouth of Spanish River, westward. Mr. Murdock's line has, I believe, been generally accepted as the best route for that sec-

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tion of the road, and the only question to be settled is whether it is better to go north or south of Lake Nipissing. I understand that a fairly good line has been found to the north of Lake Nipissing by the Beuve River as far as Lake Nipewasing, but I have been informed by gentlemen in a position to know, that from there to the mouth of Spanish River, the country is rough and broken, and that it is impossible to get a line through without very great cost. That is a point that I think it is the duty of the Government to settle at as early a date as possible. On the south of Lake Nipissing a comparatively easy line can be found as far as French River. It has been made quite clear by an instrumental survey by Mr. Ridout, in 1877, that we can get almost due west from the crossing of French River at the Chaudière to the Garnet or Murdock River, a distance of more than 20 miles. There is no difficulty on that line as far as that point, and Mr. Murdock's report and other reliable information, shew that no serious difficulty exists as far as Spanish River. There are no heavy grades on the line, and very few heavy works. I think it is the duty of the Government, having had the necessary surveys made, to select the line which has the shortest mileage and gives the easiest gradients. I am in hopes, from the expressions used by the Minister of Railways and Canals, that this will be done, and that the Canada Central Railway will be subsidized by an absolute grant, or by a loan, so that the work may be begun before Parliament meets again. I shall now call attention to an error which was made by the hon. gentleman from Amherst (Mr. Dickey), who is usually very accurate in his statements. In the course of the debate which took place on the 5th of April, on this subject, I used the following language:—

“I think I may venture to claim the honor of having been the first to submit to Parliament any detailed statement of the benefits that were likely to accrue from the Sault Ste. Marie Railway.”

The hon. gentleman will observe that I did not claim the credit of being the first to call attention to this scheme. I simply claimed the credit of having been the first to submit any detailed statement of its advantages; but the hon. gentleman

from Amherst, in his speech in reference to this point, said :—

" I should not have risen had it not been that the hon. Senator from Halifax (Mr. Power) has ventured to say that he was the first to bring the subject before the Senate when he introduced it last year. I can only account for the misconception of my hon. friend by calling his attention to the fact that, when these views were first expressed here, he was not a member of the Senate at all. It was in 1870 or 1871 that my hon. friend from Saugeen (Mr. Macpherson), whose absence we all deplore, first brought this question prominently before us. On that occasion, having made up my mind on the subject, I ventured cordially to support it. We two, at that time, stood almost alone in the contention that a line to connect the Canada Central with the Sault Ste. Marie should be subsidized by the Government or built as part of the Canada Pacific. We were overwhelmed with objections when we ventured to press that view upon the House. It is but fair to state that we further contended that the construction of the Canadian Pacific Railway proper should commence at the Red River and go westward, so as to attract immigration into the North-West, and thus afford the means of afterwards building the line from Winnipeg eastward, to Lake Superior. That policy was reversed by the late Government. Our contention was that we should, for a time, at all events for years to come, direct our attention to building a railway to the Sault, so as to carry out two objects :—one, to tap the navigation of Lake Superior, and take the trade which would come from the North-West by that lake or by the extension from Red River when built ; and the other to take the trade which would come over any American system of railways that would be constructed south of Lake Superior. My hon. friend from Quinté (Mr. Read) and myself, on several occasions, battled against the Georgian Bay Branch. We contended that, instead of wasting money upon an unprofitable and, as far as we knew, an impracticable undertaking, we should extend our railway system to Sault Ste. Marie. That was the contention for years in this House, and I was surprised, therefore, to find that our attention was first called to it last year."

Now, my statement, as made, was correct in every particular, even though the hon. gentleman had previously called attention to the advantages of this line, because he did not pretend that he had ever gone into its advantages in detail ; and I find that, so far from being as accurate as he generally is, the hon. gentleman is, in the present instance, decidedly inaccurate — that is if the published debates of this House give anything like a correct impression of the speeches that were made in past years by the various members who

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addressed it. The hon. gentleman referred to 1870 and 1871 as the time at which he had expressed a preference for the Sault Ste. Marie route. I have taken pains to go over, as carefully as I could, the debates beginning with 1870 and ending with last year ; and the first time upon which the hon. gentleman from Amherst, as far as my research has enabled me to ascertain, referred with approval or otherwise to the Sault Ste. Marie route, was in 1879, after the matter had been brought before the House by myself. It will be remarked that the hon. gentleman stated that the hon. member for Saugeen, now our Speaker, whom we are all very glad to see in his place, advocated the Sault Ste. Marie road at that time. There was no discussion upon the subject of the Pacific Railway in 1870 ; but there was in 1871, and I find that the hon. gentleman who is now our Speaker used the following language :—

" If the railways of the United States are built up to the boundaries of the North-West Territories, as they will be very soon, why not avail ourselves of the facilities they will afford us, and thereby save large expenditures for the present. Beginning our railway then, westward of the frontier, we can work our way easily and economically ; we can carry materials and supplies without difficulty ; and furthermore, we will at once open up a country most suitable for emigrants. I do not believe any other course than this can be easily adopted under existing circumstances. I do not yield to any hon. gentleman in the desire to see an intercolonial railway through British territory, but we should advance prudently, using the American lines to our north-western frontier, build our railway westwards through our prairie lands, which are so attractive to settlers, and carefully explore the country between Fort Garry and Lake Nipissing before undertaking to build a railway through it."

That is all the hon. gentleman said on that subject. There is not a word there about the Sault Ste. Marie Railway, nor any reference to it whatever. It might be contended that there was some little reference to it in that language, though it is not the natural meaning of the words ; but, in order to remove any doubt on that subject, the hon. gentleman from Amherst, speaking later in the same debate, used the following language :

" My hon. friend from Toronto strongly urged the propriety of commencing the construction of the railway at Pembina, taking it to Fort Garry, and thence westward. This view is a rational one, and commends itself to us in many ways. If we have a line to Pembina connecting with the American system of

railways, we have the means of moving our materials and supplies with facility and comparative cheapness. More than that, you will have a tide of emigration following the road—the laborers, on the completion of the line, will naturally settle alongside it."

There is no reference whatever there, or in any other part of the hon. gentleman's speech, to the Sault Ste. Marie route. I find a reference to it in 1873 by the hon. gentleman from Saugeen. At page 92 of the debates of that year, that hon. gentleman is reported to have said:—

"Sir Hugh Allan said he had been promoting another railway from Carleton Place, on the south side of the Ottawa, to Sault Ste. Marie, striking the Georgian Bay about the mouth of Trent (French ?) River. That line was of great importance, as it would take the entire trade of the west and north-west, by connecting with the Northern Pacific Railway. That would form nearly an air line, and a very considerable portion of the western trade must come by it, for there was no other way to reach the seaboard so quickly."

These are the sentiments of Sir Hugh Allan; and they seem to be the prevailing sentiments of the House and country just now; but the hon. gentleman went on:—

"It is not an attractive statement to make to capitalists when inviting them to invest money in the construction of the Canadian Pacific Railway, to be told by its chief promoter that he is interested in another road, that will take the whole of the trade that might be expected to come over an important section of the Canadian Pacific Railway."

Again, at page 94, he is reported to have used the following language:—

"I would have advised the company to do what I now advise the Government to do: Begin to build the railway at the north-western frontier at Pembina, extend it into our prairie country to Fort Garry 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 also have commenced 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 and be able to shew to capitalists what the cost of the railway would be, what its grades, and what the nature of the country covered by the land subsidy. 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 to nine millions of dollars."

I find that the hon. gentleman from Amherst made several speeches, both on the

Canadian Pacific Railway generally, and on the Georgian Bay Branch. Those speeches are reported in our debates, I do not know how fully; and it is possible that the references of which the hon. gentleman speaks may have been omitted, but there is not any advocacy of the Sault Ste. Marie road, or any suggestion in any of those speeches, of the propriety of building that road. The hon. gentleman intimated once or twice that he adopted the theory and endorsed the sentiments of the hon. member from Saugeen, and I have shewn the House that the hon. gentleman from Saugeen was rather hostile to that scheme than otherwise. I think I am justified in feeling that, unless the hon. gentleman from Amherst is able to shew some passage where he advocated this road, he has fallen into a very much greater error this session as well as last session, than that of which he accused me.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman has, I think, gone even beyond the latitude allowed in such cases as this. The House will have to go very slowly in suffering any enlargement of the scope of questions brought in this way, otherwise we shall get into great confusion. The hon. gentleman's question is one upon which I can give no very definite reply. The Government is under the impression that, so far as regards the general line of road, they already have surveys of the best line between the South-East Bay and Spanish River. They do not desire to say so positively or absolutely, but they think they have all the information required to determine the general line. I do not care to enter into the question as to whether I was right or wrong, the other day, in some remarks which the hon. gentleman says I made as to the possibility of this railway, if it is constructed, injuring our canals; but whatever I said on that occasion I am perfectly willing to continue responsible for. My impression is that, at the moment, I misunderstood the hon. gentleman, and thought he had said that the railway was going to benefit the canals, and I was about replying to that when the hon. gentleman stated he had not said so, and I, without further remark, turned to another topic upon which I desired to speak in connection with the general question then before the House.

Hon. Mr. DICKEY—After the pointed reference made to myself, it can hardly be expected that I should allow this discussion to close without an observation or two. At the same time, I think the House will agree with me that it is a matter of very small importance to the country whether I forget statements which were made on former occasions, or whether I introduced into this debate statements which I supposed to have been made by other gentlemen ten years ago. I think that our time is not very profitably employed in going into discussions of that kind, but, for myself, I have no complaint to make against the hon. gentleman; my only regret is that he had not given me notice of the line he was going to take, that I might have had an opportunity of defending myself. But I do protest strongly against the course of the hon. gentleman in including in his criticisms a gentleman who is not on the floor of the House to defend himself.

Hon. Mr. POWER—I beg the hon. gentleman's pardon, I did not criticise the Speaker at all.

Hon. Mr. DICKEY—The hon. gentleman has ventured to state that an hon. member has not made any contention of the sort that he has described, but I want to call his attention to the general scope of the remarks that are reported, and I think he will find that he is entirely mistaken. A debate took place on this question last year, in which I took part, and I spoke then, after an interval of some nine or ten years, as to what had taken place on a former occasion. When the matter was brought up this session, in the same way, a year further from the time I adverted to, if I made a mistake as to what was or was not said some ten years previous, I am inclined to think that the House will agree that it was a venial offence, and was not one that called for the remarks that have been made to-day. Why this criticism was not made last year, when I made the same statement, then confirmed by the hon. member for Saugeen (Mr. Macpherson), I cannot understand. With regard to the debates that took place in the years anterior to 1871, unfortunately, we have got no official report of them. I spoke loosely of 1870 or 1871 as the time that

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this debate took place. There was a debate in the year 1870, and there was a debate on the same subject in the previous year also, for I find, on reference to the remarks of the hon. member from Saugeen in 1871, whose conduct has been criticised to-day, and which my hon. friend has not thought proper to quote, that he refers to a debate that took place two years before—in 1869. While my hon. friend (Mr. Power) was looking up these discrepancies for his own amusement—certainly not for the edification of the House—he might have looked up the debate to which the hon. member from Saugeen had referred when he said in 1871 “I said two years ago.” The hon. gentleman from Halifax says that he only looked at the debates of 1870 and 1871, because, speaking after the lapse of ten years, I said loosely “1870 or 1871,” in which I was confirmed by the hon. Minister of Militia. Perhaps it is not the hon. gentleman's fault that he has not looked up the debate of 1869, because there is no record of it, but I spoke in my own recollection, and in the recollection of other members of the House, some of whom confirmed me in the strongest manner, that reference was made to the Sault Ste. Marie railway project, but the question was not discussed, for this obvious reason; that the construction of the line to Sault Ste. Marie at that time was not a practical question of the day; it was only the year in which British Columbia entered the Union. It was not a practical question of the day, and, therefore, it was not thought necessary that we should go into a discussion of that kind, and the reference made to the scheme in 1869 was merely incidental in connection with an American system of railways, which might or might not be brought to the south shore of Lake Superior to connect at Sault Ste. Marie. That was all that was said, and if the hon. gentleman had referred to the observations quoted, and followed them up, he would have found this to be the policy that was advocated: that we should have our connections, whether on one part of the frontier or another, with the American system of railways. The one then being suggested, in 1871, was the line to Pembina, which was about 150 miles from the Minnesota railways,

the same distance as Sault Ste. Marie from the nearest American railway. That was nine or ten years ago; yet, in the remarks of the hon. member from Saugeen, he brought out distinctly the fact, that we ought to connect with the American system of railways in order to carry on our trade wherever we might capture it. And that very principle applied to the railway to Sault Ste. Marie as well as to the branch from Fort Garry to Pembina. That was all that was contended for at the time, and the reference to Sault Ste. Marie could only have been an incidental reference, made for the purpose of bringing out the fact as confirmatory of this principle that had been contended for. If my hon. friend from Halifax is not satisfied with the testimony I have given him, I will give him another witness in the person of the hon. member from Fredericton (Mr. Wark), who, the other day, stood up in his place and said that he, nine or ten years ago, had advocated this line to Sault Ste. Marie. He advocated it, just as we all spoke of it, as a suggested line. No one of us, as I can recollect, ever spoke of it in any other connection than as a part of the Canadian Pacific Railway; that our road should be so made as to touch Sault Ste. Marie, and, if connection could be made there with the American system on the south side, so much the better. The statements of the hon. member from Fredericton (Mr. Wark), were no stronger than my own on this question at the time, for the obvious reason that any reference to the Sault Ste. Marie project was only incidental to the main question under debate. All that the hon. gentleman (Mr. Wark) is reported to have said in that debate is:—

“I would give the people of Red River a railway from Red River to Pembina, where connection with the American system of railways will be made.”

I had forgotten that he had even said that much, and when I stated, the other day, that the hon. member from Saugeen and myself had stood almost alone in the position taken at that time, I should be very sorry to be understood as not wishing to give any hon. gentleman the credit of entering into the same line of argument that we did. I may say further, that, while the year 1871 is the first year

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on which we had official reports published, it is a curious fact that that report was conducted the first year upon the condensed principle—so much so that, while I hold in my hands the reports for three years, 1871, 1872 and 1873, the whole publication amounts only to something like one-fourth of the volume containing the debates of 1878, so that it is in vain for the hon. gentleman from Halifax, who was not here at all, to attempt to criticise the views expressed by members of this House on former occasions. The hon. gentleman, in his speech delivered last session, said that the hon. Minister of Railways had actually suggested, in a speech that he had delivered, that the line should go north of Lake Nipissing, and from that to Sault Ste. Marie, yet he takes credit to himself as being the first public man to call attention to this project. These are the facts, as stated in his own speech.

Hon. Mr. POWER—Be kind enough to quote the passage in which I said that in my speech of last year.

Hon. Mr. DICKEY—The hon. gentleman, speaking in the year 1879 (page 316), quoted from the *Montreal Herald* the Minister of Railway's intimation that

“It would be advisable to locate the terminus at the eastern end of Lake Nipissing, instead of at South River, and to canalize the French River from that lake to Georgian Bay, or to spend the \$800,000 intended for the road from South River to French River in continuing the railway north of the lake in the direction of the proposed line around Lake Superior to Fort William.”

So that Sir Charles Tupper is entitled to the credit of making the suggestion long before it occurred to the hon. member.

Hon. Mr. POWER—The hon. gentleman will see that the hon. Minister of Railways proposed to go north of Lake Superior.

Hon. Mr. DICKEY—If you construct a railway from the eastern end of Lake Nipissing to Fort William, you must go north of Lake Superior. If the hon. gentleman reads the speech made in another place, he will find that the shortest line is by Sault Ste. Marie, and by the north side of the lake, instead of going away round north of Nipigon Bay, making the line very

much longer. I think that is the policy which the Minister of Railways has suggested, rather than enunciated, in his speech on a recent memorable occasion, and whether it is followed up by offering assistance to a company to undertake it or not is of comparatively little consequence. I was surprised to hear the hon. member, in his opening remarks, state that the country had already been committed to a great many unproductive works, and yet his strange inconsistency, which the House will find is not peculiar in this case, has suggested another unprofitable work for the Government to undertake, because he is not satisfied with letting a company take hold of it without a bonus or subsidy. The hon. gentleman has ventured to accuse me of inconsistency in this matter, but he has done me the kindness to indicate that his observations could be but imperfectly heard, and he is, in that, quite correct. I understood him to say, in his opening remarks, that he was the first public man to call attention to this railway project to the Sault. I observe that, in his revised speech, as afterwards published, he says that he was the first to make a "detailed" statement in this matter. How that came about is of very little consequence to me; but the hon. gentleman has very properly stated that it was because I did not hear him make that statement I called attention to the fact that he was not the first to introduce the subject. If the hon. gentleman had stood up on that occasion and corrected me, by saying he was the first person to make a "detailed" statement, it would have saved me a great deal of trouble, but he did not do so. He has accused me of inconsistency in this matter, because, on a former occasion, I did not support this, or I did not support that, but he obliges me to remind him that, on this question particularly—the Canadian Pacific Railway—he is not in a position to accuse any one of inconsistency; for the hon. gentleman has distinguished his career in this House, for at all events two years, by supporting every objectionable feature of the Canadian Pacific Railway policy of the late Government. He was not content with merely supporting the Georgian Bay Branch as an integral part of the Pacific Railway, while he

ought to have known that, if the Georgian Bay Branch scheme had been carried out, there was an end to the Sault Ste. Marie project. The policy of the late Government was to make no railway connection whatever with Fort William, but to adopt the water stretches, including this unnecessary and expensive branch, which they afterwards admitted, and the present Government have been obliged to admit, was an unwise policy. Not content with supporting the Georgian Bay Branch scheme, which was an effectual stopper upon the line to Sault Ste. Marie, the hon. gentleman, in 1878, supported, in the strongest manner one of the most objectionable features of the policy of the Government with regard to the Pacific Railway—the Fort Frances Lock. He not only did that, but he supported them in that equally unfortunate—I do not wish to use stronger language here—but that equally unfortunate job of the Kaministiquia terminus; he supported them also in that, perhaps, equally unfortunate purchase of those steel rails and all the results that have followed from it, and, after doing all this, he distinguished himself a year afterwards, on the change of Government, by declaring that he regretted the previous Government had not abandoned the construction of the Canadian Pacific on taking office. The hon. member, not content with supporting the Government in every objectionable feature of their conduct, including the running of the line through the muskegs and uninhabitable country north of Lake Manitoba, and the leasing of the Pembina Branch to an American ring, distinguished himself by stating that the late Government ought not to have gone on with this Pacific Railway, as it was a ruinous policy. Under those circumstances, I think the hon. member will scarcely feel that he is in a position to attack me for anything that I have said or left unsaid, and, really, whether I had omitted anything, or said anything loosely as to dates, is a matter of very little consequence to the House, and I regret that it has been made the subject of debate to-day. I do not wish to go into further particulars, but there are very suggestive facts connected with this subject. We who were in the House at the time that these discussions took

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place many years ago, when the hon. gentleman was not a member of the Senate, recollect perfectly well the general character of the debates. The reports were so imperfect that we had none at all for 1869 or 1870, and that for 1871 was only one-third of a volume, which is itself only a fourth as large as the volume of our debates in 1878. We were not very fully reported, but had those condensed reports which put the strongest points of a matter, and I very much wish that we still had such reports. It is hardly necessary to be reminded that—speaking from memory, as I did the other day, and supported, as I was, not only by the leader of the Government but by the hon. Senator from Fredericton, who had the manliness to rise and say that he had advocated the project years and years ago—I should not have been made the subject of such comments as we have heard to-day. I do not know that I should have spoken on a matter of so little public significance, except for the purpose of putting myself right in the opinion of the House.

Hon. Mr. KAULBACH—I do not agree with my hon. friend from Amherst, that this is not a matter of very great public significance. The Senate discussed the question last session, and once before this session, and, besides the notice which has brought it up again this evening, I see another notice on the paper of an inquiry to be made by the hon. Senator from De Salaberry (Mr. Trudel) next Wednesday. My hon. friend from Amherst cannot claim to have been taken by surprise, because he has shewn that he was prepared for it, and this notice has been on the order paper for several days, and everybody anticipated that my hon. friend from Halifax (Mr. Power) would refer to the discussion which took place a few days ago upon this subject, when it was claimed that he suggested nothing new. Though I seldom agree with him (Mr. Power) upon anything, I concur in the opinion that he was the first member who brought this matter fully and clearly, in detail, before the Senate, and he convinced me by his facts and reasoning. I distinctly remember that my hon. friend, who now so ably presides over the House (Mr. Macpherson) frequently questioned the wisdom of the Pacific Railway policy

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in the past. He contended that it was folly to build the line from Thunder Bay to Red River until the fertile prairie country, so rich in unproductive wealth, was well settled, and we had a better knowledge of the country lying east of Manitoba—until we had matured our policy and could proceed intelligently. The Pembina Branch was the only road then thought of to connect our railways in the west with the American lines then existing. It was impossible that the Sault Ste. Marie project could have been thought of; there were no American lines extending or contemplated in that direction. The whole idea at that time was to find an immediate outlet for the products of the North-West, and a means of getting a population into Manitoba, and that led to the construction of the Pembina Branch. Therefore, although I am generally in harmony with my hon. friend from Amherst (Mr. Dickey), I think, on this occasion, he was not justified in charging my hon. friend from Halifax (Mr. Power) with inconsistency or presumption in claiming credit for having been first to bring this subject in detail to the notice of the House. I am glad that the Minister of Railways has shewn that he does not regard this project as one of slight importance. When a point on the south-east side of Lake Nipissing was fixed upon as the eastern terminus of the Pacific Railway, it was never intended to end there in the wilderness, but that place was regarded as neutral ground between Ontario and Quebec—the point of junction where the railway systems of those two Provinces could unite with the great highway of the Dominion. A point on the south shore of Lake Nipissing having been selected as the terminus, I cannot understand how anyone can contend that it was ever contemplated that the line should go north of Lake Nipissing, or, as some have contended, connect with Lake Huron. Last session, when this subject was under discussion, I called attention to the Canadian Pacific Railway Act of 1872, introduced by Sir George E. Cartier, to shew that this was his view of it, and the preamble of the Act distinctly defines it in the following words:—

“A Railway, to be called the Canadian Pacific Railway, shall be made in conformity

with the agreement referred to in the preamble of this Act, and such railway shall extend from some point on or near Lake Nipissing, and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor in Council."

The Georgian Bay Branch never was contemplated by the projectors of the scheme; its inutility and the great cost to connect with the Canadian Pacific line has caused it to be abandoned. Therefore, it shews that we are pledged to the construction of that railway.

Hon. Mr. MACDONALD—Not to Sault Ste. Marie.

Hon. Mr. KAULBACH—No; it was to be an all-rail line; but if you take the south shore of Lake Nipissing as the terminus, you can hardly run the line on the north side of that lake. It must take the south shore. And, in the meantime, until the line can be extended from Thunder Bay, eastward, round Lake Superior,—which is in the far future—I see no other feasible plan of securing the carrying trade of our great West but by extending the line to Sault Ste. Marie, with which the Canadian Pacific Railway in the future would connect. I am glad to learn, from the remarks of the Minister of Railways the other day, that there are good prospects of an all-rail route in the future, and probably the near future. From the information that I could gather, I was under the impression that, from Thunder Bay, eastward, on the north and east sides of Lake Superior, the country was rocky and barren, and that the railway would have to cut through successive ridges of hills, and pass over deep ravines running at right angles to it. I was very glad to learn, from reading the speech of the Minister of Railways, the other day, that, towards the head of Lake Superior, there is a very fine and well-timbered tract of country. These are his words:—

"The line from Nipissing toward the head of Lake Superior is found to be an extremely favorable line, running through an even country well timbered."

If that is the case, and if the population of the North-West should increase as rapidly as we anticipate, it will, we may expect, if not within a few years, at least before very many years, to have an all-rail connection through our own terri-

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tory with Manitoba and the North-West. In the meantime, we should consider whether this line to Sault Ste. Marie is to be built, and whether by the Government or by a company aided by a subsidy, to give us an independent route to the North-West, in summer, for eight months of the year, and not leave us wholly dependent upon the United States system of railways. If this line is built, it is clear that we will have, in addition to the trade of our own North-West, much of the traffic from Wisconsin, Minnesota and Northern Michigan, because it is a well-known fact that trade will find the shortest and cheapest outlet to the seaboard. As the hon. Senator from Halifax (Mr. Power) has shewn, this line would shorten the route from Duluth to Montreal some four or five hundred miles. Duluth occupies a favorable position, at the head of Lake Superior, in competing with Chicago and Milwaukee for the trade of the North-Western States, and the building of this line would largely increase its natural advantages. With the prospect of a large and profitable traffic, the Northern Pacific Railway is likely to connect with our line at Sault Ste. Marie, where an international bridge could easily be built. The water in St. Mary's River is not very deep, and there are no engineering difficulties in the way of such a work. I think this project is of sufficient importance to demand the earnest attention of the Government. And, whilst spending millions of dollars for the benefit of the present uninhabited West and British Columbia, they should give a practical proof to Quebec and the lower provinces that the eastern terminus of the Pacific Railway shall be where it was first fixed upon eight years ago—at a point south-east of Lake Nipissing—and that the great undertaking will be carried out with all the promptitude consistent with the financial ability of the country, and, in the meantime, take steps to prevent, as far as possible, the trade of our vast productive grain-growing region from being carried away from us through American channels.

Hon. Mr. McLELAN—I, perhaps, ought to apologize for adding a word to this debate, which has turned so largely upon the point who should have the honor of being recognized as the first to

propose this project to the country. I should suggest to the hon. gentleman who has introduced this subject to-day that he should labor diligently to have his views impressed upon the country, and, if he can succeed in having the Government build the road, then, if it should turn out to be a great national advantage, we can carefully inquire who was the author of it, and award him the merit and medal to which he would be entitled. As far as the evidence that has been given goes, I think my hon. friend from Amherst (Mr. Dickey), of the two, can claim priority. This question comes to us now under conditions very different from those existing when it was first advocated, and, unless some stronger arguments can be advanced than those which have been urged by the hon. Senators from Halifax and Lunenburg, I do not think we should be justified in undertaking now so heavy additional expenditure as it would involve. If I understand my hon. friend from Halifax aright, his chief contention is that the road should be built to carry our immigrants to the North-West, instead of letting agents in the United States, on the present route, decoy them from us to settle in that country. Does the hon. gentleman not know that, when the railway from Red River to Thunder Bay is completed, we will possess a route of our own without this line to Sault Ste. Marie? We already have communication by rail to Collingwood and other points on Lake Huron and Georgian Bay, with lines of steamers running from those points to Thunder Bay, which will connect with our own railway there. With this line to Sault Ste. Marie you would land your passengers at the Sault, where they would be in danger of being lured across the river by American agents; but, if not, we would carry them on to Thunder Bay, just as if they had taken the steamer at Collingwood. But the hon. Senator from Lunenburg speaks of bridging the river at the Sault; that means a connection with United States railways.

Hon. Mr. KAULBACH—Hear, hear.

Hon. Mr. McLELAN—The hon. gentleman says, "Hear, hear," but has he considered what the result of such a connection would be? When my hon. friends

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from Amherst and Saugeen first spoke of this project, it was necessary and desirable to have railway communication through the United States with Manitoba until our Pacific Railway was built. We have that communication, and we have also under contract a line from Thunder Bay to Red River, which the Minister of Railways says will cost \$17,000,000, exclusive of surveys, which will bring the cost up to \$18,000,000. Now, suppose this railway to the Sault were built and connected with an American road extended into our North-West and almost parallel to our road, we would have a line in direct competition with this road on which we are spending \$18,000,000.

Hon. Mr. KAULBACH—But you bring the products of the West through this country to our own seaports.

Hon. Mr. McLELAN—I claim that, having our railway finished to Thunder Bay, you can bring all the products of our own North-West to that point, and thence by steam or sailing vessel to Collingwood and other railway termini on the lakes, and thence to Montreal.

Hon. Mr. KAULBACH—Not so readily.

Hon. Mr. McLELAN—Yes; just as readily. You can ship from Thunder Bay to Collingwood as readily as from Thunder Bay to Sault Ste. Marie, and, in the former case, you have the advantages of a longer water carriage and a larger number of railway lines to convey the freight eastward to the seaboard. As I have shewn, this railway to Sault Ste. Marie, connecting there with an American line, would be a competing route to our own, on which we are spending \$18,000,000, and would render it comparatively useless. The line from Red River to Thunder Bay, under existing conditions, will have to lie idle for five months of the year, on an average, so long as it is only a summer route. An American railway running parallel with that, only further south, would take all the traffic in winter and, during the summer months, would hold the larger part of that traffic, and thus render the expenditure of \$18,000,000 of little value to the country. It is very easy to get up in this Chamber and, taking some particular portion of the Pacific

Railway, shew the benefits that will accrue from building it, but we ought never to forget that we are committed to the construction of a highway from ocean to ocean, and that it is desirable to build it entirely upon our own territory. We should look at it as a whole, and do that which is best for the whole, and avoid whatever will militate against that whole when constructed. We have been led into expenditures upon a great many different works which do not form a part of that whole. The Pacific Railway policy, under the late Government, was one of shreds and patches. That policy, announced in 1873 by the late Premier, of the water stretches, has been, I believe, the greatest calamity that has ever befallen this country. It has led to hasty action, which has resulted in enormous expenses to this country. If, in 1873, the Premier of the late Administration had announced that he was going to construct 400 miles of railway from Red River to Fort William, at an expense of \$18,000,000, the country would have paused before committing itself to such an undertaking. At all events, the country would have demanded the most careful surveys of that district before the commencement of the work. The policy of utilizing the water stretches, so hastily announced, led to hasty contracts which led to enormous losses to the country. My hon. friend from Amherst (Mr. Dickey) has referred to some of those acts which my hon. friend from Halifax (Mr. Power) supported before the change of Government. He has referred to the Fort Frances Lock, which was one of the outcomes of the water-stretches policy, and which involved a loss of nearly \$300,000 to the country. The Georgian Bay Branch, another outcome of that policy, resulted in a loss of \$109,000. The steel rails purchase, by which the Dominion lost \$2,000,000, was also the result of the water-stretches policy, because, when Mr. Mackenzie adopted that plan, he thought he could construct, without much delay, a number of patches of railway that would, in a short time, consume these rails, and, therefore, he purchased a larger quantity of rails than he would have thought necessary under other circumstances. Adding these amounts

together, you have, say, \$2,400,000 lost to the country through that policy, a sum which would have completed and equipped some two hundred miles of railway in our prairie country, at the rate for which 200 miles have been placed under contract. But, more than that, this policy led us into the loss of millions of dollars on that portion of the railway between Red River and Thunder Bay, for this reason: contracts were hastily let before sufficient surveys were made. Two fixed points were taken, Thunder Bay and Selkirk, and, to get to these two points, enormous additional expenditures, (I will not venture to say how many millions) have been incurred, which, with more careful surveys, and without being forced to make those points meet, might have been avoided. Another outcome of that was: the Government laid down the policy that whatever railway you locate must be on the shortest and most direct line to the Pacific Ocean. Following that policy, the engineer found that a line north of Lake Manitoba was considerably shorter in the whole distance than one south of the lake, and the road was located by the Narrows of Lake Manitoba, away north of the valuable lands of Manitoba, the settlement of which was one of the main purposes in the construction of the railway. The Government, in their haste to get to the Pacific, demanded of the engineer the shortest possible line, regardless, wholly, of the absolute necessity to the success of the whole scheme of having our fertile lands peopled. That blunder, costly as it has proved, and fatal as it would have been, if it had not been partially corrected on the change of Government, was the result of the policy laid down by the late Government on taking office, and persistently followed to the end: "To utilize the vast water stretches, and only build such portions of road as would form links in a grand main line on the shortest possible location." By that policy, the Government instructed and bound their engineer, who selected what was believed to be the shortest line; it met the approval and sanction of the Government, who placed portions of it under contract, and made such expenditures as rendered a change impossible. Happily, that portion of it which lay beyond Selkirk, and which

ran north of the lake, and through endless wastes of barren country, was not under contract, and, on the change of Government, and a changed policy, it was deflected southward through the fertile territory which was already being peopled in anticipation of railway accommodation.

When the present Government entered office they found the country thus committed to an expenditure of \$18,000,000 on the line from Fort William to Selkirk, large contracts entered into and heavy expenditures already made, and it would have been charged as throwing away millions to have then stopped. But I am not sure that it would not have been a better policy to have suspended the whole work, and ascertained if a less difficult and less costly route could not have been obtained. But the Government, I have no doubt, carefully weighed the whole matter, and decided to proceed with the work, and are completing it, and we should take care now that we do not construct a road that would render all that expenditure useless. The hon. Senator from Halifax tells us that we are able to build the line to the Sault, but not to build both. Then is there the greater necessity that we do not hastily incur expenditure upon one, until we are well assured it is the best in the interests of the whole. This fear of public expenditure on the part of the hon. gentleman is somewhat new born. The hon. Senator from Amherst has referred to the different views entertained by the hon. gentleman when in opposition and when supporting the Government. I may say that very many of those who are now opposed to the Government seem to be more frightened at expenditure than they were six years ago. When the change of Government took place in 1873, and the new Premier went to his constituents for re-election, he announced his policy in connection with this great undertaking. Did he repudiate it? No; he announced that he was prepared to construct it as a Government work. In his speech, delivered on the 25th of November, 1873, he said:—

“I have always thought a speedy means of communication across the continent necessary for the good of settlement and for the purpose of opening up the districts where we have great riches undeveloped in the bosom of the earth. Without that communication,

their development cannot take place, and immigration cannot be expected. 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.”

Here is the plain, unqualified statement of the Ministry which the hon. Senator so long supported, that a rapid communication across the continent must be had, and specially naming “construction at the Pacific Ocean and the Western slope.” The expenditure to which the late Premier thus committed his Government was certainly not under-estimated by them, as we gather from the same speech:

“You are, perhaps, not aware that it was contemplated that the expenditure under that scheme would be \$180,000,000. That fact was not generally known, but that was the amount of the contemplated issue of bonds which they endeavored to float on the English market. Any profit, Sir, that would have come to the share of the company will ultimately fall, under our scheme, to the share of the country. It will be the duty of the Government to prevent the enormous amount of money that will be required from being squandered in any way whatever.”

How much profit has fallen to the country under their policy of building it as a Government work, and how they prevented the enormous amount of money required from being squandered, let the steel rails, the Georgian Bay Branch, the Fort Frances Lock and these contracts from Selkirk to Thunder Bay answer. The late Premier, as will be seen, accepts the estimated cost of building the road from Lake Nipissing to the Pacific Ocean at \$180,000,000. Then, again, when he more fully elaborates the water-stretches scheme, in his address to the electors of Lambton, he says that he will save for the present the construction of some one thousand three hundred miles estimated to cost from \$60,000,000 to \$80,000,000. This leaves as the estimated expenditure which the late Government committed themselves to undertake at once, from \$100,000,000 to \$120,000,000, upon the road from Thunder Bay to Red River, and from the western waters of the Saskatchewan River to the Pacific Ocean. In addressing the electors at the general election in 1874, he repeated this in substance, and said:

"I was one of the very first advocates for opening up a road from Lake Superior to Fort Garry, and the speedy construction of that section above all others—except the British Columbia section."

The hon. Senator from Halifax and those who lately had control of the expenditure were not easily alarmed by the cost of a railway, as they now seem to be, for they unhesitatingly undertook an expenditure of \$100,000,000, to \$120,000,000, far beyond any sum ever contemplated by the present Government. If we build this road to Sault Ste. Marie, the most that can be claimed for it, as a purely Canadian work is, I believe, that it might give us two or three weeks longer water communication with Thunder Bay.

Hon. Mr. POWER—How about the United States trade ?

Hon. Mr. McLELAN—There is this about it: the hon. gentleman should bear in mind, when he is advocating a railway from Ontario to the North-West, through American territory, that recently a bill was introduced in the United States House of Representatives, declaring it unlawful that any goods should pass from any portion of the United States to any other part of it, if in transit, they pass over any portion of Canadian territory. Therefore, I think we should pause before we undertake an expenditure of seven or eight millions on a road to serve American trade, or bring the products of our North-West to us over American lines. If we are not able to build both roads, we should husband our resources and direct our attention to populating and developing our North-West until we are able, as we very soon may be, to construct an all-rail route from Thunder Bay to connect at Lake Nipissing. Looking at the experience of the Western States, there is no question that, if we build railways through our prairie country, it will rapidly fill up with a population that will make any railway that we build profitable to its owners. To the Government it will be specially profitable, because that increasing population will give a revenue to meet the wants of the country, and will be of incalculable advantage to the whole Dominion. Some speculations have been made as to the probable increase of population in the North-West, and com-

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parison has been made with the State of Kansas to prove that we have been too sanguine in making our estimates, because neither Kansas nor any other single western state has shewn the results that we anticipate in our new country. But we should remember that Kansas, or any other state in the neighboring country, possesses a comparatively limited area, while we can lay out eight or ten provinces in our North-West, each of which would be as large as a western state, and would offer greater natural inducements to settlers. Therefore it is unjust to institute a comparison between our North-West and any one state of the neighboring union, because we have ten times as much good land and a healthier climate than many western states. With such an influx of population as we now have, and which must greatly increase, and with the work of building the railway going on, there will be comparatively little to export from that country for some years to come; the incomers must be fed and all the workmen supplied. We hear a great outcry about an exodus from Canada, because the press of a certain stripe of politics make it a point of taking note of every man, woman and child who goes to the United States, and trumpeting it abroad to the world, unpatriotic though it be. But if we take up the census of the United States for the decade ending in 1870, we find that this is no new thing; every year, during that period, over 24,000 of our people went to that country. Now, if we can just shunt that stream of population—we cannot, perhaps, do it in a year, but we can in the course of time—and divert it, or a large portion of it, to the North-West, we may fairly estimate that the influx of people from the United States and Europe, and from the older provinces of the Dominion will amount to from 25,000 to 50,000 a year during the next ten years. Before I pass from this subject, let me call attention to the fact that the census of the older provinces of the Dominion shews that one-fiftieth of our population comes from the United States—one in every fifty of our people was born in that country. Therefore, in addition to the immigration from Europe, we may fairly look for a large influx of population from the United

States, and can safely calculate upon half a million of people settling in our North-West during the next ten years. For a certain length of time the portion of that population engaged even in agricultural pursuits must be fed, and there will not be much to export from that country for some years to come; not more than the road from Red River to Thunder Bay can carry during the seven months of navigation. Taking this general view of the question, I think it would be unwise to hastily expend seven or eight millions of dollars in constructing a road from Lake Nipissing to the Sault. The hon. gentleman says the road would be 270 miles in length; some of the reports that I have seen put it at 245 miles. Taking the latter to be correct, and estimating the cost at \$30,000 per mile, it would cost over \$7,000,000—a low estimate.

Hon. Mr. POWER—I am satisfied that a company will build it for a subsidy of \$10,000 per mile.

Hon. Mr. McLELAN—I think the hon. gentleman said that there was not money in the Dominion to build it, and he deprecated the idea of the Americans coming in to construct it. If they should come in and build it on their own account, and if it would be a benefit to the Dominion, let them build it. I remember, in 1871, when the Canadian Pacific Railway was first spoken of in Parliament, an outcry was made against having the road constructed by any but British gold. Whilst, on the one hand, we were told that it would be ruinous, it was insisted that we should be ruined only with British gold. I confess I never could see the wisdom or the patriotism of this, and I had then no objection to the expenditure of American capital in our country, nor have I now objections to any company of any country building this road, and, if it prove a great advantage to American trade, we will also have some benefit. I contend that the policy of the Government should be to rapidly construct railways through the prairie country where they can be laid down cheaply, and when the result of it will be to fill up the North-West with a population that will give life and stability to this country, and enable us, in a short time, I hope, to

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make our all-rail connection through our own territory, from ocean to ocean.

Hon. Mr. MACDONALD—There is one question I would like to ask the hon. gentleman who brought forward this subject to-day, and that is: how many months of the year does he expect that Lake Superior will be closed for navigation?

Hon. Mr. POWER—I think the Lake is open for eight months of the year for navigation.

Hon. Mr. MACDONALD—I fully agree with the hon. gentleman from Londonderry, that it is the policy of the country to save our resources for the construction of the all-rail route, and until that is completed we cannot get much advantage from our expenditures, or from the trade of the West, as, for five months of the year, the navigation of the water-stretches, and Lake Superior will be closed, and all our lines west of that will simply be feeders to the American railways in the winter time, as they are now, to send our trade down through Minnesota to Chicago. Even if the Sault St. Marie Railway is built, Montreal can only secure the summer trade, as the winter traffic must find its way to St. John or Halifax, and, in making a comparative statement of distances between American and Canadian ports, the winter ports of Canada must be taken into account as well as the summer ones. I am opposed to expending any money on any project except on the direct line, by which we can have through connection, winter and summer, through our own territory. I think that the policy of the Government with regard to the terminal point is defined in the statement of the Minister of Railways, when he said that they proposed to join the Canada Central at a point twenty miles west of South-East Bay, and there make connection with Ontario and Quebec railways, so that they do not propose to go on to Sault St. Marie. Let private companies go there if they like, and let them be subsidised if necessary.

Hon. Mr. KAULBACH—It is in contemplation to extend the road to there.

Hon. Mr. MACDONALD—I think not. The Government may subsidise

some company to extend it to the Sault, but they should let it go if they cannot get a private company to undertake it. I endorse the policy to build nothing but the main line, and this I believe to be the plan of the Minister of Railways.

BILLS INTRODUCED.

The following Bills, from the Commons, were introduced and read the first time :—

Bill (50) "To amend the Act incorporating the Ontario and Pacific Junction Railway."—(Mr. Flint.)

Bill (16) "To authorize and provide for the winding up of the Stadacona Bank."—(Mr. Pelletier.)

MANITOBA LAND CLAIMS BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (94) "An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act 33 Vict., chap. 3." He said: In 1870, a Bill was passed providing that certain lands in Manitoba should be allotted to those persons who should be found in possession of them at the time of the passage of that Act. Nearly all those claims have been settled, but it has been found desirable that the time should be limited wherein all who are in occupation of those lands should submit their claims. The first clause limits the time to two years from the 1st of May next. The second clause makes provision that all who do not make their claims before that time shall be barred.

Hon. Mr. GIRARD—I have very few observations to make in reference to this Bill. I think it is a step in the right direction, because we naturally all desire to arrive, as soon as possible, at a settlement of all the difficulties in reference to the lands of the Province of Manitoba. It is well understood that we have suffered long enough, and I only regret that the Bill does not go further. There are other difficulties which will not be settled by this measure. For instance, there are the staked claims, and I would like to take advantage of the present occasion to inquire if it is the intention of the present Government to adopt, during this session, or immediately after pro-

Hon. Mr. Macdonald.

gation, some means by which this difficulty may be settled as soon as possible. Two years is certainly time enough in which to give parties an opportunity for presenting their claims; one year would have been long enough, I think, as nearly all the claims in dispute have been submitted, and applications have been made either to the Dominion Lands Office in Winnipeg, or to the Department of the Interior here. These applications have, in many cases, remained unanswered, and, since then, speculations have been made in these properties, and they have been sold over and over again, although the patents for them have not yet been issued. I shall support this Bill, as I desire to facilitate the settlement of all questions in reference to lands in Manitoba. At the same time, I do not know that the object to be attained by the present Bill will be easily secured. The intention is to make provision for the removal of persons found to be unlawfully in occupation of such lands. If there are any acquired rights under the 3rd and 4th sub-sections of the 32nd clause it seems to me that we cannot by a subsequent act diminish or destroy any such rights. I think it is my duty to call the attention of the Government to the construction of the law, and then leave with them the responsibility of the measure.

Hon. Mr. AIKINS—It is not the intention of the Government, by this Bill, or by any other bill, to legislate away any rights held by any parties to such lands; but, as my hon. friend knows, there are parties who have been in possession of such properties who have not pressed their claims, and in many cases they have not even made application for their patents. Under the provisions of this Bill they will be compelled to make their claims to the Government within two years. With regard to staked claims, they have not been favorably considered by the Government. At a future stage of this Bill I shall be able to speak more definitely on this subject.

Hon. Mr. MILLER—It is not the intention of the Bill to interfere with any existing rights. As I understand it, under the Act 37 Vict., cap. 20, certain rights were vested in parties who had settled on lands at a certain date in the Province of Manitoba—the 15th of

July, 1870—shall be entitled to receive letters patent therefor, granting the same absolutely to them. There is no intention whatever to interfere with the rights that were granted by that Act, but that law contained no limitation as to time in which those rights should be asserted, and the object of this Bill is to limit the time for the assertion of those rights to the 1st of May, 1882. I have examined this Bill carefully, and am disposed to support it, and I do not think my hon. friend from Manitoba need have any apprehensions as to its effect.

The Bill was read the second time.

PORT WHITBY HARBOR BILL.

SECOND READING.

Hon. Mr. SIMPSON moved the second reading of Bill (73) "An Act respecting the Port Whitby Harbor Company." He said: About sixteen years ago, Mr. Chester Draper, of the town of Whitby, purchased from the Government of Canada the Whitby Harbor, I think for about \$32,000. He died about four years ago, and, previous to his death, he made a will, by the provisions of which he required the harbor to be sold; but, after a good deal of investigation, it was found that he had not the right to convey it without the consent of the Government, or without having a special act passed for that purpose. A Bill was introduced in this Chamber, two years ago, authorizing the executors to sell the property. It was drawn up with a great deal of care, and afterwards submitted to the Law Officers of the Crown, who examined it and made a few amendments. It was considered satisfactory, and passed both Houses without opposition. The town of Whitby, according to the Act, had the right to purchase the harbor in preference to any other parties, and the mode of settling the value was fixed by the Act. The executrix and executor were to appoint one arbitrator, the town of Whitby a second, and the Government another. The arbitration took place, and the price awarded was, I think, about \$32,000. The town of Whitby had the option of taking the property at the price fixed by the arbitrators, and the executors were bound to sell at that price. The Bill passed in

Hon. Mr. Miller.

1878 provided that Mrs. Draper and Mr. Fisher, the General Manager of the Ontario Bank, the executrix and executor to the will, should, and they were required to join in the title. The town of Whitby refused to take the property. Mrs. Draper died last year, and it was found that the remaining executor could not make a title. This Bill was introduced for the purpose of enabling him to do so, and was passed through the House of Commons unanimously. It is simply carrying out the Act of 1878. There are certain rights in the property which are reserved to the Government, which are well secured in the Act of 1878, and the present Bill does not change these in any respect. The Government have the right to assume the works whenever they see fit, by returning the value of the property as decided upon by arbitration. The property was improved a good deal by Mr. Draper, who had erected upon it a steam elevator, and had done a good deal of dredging and other work. I may add that the tolls collected at that port are regulated by statute, so that they cannot be advanced, though they may be lowered, without legislation. The Government have a claim of, I think, \$10,000 on the property, and I have been informed that all the payments have been made promptly, with the exception, perhaps, of the last one, and I think that has been left in abeyance until the sale is consummated.

Hon. Mr. MILLER—I do not rise to detain the House with any remarks, but if you are going to provide for a contingency, I think it is just as well, if the Bill is passed, to provide for every such contingency completely and absolutely. For instance, David Fisher, the sole remaining executor of this will, may die himself, intestate, before the property is sold, and there should be a provision by which somebody else may be authorized to carry out the intention of the Act.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman who proposed the Bill for the consideration of the House was good enough to shew it to me, and I told him that I could see no objection to it. It is for the purpose of remedying a difficulty in which these people are landed by the death of one of the executors. The Government have no

interest in it further than to see the will carried out, so that they can get the balance of the \$10,000 that is due to them, so that I think all interests may be served by passing the Bill. Whether it may not be well to amend it as proposed by the hon. Senator from Richmond, I am not prepared to say. It is, however, proposed that the sale of the harbor shall be carried out at once, and it is to be hoped that Mr. Fisher will survive long enough to carry out the sale. We are, none of us, certain of surviving even that long, however, and it may be desirable that provision may be made in the direction suggested.

Hon. Mr. MILLER—The Bill would not be required at all if the sale is expected to be made before Mr. Fisher's death.

Hon. Sir ALEX. CAMPBELL—One of the executors is dead already, and it requires the two to make the title.

Hon. Mr. SIMPSON—The sale has been a *bona fide* one. A company has been organized for the purpose of purchasing the property, and they are only waiting for this Bill to close the matter. I might add that I was named by Mr. Draper as one of his executors, but, from my age, and living at some distance from Whitby, I renounced the trust. I know also, as a matter of fact, that Mr. Fisher has made his will, and made it very carefully, and I know the parties who have been named as his executors.

The Bill was read the second time.

JOINT COMMITTEE ON PRINTING.

NINTH REPORT.

Hon. Mr. SIMPSON moved the adoption of the ninth report of the Joint Committee on Printing.

The motion was agreed to.

RIVIÈRE DU LOUP BRANCH PURCHASE BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (81) "To confirm the purchase by the Dominion of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with

Hon. Sir Alex. Campbell.

respect thereto." He said: Last session the Government were authorized to acquire that portion of the Grand Trunk Railway which lies between the city of Quebec and Rivière du Loup. The purchase was made under the agreement which is embodied in this Bill, but it has been thought desirable that the agreement should be incorporated in an act of Parliament, and that the title of the Crown to the railway which has been purchased should be pronounced free of all charges and encumbrances. There are many liens which affect the Grand Trunk Railway as a whole, which have been waived by that Company and its creditors. The title is considered perfect, but, by way of further precaution, it is considered desirable by the Law Officers of the Crown to incorporate the agreement in an act of Parliament.

The Bill was read the second time.

The House adjourned at 6 p.m.

THE SENATE.

Tuesday, April 26th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT (1878) AMENDMENT BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (K), "To amend the Canada Temperance Act of 1878."

Hon. Mr. AIKINS said that those who had read the amendments which appeared on the order paper would say that, if they were adopted, very little of the original Bill would remain. It had been a question in his mind whether to withdraw the Bill or to propose the amendments in this way; but he had concluded to amend the Bill. The changes were not very important, but, at the same time, they might be considered, in one sense, necessary.

On the following new section:—

"4th. For the purposes of this Act, the Royalty of Charlottetown, in Prince Edward Island, shall be deemed a part of the County of Queen's County, and if a petition for bringing the second part of the said Act into

force in Queen's County be submitted to the Electors, those whose right to vote is in respect of property or residence in the said Royalty shall vote at such polling place or places as the Returning Officer may appoint in the same Royalty, and their votes shall be added to those taken in and for the said County."

Hon. Mr. AIKINS said that, by the provisions of the Temperance Act of 1878, the elections were to be held in counties or cities. Now, it appeared that the Royalty at Charlottetown, which was a strip of land lying about the city, for some purposes belonged to the city, and for others, to the county, and it was considered not to be a portion of the city for the purposes of the Temperance Act. A legal gentleman from Charlottetown had suggested this amendment.

Hon. Mr. HAYTHORNE said that the Royalty was a circle of some three miles about Charlottetown, the inhabitants of which had always voted in the city. It was not in the county at all. The only doubt that he entertained about the propriety of this amendment was that there were two or three breweries in the Royalty, and it seemed hardly fair to those who had invested capital in them, to introduce such an amendment without due notice.

The amendment was adopted.

On the following new section :—

"5th. The provisions of the said, 'The Canada Temperance Act, 1878,' relating to matters preliminary to the publication of an Order in Council under the 96th section thereof, declaring the second part of the said Act to be in force, and take effect in any county or city, shall be deemed directory only, and no such Orders in Council shall be held void or voidable on account of any irregularity or omission of any matter or thing preliminary to the publication of such Order in Council. And a copy of the *Canada Gazette*, purporting to be printed by the Queen's Printer, in which such Order in Council is published, shall be received as evidence of the making and publication of said Order in Council in all courts and places whatsoever."

Hon. Mr. AIKINS explained that this clause would bar any objection to irregularities which might have occurred prior to the passage of the Order in Council, or its publication.

Hon. Mr. DICKEY called the attention of the Committee to the very comprehensive and sweeping character of this amendment. The provisions of the Canada Temperance Act relating to mat-

Hon. Mr. Aikins.

ters preliminary to the Order in Council, under the 96th section, extended all the way from the 4th section to the 96th, and this amendment, by one swoop, took away the protection of the public from any irregularity, and not only any irregularity, but any omission in the entire proceedings preliminary to the Order in Council. The sections from the 4th to the 57th related to preliminaries prior to the final vote being taken, and included the petition, the publication of the proclamation, the qualification of voters, the fixing of polling stations, lists of voters, the providing of the manner of voting, the counting of votes and all cognate matters. The sections from the 58th to the 95th applied to the subsequent proceedings before the Order in Council was made, including the very large questions of the scrutiny of votes, the preservation of the peace at elections, treating, bribery and the personation of voters. All these precautions were substantially swept away by the general provision which the House was now asked to adopt; and, not content with this clause, the Secretary of State proposed another to give it a retroactive operation. The effect of the last of these new clauses would be to prevent any irregularity or omission in any election proceedings that had heretofore taken place, or in the Order in Council that had been issued, from being questioned. Perhaps the feeling in regard to this question was such that the Secretary of State might be justified in expecting that the House would be prepared to enact anything that might carry out the views of those who approved of this celebrated Temperance Act. The effect of that Act, endorsed as it had recently been by the highest tribunal in the Dominion as to its constitutionality, had been (even in the short time since that decision had been given) to create dire confusion in the Maritime Provinces, and to leave the tribunals there uncertain whether there were any licenses at all in force in those provinces. Because, if it really was the case that the Dominion Parliament had the exclusive power to legislate on all those subjects, then the local legislatures had no power to pass license laws. The licences themselves were inoperative, and doubts arose whether people could be

prosecuted for selling even without licenses. The consequences of this the House might learn if they chose to read the papers from the Maritime Provinces. This shewed the necessity of exercising great caution in this matter before passing a sweeping clause which would practically strike out of the Temperance Act of 1878, 92 of its sections, and leave it to the discretion of the Governor in Council of the day, protected by the opinion of the Minister of Justice, whoever he might be, to give force and effect to any decision, no matter how arrived at, no matter whether made by people who had no right to vote, or whether every provision in the Act had been omitted to be carried out. That was the sweeping effect of this amendment, and, under these circumstances, he thought he was justified in calling the attention of the Committee to it. This legislation was not only important in itself, but it was new, and the House ought not be asked to pass such a sweeping clause, especially when it was retroactive in its effect, a principle in legislation which had hitherto been held in abhorrence in the Senate, as it should be.

Hon. Mr. VIDAL said that, if he allowed the remarks of the hon. Senator from Amherst to pass unchallenged, the House might well hesitate before adopting these amendments. But the hon. gentleman had entirely ignored the many safeguards in the public interest provided by the Act of 1878. So far from this amendment sweeping away the clauses from the 4th to the 96th, it in no way interfered with them, but was simply intended to remedy certain defects in the law and make it work more smoothly. Sixty days must elapse between the voting under the Act and the issuing of the proclamation, in order to afford the amplest opportunity to call the attention of the Governor in Council to any irregularities in the proceedings, and it was to be presumed that the Privy Council would pay due regard to the public interests. The most careful supervision would undoubtedly be exercised over all the steps taken to bring the Act into force. It had been so in the case of the County of Lambton, the only place in Ontario where the Act had yet been adopted. The friends of the temperance movement in that county were disposed

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to think that the Secretary of State, though known to be friendly to the cause, was too particular, and was throwing unnecessary difficulties in their way. He (Mr. Vidal) was constrained to admit that the position assumed by the Secretary of State in that instance was the right one, because it shut out all possible complaint against the regularity of the preliminary steps to the proceedings that were subsequently taken. The same jealous care would be exercised by any Government that might be in power, and would afford ample protection against any of the irregularities that had been spoken of. A fruitful source of difficulty in working the Temperance Act of 1864, familiarly known as the Dunkin Act, had been the liability to have the proceedings taken under some of the many provisions called in question, and it was thought desirable, if effect was to be given to the Act of 1878, to prevent, as far as possible, vexatious litigation on its minor details. He held that, when the regulations prescribed by the Act were complied with to the satisfaction of the Governor in Council, and a proclamation was issued, it would not be right or proper to thwart the will of the people on some mere technical matter. His impression was that the rights and privileges of the people were sufficiently guarded, and that the public interests would in no way be jeopardized by the adoption of these amendments.

Hon. Mr. SCOTT concurred, in the main, in the proposed amendments. They covered cases that had necessarily arisen from the working of the Act, and could not in any sense have been anticipated when it was framed. The particular paragraph to which exception was taken by the hon. Senator from Amherst was one which he (Mr. Scott) thought should be introduced into the Bill. He did not regard it as the disturbing element that it had been pictured. On the contrary, several clauses of the Temperance Act made provision for careful investigation of any allegations made by parties opposed to its introduction. The first stage was the presentation of the petition to the Secretary of State, who, under this Act, was clothed with judicial power. When he pronounced the papers regular, they could not be questioned. That was no new power.

The leader of the House had, no doubt, been many times called upon to give judicial decisions in past years, when acting as Commissioner of Crown Lands, and the courts invariably recognized them as such. When the petition was presented due notice was given, and ample opportunity was afforded to parties who dissented from it to appeal to the Secretary of State. He was the sole judge as to the regularity of the petition, and from his decision there was no appeal. Up to that point, therefore, the clause under consideration could have no possible bearing upon the Act. The next step was the scrutiny of the votes, which must be conducted, not before a member of the Government, but before a Judge of the land, clothed with power to investigate whether the vote was legally taken. The machinery for voting under this Act was, as nearly as possible, analogous to that by which the will of the people was ascertained in the election of a member to serve in the House of Commons. After the passage of the Order in Council a considerable time must elapse—possibly a year, but not less than ninety days—a sort of interregnum when no step could be taken and an opportunity was given to rectify any errors which might have been made, by appeal to the Governor in Council or the courts. Then followed the final proceedings. No local authority could be controverted; while there was any license in force the Act could not prevail. He did not place his opinion in the scale against that of the Minister of Justice, but he was inclined to think that as soon as the Order in Council was issued, bringing the second part of the Act into operation, it was not subject to revision by the courts. While he (Mr. Scott) thought the amendments were very proper, as having a quieting effect by removing all doubt and preventing litigation, that was his opinion. The time allowed for investigating those various questions was ample in his judgment, somewhat larger than it should have been; though, possibly, it was wise to give those who were engaged in the trade an opportunity of selling out the stock they had on hand and going into some other business, and to give those who opposed the measure time to find fault

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with technical points that might be involved in bringing the Act into operation. He believed that when Parliament passed the 96th clause of the Temperance Act, they intended that, once the proclamation was issued, no exception could be taken to any antecedent stage.

Hon. Mr. AIKINS believed that was the opinion of the Minister of Justice, but, as there were some doubts on the subject, it was thought better to quiet them by this legislation.

Hon. Mr. SCOTT said that, if he were to give an opinion upon it, he would say that once the proclamation was issued, all that had been done before was, presumably, done correctly; that Parliament decreed this law should be enforced upon certain contingencies happening, and that the last contingency having happened, the law was in force as absolutely as any act of Parliament.

Hon. Mr. AIKINS said that the Committee was indebted to the hon. Senator from Amherst for having called attention to this particular clause. It was intended to deal not merely with future cases, but also with some difficulties which had occurred in the past; as, for instance, the polling in Lambton during the local election, and bringing the Act into force in a New Brunswick county where there were no licenses issued at all. It was important that these cases should be covered, and that was why this Bill was construed as a part of the Canada Temperance Act.

Hon. Mr. DICKEY said that the two cases referred to were covered by the Bill as it stood, but this clause was a new provision entirely. The hon. Senator from Sarnia (Mr. Vidal) had answered himself as to the necessity of this legislation when he said that the present Secretary of State had exercised the utmost care in examining into all those provisions. Why then was it necessary to have this legislation at all, especially if the contention of the leader of the Opposition (Mr. Scott) was correct, that the old Act itself provided all that was necessary, It was quite true that the Statute declared that the Government must be satisfied with the regularity of petitions and the qualifica-

tions of petitioners before they could take another step. It was necessary that discretion should be given to somebody to see that it was not a sham proceeding. Then, coming to the scrutiny of votes, it was eminently necessary that this duty should be left to a judge. Nobody found fault with that legislation, because it was on all fours with our election laws. The effect of the last clause would be to make the Governor in Council a Court of Appeal, and, under the circumstances, he thought the House should interfere, and not give, for the first time, power such as this to the Government. With regard to the judicial decisions of ministers upon certain points,—in Crown land cases, for instance,—an appeal could be had to a court of law; but here it was made absolutely clear that no election should be questioned by reason of an irregularity or omission. That was a species of legislation which ought not to pass this House.

Hon. Mr. VIDAL said that sixty days were allowed for the very purpose of looking into these things.

Hon. Mr. DICKEY said that the hon. gentleman had been answered on that point by the leader of the Opposition. The delay was to allow dealers to get rid of their stock. It never could have been to allow persons who might reside a thousand miles from the capital to come to Ottawa to oppose the Act.

Hon. Mr. VIDAL said that the portion of the Act referred to was designed especially to afford parties ample opportunity to make complaints as to irregularities in voting, etc., and the question of letting people get out of the business was what fixed the ninety days. There was, therefore, a period of five complete months between the day of polling and the putting of the Act in force, and the first sixty days of that period were designed expressly to afford the amplest opportunity for investigation into irregularities connected with the polling.

Hon. Mr. AIKINS moved to add the following as a new section:—

“6th. This Act and the Act hereby amended shall be construed as one Act, and as if the provisions of this Act had formed part of

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the Act hereby amended when the same was originally enacted.”

Hon. Mr. DICKEY said it was a bad precedent to establish. The hon. Secretary of State should be satisfied to take powers for the future, without making them retroactive.

The amendment was agreed to.

Hon. Mr. AIKINS moved that the Committee rise and report the Bill.

Hon. Mr. GIRARD wished to call the attention of the Secretary of State to the amendments asked for by the Manitoba branch of the Alliance. The Temperance Act had certainly been doing wonders for that Province, and it was but right to assist as much as possible the efforts of those who were working for the abolition of intemperance in Manitoba. He had received from his constituents a memorandum explaining the difficulties that were in the way of putting the law into operation in Manitoba, which he had submitted to those hon. members who were more specially charged with this legislation, and he would respectfully ask the Secretary of State if the amendments asked for by the people of that Province were included in the Bill?

Hon. Mr. AIKINS said they were not, and for this reason: it was supposed it was not necessary that any legislation should take place here in reference to the carrying out of the Act passed last year. Provision was made that, in the Province of Manitoba, four or five counties, with the City of Winnipeg, should form a county for the purposes of this Temperance Act, but, notwithstanding the legislation that had taken place in Manitoba, these counties still remained intact, although they had been officially divided for municipal purposes.

Hon. Mr. VIDAL thought the people of Manitoba would do him the justice of admitting that he was exceeding anxious that every opportunity should be afforded them to put this law into operation. Last year an amendment to the Temperance Act was passed in order to remove a difficulty and to give the people of Manitoba an opportunity of bringing it into force in that Province; that amending Act contained a proviso in the following words:—

" Provided always that at any future time, when the said Province shall have been divided into counties, and a regular municipal organization established in each of the then counties, the said Act, as it now stands, shall be applied to the then counties, as in the other provinces of the Dominion."

It happened that during the last session of the Legislature of Manitoba, held a few weeks ago, an Act was passed for the purpose of dividing the Province into a number of counties, and the friends of the Temperance Act, who were desirous of bringing it into force, were alarmed lest its provisions should interfere with the adoption of the law in the five existing counties, and had asked to have that proviso repealed. After a good deal of conversation with the Deputy Minister of Justice, who had very kindly aided him in this matter, he had come to the conclusion that the request that had been made by the Manitoba branch of the Alliance might be declined without doing any injury to the cause in that Province. The Statute recently enacted there provided that the Province should remain, as heretofore, divided into five counties, each of which should comprise several sub-divisions of counties, and, when any of the sub-divisions became sufficiently populated, they could, by adopting a certain course of procedure, become separate counties. There was nothing in this Local Act to interfere with the amendment of last year, and he therefore thought it would be unwise to introduce the amendment which had been asked for.

Hon. Mr. WARK, from the Committee, reported the Bill with several amendments.

Hon. Mr. AIKINS moved that the report of the Committee be adopted.

Hon. Mr. WARK asked if the abolition of the county court judges in British Columbia would have any effect on the operation of this law in that Province?

Hon. Mr. AIKINS said his impression was that it would not.

Hon. Mr. MILLER thought that the judges who were to be appointed under the Act of this session, in British Columbia, would be county court judges.

Hon. Mr. AIKINS said they would perform the work of county court judges.

Hon. Mr. Vidal.

The report was adopted, and the Bill was ordered for third reading to-morrow.

VILLE MARIE BANK BILL.

THIRD READING

Hon. Mr. TRUDEL moved concurrence in the amendments made by the Select Committee on Banking and Commerce to Bill (D) " To authorize the winding up of the Bank Ville Marie, and the reduction of the capital stock."

The amendments were concurred in and the Bill was read the third time and passed.

MANITOBA LAND CLAIMS BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (94) " An Act for the final settlement of claims to lands in Manitoba by occupancy under the Act 33 Vict. chap. 3."

Hon. Mr. AIKINS said, in reply to the question put to him the other day by the hon. gentleman from Manitoba (Mr. Girard), as to what course the Government was likely to take in reference to staked claims, that the decision of the Government was rather against those claims. The question had been submitted to the Minister of Justice, who had given an unqualified decision that the claims could not be entertained.

Hon. Mr. GIRARD contended that it was not within the jurisdiction of the Minister of Justice to decide against some of those claims, where parties were now in possession, as they would have recourse to the ordinary courts of law, and, no doubt, some proceedings would be necessary in the future to decide this very painful question. There would be dissatisfaction throughout the whole Province if an arbitrary decision in that way were to override the law of Manitoba. All that the people wanted was what was in conformity with the law; and, while they had great respect for the decisions of the Minister of Justice, or of his deputy, they would consider that this was not the law of the land. So long as that decision was not in accordance with the law of the land, the people would have the right, from time to time, to claim from the Government the exercise of their just rights.

Hon. Mr. SCOTT said he might be permitted to congratulate the hon. the Secretary of State on the conclusion he had reached in this matter. There was a time in the memory of hon. gentlemen when he (Mr. Scott) had given a similar answer to this, in reply to the same question, for which he had been severely criticized and condemned. On that occasion his hon. friend's colleague (Sir Alexander Campbell) had adopted a benevolent *role*, and thought that the Government were exceedingly narrow and hard-hearted in not recognizing those staked claims; but he (Mr. Scott) was very glad to find that his hon. friend had arrived at this decision, because, when claims of that very frail character were recognized, it opened the door for the loss of very valuable portions of the Crown domain. The tendency of the Government was to regard with very great leniency any substantial claim to Crown lands. His own experience had led him to the conclusion that the Crown, as a rule, looked most leniently upon all applications of that sort, and very properly so; and they were always disposed to act liberally and justly on any fair or reasonable claim that might come under the notice of the particular Minister who was charged with the consideration of the subject. The question of staked claims was of too large a character and the lands involved were too valuable to warrant the Government to come to any other conclusion. His experience was that people who had staked claims generally had other claims; and that the squatters in Manitoba, when they found the country was passing into other hands, endeavored to squat as much as possible, and cover as large an area of ground as they could.

Hon. Sir ALEX. CAMPBELL—The use which the ex-Secretary of State (Mr. Scott) has made of our change of position is a perfectly fair retort, and I acknowledge the good spirit in which it is made. The hon. gentleman knows well the difference between being on this side of the House and on that. At the same time, the Government have been ready to give the hon. member from Manitoba an opportunity of urging these claims, which he has advocated in years past, not that the claims can be

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allowed as far as we know, but that the parties who hold them should be allowed an opportunity of pressing other claims upon the attention of the Government, and what I formerly supported my hon. friend from Manitoba in, was that they should have an opportunity of doing so in the way which was most convenient to those who held the claims. My feeling at the time was this: that the hon. gentleman from Manitoba was simply anxious to be heard upon the point, and that the Government of that day were taking the position that these parties could not well be heard, and that if there was any action to be taken, they could only be heard under the then law, without the additional remedy which the hon. Senator from Manitoba was at that time urging upon the House. I had always been anxious to support my hon. friend (Mr. Girard) in all those questions for the advantages of the Province from which he comes, and I entirely sympathise with the hon. gentleman in his exertions on behalf of the people whom he represents.

Hon. Mr. SCOTT said his own feeling had always been that claims of this kind should be treated in the most liberal spirit whenever there was any ground for them, and he had a most distinct recollection of telling the hon. member for Manitoba that the Government were prepared to judge each individual case on its merits, and he had himself directed Colonel Dennis to investigate every claim of that kind that was especially brought under his notice. They were not claims that involved the cultivated or improved lands, but were simply claims that had been staked out immediately before the Federal Government took charge of the country. He did not think the hon. Senator from Manitoba could point out a single case where any subsequent improvement had been made by the claimant, either by the erection of houses or the cultivation of the soil, in which the claim had not been recognized. At all events he had given him (Mr. Girard) the assurance that every facility would be afforded for each individual claim to be considered on its own merits.

Hon. Mr. GIRARD regretted that some provision had not been introduced

into this Bill for the settlement of these claims. What he had contended for three or four years ago was the same as he now contended for. He was asking for justice, and all he wanted was that those claims should be submitted to the proper tribunal. What he blamed the Government for in former years was that these claimants, who were owners of property for which they were taxed as proprietors, and were considered as such, had not been granted a title. It was not right to allow property to continue in that state, as the owners were constantly exposed to the loss of their money, and it was very well known that immense sums of money had been lost in that way up to the present time, as immigrants had purchased from the owners, relying upon the good faith of the people who sold, and the liberality of the Government to grant proper titles. He hoped that the goodwill extended to him by the hon. the Minister of Militia and the hon. the Secretary of State in the past would continue, and that they would assist him in obtaining justice for those who were in the position he had described. He would ask the Government to consider the matter as a simple question of justice, and to have it submitted to the proper tribunal. What he had asked from the former Government was, that these different cases should be submitted to the Commissioner appointed to decide conflicting claims. The decision of such a tribunal would give satisfaction; but if this Bill contained no provision for the settlement of those claims, it would not give satisfaction to the people of Manitoba.

Hon. Mr. SUTHERLAND said there were a great many claims that were not exactly "staked" claims, as the parties had made certain improvements, and they were in the same difficulty as parties who had merely staked claims. He did not know how it was, or for what reason, but, notwithstanding the representations made by the members from that Province, there was a great number of claims remaining unsettled, of which he knew the merits himself, which he considered just and valid claims. They had been held in abeyance for the last eight years, and he felt as strongly in this matter as his hon. colleague (Mr. Girard) that they should have been long ago

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settled. If any speedy means could be devised for the settlement of these claims, it should be adopted. He hoped that the Government would appoint a special commissioner to investigate and hear those cases on the spot, and also take evidence, if necessary, as to the value of the claims, so that the difficulty could be at once disposed of.

Hon. Mr. DICKEY sympathised with the hon. Senators from Manitoba, but, in view of the action of the Committee on the previous Bill to amend the Canada Temperance Act, he did not anticipate that they could persuade the Government to give up their power to settle these claims, since they had constituted themselves a court of appeal to decide the rights and privileges of groups of counties all over the Dominion.

Hon. Mr. AIKINS said that what was understood by the Government as "staked claims" was where parties went out on the prairie and staked out for themselves large blocks of land of thousands of acres, on which they made no improvements whatever. This could not be considered a very strong claim.

Hon. Mr. DEBOUCHERVILLE, from the Committee, reported the Bill without amendments.

The report was adopted, and the Bill was read the third time and passed.

RIVIERE DU LOUP BRANCH PURCHASE BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (81) "To confirm the purchase by the Dominion of a portion of the Grand Trunk Railway and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto."

Hon. Mr. VIDAL, from the Committee, reported the Bill without amendment.

The report was adopted, and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill (65) "To amend the Acts respecting the Montreal Telegraph Company."—(Mr. Ryan.)

The House adjourned at 4.40 p.m.

THE SENATE.

Wednesday, April 21st, 1880.

The Speaker took the chair at three o'clock.

After prayers and routine proceedings,

Hon. Mr. TRUDEL, from the Committee on Standing Orders and Private Bills, reported Bill (73) "Respecting Port Whitty Harbor Company" without amendments.

The Bill was read the third time and passed.

SAULT STE. MARIE RAILWAY.

INQUIRY.

Hon. Mr. TRUDEL inquired :—

"Does the Government intend to take any effective measures, during this session, for ensuring, either by the granting of a subsidy or otherwise, the immediate construction of a railway to connect the south-east end of Lake Nipissing with the Sault Ste. Marie?"

He said: As this matter of the Sault Ste. Marie Railway has been repeatedly brought before the House, it will not be necessary for me to enter into any lengthy explanations to justify the inquiry which I have just made. On a previous occasion, I had the honor to lay before the Senate my views on this matter, and to give the strong reasons which influenced the people of the Province of Quebec in urging the commencement of work on the eastern end of the Canadian Pacific Railway, and, though I do not intend to enter into any details, it will not be amiss for me to repeat briefly the reasons which the people of my Province have for insisting upon this work. Every hon. gentleman in this House recollects that this subject has been considered of great importance, not only in the Dominion, but in England as well, and that the Imperial Government have taken the matter into their hands, and have pressed, through the Secretary of State for the Colonies, for a policy that will give effect to the compact under which British Columbia came into the Union. It was, as hon. gentlemen are aware, considered by Lord Carnarvon, that Canada's obligation was such, that no less a sum than \$2,000,000 should be expended in British Columbia, to compensate that Province for the disadvantage caused them by the postponement, for a few

Hon. Mr. Vidal.

years, of the construction of the railway. In 1878, I took occasion to remind the members of this House of the fact that, if our treaty obligations, in respect to that Province, bound us so solemnly as to oblige us to undertake such a heavy expenditure, they were not only binding in favor of British Columbia, but also in favor of the Province of Quebec, which consented to the agreement only on the express condition that the Pacific Railway should be commenced at both ends simultaneously. I will read one of the resolutions passed in the House of Commons in 1871, and to which the Senate assented. It will be found in the Journals of the House of Commons of that session, volume 4, page 198, and is as follows :—

"The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada, and further to secure the completion of such railway within ten years from the date of the Union."

It has always been understood that this solemn treaty bound the Parliament of the Dominion not only in favor of one of the contracting parties, but of the whole. One of the contracting parties was certainly the Province of Quebec, and the unanimous opinion of the people of that Province is that those resolutions would never have been assented to by them but on the condition that the work should be begun at the same time at the eastern and western extremities of the railway. Now, hon. gentlemen, if the rights in this matter of some 11,000 or 12,000 white people, and 50,000 to 60,000 Indians in the Province of British Columbia are considered of such importance as to oblige the Dominion of Canada to undertake such a heavy expenditure in that Province, are we not equally obliged to keep faith with the 1,500,000 inhabitants of the Province of Quebec and of the Ottawa Valley, and to commence the construction of the eastern end of the railway? Of course the people of Quebec and of the Ottawa Valley know the position in which the country has been since that time, and they have been unwilling, in consideration of the financial difficulties under which the Domin-

ion has labored, to press the immediate execution of this part of the agreement, but there is no reason why our rights should be lost sight of altogether. Everybody in this House agrees upon the advantages to be derived from the immediate construction of that branch to Sault Ste. Marie. Let us secure, either by a subsidy or otherwise, the immediate construction of that road. It will, at all events, be a compensation to Quebec. I would conclude my remarks at this point, but for a few words on this subject that fell from the hon. Senator from Londonderry (Mr. McLelan) the other day. I used to consider that hon. gentleman, and I still consider him, a high authority on such important matters. I had made up my mind that we could, on all subjects of this kind, adopt his views with the greatest security, but I must say that, in this instance, I am obliged to differ from him a little. The hon. gentleman has expressed the view that it would be a mistake to sacrifice large sums of money, say some \$8,000,000, in the construction of a road to connect our eastern system of railways with the American railways at Sault Ste. Marie. I am ready to agree with him to a certain extent; that is, I would not be willing to recommend the expenditure of say \$8,000,000 for the immediate construction of such a railway to the detriment of the main line of the Pacific Railway, but the hon. gentleman has lost sight of the fact that this branch railway, purporting to connect at Sault Ste. Marie with the American Railways, may be built, to a certain extent, as part of the main line. Moreover, hon. gentlemen know that the other House has been called upon to pass a bill to extend the powers of two different companies, to enable them to build a railway to Sault Ste. Marie, and it is sufficient to mention that fact to shew the anxiety of the people of the Dominion at large to have this railway constructed, and also to shew that the Government will not be called upon to build this road as a public work. To that extent I agree with the hon. gentleman from Londonderry; but I think it is a mistake not to recognise the superior importance of this railway not only to eastern parts of the Dominion, but to

the country at large. The hon. gentleman will see that, if this railway were connected with the American system of railways in the Western States, the latter would become feeders of the Canadian Pacific Railway. It is well known that the most important advantage of this railway would be to bring through Canadian territory the whole of the export trade of the Western States. When the Pembina Branch was built, we had to regret the peculiar position in which our North-West was placed. We regretted that the money of Canada had to be expended in the building of a road which made that country tributary to the American railways. The construction, however, of the branch to Sault Ste. Marie would have the effect of returning to Canada the trade which goes from our North-West, and it will be the only way to secure the trade which is now sent by the Pembina Branch over American railways. Hence, I consider that through the Sault Ste. Marie Branch, the Northern Pacific, and all the other lines of the Western States will become tributary to our Canadian system of railways; and the eastern provinces, and chiefly Nova Scotia, on account of its winter port, will derive the greatest benefit.

Hon. Mr. McLELAN—It is a matter of regret to me to hear that the hon. gentleman has, to a certain extent, withdrawn his confidence in me in the matter of railway construction. I do not find that there is very much difference between us when he comes to explain his views. I contended that I considered it unwise at the present time to expend \$8,000,000 in constructing that road, and the hon. gentleman seems to be of the same opinion. So far as the two lines would run on the same location, I agree with him that we might subsidise this road for seventy miles, and let the work of construction go on; then, if it was not found practicable for the Dominion to construct an all-rail route, let the subsidy be given to the Sault.

Hon. Mr. TRUDEL—Does not the hon. gentleman believe that a part of this branch should be built?

Hon. Mr. McLELAN—The seventy miles common to both lines might be subsidised.

Hon. Mr. Trudel.

Hon. Sir ALEXANDER CAMPBELL—It seems to me that my hon. friend puts himself rather too much in the position of representing a third party to the contract made at the time of the entrance of British Columbia into the Union. Now, there were only two parties in the arrangement—the Dominion of Canada, of which the Province of Quebec is a part just as much as the Province of Ontario or any other Province is, on the one side; the other party to the arrangement was British Columbia, and the agreement that was made was as much by the Province of Quebec as by any other province of the Dominion.

Hon. Mr. TRUDEL—I explained that it was expressly on the condition that the railway would be built simultaneously from both ends that the Province of Quebec consented to the admission of British Columbia into the Confederation.

Hon. Sir ALEX. CAMPBELL—I quite understand that, but the arrangement that was made was, that the road should be commenced in British Columbia and on this side of the Rocky Mountains simultaneously, and should connect with the railway system of the Dominion. That does not involve all that the hon. gentleman infers from it. In answer to his question, however, I beg to say that it is the intention of the Government, during the present season, to examine the route carefully westward from Lake Nipissing, and to aid by subsidy or otherwise, if necessary, next session, the construction of a railway to connect the Canada Central Railway terminus at Lake Nipissing with Lake Superior on a line, and with the conditions to be fixed by the Government, and the route to be settled in such a manner as substantially to aid in the eventual construction of the Canadian Pacific Railway on the northern shore of Lake Superior.

LAND CLAIMS IN MANITOBA.

MOTION.

Hon. Mr. GIRARD moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause

Hon. Mr. McLelan.

to be laid before this House, 1st. A list of the applications presented for Letters Patent, under the Act 33 Vict., chap. 3, filed in the Department of the Interior, or in the Public Lands Office in Winnipeg, and on which no action has been taken as yet, either because the possession alleged in them has been found insufficient, or too precarious, or otherwise, with the names and residences of the applicants, and a statement of the locality of each lot of land claimed. 2nd. A list of, and a statement of the nature of, the answers made to the several applicants. 3rd. Copies of, or extracts from, the official answers made by the Department of the Interior on the subject of these occupancies found insufficient and too precarious to entitle the parties to Letters Patent under the above mentioned Act, and of all Orders in Council relating thereto.”

He said: The House will recognise the importance of having these claims settled as soon as possible. I do not desire to occupy the time of the Senate by referring to the discussions which took place on this subject in the session of 1878, and to the position which the hon. gentleman who now leads the House, from his sense of justice, then took. In view of the opinion that he expressed at that time, and the sympathy shewn by the Senate, which I am sure I shall always gratefully remember, I am satisfied that the Government will do justice to the parties interested in these claims. All that these claimants want is justice. They contend that they should not be deprived of their lands without being allowed an opportunity to furnish proof of the validity of their claims, and that they should in all cases have the benefit of any doubt. The greatest liberality has been displayed up to the present time in settling claims to lands in the North-West, and I hope that the Government will not now, when we are approaching the end of all these claims, be less liberal than they have been in the past.

Hon. Sir ALEX. CAMPBELL—The address which has been moved for includes a good deal of information which could not be prepared in time to be submitted during the present session. If the hon. gentleman wishes to have a portion of it, I would suggest to him to call at the office of the Minister of the Interior and see if it cannot be obtained in that way. I think he would, in that manner, save time and make progress in the matter which he has so much at heart. The papers will be brought down, but not this session.

Hon. Mr. GIRARD—My intention was not to obtain all these papers during the present session, but to have them ready in case it should be desirable to take action upon them at some future time. If the hon. the Minister of Militia will grant what I am asking for, I will try to select such papers as I require at the Department of the Interior and in the Land Office at Winnipeg. The information that I want is the number of applicants, and the claims remaining in those offices, on which no action has been taken. I am under the impression that no answer was given in some cases. I do not think it is right to leave those parties under the impression that they have some rights if they have none. If this information can be obtained, it will go to the public, and all of the parties interested will be able to see it.

Hon. Sir ALEX. CAMPBELL—On the understanding that my hon. friend mentions—that he will go to the Department of the Interior here, and to the Land Office at Winnipeg, and select the information he wants—I have no objection to the address. But, in assenting to it, I wish to say that, so far as the Department of the Interior is aware, there is no case in which an answer has not been given either for or against the applicant.

Hon. Mr. GIRARD—My answer to that is simply that I am in that position myself. Perhaps it is in the cases of those staked claims which were referred to in the House yesterday. I know that such applications were made six or seven years ago, and no answer whatever has been received to them. I think information should be given to every interested party, of the position in which his claim now stands.

The motion was agreed to.

BILLS INTRODUCED.

The following Bills, from the House of Commons, were introduced and read the first time :—

Bill (30) "To legalize marriage with the sister of a deceased wife."—(Mr. Ferrier.)

Bill (46) "To incorporate the Winnipeg and Hudson Bay Railway and Steamship Company."—(Mr. Read.)

Hon. Sir Alex. Campbell.

CANADA TEMPERANCE ACT (1878) AMENDMENT BILL.

THIRD READING.

Hon. Mr. AIKINS moved the third reading of Bill (K) "An Act to remove doubts as to the true intent and meaning of sub-section 2 of section 9 of 'The Canada Temperance Act (1878),' and to further amend the said Act."

The Bill was read the third time.

Hon. Mr. AIKINS moved to amend the title to make it read as follows: "An Act to explain and further amend 'The Canada Temperance Act (1878).'"

The motion was agreed to, and the Bill, as amended, was passed.

ONTARIO AND PACIFIC JUNCTION RAILWAY BILL.

SECOND READING.

Hon. Mr. FLINT moved the second reading of Bill (50) "To amend the Act to incorporate the Ontario and Pacific Junction Railway Company." He explained that the objects of the Bill were to reduce the amount of bonds to be issued from \$30,000 to \$20,000 per mile, to provide for the investment of the sinking fund and to provide for a connection with the Pacific Railway.

The motion was agreed to, and the Bill was read the second time.

STADACONA BANK BILL.

SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill (16), "An Act to authorize and provide for the winding up of the Stadacona Bank." He said that this Bill came from the directors and shareholders, who, in their petition, alleged that the funds of the Bank could not be safely invested, owing to the fact that there were too many banks in the City of Quebec. The first year of the existence of the Bank, a dividend of seven per cent. was declared. During the three following years the annual dividend was reduced to six per cent., the fifth year it was reduced to four per cent, and the last half year there was no dividend at all. The petitioners estimated that when the affairs of the Bank came to be liquidated it would be found that not more than 90 or 95 per cent. of the capital would be available for the shareholders; the cap-

ital would be impaired to the extent of \$50,000 to \$100,000. They represented that, if the assets were not wound up immediately, the shareholders might suffer still greater loss.

The Bill was read the second time.

MONTREAL TELEGRAPH COMPANY'S BILL.

SECOND READING.

Hon. Mr. PENNY, in the absence of Mr. RYAN, moved the second reading of Bill (65) "An Act to amend the Acts respecting the Montreal Telegraph Company."

The motion was agreed to, and the Bill was read the second time.

The House adjourned at 4.10 p.m.

THE SENATE.

Thursday, April 22nd, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

The following Bills, from the House of Commons, were introduced and read the first time:—

Bill (45) "To incorporate the Great North-Western Telegraph Company of Canada."—(Mr. Vidal.)

Bill (68) "To incorporate the Nelson Valley Railway and Transportation Company."—(Mr. Ryan.)

Bill (53) "Respecting the Credit Valley Railway Company."—(Mr. Allan.)

The House adjourned at 3.30 p.m.

Friday, April 23rd, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

STADACONA BANK BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (16) "To authorise and pro-

Hon. Mr. Pelletier.

vide for the winding up of the Stadacona Bank," without amendment.

Hon. Mr. PELLETIER moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

ONTARIO AND PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (50) "To amend the Act incorporating the Ontario and Pacific Junction Railway Company," without amendment.

Hon. Mr. GIBBS moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

MONTREAL TELEGRAPH COMPANY'S BILL.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (65) "To amend the Acts respecting the Montreal Telegraph Company," with some amendments, the most important, of which, he explained, was to give power to the Company to lease their lines in the same manner that the Dominion Telegraph Company had done under powers conferred upon them by Parliament last session.

Hon. Mr. PENNY moved concurrence in the amendments.

The motion was agreed to, and the third reading of the Bill was fixed for Monday next.

THE PANAMA SHIP CANAL.

INQUIRY.

Hon. Mr. WARK

"Called attention to the important bearing of the proposed Panama Canal on the future prosperity of the Dominion, and the necessity, when such work is constructed, for securing the unrestricted use thereof, not only for our commerce, but for that of the whole Empire, and inquired whether the Government have any correspondence with the Imperial Government on the subject."

He said: The name of De Lesseps, that celebrated man who projected and carried out to full completion the Suez Canal, has recently been connected with this other

great undertaking, the Panama Ship Canal, and, when a gentleman of his eminence has pronounced it practicable and is willing to undertake the construction of it, I think all persons who take an interest in the progress of the commerce of the world should have hailed that circumstance with satisfaction. Unfortunately, however, that has not been the case. Immediately on his coming to the front and declaring his intention of undertaking this great enterprise, we find the neighboring republic of the United States coming forward and asserting the right of exercising, when the work is accomplished, a certain protectorate over it. One would have expected they would have come forward and encouraged De Lesseps in the undertaking; would have offered to assist him, but such has not been the case. Now, we may as well inquire what this exercise of a protectorate implies. It is a very indefinite term. It would most probably soon be found that a protectorate could not be exercised efficiently without acquiring territory, and we know how quietly the United States Government acquired Alaska. It might be done in this case just in the same way. When the United States came to acquire the territory through which the canal ran, it would to all intents and purposes become an American canal, and, if they went to the extent of acquiring territory and claimed and had the right of exercising a protectorate over the canal, they would naturally look for compensation. What would that compensation be? We cannot tell; but, perhaps, we in the Dominion know better than any others what the American policy with respect to their canals has been, and no one is better qualified than we are to judge what would be their policy if what they claim in connection with this canal were to be conceded to them. If other nations and other Governments remain silent on this subject, that silence may be interpreted into acquiescence and admission of the validity of the claim they bring forward. What would be the result? Will European capitalists invest money in an undertaking under such circumstances? I think not. Now, as a commercial people, I think the Government of Britain is more deeply interested in this great undertaking than that of any other coun-

try, and, perhaps, no part of the Empire is more deeply interested in it than the Dominion. It becomes us, therefore, and I think it is very proper that the question should be discussed here, that we should inquire into the claim which the United States put forward. It cannot rest upon geographical position. No doubt they possess a very large portion of this North American continent; but Canada has nearly as extensive a territory as theirs. If they allege that they are nearer the canal than we are, Mexico is still nearer than they. If they allege that their territory extends from ocean to ocean, Mexico and Canada may put forward the same claim. If they contend that they require it to carry on commerce between their Atlantic and Pacific ports, Mexico has a far larger front upon the Pacific than they have. The extent of the Mexican Pacific coast line is 2,200 miles, British Columbia, 1,200, and Central America, 900; making 4,300 miles altogether; while the United States, leaving out Alaska, have only 1,350, or not more than one-third of the extent owned by the other States, who are all interested in this undertaking. Now, they may allege that they have an extensive fleet of shipping. So they have; but we, too, are extensively engaged in shipping. This Dominion, perhaps, possesses as respectable a fleet of ships as any people of the same number in any other part of the world, and we, in the Maritime Provinces, especially, pride ourselves on the enterprise and energy of our shipowners. I believe there is no other country in the world which, like the Maritime Provinces, possesses a ton of shipping, or more than a ton, for every individual of the population. How are these ships employed? I can remember when we began to build ships merely to carry timber, but our enterprising shipbuilders and shipowners found that ships could be employed much more profitably, especially such valuable ships as they build, and our vessels are now engaged in the carrying trade of the whole world. They are sent out to Australia, India, or some other eastern country. If they can get a round charter for the voyage out and back, all the better; if not, they go out and run the risk of getting a return charter. They have frequently to cross

the Pacific to look for a charter home. They may call at California and load with wheat, and when they do so it is a most dreary and tedious passage to come round Cape Horn. I desire particularly to draw the attention of the House to this subject. When they have sailed down the coast until they get to Panama, they are ten degrees north of the equator; they run down these ten degrees and fifty-five degrees further before they get to Cape Horn. They have thus to run sixty-five degrees down the Pacific and sixty-five degrees up again before they get back to the latitude of Panama in the Atlantic. This very consideration, and this alone, will shew you the importance of this canal to the shipping of this Dominion as well as the shipping of the whole world. Now, we pride ourselves on our fleet of ships, and that makes us naturally look into the progress of our neighbors, so far as their shipping is concerned. I have been looking into this subject, and I have got from documents of their own some information, which may be interesting to the House. The Dominion now owns 1,332,000 tons of shipping. In 1823, a period within the memory of not very old men, the United States owned, as nearly as possible, the same amount, 1,336,000 tons. The progress of their fleet was, for many years after, very rapid. In 1861 they owned 5,539,813 tons; but in 1866, just five years after, their tonnage was reduced to 3,368,479 tons, a falling off of 2,171,334. Their progress since then has not been rapid. At this present time they own 4,169,601 tons, and the increase has been almost exclusively in their coasting trade, which employs 2,598,183 tons. What they call their foreign trade, employs 1,451,505 tons. The fact is, a great deal of the foreign trade of the United States is carried on now by British and colonial ships. Their whole increase in thirteen years has been only 801,122 tons, and, as I have said, that has been exclusively in their coasting trade, the vessels employed along their coasts, and on their lakes and rivers. In 1868, their foreign shipping amounted to 1,460,940 tons. In 1879, eleven years after, they owned only 1,451,505 tons; a falling off of 9,000 tons. Contrast this with the tonnage of Great

Britain, which amounts to 6,236,124 tons, and the shipping of the Dominion added, brings the aggregate up to 7,568,218 tons. If this Panama Canal should be constructed, there will be five ships carrying the British flag to one American ship passing through it, if we make allowance for the amount of tonnage that they call coasters, carrying on the trade of their own Pacific States. Their claim, then, cannot rest upon the fact that they would be likely to employ this canal more than other countries. The next question to inquire into is, whether they put forward this claim on the ground of the extent of their commerce with the Pacific coast. At present, their exports from their Pacific states exceed the exports of the Dominion, no doubt, but that is no reason why our trade should not gradually come up to theirs, and, perhaps, exceed them. If they have a large quantity of timber, so have we. If they have extensive fisheries, I think our friends in British Columbia will claim that theirs are still more extensive. If they have gold, so have we; and we have also coal, which they have not. It is true they export grain, which we have not now, but my impression is, and I have thought over this subject a great deal, that if this canal were constructed, a very considerable portion of the grain raised east of the Rocky Mountains would find its way down to the Pacific coast, and be carried through the canal by water cheaper than it can be carried overland to shipping ports on the St. Lawrence or the Atlantic coast. I have no doubt that, perhaps, one-third of the exports of that whole district between Red River and the Rocky Mountains will find an outlet to the markets of the world in that direction. The canal would furnish a constant market for both Nova Scotia and British Columbia coal. Our people would not be met there with prohibitory duties—that is, provided we do not allow our American neighbors to acquire territory where they could impose such duties, and that, probably, will be avoided. There will be immense quantities of coal required there to supply steamers passing between the two oceans. Every steamer passing through would need coal, and I think the only competition would be between our friends in the United States,

Nova Scotia and British Columbia in supplying this market. But the notice that I have given refers also to the trade of the British Empire as well as our own. It may be interesting to inquire what that trade is. There are, on the Pacific coast of South America, the States of New Granada, Ecuador, Peru, Bolivia and Chili. The trade of the Mother Country with New Granada amounts to an average of \$10,357,000 a year; with Ecuador \$2,158,000; with Peru \$32,774,000; Bolivia \$2,815,000; Chili \$28,166,000; a total for these five States of \$76,270,000 annually. The trade from the Pacific States of the United States averages \$29,140,000 a year, and that, I suppose, is very largely carried in British ships. Thus the annual trade between the United Kingdom and the Pacific coast, exclusive of Mexico and Central America, is \$105,410,000. Our interest then, as I have said, in getting this great undertaking accomplished, is very great, because, by its means, we would save this long, tedious, expensive and dangerous passage by Cape Horn. I think I have brought the main facts connected with this question before you. I do not wish to trespass longer upon the time of the House. I do hope, if there has been no correspondence on this subject, our Government will lose no time in pressing upon the Imperial Government the importance of taking immediate measures in conjunction with the other commercial nations of the world to maintain the neutrality of this work, taking care that if it succeeds, as I trust it will, it shall be free to the commerce of the whole world.

Hon. Mr. DICKEY—I am far from thinking that the hon. member was not fully justified in calling the attention of the House to this important project, which, after all, means making of the continent of South America an island, just as Africa was made an island, some ten years ago, by the construction of the Suez Canal. Nor can I suppose for a moment that the question can be a matter of indifference to the people of Canada, for, as we have already been told, it means to our ships an immense advantage in making voyages, and anything which benefits navigation must necessarily tend to benefit a people who own,

Hon. Mr. Wark.

perhaps, in proportion to their population, as many ships as any country in the world. Then again, with regard to its effect upon the people of our own Dominion who live on the shores that are washed by the waves of the Pacific, that branch of the subject is of very considerable importance, because it means not only increased facilities of trade, but also the saving of some nine thousand miles in water communication between the eastern and western provinces of this Dominion. I may say that visions of rich argosies from the east have inflamed the imaginations of men from the remotest ages. Even in this practical age we are constantly speaking of our ships bringing treasures, new and old, from the east, the difference being that now they bear them to, as well as from the east. Hitherto, our ships bringing these treasures have come from the Orient towards the setting sun; but, if this project is carried out, they will pass from the Occident towards the rising sun. Now, with regard to the question itself, I have very little to add to what has been so well said by my hon. friend from Fredericton, but it is a question that concerns so deeply the interest of this country, not only in a general but in a special point of view, from its situation between the two oceans, that I felt justified in looking up anything that might bear upon this important subject. I think that I shall be able to shew to the House, in a very few words, from official documents, that such have been the strides of engineering science within the past few years, discoveries have been made which will reduce the cost of this important undertaking—and, after all, the money objection is the chief one—by at least one-half. I have had my attention called very recently to the report of a committee, appointed last year by the Ontario Legislature, composed of a dozen leading members from both sides of that House. The report was based upon the Huron and Ontario Ship Canal project, as to which I need say nothing further than that it has been identified with the indefatigable labors of one man, Mr. F. C. Capreol. I merely mention it to explain that the report was made in consequence of the difficulties which were started from the necessity of carrying the proposed canal

over an immense ridge, and that is the practical problem to be solved in penetrating the Isthmus of Panama. I quote from the report, which is to be found in the Journals of the Ontario House of Assembly for 1879. I may say, briefly, that the report deals not only with the question of the facilities for constructing the canal, and its cost, but also with the mode of constructing the locks. The evidence brings out the extraordinary fact that a recent invention of what is called the hydraulic lift-lock can be used, so as to dispense with an enormous amount of cuttings, and where there are cuttings to be encountered, to reduce the cost of the work certainly by one-half. Speaking of the deep cuttings which would be necessary in passing through the Oak Ridges, in the Township of King, for the Huron and Ontario Canal, the Committee report as follows:—

"In order to reach the level of Lake Simcoe, this cutting would have to be 197 feet deep at the highest point of the Ridges. The wonderful advancement of engineering science appears, however, to have largely overcome this difficulty. Your committee had before them Mr. Frank Turner, C.E., who gave full explanations concerning the 'hydraulic lift-lock,' which seems to be peculiarly adapted to cases of this kind. From his testimony, which was supported by ample documentary evidence, your committee find that hydraulic power has been used in connection with floating docks for a number of years, and that the hydraulic lift-lock as applied to canals is by no means a mere theoretical engineering problem, but has been practically and successfully tested on the canal at Anderton, on the River Weaver, in Cheshire, England, for three years past. By means of the hydraulic lift-lock, the quantity of excavation in the Oak Ridge cutting would be reduced three-fourths, the number of locks required on the canal would be diminished in even greater proportion, there would be absolutely no waste of water at all except that resulting from evaporation, and the total cost of the undertaking would be decreased by one-half, or from forty (the original estimate) to twenty millions of dollars. . . . In the documentary evidence submitted in support of Mr. Turner's views as to the practical utility of the hydraulic lift-lock, it appears that such a high authority as Sir William Armstrong regards it as an unqualified success. Mr. Sidingham Duer, A. I. C. E. of England, who, in conjunction with Mr. Edwin Clark, M. I. C. E., designed and constructed the lift-lock at Anderton, also confirms this view, and asserts that 'he has no fear about the lifting of ships of any size.' Mr. David Roberts, C. E., of Toronto, gave similar testimony."

In Mr. Frank Turner's evidence, as taken, I find these statements:—

"In the old system, every time a vessel goes up or down the canal a whole lock-full of water is used and lost, never to be recovered; and, moreover, you would require (to float a vessel, say of 16 feet draught) to excavate to a depth, to pass through the ridges, at least 18 feet below the lowest low-water level of Lake Simcoe. Now, by the hydraulic lift, that is overcome by lifting the vessel vertically, at the very commencement of your operations, 50 or more feet, as occasion may require, and that, too, by wasting absolutely no water whatever. . . . The hydraulic lock has now been in daily use in England three years or more on the canal at Anderton, on the River Weaver, in Cheshire, without a check, and has given the most unqualified satisfaction; and a French engineer, who recently went to inspect it for the French Government, has reported that it is the most wonderful machine he has ever seen."

The report continues:—

"One of these locks could lift a vessel fifty feet in eight minutes, and not only was there a great saving of time by the process, but there was a great saving of expense in working the canal, and a saving in the cost of its construction. The canal with these lift locks, worked as they were, by hydraulic power, could be built at about half of the original estimate. Each lock he explained (verbally and by diagram) consisted of two immense troughs, which, when full of water, were capable of floating barges of great size. Each trough would be supported by an immense arm of steel, by means of which, by hydraulic power, the trough could be raised from the lower level of the canal to the upper level. While one trough was on the upper level, the other was at the lower level, and when a barge was floated into the upper trough, the weight of barge and water would assist to raise the trough at the lower level, and the rest would be done by hydraulic pressure. In this case he proposed that there should be but one trough, which would be raised and lowered by hydraulic pressure entirely. One lock of this kind would, he said, save the construction of several of the old style of locks, and a barge could, in eight minutes, be lowered a distance, which, under the old plan would require three hours."

Having had my attention called to this matter, I thought it important, not only in reference to this question which has been suggested to-day, but in reference to all our canal locks, whether in the process of construction now or in contemplation, and it appears to me, that in this evidence, which is fortified by the names of such men as Sir William Armstrong, Edward Clarke, Mr. Turner, Mr. Roberts and others, if it has proved to be practically successful for a period of

three years without a check on a canal in England, why should we not benefit by the immense saving in the cost of our canals, and in the working of them in the future. A more fitting opportunity could not, perhaps, be got for introducing this question than now, when we are speaking of the working out of this great project, which, after all, is only a question of expense in construction and of future expense in its working.

Hon. Dr. BROUSE — The subject introduced by the hon. mover is one full of interest. I desire to add a few remarks to what has already been said. For ages civilization and commerce were confined to the nations of the old world, and especially to those bordering on the Mediterranean. In 1492 the magnet of genius sought western exploration when Columbus discovered America. Twenty-four years afterwards "Balboa," from the heights of the Cordilleras, at the Isthmus of Darien, perceived that only a narrow neck of land joined the continents of North and South America, since which time it has been fully established that no natural strait connected the Atlantic with the Pacific Ocean for the purpose of a short route of easy and safe navigation. The extraordinary emigration to the Pacific coast, during the gold fever in 1849, and the difficulties attending an overland trip through the United States, or the equally dangerous and sometimes protracted route across the Isthmus, by the Chagres River, caused the public mind to consider the necessity for constructing an easier and safer transit from the Atlantic to the Pacific shores. Hence, in 1850, the Panama Railway was built by the American people. This road is 47 miles long, and its highest point is 280 feet above tide water. The success, commercially considered, of this road, and the construction of the Suez Canal, has again turned the attention of the public to the still further necessity of connecting the two oceans by water communication that will bear the commerce of the world. Two sites have been rivals for that distinction: one by Panama, advocated and engineered by that distinguished citizen of France, M. De Lesseps; the other by Nicaragua, under the auspices of Americans, and supported by the personal popularity of General Grant. At a congress of engi-

Hon. Mr. Dickey.

neers, convened in Paris in 1879, when 100 of the most eminent engineers and contractors were present, the whole question of a canal to connect the waters of the two oceans was discussed, and De Lesseps' plan to construct a canal at the Isthmus of Darien *via* the Chagres River, was by them recommended. It was well known that, after nine years of close investigation, this eminent engineer had declined to connect himself with the Nicaragua route. The canal by De Lesseps' method will give a salt-water canal, without any locks, of 45 miles in length, of which seven or eight miles will have an average of 180 feet of cutting. One-fourth of a mile through the summit peak of the Cordilleras will reach 300 feet of cutting, while the rest of the cutting will average about 50 feet. The supposed quantity to be removed is 100,000,000 cubic yards, and the estimated cost is placed at \$160,000,000. The tide on the Atlantic side is about 1½ feet, while on the Pacific side, it is 22 feet, therefore on the Pacific or western side a tidal basin will be required to maintain a mean level at that end. The Nicaraguan route, championed by General Grant, involves 200 feet of lockage, 62 miles of canal, and 126 miles of river and lake navigation, making in all 188 miles. The rivers are mere canons or gorges, and are liable to be greatly swollen by sudden floods, while the lakes are shallow and subject to changes. Owing to frequent and violent earthquakes along this route, locks constructed with stone are to be avoided—hence De Lesseps' salt-water, open canal has received the more favorable consideration. At the present time, five gangs of engineers, under his instructions, are busily engaged on preparations for construction work. The question now arises: what effect will the construction of the Panama Canal have upon the future of our country? If we examine the map we will find that a vessel sailing from one of our Atlantic ports to our infant province on the Pacific coast, could lessen her voyage in passing through a constructed Panama Canal, by 10,000 miles. Canada has the same interest in this project as the United States, only in a less degree. As large shipowners and shipbuilders, chiefly of sailing vessels, we are most deeply interested, because the Panama

route will be one for canvas, as the Suez is one for steam. The trade winds will bring vessels to and from the Isthmus quite across the Atlantic and Pacific with all the regularity, though not with the velocity of steam. Our vessels would by this route soon find a new field for enterprise. They could take coal, fish and lumber, all three of which we have in abundance on our Atlantic and Pacific coasts, accessible all the year round, to southern ports, and then exchange cargoes for other places. England felt it necessary to seek protection for her interests when the great Suez Canal was constructed. This additional artery was to give new life-blood to her trade and commerce. The present and the future of England's greatness depend upon her ships, and the construction of the Panama Canal is a work of more than common interest to the English nation. We, too, should view this gigantic undertaking with the greatest jealousy. To-day we rank as the fourth maritime power on the face of the globe. Our shipping interests are, to-day, second only to those of the United States on this continent. Possessing all the material requisite to increase our wealth and influence in this respect, we would not be loyal to ourselves did we hesitate to declare our conviction that this work should be of an international character. Politically, Canada should not let the occasion pass to proclaim to the world that we are, like the United States, a power on both oceans, and that we have intelligence enough to appreciate the importance of De Lesseps' great scheme.

Hon. Mr. BUREAU (in French)—Taking such an interest as I do in treaties of commerce and navigation affecting this country, I think it is my duty to offer a few remarks on the important subject which is now before the Senate. The United States claim that they should exercise a protectorate over the canal while it is being constructed, and should control its management after it is completed. The matter has been discussed in the United States Senate, and the difficulty in the way of their pretension is the existence of the Clayton-Bulwer treaty. Under the terms of that treaty, the United States entered into a joint protectorate over any canal or railway

Hon. Mr. Brouse.

which might be constructed at the Isthmus to connect the Atlantic and the Pacific, and agreed to exercise no territorial rights or any domination over any of the Central American States. It is claimed by the Government of the United States that this treaty was violated and virtually annulled by the British Government, by an act of hostility on the part of their war vessel *Express* against an American steamer, the *Prometheus*, and by establishing a new colony on the Honduras coast, under the name of the Bay of Islands Colony. In consequence of these acts, Mr. Cass said to the Senate of the United States, in January, 1853, that the treaty was virtually annulled. Since 1860, the matter has remained in *statu quo* until recently. But the report of the United States Senate Committee on Foreign Relations, this session, concludes as follows:—

"The circumstances under which that treaty (Clayton-Bulwer) was originally negotiated, have been seriously modified by the interval of thirty years that have elapsed; and it appears clear to your Committee that, constituting an obstacle and possibly a future peril to a complete and peaceful affirmation of the sound, necessary and energetic policy of the United States, formulated in the President's message, dated 8th March, 1860, this treaty should be definitively and formally abrogated. It has always led to misunderstandings and controversies with the power with which we had the imprudence to conclude it. It has always been of no effect, either to guarantee the independence of the States of Central America, or to serve the general interests of commerce.

"While it has a shadow of existence, it can only tend to violate and obscure the perfectly simple, just and equitable policy of the United States relative to inter-oceanic transportation, and to enterprises for the opening of a canal across the Isthmus of Panama, or through Central America.

"Therefore, your Committee recommend the adoption of the following joint resolution:—

"Resolved by the Senate and the House of Representatives in Congress assembled: That the President of the United States is hereby respectfully invited to take immediate measures for the formal and definitive abrogation of the treaty of the 10th of April, 1850, between the United States of America and Her Britannic Majesty, commonly called 'The Ship Canal Treaty,' or the 'Clayton-Bulwer Treaty.'"

After 1860, nothing more was heard of that treaty, until it was revived by the enterprise of M. DeLesseps. I think this is a very favorable opportunity for the Imperial Government to re-affirm

their rights under the treaty, as to the rights of all nations of the world to utilise the Panama Canal, if built. Commerce will derive an immense advantage from the opening up of this new route, as it did from the construction of the Suez Canal, and our Government should see that the Dominion has a share in that advantage. I believe that not only the Panama Canal, but all other inter-oceanic highways, should be as free to the commerce of the world as the ocean itself.

Hon. Sir ALEX. CAMPBELL—I think the hon. gentleman who introduced this subject has done good service in drawing the attention of the House to the Panama Canal scheme, and has given the Senate a great deal of information, not only of much interest, but likely to be of considerable use. I think the hon. gentleman established very satisfactorily that in none of the respects to which he alluded is there any special right on the part of the United States to control the terms upon which the canal should be constructed across the Isthmus of Panama; that, on the various points with which he dealt, the nation to which we belong stands, at all events, upon equal footing with that country; that, in extent of territory in proximity to the canal; in having interests on both oceans, the Atlantic and Pacific; in reference to the extent of tonnage belonging to the two nations which may probably use the canal; in reference to the extent of commerce which our respective nations are interested in, and which passes between the two countries and the countries lying on the Pacific coast; on all these points we stand certainly upon an equal footing, and, I think, for the present, at all events, in some respects, on superior grounds to the United States. The hon. gentleman did not touch upon what, I think, is the real ground upon which the Americans put forward their pretensions to control the works which may be constructed on the Isthmus of Panama. They put it upon what is called the Monroe doctrine: that is, the doctrine that no nation not now upon this continent shall hereafter assert or maintain any territorial rights upon this continent; that the continent, in fact, belongs to those who occupy it. Even in that respect we stand here in the Do-

Hon. Mr. Bureau.

minion of Canada precisely upon the same footing as the Americans do, and the mother country, of course, stands in the same position; our position and their position are identical, and even under the Monroe doctrine the two nations are entitled to the same interest and control with reference to any canal which may be constructed at the Isthmus of Panama. But it was not as against Great Britain or her colonies that any opposition has been shewn in the United States, but as against France, which had no position and no rights on the North American Continent, or in proximity to the canals spoken of. It was as against France and citizens of that country — against M. DeLesseps and the proposition to construct the canal by capital from France, and to control it by persons owing allegiance to that country, that protest was made in the United States against the scheme, and the whole of the opposition which has been shewn by public men there has been with reference to that position on the part of France, rather than with reference to any contention or jealousy specially towards Great Britain or this country. I apprehend there can be no doubt that the future of Great Britain and this country is more largely, or certainly we may safely say as largely, interested in the canal and the commerce which will go through it as is the future of the United States, and I trust that ultimately no jealousy will interfere either with the construction of the canal or the common, and free use of it by both nations. I trust that the good sense of both peoples will be shewn in taking care that no such jealousies or fears shall interfere with the supreme freedom of the canal; not only for these two nations, but for the peoples of all the countries of the world. In addition to the information which was furnished to us by the hon. Senator from Fredericton, I am sure that the suggestion made by the hon. Senator from Amherst will be viewed with considerable interest. I had read, but not so carefully as I have listened now to the suggestion made respecting the hydraulic lift in connection with one of our canals in Ontario. How far it might be used in the Panama Canal, is a question which I cannot enter into, not being sufficiently

informed upon the subject, but I apprehend that the hon. gentleman from Prescott struck at the true line when he said that the canal most likely to be constructed and most likely to be useful, was one which should be solely a salt-water canal from ocean to ocean, without locks, and probably, therefore, this engineering suggestion, however clever and useful it may be in some cases, would not be used in this canal if constructed. The hon. gentleman from De Lorimier has made a study of the treaties of Great Britain which affect Canada, and the motion in Congress to abrogate the Clayton-Bulwer Treaty has naturally attracted his attention. I am sure that the hon. member from Fredericton, in introducing this debate, did not expect that I could give an affirmative reply to the question he has asked. No correspondence has taken place between the Government of Canada and the Government of Her Majesty on this subject, but I think I may venture to assure the hon. gentleman of this: that the light which has been thrown upon this subject by this discussion will be of assistance to the Government of this country in initiating, if it should become their duty to do so, a correspondence on this subject, because I think a great deal of interest on the question will be aroused by his remarks, and by the remarks of other hon. gentlemen who have taken part in this discussion. It will be my duty to mention what has been suggested to-day to my colleagues in the Government, and I am quite sure that such correspondence as they may deem necessary to draw the attention of the Imperial Government to the great interests which this Dominion has in the matter, will not be overlooked.

BILLS INTRODUCED.

Bill (11) "Relating to the interest of moneys secured by mortgage on real estate."—(Mr. Flint.)

Bill (36) "To authorize the Corporation of the Town of Emerson to construct a free passenger and traffic bridge over the Red River, in the Province of Manitoba."—(Mr. Girard.)

SUPREME AND EXCHEQUER COURT BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (37), "An Act to further amend the Supreme and Exchequer Court Act." He said that he proposed, when the Bill was before the Committee of the Whole, to introduce amendments to it which would alter its provisions to a considerable extent, and suggested that these details might be discussed then.

The Bill was read the second time.

CONTINGENT ACCOUNTS OF THE SENATE.

THIRD REPORT OF THE COMMITTEE.

Hon. Mr. MILLER moved the adoption of the third report of the Committee on Contingent Accounts. He explained that it had reference to the audit of the Clerk's accounts for the past year.

The motion was agreed to.

THE CREDIT VALLEY RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (53) "An Act respecting the Credit Valley Railway Company." He said the object of the Bill was to settle certain differences which had existed for some time between the Credit Valley, the Northern and the Grand Trunk Railway Companies, in reference to the Credit Valley Railway having access over certain parts of the Esplanade to their water lots at Toronto. The particulars of the Bill must be familiar to almost everyone, because they had been very thoroughly discussed in the press and in the Railway Committee of the other House. The Bill was the result of a compromise between the companies interested in the matter.

The motion was agreed to, and the Bill read the second time.

The House adjourned at 4.25 p.m.

THE SENATE.

Monday, April 26th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THE NORTH SHORE RAILWAY.

INQUIRY.

Hon. Mr. PENNY—Before putting the question that appears on the paper, I desire to say a few words as to the particular occasion which induces me to ask it. The House will observe that I state at the end of my question that the Premier of the Province of Quebec, on taking office, announced his intention of asking assistance from the Dominion Government for the railways in that Province, and I shall trouble the House for a very few moments while I read what that gentleman said on the 4th November last at Point Lévis, on the occasion of developing the manner in which he proposed to put the finances of the Province in order. He said:—

“Among the first means (of putting the finances in order) I find this: To sell the North Shore Railway to the Government. Shall I succeed in this project? The joy of triumph does not create for me such a delusion that I dare formally affirm it; but I am very sure that this measure, being regarded as efficacious, I am in a better condition than our predecessors to set to work upon it. In fact, these last adopted a very singular proceeding. On the one side they manifested an intention to negotiate with the Conservative Ministers at Ottawa, and on the other they denounced these same Ministers in their speeches and journals as ‘miserables’ and ‘traitors.’”

But there is a very remarkable passage at the end, to which I wish to call the attention of the members of the Government.

Mr. Chapleau said: “I know the Conservatives of Ottawa. They are not saints. I shall take them in another way when I negotiate with them.” That cannot refer to the hon. Secretary of State, because I have always believed that, if there was any salt in this body that we might be saved by, it was by his saltpetre. I will not say so much for the hon. the Minister of Militia. These gentlemen who are now in office being sinners and not saints, it might be a question in what way the Premier of Quebec intends to take them. Perhaps, judging from the preceding passage, it

Hon. Mr. Allan.

might be by the use of a little delicate flattery; but I think my hon. friends opposite are too old birds to be caught with that sort of chaff, and there might, therefore, be something more than that to be done. Joking apart, I think we of the Province of Quebec may say that the policy of our Premier is one that we approve of. I approve of it personally, though I am not a supporter of his Government, and I think that he had good reason to say, as he did in a subsequent part of his address, that he believed the Federal Government at Ottawa were bound, in justice, by certain circumstances which he mentioned, to give him the assistance he required. Certainly, in the present financial circumstances of the Province of Quebec, it would be a matter of some importance to us to know whether he has succeeded, and it is with a view to elicit from the leader of the Government in this House whether the Government have acceded to the desire that he was to have expressed, and that I have no doubt he has expressed, that I put this question:—

“Whether it is the intention to accord to the Province of Quebec the pecuniary assistance for railways which the now Premier of the Province announced, on taking office, that it was his intention to ask?”

Hon. Sir ALEX. CAMPBELL—I know nothing of what the Premier of Quebec announced on taking office. What he announced he announced on his own responsibility. In reply to the question, I beg to say that the Government of Quebec has made no request whatever to the Government of the Dominion on this subject, and, of course, we have made no announcement of our intention to them.

DUES PAID TO PILOTS BELOW QUEBEC.

INQUIRY.

Hon. Mr. PENNY inquired:—

“Whether it is true that the Government have consented to an increase in the dues paid to Pilots below Quebec?”

He said: Everybody must see that this is a matter of very great importance, not only to the trade of cities on the river, but also to the whole commerce of the Dominion of Canada.

Hon. Sir ALEX. CAMPBELL—The increase would only be made by a by-law

of the Trinity Board, and the Government has not consented to any by-law having that object in view.

Hon. Mr. MILLER—Have the Government any control over it? If they have I think it is desirable that it should be exercised. As a representative from one of the leading Maritime Provinces of the Dominion, I cannot allow this opportunity to pass without protesting against the charges now levied on shipping in the St. Lawrence. They are really a very serious burden on the shipping of the Dominion, and, I do not know how true it is, but the impression prevails amongst shipowners that the number of pilots in the River St. Lawrence is altogether beyond the necessities of the navigation of that river. It is out of the question to think that any number of pilots can be placed on the River St. Lawrence, and that the dues levied on shipping can be increased in proportion to their numbers, as if the shipping entering the river must be taxed unjustly and unnecessarily to give those people a living. The matter is a very serious one, and I cannot understand why the City of Montreal, which is putting forth efforts to make its port free and to increase its trade and commerce by diminishing the taxation upon shipping, is insensible to the importance of this question. We hear no complaints from the cities of Quebec and Montreal in regard to what I must consider, in my limited knowledge of the question, an unfair imposition upon shipping.

Hon. Mr. PENNY—I must correct one mistake which the hon. Senator from Richmond has made. He wonders why no protest against these dues has come from the City of Montreal. He is in error in that. I presented a petition the other day, which, amongst other things, referred to this very question.

Hon. Mr. RYAN—The Harbor Commissioners of Montreal and the Board of Trade of that city are both deeply interested in this question, as, I believe, the trade of the country generally is also; and if the charges—notably the pilotage and other similar charges—are to be kept as high as they have been, the St. Lawrence will lose a great deal of its commerce.

Hon. Sir Alex. Campbell.

Hon. Sir ALEX. CAMPBELL—The Government hope, during the recess, to have this question under their consideration—the general question of the pilots and the regulation of pilotage on the St. Lawrence. Up to this time it has been managed by an Act of Parliament, passed some years ago, under which the number of pilots is fixed at 200, and, by an odd piece of legislation, each pilot is guaranteed \$600 income for the season. Under the circumstances, it is a difficult problem to deal with. We have strong reason to believe, however, that the number of ships during the coming season will be much larger than last year. There is a representation before the Government that the number of pilots is beyond the requirements of the river; but it is a matter which requires to be treated carefully and with full information, and we do not desire to do anything during the present session of Parliament; but we hope, during the recess, to be able to take it up and accomplish some reformation in the direction, at all events, to which the remarks of the hon. Senator from Richmond have pointed.

Hon. Mr. PENNY—Do I understand the hon. the Minister of Militia to say that, until the consideration he speaks of will be given to the subject, the Government will not assent to the proposed increase of pilotage?

Hon. Sir ALEX. CAMPBELL—I have only answered the hon. gentleman's question as he has put it. I do not know that I can at present go any further.

MILITIA LAWS AMENDMENT BILL.

CONCURRENCE IN AMENDMENTS.

The SPEAKER announced that a message had been received from the House of Commons with Bill (A) "To further amend the acts therein mentioned respecting the Militia and Defence of the Dominion of Canada," which they had amended.

Hon. Sir ALEX. CAMPBELL said that the amendment was to strike out the clause providing for canteens in military camps. The House of Commons, acting on the same ground, or with the same desire as the Senate, had arrived at a different conclusion. The Senate thought, and he still believed, it would be

better to have the sale of liquor in camps under military discipline, and that was the view of all hon. gentlemen here who had the cause of temperance at heart. But, in the other House, a different conclusion had been reached. The military camps could go on in the future as they had gone on in the past, without this provision, and he did not feel disposed to enter into a conference or contest on the subject. He therefore moved concurrence in the amendment.

The motion was agreed to.

MONTREAL TELEGRAPH COMPANY'S BILL.

THIRD READING.

Hon. Mr. PENNY moved the third reading of Bill (65) "To amend the Acts respecting the Montreal Telegraph Company."

The motion was agreed to, and the Bill was read the third time and passed.

WINNIPEG AND HUDSON BAY RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. READ moved the second reading of Bill (46) "To incorporate the Winnipeg and Hudson Bay Railway and Steamship Company," He said: This Bill is for the incorporation of a company to open up a line of communication from Winnipeg to Hudson Bay, either by a railway line, or by utilizing the water-stretches in connection with a railway. No doubt this Bill has arisen from the glowing accounts of that country furnished by the hon. Senator from Victoria (Mr. Ryan) last session. I see that there are two bills in the same direction before Parliament at the present time. So much was said last year about the shortness and the general advantages of this route, that I am sure Parliament is warranted in giving a charter to any company that is willing to build a road in that direction. Provision is made that the company shall commence the work of construction in two years and complete it within six years. It is clear that they intend to go on with it at once.

The Bill was read the second time.

Hon. Sir Alex. Campbell.

GREAT NORTH-WESTERN TELEGRAPH COMPANY'S BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (45) "To incorporate the Great North-Western Telegraph Company of Canada." He said: This is a Bill asking for the incorporation of a company to establish and work telegraph lines in the North-West Territories, Keewatin, Manitoba and British Columbia, and to connect with the Province of Ontario.

Hon. Mr. ALEXANDER—I should like to hear what the leader of the Government has to say respecting this Bill. The country has entered upon large expenditures for the construction of telegraph lines through the North-West Territories, and it appears to me that Parliament should not, at this moment, be called upon to grant charters for the construction of competing lines as these would undoubtedly be. When there is a large population in the North-West, and there is any danger of a monopoly being established, it will be desirable and proper then to grant charters to any number of telegraph companies, but not till then.

Hon. Mr. HAYTHORNE—I should like, also, to hear from the hon. gentleman who introduced this Bill some explanation of clause 4, which grants powers of amalgamation to this Company. I should hesitate about granting such powers, because they are subject to abuse. If the Company should, at some future time, require such powers, it can apply for them to Parliament.

Hon. Mr. VIDAL—The only amalgamation permitted by the 4th section is with the Manitoba Company, and it really contemplates swallowing up that line.

Hon. Sir. ALEX. CAMPBELL—In answer to the hon. Senator from Woodstock, I have merely to say that the Government have no objection to the Bill. They do not consider that it interferes in any way with the only telegraph line that they possess.

The Bill was read the second time.

NELSON VALLEY RAILWAY COMPANY'S
BILL.

SECOND READING.

Hon. Mr. RYAN moved the second reading of Bill (68) "To incorporate the Nelson Valley Railway and Transportation Company." He said: The object of this Bill is very similar to that of the Bill just introduced by the hon. Senator from Quinté (Mr. Read). It is to connect the waters of Hudson Bay by railway, and by common roads, if necessary, with Lake Winnipeg, and, ultimately, to connect with the great Pacific Railway. I am very glad if any remarks which I made last session upon the Nelson Valley, and the facilities of navigating Hudson Bay, have drawn the attention of a gentleman so intelligent as my hon. friend opposite (Mr. Read) to the subject, and that the consequence is, the formation of a company by the gentlemen whose names are included in his Bill, and who are, I believe, men of great experience and knowledge of that part of the country through which their road is intended to be constructed. For myself, I may say that, having done all that I could last session to interest the Government and the country at large in the investigation and, if found practicable, the adoption of this route as the shortest to Europe from our great North-West, I felt myself exonerated when a few friends joined with me in the opinion that the project was practicable, and would turn out a very valuable route hereafter, and agreed to seek a charter—I felt myself exonerated from pressing the suggestion which I made to the Government last session, and which had been received but coldly, and now I believe that the Government are well pleased that individual capital should be embarked in this enterprise rather than the public money. The Government having then hesitated about this matter, it was taken up by some friends of mine, and I may further say that, when we ascertained there was another charter sought for a line which might possibly compete with ours, we made arrangements, which will be explained when the Bill comes before the Committee on Railways, Telegraphs and Harbors, by which the two lines will avoid conflict with each other—will follow different routes. It has also been agreed that the

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provisions of the two Bills shall be made similar throughout. There is a slight difference between them at present which will be removed in the Railway Committee of this House. I move the second reading of this Bill.

Hon. Mr. MILLER.—I do not rise to make any objection to the Bill, because I think that an enterprise of this kind is desirable in a new country. What I wish to do is to make a remark which I intended to have made when the other Bill was before the House. It is in reference to the 16th clause, which empowers the Company to issue promissory notes without limit. I do not think it would be wise or safe to give them power to issue promissory notes to any extent that they might think proper. I, therefore, beg to call the attention of the Committee to which this Bill will be referred, to that clause, and, if there is found to be anything in the suggestion which I now offer, I have no doubt the Chairman of that Committee will see that the subject is attended to.

Hon. Mr. DICKEY—I am quite sure that the House will share in the congratulations which have been expressed on the success which has attended the efforts of the hon. Senator from Victoria (Mr. Ryan) in directing attention to a line of communication from Lake Winnipeg to Hudson Bay. It is because he has succeeded in interesting a number of his friends, in conjunction with himself, in the undertaking, that I venture to call his attention to a letter, recently published, from a very high authority on all questions connected with our new territory in the west—Lord Darnley—on the subject of the navigation of Hudson Bay, and its outlet, Hudson Straits. As I have read that letter very recently, and as it possibly may not have attracted the notice of my hon. friend from Victoria, I may mention that the writer states most explicitly that, although the navigation of Hudson Bay itself is open for several months of the year, yet the Straits are generally filled with ice, and it is only for a period of a few weeks—some years only two or three weeks—that it is open for navigation. I mention it, not in any sense with a view to discourage my hon. friend, but for the purpose

of calling his attention to the letter, which he will find reprinted in *Littell's Living Age*, from a magazine published in London. It is not only interesting in its bearing upon this enterprise, but it is most important in reference to our navigation and the outlet that we have in the north, although Lord Dunraven probably speaks only from reports of others. I am quite sure that the attention of my hon. friend will be directed to this particular point, and that he has possibly at this very moment the means of answering any objections of that kind, and will give the House the benefit of his inquiries concerning the navigation of Hudson Straits, as he has already given us the result of his investigation of the navigation of the Bay itself.

Hon. Mr. ALEXANDER—As already stated, the House is very deeply indebted to the hon. Senator from Victoria (Mr. Ryan) for the warm interest that he has taken in this subject, and I am sure that Parliament will be most anxious to afford every facility to any private company that will undertake to carry out this scheme. We must all remember that the route referred to in this very Bill has been the route used by the Hudson Bay Company annually, for a century or longer, in transporting their stores to the North-West Territories, *via* the Hudson Bay; and that there is, therefore, a reasonable prospect that, in the course of time, when a large population is settled in the North-West, there will be an inducement for capitalists to enter upon such a scheme as this. I am sure that Parliament will be ready to afford every facility for opening up this route.

Hon. Mr. POWER—After this country has spent so many millions of dollars in trying to improve the navigation of the St. Lawrence, in a great degree with the object of benefiting the City of Montreal (a city which the hon. gentleman from Victoria is especially supposed to represent in this House) by making it the great outlet for our Western produce, I think it would be very much to be regretted that the Hudson Bay should become the channel for that trade. Although the people of the North-West will naturally feel grateful to the hon. gentleman for having done

so much to open up a short route for their produce to the sea, I think that, unless the people of Montreal are more Christian-like than I give them credit for being, it is possible that they will not be so grateful to him for opening up a rival route. It is not usual to say anything against the second reading of a private bill, but this measure is of a *quasi* public character, and I presume that there is no reason why we should not express our opinions upon its merits.

Hon. Mr. HAYTHORNE—I think that the hon. gentleman who introduced this Bill might give the House some further information as to the necessity for two lines of railway to the Hudson Bay, and as to the prospects of having steamships to aid this railway enterprise. I do not altogether agree with my hon. friend opposite (Mr. Power) in his remarks with reference to a second outlet from the North-West Territories, because it occurs to me that the more outlets such a country as that has the better; and I, for one, do not despair, if I should live ten years longer, to see Hudson Bay navigated by steamships for several months of the season, and that not only cargoes of grain, but of cattle, may be transported by that route safely, cheaply and expeditiously to England. I think that the experience of my own Province, gained during the past few winter seasons, will have considerable interest for other parts of the Dominion, and that the operations of the steamer *Northern Light*, between Georgetown and Pictou, demonstrate that we are only at the beginning of the science of winter navigation. When another outlet for the produce of the North-West is required by Hudson Bay, we may then expect to see the question of the winter navigation of the Straits of Northumberland satisfactorily solved.

Hon. Mr. RYAN—As reference has been made to the information formerly given by me, in relation to the Hudson Bay route, and other information has been given to the House, to-day, by my hon. friend from Amherst, I may tell the House, although I will not disclose all the advantages possessed by this route, lest we might be overwhelmed by applications for our stock, that the navigation of the Straits, as well as of the

Gulf, has been carefully inquired into. We know well that the central part of Hudson Bay is seldom, if ever, frozen over, and it is only the bordage ice around the shores which forms during winter. This is attested by those who have given attention to the question of the navigation of that bay. The ice which forms in the southern and shallow part of Hudson Bay, near James' Bay, is generally carried up by southerly spring winds into one of the channels of the Straits. It sometimes packs in the southern channel, but, a little to the north, there is another channel free from ice for several months. The so-called Hudson Straits consist of more than one channel, and the more northerly one is the channel which is the safe and proper one to navigate. I am afraid that Lord Dunraven has had his information at second hand, and he probably refers only to the southerly channel. I have my information from men who have been in these latitudes, particularly from one of the gentlemen who are co-operating in the Bill introduced by my hon. friend opposite (Mr. Read), who informs me (he is a member of the other House) that he has made two voyages in one season from Scotland to Hudson Bay. On his second return voyage of that season he left Hudson Bay in the month of November. On his first outward voyage he left Scotland in the month of May. I do not wish to trouble the House with any discussion as to the facilities of this route, because I was very coldly received, as perhaps was to be expected in dealing with so high a latitude, when I first attempted to induce the Government to look upon this Hudson route as an important question to be solved by them. As to the remarks of my hon. friend from Halifax, I can only say that, if his philosophy is adopted in this House, it is quite clear that we had better stop short, and advance no further; the Dominion has reached the acme of perfection; no matter what scientific discoveries or practical inventions are introduced, or improvements proposed, he wishes to shut down on them, and to keep us to the groove upon which we have already expended so much money. Another hon. gentleman has made the remark that the resources of the North-West will require

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all the outlets that the country can afford them, and that is my belief. And I believe, further, that, instead of doing any injury to our present routes, that this will only supplement them, and they will have the advantage of this route, affording greater facilities for the introduction of immigrants into the North-West, by which the produce to be exported will be doubled or trebled more quickly than if we depended entirely on one route. I can only say this as regards the impression made upon the people of Montreal and of the District of Victoria; that they have not the slightest apprehension as to this Bill injuring them. They are not, I am sure, so selfish or narrow-minded as to take that view of it. They will work for improving the grand national route they possess, and will do it manfully, but they will not try to block the way to any enterprising individuals who may try to strike out new and, perhaps, better routes.

Hon. Mr. REESOR—What about the Coteau Bridge?

Hon. Mr. RYAN—To shew that the people of Montreal are not so narrow-minded as the hon. gentleman from Halifax would lead the House to believe them, if he will look at the names which are in the Bill, he will find that amongst them are some of the most prominent citizens of that city, one the President of a shipping company, possessing a large number of steamers and other vessels. This gentleman assured me that, as soon as a cargo could be had in Hudson Bay, he would send one of his steamers there at once, and would be most happy to take shares in this Company—in fact, he is a member of the Company to be incorporated under the Bill before the House, and, in answer to the hon. gentleman from Prince Edward Island, who, I believe, asked the question, this is one of the indications that we have of steamers being induced to go to Hudson Bay.

Hon. Mr. REESOR—I was asking what about Coteau Bridge, if Montreal does not object to any other route but the St. Lawrence?

Hon. Mr. RYAN—The Coteau Bridge route is a foreign route, and those who favor it had, perhaps, better follow it.

Hon. Sir ALEX. CAMPBELL—My hon. friend from Victoria says that his

proposition was received very coldly by the Government. It was received coldly by the Government, and justly so. Private enterprise is one thing, and a Government dealing with the revenue and resources of a country is another thing. The Government did not oppose this Bill, because it tends to promote private enterprise; but the suggestion on the former occasion was that the Government should try the experiment and be at all the expense.

Hon. Mr. RYAN—Merely for the exploration and testing of it.

Hon. Sir ALEX. CAMPBELL—The Government is not anxious, speaking for the country, for which it for the time being acts, that this route should succeed. The country has gone to an enormous expense, and is straining its resources to construct a line of communication from the North-West (the trade of which these companies are also anxious to tap) by the St. Lawrence, to carry the trade down that way, and, however impolitic it may be to resist or seek to resist the development of private enterprise, it would be manifestly impolitic for the Government, after constructing one line of communication, to enter into further expenditure for the purpose of creating another and rival outlet, in another direction, tending to diminish the business of the route through Canada and by the St. Lawrence route, now being constructed. My hon. friend from Victoria hopes that there will be business enough for both. I hope so, too, but it is a long way to look forward to. In the meantime, the immense sums of money expended by Canada in constructing a line of communication by Lake Superior to the North-West must, in some way or other, to the best of our ability, be supplied with a remunerative traffic, and we do not want to assist (further than to allow private enterprise an opportunity of developing itself) in making another line of communication which will interfere with the volume of that traffic.

Hon. Mr. DICKEY—Hon. gentlemen will allow me to read the brief notice that has been taken of this matter by Lord Dunraven. The article was originally published in *The Nineteenth Century* :—

Hon. Sir Alex. Campbell.

“Hudson Bay is open for four or five months in the year. But Hudson Straits are not, and there is little comfort in having open water inside in the bay when you cannot reach it, and it is a poor consolation to know that the warm ocean is close to you outside when you cannot get out. There are years in which the Straits are not open for more than two or three weeks. Ships have occasionally failed to force a passage through the Straits, and ships have been detained in the bay all summer unable to work their way out.”

Hon. Mr. ALEXANDER rose to a point of order, as the hon. gentleman from Amherst had already spoken.

Hon. Mr. DICKEY said he did not desire to say anything further than to quote the passage in question.

The Bill was read the second time.

JOINT COMMITTEE ON PRINTING.

TENTH REPORT.

Hon. Mr. SIMPSON moved the adoption of the tenth report of the Joint Committee on Printing.

The motion was agreed to.

EMERSON FREE TRAFFIC BRIDGE OVER RED RIVER.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (36) “An Act to authorize the Corporation of the Town of Emerson to construct a free passenger and traffic bridge over the Red River, in the Province of Manitoba.” He said: I am sure that this Bill will be received with satisfaction, because it is but proper that means should be provided to allow passengers coming by rail to St. Vincent to cross over to the west side of Red River. This Bill does not contain any extraordinary provisions. It is provided that nothing shall be done towards construction of the bridge until the plans have been submitted to the Governor in Council, and have received his approval. In order to insure that there will be no material interruption to the navigation of the river, it is provided that the bridge shall have a swing or draw in the main channel of at least forty feet, and the work is to be commenced within two years and finished within four years from the granting of this charter.

Hon. Sir ALEX. CAMPBELL—This Bill had the assent of the Government in

another place; but I do not know whether my hon. friend's attention has been called to a difficulty which may possibly arise, and which, I think, it is desirable that he should be aware of, lest further action might be taken upon the Bill, on the assumption that there was nothing in the way of carrying out its object. The Government of the United States have raised certain difficulties about bridging the Red River, asserting that any bridge across that river has the effect of backing the water on to the lands in Minnesota, and the power which the Bill gives the Government, to approve or disapprove of the plans, will have to be exercised with reference to that difficulty, amongst others. It is very hard to say how far that will lead us, and I think it well that the hon. gentleman should be aware of the fact, so that he may not be too sanguine as to the ultimate result of the Bill. I do not desire to submit any question to the Committee, as I have no objection to the Bill, and I am only pointing out a difficulty which may occur hereafter.

Hon. Mr. MILLER—The Government will have the whole matter in its hands?

Hon. Sir ALEX. CAMPBELL—Yes. The Bill was read the second time.

BILLS INTRODUCED.

The following Bills, from the House of Commons, were introduced and read the first time:

Bill (100) "An Act respecting the Industrial Refuge for Girls, of Ontario."—(Sir Alex. Campbell.)

Bill (98) "An Act respecting the Ontario Reformatory for Boys."—(Sir Alex. Campbell.)

Bill (99) "An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island."—(Sir Alex. Campbell.)

Bill (63) "An Act to extend the powers of the Manitoba and South-Western Colonization Railway Company, and further to amend the Act incorporating said Company."—(Mr. Girard.)

Bill (49) "An Act to incorporate the Red River and Assiniboine Bridge Company."—(Mr. Girard.)

Hon. Sir Alex. Campbell.

Bill (60) "An Act to incorporate the South Saskatchewan Valley Railway Company."—(Mr. Girard.)

The House adjourned at 4.15 p.m.

THE SENATE.

Tuesday, April 27th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

CREDIT VALLEY RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (53) "Respecting the Credit Valley Railway Company," without amendment.

Hon. Mr. ALLAN moved the third reading.

Motion agreed to.

Bill read the third time and passed.

SESSIONAL INDEMNITY TO MEMBERS.

MOTION.

Hon. Mr. ALEXANDER gave the following notice for Thursday next:—

"That he will submit the following resolution for the concurrence of the Senate:—

"1st. That it appears from information in possession of the House, a member of the Senate attended some days only during the session of 1877, and that the said member drew more than half the sessional allowance for such attendance.

"2nd. That the Hon. Sir Alex. Campbell, then a member of this House, advised on approved such an interpretation or construction of the law as would admit of such payment.

"3rd. That this House cannot approve of such interpretation or construction of 'The Act relating to the indemnity of members.'"

Hon. Mr. DICKEY—I feel it my duty to ask the House whether this sort of proceeding is to go on, and the Senate is to be made use of by the hon. member for Woodstock (Mr. Alexander) for the purpose of putting such notices as this upon record?

Hon. Mr. ALEXANDER—Speak out.

Hon. Mr. DICKEY—The hon. gentleman will be able to hear me. It is my

desire that he shall, and, if he cannot, probably the motion that I propose to submit to the House, will awaken him to a sense of the object that I have in view, an object which, I may state, is to keep up the character and honor of the Senate, and not to allow it to be used causelessly for purposes which I need not further advert to. Fortunately, the rules of the Senate are sufficient to protect us even from such notices as this, not to speak of motions. The rule, as laid down in "May," is to this effect:—

"As motions for which notices have been given need not be actually made when the time arrives, the Order Book is sometimes used for the expression of opinions not intended to be ultimately proposed for adoption. This is a deviation from the true object of the Order Book; but it is not a practical evil of much importance, nor is there, perhaps, any remedy for it; but, in resorting to this practice, members must be careful lest they give offence to the House by unbecoming expressions, for the notice may, for such a cause, be expunged from the Notice Paper."

All this applies to the unbecoming language in the notice which has been given by the hon. Senator from Woodstock. The following is a precedent exactly in point:—

"On the 7th June, 1858, the House of Lords adopted a novel and very effectual course in regard to a notice. The Lord Kingston, having proposed to renew a notice of putting certain questions, the House resolved: 'That the said questions have been sufficiently answered, and ought not to be renewed;' and, accordingly, the proposed notice was not received by the Clerk."

Now, to shew that that includes not merely where a question has been answered by a minister, but that it includes also a question which has been dealt with by the House, I will call attention to the practice with reference to irregular questions which the Speaker declined to put to the House. It will be found on page 262 of May: "As if the question had already been decided in the same session." The point to which I wish to call the attention of the House—for at present I would rather not make any reference to the expressions and the charges contained in this motion—is this: Is there ever to be an end to proceedings in this House? Are certain questions to be brought up constantly, day after day, when they have already been decided? Now, in this case, the question that the hon.

member proposes to put on the order paper has already been decided in two ways: In the first place, by the resolution which he himself put on the notice paper, and which—when it came to the point, after postponing it day after day and almost week after week—he withdrew. He did that in the face of an amendment which superceded the resolution itself; and, in the second place, by the reference of the question, in accordance with the unanimous decision of the House, to the Committee on Contingent Accounts, where it is now pending. I say that it is not respectful to the Senate or to the Committee on Contingent Accounts to ask the House to take the matter out of the hands of the Committee, and to bring it up again here. I propose the following resolution:—

"That the subject-matter of this notice having already been considered by the Senate during the present session, and referred to the Committee on Contingent Accounts, said notice be not received by the Clerk."

Hon. Mr. BOTSFORD—I trust that the hon. Senator from Woodstock (Mr. Alexander) will withdraw his notice without any further discussion. It is a clear principle laid down by the practice of Parliament, that each House has full control, not only of a motion made by a member, but also of protests, which is considered an important privilege of members of the House of Lords. They have, in fact, exercised the right to expunge a protest from the Journals, and, according to precedents of the Imperial Parliament, they have control over notices of motion, and it is quite clear that a legislative body should have such control. If they had not, offensive words and insinuations might be made against hon. members of the body by a member taking such a course as the hon. Senator from Woodstock has pursued; and, therefore, it is quite clear, on the grounds so well put by the hon. Senator from Amherst (Mr. Dickey), that this identical question has been dealt with already by the House and referred to the Committee on Contingent Accounts, that the notice is not in order. My hon. friend should have gone before the Committee on Contingent Accounts if he wished to make any case on this point. Therefore, I think, without mak-

ing any further remarks, that the hon. gentleman should withdraw his notice, otherwise, I trust that the House will shew that the course of proceeding that he is indulging in will not meet with their approval.

Hon. Mr. MILLER—I do not agree with my hon. friend who has just resumed his seat, that this motion should be withdrawn. I think that the resolution of the hon. Senator from Amherst meets the case—that there should be an expression of opinion on the part of the House on this subject, in view of the scenes we have had, day after day, during this session, from the hon. gentleman. If he withdraws his motion to-day, he may bring it up again to-morrow or next day. The House has no guarantee that he will not pursue a similar course again this session, and, perhaps, next session. Therefore, I think the wisest course will be to vote upon the resolution moved by the hon. Senator from Amherst.

Hon. Mr. HAYTHORNE: I cannot say that I approve the course pursued by the hon. Senator from Woodstock, but, at the same time, I do think there are other ways of preventing a recurrence of the scenes to which the hon. Senator from Richmond (Mr. Miller) alludes. It seems to me that a ready answer can be given to the remark of the hon. Senator from Amherst when he asks if there is ever to be an end to these motions brought up by the hon. Senator from Woodstock. The best answer to that would be the introduction of a Bill to regulate the payment of indemnities, and settle the question once and for all. I have heard it urged that such a Bill could not be introduced in the Senate; but I see no reason why such a measure should not be introduced in the other House of Parliament in the interest of the Senate, and in that way the members of this House would be placed in a proper position before the country. If the hon. Senator from Woodstock will accept my advice, he will withdraw his motion.

Hon. Mr. DICKEY—My hon. friend who has just sat down is under a strange delusion, which, perhaps, can be accounted for by the fact that he is not a member of the Committee on Contingent

Hon. Mr. Botsford.

Accounts. I may tell him that this question was referred by the House to that Committee, and is being dealt with. This very day a sub-committee was appointed to take into consideration the payments to members from 1867, and, when the question comes up before the House on the report of that committee, it will be quite competent for the hon. gentleman to take action upon it. The hon. Senator from Prince Edward Island (Mr. Haythorne) takes exception to my remark: "Is there ever to be an end to proceedings on the same subject." The hon. gentleman surely knows that it is contrary to parliamentary rule to be constantly pressing upon the House decisions upon any subject which has already been decided. This matter having already been referred to the Committee on Contingent Accounts, where it is being considered, and having been referred with the consent of the hon. gentleman himself, it is unnecessary to say anything more about it. I regret very much, as an aggravation of the course which the hon. gentleman (Mr. Alexander) has taken in this matter, that somebody has furnished a paper of to-day with a copy of the notice which the hon. gentleman read yesterday, and which had been suppressed with his assent. That is a course which is at once unbefitting to the hon. member himself, and is an indignity to the House.

Hon. Mr. DEVER—I do not at all approve of the motion of the hon. Senator from Woodstock, because I think the House has dealt nearly as far as it can with this question; but I cannot relieve this or any preceding Government since 1867 for not dealing with the matter. I have had the honor of being a member of the Senate since Confederation, and I must say that I always regarded it as compulsory on me to stop here thirty-one days before I could consider myself entitled to my sessional allowance, and I believe that the law has been so interpreted by the majority of the members of this body. If this Government, or the one that preceded it, found that it could be interpreted differently, I think it was very wrong that they should not have made that interpretation known to every member of the House. They should have taken care that no one member was treated differ-

ently from others, and neither Government could complain that it had not a sufficient majority to enable it to pursue a right course, and have the law amended so that no one member could obtain so much public money on so unreasonable a basis. I cannot approve of the motion of the hon. Senator from Woodstock, inasmuch as he appears to be desirous of censuring the leader of the Government, who, in my opinion, has simply interpreted the law as it is. I do not profess to be a lawyer, but, when attention was drawn to the subject recently, I examined the Act, and I must say that it can be interpreted exactly as the leader of the Government construed it the other day.

Hon. Mr. POWER—I do not think there is a question as to the desirability of the withdrawal of this resolution. The hon. gentleman from Woodstock ought to defer to the unanimous feeling of the House and withdraw it. At the same time, I have some doubt as to whether the course pursued by the hon. Senator from Amherst (Mr. Dickey) is one that it would be wise to follow. In striking a notice off the paper we are taking a step which may be followed in some other case in which great injustice may be done. It does not follow that, because a motion of which notice is given is unwise or does not meet the views of the majority of the House, therefore a member should be deprived of the right which he should possess of giving that notice. I think the better course, by far, would be for the hon. Senator from Woodstock to withdraw his resolution. The substance of it is, that this House should resolve that a statute should be interpreted in a certain way. I think if there is any way in which the Senate can shew that it desires that the statute should be interpreted in a different way from that in which it has heretofore been interpreted, it should be done, and, therefore, the substance of the resolution is not objectionable. It is to be regretted that he should have made it so by the preamble. It is, besides, a kind of contempt of the Committee on Contingent Accounts, before which this matter now is, for the hon. gentleman to bring up a resolution upon the subject. For these reasons I think the resolution should be withdrawn.

Hon. Mr. Dever.

Hon. Mr. SCOTT—I merely wish to express my surprise that any member of the House should have forgotten that this subject is governed by an Act of Parliament. Some hon. gentlemen have spoken as if it were governed by a resolution, which can be controlled or altered by the Senate. I am not aware that this House is a tribunal for interpreting an Act of Parliament. It sounds extraordinary that a Senator should declare that the usually accepted interpretation put upon an Act of Parliament is wrong, and that this should be laid down as the premises on which to build certain conclusions. The hon. Senator from Woodstock formulates a proposition. He assumes certain things as proven or granted. Now, I deny that those things are proven or true. It does not seem at all in harmony with the practice which should prevail in this House, that gentlemen should get up and interject the opinion that a Senator has done wrong because, in their opinion, an Act of Parliament has been violated. This question of indemnity is dealt with, I believe, by the Clerk, acting under the direction of the Speaker. They are guided in their conclusions by the opinion of the Law Clerk of the House of Commons or the Minister of Justice; and they are the only tribunal that can fairly be consulted. If any member of this House is to assume the right to interpret an Act of Parliament as his judgment dictates, just see the confusion it will all lead to. It is quite in the power of the hon. Senator from Woodstock to propose for the consideration of this House a measure for reducing the indemnity paid to Senators and members of the House of Commons. That is the parliamentary course to take, and not to find fault with the interpretation that is accepted by the authority that we ourselves have delegated to interpret the Act for us.

Hon. Mr. KAULBACH: I differ from the hon. gentleman who has just sat down. I do not know whether a private member of the Senate could introduce a Bill of that kind, regulating the indemnity to members.

Hon. Mr. SCOTT: You can restrict the payments by an Act of Parliament.

Hon. Mr. KAULBACH: Yes; but we could not do it. Even the Minister

of Militia here could not do it. I should like, however, in some proper and becoming manner, to have an expression of this House as to the interpretation that has been put upon the Act. While I may differ from the hon. Senator from Woodstock as to his mode of bringing the matter before the House, I think that it is a subject which should be dealt with. I think it would be better if my hon. friend would withdraw the notice, and also my hon. friend from Amherst his resolution in amendment. It would be unwise, in my opinion, to establish a precedent of this kind, which might hereafter be used disadvantageously to the interests of members and free discussion in this House. No member who has special views on a matter, although his views may not harmonize with those of the majority, or may not be of a pleasant nature to some members of the House, should be prevented such in a summary manner from putting them upon record. Yet, upon the report of the Contingent Committee, the question may be discussed. I think, theretore, it would be well to withdraw both the notice of the hon. Senator from Woodstock and the resolution before us. I cannot support it if it is pressed to a vote, as I believe that it will create a dangerous precedent.

Hon. Mr. ALEXANDER—I should regret most deeply if any steps which I take upon the floor of this House in the discharge of my duty should deprive me of the respect and friendship of the Senate, which I have enjoyed for so long a period of time. If any member has uniformly, from the very first day that he entered this House, met with kindness and indulgence in every respect, it is myself, and I feel grateful for the uniform kindness which has been shewn me upon every occasion when I have moved upon any public question, and I am sure that the Senate will give me credit, even if they disagree with me and think that I err in judgment in the course that I am now pursuing, for having been actuated by a simple desire to accomplish good. We know that, in public life, all sorts of motives are imputed to members—personal pique, revenge, ambition and self-glorification. But what does a member who delights to discharge his duty faithfully to the country care for all those

Hon. Mr. Kaubach.

imputations as to his motives? He cares as little for them as, perhaps, for the abuse which he might meet with in the public streets of the country. It is a very solemn duty that we have to discharge on the floor of Parliament. There is no higher position that we can occupy than to be a member of this House. There is a grave and solemn responsibility resting upon us. I have thought deliberately and solemnly over the course that I was to pursue in this case, and I would never have moved in this matter if I had not considered it necessary to do so in the way that I have done. What was that necessity? The leader of the Government in this House, when I asked the kind permission of the Senate to withdraw my motion the other day, went on with an amendment which he had on the notice paper, and proceeded to state, among other things, that he had been personally responsible for one of those acts to which this motion refers.

Hon. Sir ALEX. CAMPBELL—I rise to a question of order. I think the hon. gentleman cannot refer to a preceding debate.

Hon. Mr. ALEXANDER—I simply desire to say that, from the course which the hon. gentleman pursued, and the manner which he adopted on that occasion of treating a very serious and grave matter—

Hon. Mr. SMITH—I rise to enforce the standing order. I insist upon it. I do not believe it is right to allow these attacks, day after day, on the leader of the House to go before the country.

Hon. Mr. MILLER—The hon. gentleman (Mr. Alexander) is out of order in another way. He is out of order in referring to a previous debate. The leader of the House corrected him, and immediately he reverted to the same thing again.

Hon. Mr. MONTGOMERY—There is another objection. The matter is before a standing committee of the House, and the hon. gentleman should not take it up here. It is not in accordance with parliamentary usage.

Hon. Mr. ALEXANDER—I simply desire to say—

Hon. Mr. SMITH—I ask the Speaker to enforce the rule.

Hon. Mr. ALEXANDER — I will only detain the House to express the deep regret that I should feel if I lost the esteem and respect of the Senate by any course that I should deem it my duty to pursue. As one or two hon. gentlemen in this House seem determined to prevent me referring to the matter which would justify the course that I am taking, I shall, in obedience to the feeling of the House, withdraw my motion.

Hon. Sir ALEX. CAMPBELL.—No.

The House divided upon the resolution in amendment, which was adopted on the following vote:—

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Hon. Messrs.

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Archibald,	Gibbs,
Armand,	Girard,
Baillargeon,	Grant,
Bellerose,	Hamilton (<i>Inkerman</i>)
Benson,	Hamilton (<i>Kingston</i>)
Botsford,	McLelan (<i>Londonderry</i>)
Boucherville, De,	McMaster,
Bourinot,	MacDonald,
Boyd,	Macfarlane,
Brouse,	Macpherson (<i>Speaker</i>),
Bureau,	Miller,
Campbell, Sir Alex.,	Montgomery,
Chaffers,	Odell,
Chapais,	Pâquet,
Cochrane,	Pozer,
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Dickey,	Smith,
Dickson,	Sutherland,
Dumouchel,	Trudel,
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Ferrier,	

NON-CONTENTS :

Hon. Messrs.

Alexander,	Leonard,
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Hope,	Penny,
Kaulbach,	Power—8.

BILLS INTRODUCED.

Bill (64) "To authorize and provide for the winding up of the Consolidated Bank of Canada."—(Mr. Ryan.)

Bill (67) "To amend the Acts respecting the Canada Central Railway Company."—(Mr. Cochrane.)

Hon. Mr. Smith.

OFFENCES AGAINST THE PERSON, PARTIAL REPEAL BILL.

COMMONS AMENDMENTS.

Hon. Mr. BELLEROSE moved concurrence in the amendment of the Commons to Bill (L) "Offences against the Person, Partial Repeal Bill."

The motion was agreed to, and the amendment was concurred in without amendment.

ONTARIO INDUSTRIAL REFUGE FOR GIRLS BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (100) "An Act respecting the Industrial Refuge for Girls, of Ontario." He said: This Bill, and the next one to it on the order paper — a bill concerning "The Ontario Reformatory for Boys," are presented to the Parliament of the Dominion at the instance of the Legislature of the Province of Ontario. That Province has recently erected two places, one for the reformation of boys, and the other called an industrial refuge for girls. It is the desire of the Legislature of Ontario that these two places should be used with the hope, I have no doubt well founded, of reforming young criminals, and, to get the necessary powers, they were obliged to come to the Parliament of the Dominion. The Bill has been prepared by the Attorney-General of the Province of Ontario, and has received the assent of prominent representatives of that Province in the House of Commons. I do not think there is anything in either of them to draw forth much discussion in this House, but if any is necessary it can take place when they are in Committee.

The Bill was read the second time.

ONTARIO REFORMATORY FOR BOYS BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (98) "An Act respecting the Ontario Reformatory for Boys."

The motion was agreed to, and the Bill was read the second time.

PRINCE EDWARD ISLAND REFORMATORY FOR JUVENILE OFFENDERS BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (99) "An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island." He said: "This Bill is to meet a similar intention which the Legislature of Prince Edward Island has conceived of creating a reformatory in that Island also for juvenile offenders.

The Bill was read the second time.

MANITOBA SOUTH-WESTERN COLONIZATION RAILWAY CO'S BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (63) "To extend the powers of the Manitoba South-Western Colonization Railway Company, and to further amend the Act incorporating the said Company." He said that this Company has been incorporated for the purpose of constructing a railway to Rock Lake. They now asked for power to extend their line in a different direction, so as to act as a feeder to the Canadian Pacific Railway. It was provided in the Bill that all such extensions would have to be approved by the Governor in Council. The intention was to extend the road to the coal mines, and to amalgamate with other railways, with the consent of the shareholders.

The Bill was read the second time.

SOUTH SASKATCHEWAN VALLEY RAILWAY BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (60) "To incorporate the South Saskatchewan Valley Railway Company." He said: The object of the Company was to build a railway up the rich valley of the South Saskatchewan. The line would have to be approved by the Governor in Council, so that it would not interfere with the construction of the Pacific Railway. The capital of the Company was to be \$5,000,000, and they would commence operations as soon as 10 per cent. of the capital stock was subscribed and 10 per cent. paid on it.

The Bill was read the second time.

Hon. Sir Alex. Campbell.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

SECOND READING.

Hon. Mr. FERRIER moved the second reading of Bill (30) "An Act to legalize marriage with the sister of a deceased wife." He said: I regret very much that this Bill is not in the hands of some other member better qualified than I am to shew the pressing necessity of now passing this very important measure. This Bill has been before the House of Commons during the greater part of this long session, and it has come up to the Senate passed by a large majority of votes; we, therefore, receive it as the voice of the people, through their representatives, and I am satisfied that there is a cry from every constituency in this Dominion for relief from the grievous disability now resting on the people of Canada, and which, I trust, will be removed by the passing of this Bill by this hon. House. It has been said to me, "let this Bill stand over until another session." I ask every member of this House who thinks that relief should be given, why should the Senate postpone the Bill until next session? Heads of households, fathers and mothers are dying and hundreds of families are now lying under great disabilities; surely this higher branch of the Legislature will not refuse to listen to the petitions now before this House, but will at once pass this Bill for their relief. I question if ever there was a measure before Parliament of this character on which the public sentiment in its favor was so united as it has been in the House of Commons, Roman Catholics and Protestants voting together for this Bill of relief. I am not surprised that one Roman Catholic Bishop should withhold his approval, and that the Metropolitan, with other bishops in the Church of England, should do the same. They must uphold the Table of Affinity which stands in the Prayer Book. But there is a large class in the Church of England, and a very large majority in all other Protestant churches, which have a right to be heard by us. Our best attention should be given to the petitions now before this House in favor of this Bill, praying that it may become law, and give relief from the disabilities to which they are now subjected by the unscrup-

tural ecclesiastical law which prevails, especially in the code of jurisprudence in the Province of Quebec. I believe that if this Bill is lost in the Senate it will raise a controversy between the bishops and the laity, which will be very damaging to the Christian character of Protestantism. The Roman Catholic Church grants a dispensation to any of its people who wishes to marry a sister of his deceased wife, but their children are still under the disabilities of the civil law. But we Protestants have the unyielding iron law of affinity, enforced by the bishops, a law which has no foundation in the Bible—neither in the Old nor in the New Testament. This fact is now fully established by the highest authorities among the Jews and Christians of this nineteenth century. Lord Houghton, in a speech delivered in the House of Lords, in May, 1879, on moving the second reading of the Bill for legalizing marriage with a deceased wife's sister, said :—

“During this period our colonies have not been silent, and to this fact I desire to draw your Lordship's serious attention, South Australia, Victoria, Tasmania, New South Wales, Queensland, and Western Australia, have passed acts legalizing these marriages. A bill of the same nature has passed the Lower House of New Zealand, and twice in the Legislature of Natal, which colony has now, unfortunately, something else to think of. Such marriages are practically legal in the whole Canadian dominion, the West Indies, and, it is believed, in the Channel Islands.”

It is evident that Lord Houghton thinks we are further advanced in the Dominion on this question than we really are. Speaking of the feeling in England amongst the Non-conformists, he said :—

“It should not be forgotten that all the Non-conformist bodies, without the exception of a single sect, are in favor of the Bill, and what is the immense proportion they bear in the Christian community of this country?”

Further on he quoted from a letter that appeared in the *Standard* newspaper, which ends as follows :—

“I sincerely hope that something will be done to remedy the painful position of thousands of deserving families during the coming session of Parliament, for, if not, I am convinced that the question will be made very prominent in the next General Election; and I would not support any member who would not pledge himself to vote for the removal of this oppressive law.”

Hon. Mr. Ferrier

In concluding his remarks, on moving the second reading of the Bill, Lord Houghton said :—

“And now my Lords, I pray you to give a second reading to this Bill. If you do so, you will relieve thousands of your fellow-citizens, honest men and honest women, from a deep sense of partial legislation and cruel injustice; if you reject this Bill, you will force on them the conviction that they might, like yourselves, enjoy the great happiness of family life with those they love best, without discomfort to themselves or dishonor to their offspring, were it not for the intolerance of the Church of England and the social prejudices of the House of Lords.”

There has been so much discussion on this subject, that I will conclude my remarks by citing a passage in a letter received by Lord Houghton from the eminent Oriental Scholar, Professor Max Muller, who says :—

“How any Hebrew scholar could so misinterpret Leviticus xviii., 18, as to make it a prohibition of marriage with a deceased wife's sister is a puzzle to me. I know of one analogous case only—the falsification of a verse in the ‘Veda,’ by which it was turned into a commandment for the burning of a widow on the death of her husband.”

Hon. Mr. DICKEY: I am sure the House has listened with much interest to the observations that have accompanied the introduction of this Bill by my hon. friend; and I may say for myself, and the House will, I am quite sure, agree, that it is a question which affects the tenderest and holiest relations that can obtain between man and woman. I, therefore, desire to approach the discussion of the subject in the reverend spirit that ought to animate everyone in dealing with so serious and important a matter. My hon. friend has furnished us with very little argument of his own, and, as to the value of opinions expressed in another place, I am sorry that he had not been impartial, and given us a little of the argument on the other side. I think that would have been but a fair measure of justice; but, taking the matter as it stands, the hon. gentleman tells us that a large portion—hundreds of people, in fact—in England are waiting for the passing of this Bill.

Hon. Mr. FERRIER: I said from every constituency of this Dominion.

Hon. Mr. DICKEY: My hon. friend stated that also, but he read a speech

which alluded to the fact that the Bill was desired by a great many people in England.

Hon. Mr. FERRIER: I said, at the beginning, that I was going to read, from a speech of Lord Houghton's, delivered in the House of Lords, a few remarks in accordance with the views I endeavored to lay before the House. It is evident that I have not been understood, and I am exceedingly unfortunate in having assented to take charge of this Bill.

Hon. Mr. DICKEY—I do not complain of the interruption, but I am free to say that my hon. friend expressed himself in such terms as not to leave any doubt in the mind of any person as to his meaning. So that, I think, any apology for the Bill not having fallen into better hands is quite unnecessary, for I am sure no motion in regard to a bill could come with greater effect than from the hon. gentleman who has moved the second reading of the Bill before the House. But the hon. gentleman has stated, and it has been stated elsewhere, that hundreds of people are affected by this Bill. I dare say that is the case, and I have no doubt that has been at the bottom of the agitation on this question in England—that hundreds of people have violated the law in this respect, and they wish to have an act passed to set them right again, and the hon. gentleman, instead of appealing to the sympathy of the House, would better have subserved his cause by shewing the reasons for which they ask for the repeal of the law. The hon. gentleman says that a good many Jews and Christians of the nineteenth century are agreed that there is no scriptural argument against this Bill. Unfortunately, we live in an age when we have had to find out, to our sorrow, that even in the Christian world a great many questions have been taken up and treated in a very different light from what it has always been considered they should be dealt with. This Bill may involve a reference to one of the five books of Moses. My hon. friend knows perfectly well that one of the bishops of the Church of England has published a work in which he has struck at the very foundation of these five books. In the light of modern science and modern

Hon. Mr. Dickey.

learning, not content with attempting to upset the account of the creation in Genesis, Bishop Colenso sneers at the inspired narrative of the number of Israelites that went out of Egypt. Certain divines and learned men of the present day have taken this view; but that should not have much weight with this House, because my hon. friend must be aware that for 4,000 years, so far as I know, both Jew and Christian, under the old and the new dispensations, have agreed that these Levitical injunctions as to marriages, like the moral law, were binding on Jew as well as on Christian. That is the position I take, and if such opinions are rife in this nineteenth century, my hon. friend should consider the position he is taking, and the effect it may have upon the beliefs of others—not upon our beliefs, because I assume they are settled; but if we are to have the beliefs of others unsettled upon these points, by bringing up prominently the opinions of some Jews and Christians of the present day, as compared with those who have had an unbroken opinion on this point for thousands of years, I think my hon. friend must see where all this will land us. The hon. gentleman speaks of the voice of the people as expressed through their representatives. We are all familiar with that argument. We know what its effect is, but I can only meet my hon. friend by pointing to the course taken last year on a matter in which the voice of the people had also been expressed in an unmistakable way. I allude to the Insolvency Repeal Bill. That view was expressed then in this House, but the Senate decided then, as I trust they will decide to-day, that, although that was apparently the opinion of the people, yet it was wise to postpone that measure for another year, however inconvenient it might be, in order, if possible, to obtain a true expression of the sentiments of the country, with the understanding that, if that expression were continued in the direction it was before, that it should have its effect. I opposed that contention, because I was in favor of the immediate repeal of the law, looking to the inconvenience that would result, and did result, from its continuance.

Hon. Mr. FERRIER—And you were quite right.

Hon. Mr. DICKEY—I must assume that the House was right in taking time to see the result, and I think the Senate, on that occasion, performed one of its peculiar functions, in checking hasty legislation, and giving time for the country, and for the other branch of the Legislature to decide upon the question. I do not propose to enter at length into the theological arguments of this subject. I have already said it has been held as a rule in the church, whether under the old or new dispensations, that this is the construction of Leviticus, otherwise we would have supposed we would not have had it in the different prayer books of the churches. That is a singular consensus of opinion, and it applies to all those Levitical injunctions and the moral law, including the Ten Commandments, not to any directions which apply peculiarly to Jewish observances that have passed away. Reference has been made to the 18th verse of the 18th chapter of Leviticus. I do not intend at present entering into, even if I felt competent to do so, a critical analysis of that verse; but I think I will shew sufficiently from the whole tenor of the directions given in that chapter, that the weight of opinion is most decidedly and distinctly in favor of the present construction of the law, which is to prevent marriage with a deceased wife's sister. I wish to draw the attention of the House to this argument, that the general injunction in that chapter, "Thou shalt not approach thy next of kin," is given first that we shall not marry the next of kin, and then there are particular cases specified in which it is not lawful to marry. The House will be surprised, or some members of it, at all events, may be surprised, when I state the curious fact that there is no particular injunction which prevents a man from marrying his own daughter, and yet it might be said, with an expression of horror, "you do not mean to say that that chapter admits of it?" I say no such thing. I say the chapter rejects it, and I will shew how: by the seventh verse, the son is prevented from marrying his mother, and, in the parallel case, the father is prohibited from marrying his daughter, although it is not mentioned. The rule is given as to one, and it obtains in all parallel cases, and

this is one of them. There is another extraordinary parallel, in which a man is prohibited, by the 14th verse, from marrying the wife of his father's brother, that is to say his paternal aunt, but there is no injunction against marrying his maternal aunt. Why? Because the two cases are parallel, and the one governs the other, following the general rule that a man should not marry with near of kin. Then, in like manner, with regard to this very point, marriage with a deceased wife's sister, the 16th verse implies that a man may not marry his brother's widow. That is a case exactly parallel to a man marrying his deceased wife's sister. Some hon. members may give expression to the opinion that, in the one case, there is a distinct or absolute prohibition, as there is with regard to the widow of a deceased brother, and that if there is doubt about one point, it is quite clear as to the other. I wish to call the attention of the House to this fact: that, following out the same rule of interpretation against marrying with a maternal aunt, and a man's marriage with his own daughter, we come, by an inevitable process of reasoning, without any reference to this eighteenth verse, to the construction that, where a man is prohibited from marriage with the widow of a deceased brother, he is, in like manner prohibited from marrying with the sister of his deceased wife. That being the case, I need not pursue that argument further, except with this single remark: that the House will perceive that the question of marriage with the widow of his father's brother—that is with his aunt—is a much more remote connection, certainly, than that with the sister of the wife of his own bosom. I do not propose to dive further into the depths of the theological part of the question, I prefer, rather, to call the serious attention of the House to the domestic and social aspect of the subject. What is the situation at present? The sister of the wife is equally the sister of the husband, because, by marriage, they twain have become one flesh. We know that the result is the most free and unrestricted intercourse that can obtain between brother and sister, and the most perfect confidence. That is the case under the existing law, and I

need hardly say what would be the result were it changed as proposed. I have already said that the most tender relation in life between the sexes is that between man and wife. Next to that, perhaps, and apart from the question of children, is that which a man bears to his own mother; then comes his love for his sister, and next to that, surely, and in most cases equally with that, is the love he bears and the affection he lavishes upon his sister-in-law — the sister, not by nature, but the sister by the law of God and man. This, hon. gentlemen, is the situation of affairs during life, in sickness and in health; and what is the case after the wife's death, and who, I may ask, so fit to care for the children of her deceased sister as the surviving sister? That argument may be applied in another way, but let me call the attention of hon. gentlemen to it as it stands: if, after death, the sister-in-law is put on the footing of a stranger, eligible to marry the widower of her sister, what woman of modesty or delicacy of feeling would allow herself to be placed in the position of taking charge of the household and living under the same roof with the widower? That would at once deprive the children of the tender protection and care which they now have under the existing law, as is happily the case in thousands of homes where a sister-in-law takes the place of a mother to her deceased sister's children, who would otherwise be without a mother's care. I object, therefore, to that portion of the Bill as being most destructive to domestic happiness. All those social objections apply with tenfold force to the other clause of the Bill, which allows a man to marry the widow of a deceased brother. In either case, we cannot shut our eyes to the possible temptation to get rid of a wife who stands between the husband and the sister, who has been thrown for years into close contact with him, and who, if this Bill passes, will be eligible to take her sister's place. I shrink from the consequences of such legislation, and implore the House to pause, at all events for a time, ere they pass such a sweeping revolution in the social and marriage customs of the land, hallowed by long ages of usage, and intimately associated with

Hon. Mr. Dickey.

the religious sentiment of the country. I humbly submit that we are bound to pay some deference to that sentiment, and it appears to me that the very smallest expression of deference that we can adopt would be, at all events, to give the people who have always considered it to have been the law of the land, for at least 1800 years of the Christian era, an opportunity of considering it, and being heard upon the question. A great many petitions have been before the House for and against this measure. It is, perhaps, difficult, and I do not know that any hon. member has taken the trouble to analyse these petitions day after day as they come in, to consider them properly. The effect of the amendment which I propose to submit, and which I hope the House will accept, would be to give Parliament an opportunity of considering those petitions carefully and fully, and of weighing their representations, and also to give an opportunity to the country to express an unmistakable opinion on this important question. Because, although my hon. friend may speak of people in various parts of the country who desire to have this law, I can tell him of thousands and tens of thousands of people who will be shocked if it be passed. In my opinion, it is not the bounden duty of this House to give force to the agitation which has already been commenced on one side of the question, without, at all events, paying some little deference to the opinion of the other. It is the active, aggressive people who always make the most noise, and these are the people who possibly have broken the law, and who, through their friends in Parliament, endeavor to excite the sympathies of the House to their ends. Under the circumstances, I trust hon. members will pause, and will, at all events, act in the same direction as we acted last year, and give the country an opportunity of making known their opinions upon this law. Certainly after the experience of so many hundred years, no harm can be done by giving an opportunity of seeing what the public feeling is on a matter that deeply affects the religious sentiment of the country. Therefore I hope the House will pardon me when I move, seconded by Hon. Mr. Bureau:—

"That the said Bill be not now read a second time, but that it be resolved that it is inexpedient to proceed with this measure during the present Session, in order to afford time to consider the various petitions to the Senate for and against the Bill, and to ascertain the sentiment of the people on the question at the next session of Parliament."

Hon. Mr. PENNY.—It is not without a feeling of diffidence that I second the Bill that has been introduced by my hon. friend opposite (Mr. Ferrier), and my diffidence is due to the fact that I appreciate, to some extent, the objections raised by my hon. friend from Amherst (Mr. Dickey), yet I have been requested by friends, to whose interests and desires I attach a great deal of importance, to urge upon the Senate the reasons why I think this Bill should pass. Yielding to that desire on their part, and believing that the Bill should become law, notwithstanding the objections which occur to some minds, I do what I can to promote what I believe to be a very valuable reform. I am more diffident about taking this course, however, because I know there is a large number of my friends, professing a different faith from my own, in the Province from which I come, who will vote for the amendment. At the same time, while I dislike to dis sever myself from the great body of my fellow-provincialists, I am happy to know that, in this case, there is no *odium theologicum* to be drawn between us on account of our difference of opinion on this occasion, because, although I am not a Catholic theologian, and a very poor theologian of any kind, I know that the Church of Rome and the Pope do not pretend to set aside the laws of God. The dispensations granted to Catholics are not from the laws of God, nor from the laws of nature, as I understand it, but from laws of a disciplinary character, which have been provided on account of expediency, or some other causes, which do not go so wide or deep as the laws of God or nature. This enables me to reply to some remarks which fell from the hon. Senator from Amherst. He has stated that, for eighteen hundred years or more, the prohibition of marriages of this kind has been the universal law of Christendom. I think he is wrong in that, because dispensations have always been allowed by the Church

of Rome, and, until a very recent period, though such marriages were voidable in England, they were not absolutely void. Now, I take it for granted, that marriages which the Church of Rome permitted in any case, were not marriages that they considered against the law of God, and I take it also that, while the Church of England permitted such marriages to be made, and considered them to be practically good until voided by some court of justice, it could not regard them with that abhorrence which the hon. gentleman from Amherst speaks of. With regard to the passages from Leviticus which he has quoted, he must recollect that there is another passage which goes in the direct teeth of them—the passage which obliges a man, under certain circumstances, to marry the wife of his deceased brother. Therefore, while such marriages may have been considered inexpedient or undesirable from other causes, yet there is nothing absolutely against them in the laws of God or of nature. I am not addressing myself particularly to advocate the Catholic view of it—there are gentlemen in this Chamber who are far better qualified to do so—but I may remark that it seems to me this law would restore to the bishops of that church a power of which they have been deprived by the Code—the power to grant dispensations, which could be followed by valid marriages. As the law stands, their dispensations are, for practical purposes, null, because, while they can still grant them, very few persons would like to subject themselves to the disabilities which the civil law, notwithstanding the dispensation, would bring upon their children. That view of the question was pressed very strongly by Cardinal Wiseman, in addressing the Commissioners appointed by the House of Commons in England to inquire into this subject. However, I do not care to go into that part of the question, because I do not presume to instruct gentlemen of another faith on a matter that concerns themselves. Turning to the question as it affects all creeds, and particularly the people of my own Province, I think there are circumstances of very great hardship and inconvenience, which the Senate should consider before they reject or postpone

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this Bill. Previous to 1835 the law in England was this: such marriages were not void, unless declared so by a Court of Justice during the lives of the married persons, and the children were legitimate. That is the law as it was introduced into Ontario, and as it now exists in that Province, and as there is no ecclesiastical court to void these marriages, they are absolutely good to all intents and purposes. But persons marrying in that way, in perfectly good faith, intending to live in Ontario all their lives, may find it necessary to move into a Province where the marriage is null. They cannot plead that it is an absolutely good marriage; it is only good until voided, and when they go to Quebec, it becomes a bad marriage. I am informed by gentlemen learned in the law that, in the Lower Provinces, they have a Court which can perform all that the Ecclesiastical Courts could formerly do in England, and these marriages could, therefore, be voided there, also, though it is not likely that it would be done. Now, that is a great hardship to persons married in that way, many of whom are as respectable, in every sense of the word, as ourselves, and it seems to me to be the duty of Parliament to relieve them from the position in which they are placed. I did not propose to quote Cardinal Wiseman at any length, and I should not have done so if it had not been for the demand of my hon. friend (Mr. Dickey) to know what reason there was for passing this law—what practical inconvenience was suffered by the people at present, that this measure was necessary to relieve them from. What I am going to read is not on a question of religious doctrine, but of fact. It is a question treated of by a prelate, who, I suppose, was as well informed on the matter he talked of before the Committee of Parliament as any man could be. This is the reply of Cardinal Wiseman to one of the questions put to him—of course, what he says applies immediately to England; but, no doubt, to a great extent, it will apply here also. He says:

"It has generally been in the middle classes, and among the poor. In the middle classes it generally results from the sister having lived, perhaps for some years, in the family with the wife, the health of the wife perhaps being delicate. The wife dies, and

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leaves a young family; the husband has his business to attend to, and has no one to take care of his children; and the sister-in-law has no other shelter—probably has lost her parents, or has been living for many years in her sister's house. I had an instance where she had been living seventeen years in the family, and had been a second mother to the children. The case is very trying for both parties. There is an attachment naturally between them, from having lived so long together. To bring a stranger into the house would probably be disturbing the peace and happiness of the little society. The children are attached to their aunt; and it appears altogether the most natural arrangement for their happiness, as well as to prevent the sin probably of cohabitation without marriage, that a dispensation should be granted. That, I should say, is the history of nine out of ten of the cases which I have had to deal with. In the lower ranks it is generally a case of absolute poverty. The sister, if sent away, is turned into the streets; the man himself could not pay for a servant; he, perhaps, is too poor to expect anyone else to marry him; he is getting old, and the parties are thrown together in such a way that it is advisable that they should be married, otherwise it would end in cohabitation without marriage. Those are the ordinary cases."

Now, it is not I, but a prelate whose worth is known all over the world, who has given evidence there that is quite conclusive on the problem presented by my hon. friend (Mr. Dickey) as to whether this law is required. It is a rather curious circumstance, referring to the law as it stands in England now, that the prohibition of such marriages arose out of an attempt to relieve the public from the partial prohibition then existing. I take the account of this episode in the history of the subject from Lord Houghton's admirable speech:—

"This state of things continued down to the reign of William IV, when, in 1835, special attention was called to the subject by a Bill brought in by Lord Lyndhurst, for the purpose of validating such marriages. Although this measure may have been set in motion to meet a special case, it was intended as a measure of general relief, and only in consequence of the urgency of that case, in which every day was deemed of importance by the parties immediately concerned, was the opposition weak in itself, but fortified by private considerations, met by the insertion of a clause declaring all such marriages prior to the passing of the Bill valid, and all similar marriages in the future void. This clause was rejected by the House of Commons, and the Bill so amended, came up again to this House, when the clause was re-inserted; and, as it was late in the session—everyone knows what happens at the end of a session—the

Bill was allowed to pass with this obnoxious clause, but with an undertaking between Lord Lyndhurst and other parties interested in the matter, that this limitation should be removed in the ensuing session. And natural enough would have been this expectation, even without any private agreement. For what, my Lords, was the moral position to which the House and the country were committed by the passing of that Act? The Legislature declared that such marriages, after a certain date, were to be unlawful, and in the religious aspect sinful, and yet they were made obligatory on all who had contracted them up to that date. By one portion of that Act, Parliament placed a certain number of persons in a position in which, if they came to consider these marriages wrong and void, they could be enforced upon them by an action for the restitution of conjugal rights: by another clause in the same Act, Parliament declared them void *ab initio*, and by implication sinful. There neither was, nor is there in fact, in the statute book of any country in the world an Act so inconsistent in its provisions, so repugnant to common sense, and so shocking to the first dictates of morality."

The Bill, therefore, actually validated all the marriages in question before that time, and declared all future marriages of that description void. As to the amendment that has been proposed by my hon. friend from Amherst, it seems to me that this is one of those questions that almost all of us must know as much of now as we shall know next year. For my own part, I believe that if it is proper to pass the Bill at all, it should be passed now. I am acquainted with many respectable families in Lower Canada, some of whose names, if I were to mention them, would be known to all who hear me as those of persons high in the public service, whose children are, in point of law, degraded by bastardy. Although that is not often thrown into their teeth, and no person respects them any the less for their legal position, yet, in case of the disposition of property, very great evils might arise from it, as I believe really happened in the case which induced the hon. gentleman in the other House to introduce this measure. In that case, I am told, the man and wife, who had been married after being granted a dispensation from Rome, and who supposed their marriage was valid, found that their children could not inherit from their grandfather. Such cases must occur frequently, and I think this House should prevent such inconveniences from arising.

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Hon. Mr. MILLER—I do not intend to enter at any length into the discussion of this important question, because I consider it has already been so fully debated, not only in Parliament, but in the press, that it is impossible to throw any new light upon it. I am sure that every gentleman who hears me has read and thought sufficiently on the subject to have made up his mind as to the course which he will adopt on the present occasion. I desire, however, to state my reasons briefly for the vote which I shall give upon this Bill. I may say that so far as the first portion of the first clause of this Bill is concerned—the part which is intended to legalize the marriage of a man with his deceased wife's sister—I am not opposed to it, and if there was any necessity for haste, I should have no hesitation in voting for the legalization of such marriages; but I do not conceive that there is any imperative necessity, in the interest of the general public, to take hasty action upon a question deeply affecting the fabric of society, and one which should be dealt with in this House with the greatest possible deliberation. I believe also, that there is no instance on record in any British legislature where a measure of this kind has passed upon its first introduction. Certainly, in England it has been brought several times before Parliament, and, although it has of late years generally passed in the House of Commons, it has never succeeded in obtaining the approval and consent of the House of Lords. In the several colonies of Australia in which a measure of this kind has become law, it has passed after more than one application for such legislation, and, in some cases, the Bill, when reserved for the consideration of the Queen, has been vetoed by Her Majesty, and had to be passed a second time by the Legislature before being sanctioned. I have seen nothing to convince me that there is any necessity for haste in this matter, and, when I reflect that a very large and respectable body of people in this country have memorialized the Senate merely to delay this measure, which has been sprung upon Parliament without any previous notice or any agitation for it in the press of the country, until this Bill was brought before the House of Com-

mons, I, for one, feel disposed to pay the greatest respect to their representations. I find also that, in another very large and important religious body, divided counsels prevail with regard to the details of such an enactment, and, therefore, I prefer to allow time to elapse before we take an irremediable step on this question, and until we see whether these differences of opinion, which now prevail, can be reconciled; I repeat, if under ordinary circumstances, any pressing necessity could be shewn me for the passing of this Bill, I should be prepared to vote for it, if the measure went no further than legalizing the marriage of a man with the sister of his deceased wife. But this Bill goes a far greater length; it proposes to legalize the marriage of a man with the widow of his deceased brother. Some hon. gentlemen contend that the one case is the corollary of the other. To that opinion I desire to enter an emphatic protest. The two cases are not similar, especially when, in the latter case, there is offspring by the first marriage. There is a difference in the two cases, clearly marked by natural laws, which not only affect the human family, but also animals of a lower order of creation, and which are well understood by those who have made a study of such subjects. I say that, in relation to these two classes, where the deceased brother's widow has borne children by the first marriage, the circumstances are changed altogether, and physiological objections arise which, to my mind, it is impossible to overcome. It is true, as stated by my hon. friend from Alma (Mr. Penny) in his ingenious advocacy of the Bill, that, under the old law, a man was commanded to marry his brother's wife under certain circumstances. That was where the brother died without issue, but the natural inference to be drawn from that command is, that where children had been begotten by the first marriage, it was wrong that any such connection should exist. I am opposed, completely, to this leading feature of the Bill, and for this reason, and the other reasons I have already given, I shall vote for the amendment. I feel somewhat awkwardly situated, I admit, in the position which I occupy. I intend to vote for the amendment of my hon. friend from Amherst (Mr. Dickey), and,

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still, I do not think that the arguments he has used against the first portion of the Bill are at all sufficient to prevent, on some future occasion, the legalizing of marriage with a deceased wife's sister. I am unwilling, however, to take now, an irremediable step, in the face of the opposition that has been excited in the country against this measure, and in view of the fact that no notice was given that this Bill was intended to be introduced in Parliament this session. With the desire, therefore, of allowing the fullest investigation, in order that the settled opinion of the country may be had upon this grave question, which will have an important bearing on our social system, and which is, therefore, one upon which this body is expected to act with deliberation, I feel it to be the special duty and function of this branch of Parliament to interpose its authority, in order to prevent unnecessary haste; and I shall, therefore vote for the amendment of my hon friend from Amherst.

Hon. Mr. ALLAN—In relation to the Bill now before the House, and which I earnestly hope the House will defer taking any final action upon, for this session at all events, I do not propose to argue the question on theological grounds, although I think it is right to preface what I have to say otherwise, with the simple declaration that I do conscientiously believe that in such a matter as the law of marriage human law must rest upon the sanction of Divine law. If this principle be not admitted, I know not what safeguards can, for any length of time, be interposed to the passions or the caprices of individuals who may seek to bring about still further changes from which all of us, I am sure, whether opposed to or in favour of the present Bill, would recoil with dismay. In regard to the changes in the marriage laws, sought to be introduced by the present Bill, I am entirely against them, and more especially am I opposed to the clause particularly referred to by my hon. friend from Richmond, which legalizes the marriage of a man with the widow of a deceased brother. I would not, of course, call in question for one moment the sincerity of those who hold opposite views, or presume to reflect in any way upon the motives which have led the hon. gentleman, who has charge of this Bill, to

bring it forward in this House. Indeed, I am sure that the highest compliment that he could receive was paid to him by the promoters of this Bill in asking him to take charge of it, because they know his position, both in public life and the religious world, to be such that anything coming from him would be listened to with the greatest respect. In moving the second reading of the Bill, my hon. friend enforced his arguments by reference to several authorities, whom he, no doubt, thought might have weight with the House, quoting specially from speeches delivered on this subject in England. I shall, therefore, claim the indulgence of the House to make one or two allusions to speeches in support of my own view of the matter, and, in doing so, I shall quote only the opinions of laymen, for the reason that I wish to counteract the strange idea held by some of the promoters of these proposed changes, that the objections to them are all of an ecclesiastical or theological character, in which laymen have little concern or interest. The first authority I shall quote is the Earl of Shaftesbury, a nobleman whose name, I know, is familiar to the promoter of the Bill, and which is a household word in England in connection with every good or benevolent work. This is what he says:—

“When the question of legalizing marriage with a deceased wife's sister was first propounded in the House of Commons, I resisted it to the utmost of my ability. I did so mainly on the ground, that such a change would disturb, and, indeed, annihilate, many of the existing conditions of social and domestic life. The husband and sister of the wife would then stand in different relations to each other, and necessarily—reserve, jealousy, intrigue, with all their many and serious consequences, would prevail in many families where the existing law now gives freedom and safety.”

Lord Hatherly, better known as Vice-Chancellor Sir William Page Wood, spoke in even stronger language at a public meeting the other day. He said:—

“That although, while in the House of Commons, he had not shrunk from advocating changes of very considerable magnitude, both in the Church and in the State, he was not prepared to take part in what he believed would be the beginning of a social revolution—trenching upon and invading the sanctity of home life.”

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At the same public meeting, which was held not very long ago—I think in March last—in St. James' Hall, London, another gentleman, a Mr. Miller, a Queen's Counsel and Railway Commissioner, and Deputy Grand Master of the Orange Lodges, argued that the existing marriage law rested on the clear principle of equality of relationship by blood and relationship by marriage, and urged that even granting, for the sake of argument, that such unions as those with a deceased wife's sister were allowable by the Word of God, still, in the interests of society, and those of our families, a prudent legislature would refuse to legalize such marriages. My hon. friend from Alma, in seconding the motion for the second reading of the Bill, referred several times to the opinions expressed by Cardinal Wiseman, and quoted them at some length in support of this measure. I should like to refer, on the other hand, to a speech delivered in the British House of Commons in 1855, by a well-known Roman Catholic statesman, the Right Honorable Richard Lalor Shiel, when a similar measure to the present Bill was before the House of Commons. That hon. gentleman said:—

“If my right hon. friend shall succeed in this project, where is he to stop? Why may not a man marry his wife's daughter, as well as his wife's sister, for in neither case is the barrier of consanguinity interposed? I hold it to be an indisputable fact, that the religious feelings of the country are against this measure, and I would not wantonly, and gratuitously run counter to that feeling, for the sake of a more than hazardous innovation which breaks down the moral fences that protect our homes.”

I have purposely abstained from following the example of either of my hon. friends, the mover or the seconder of the Bill, in quoting the opinions of theologians or ecclesiastics in support of their views on the subject before the House; but were I to take this course, I do not think I should have the slightest difficulty in producing as many authorities on the other side. Eminent divines of great learning and piety belonging to different denominations, and whose experience and knowledge of the existing condition of things among the classes referred to in the evidence of Cardinal Wiseman, quoted by the hon. gentleman from Alma, is as wide and as accurate as the experience and knowledge of that

eminent prelate. I do not desire, however, to take that course, but shall content myself with stating what is undoubtedly the case, that a large majority of the earnest thinking men of the Church of England, in England, have always been, and still are, most strongly opposed to any change in the marriage laws, that even among the Nonconformists there are many who do not approve of any change, that the Church of Scotland has, as a body, always most strongly protested against the measure, and hon. gentlemen have heard in what terms the eminent Roman Catholic statesman whom I have quoted, has spoken of "the hazardous innovation that would break down the moral fences that protect our homes." In this country, as my hon. friend from Richmond has very properly urged, public attention has not been, to any great extent at least, directed to the consideration of this matter, and sufficient time has not been given for a fair and satisfactory expression of public opinion in reference to so important a subject. As it is, I think that upwards of sixty petitions against the Bill have been presented in the Senate, but the attention of the community generally has not been called to the important changes which it contemplates, and I very earnestly hope that the promoters of the Bill will, on that ground—and it is delay only that I am now urging—consent to postpone any further consideration of the measure until the next Session of Parliament. As it is, however, there have been put forth, from time to time, in this country, very strong and unmistakable expressions of opinion against any change in the marriage law. I may refer to what took place at the meeting of the Church of England Provincial Synod in Montreal, in 1877, composed of clerical and lay delegates from almost every Diocese in the Dominion. A very strong resolution against the solemnization of such marriages as would be allowed by the Bill, was adopted at that meeting, and, notwithstanding what my hon. friend (Mr. Ferrier) has said about the intolerance of the Church of England!! I think that the opinion of such a body is entitled to some respect. I have, myself, also, during the present session,

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presented several petitions from my own Diocese, including one of them from the Bishop of the Diocese, and others from very considerable numbers of the clergy and laity. I am aware, also, as a matter of fact, that the Presbyterians, as a body, in Ontario at all events, are generally opposed to this Bill, and I know that at the last meeting of the Presbytery of Toronto it was determined to petition against it, and a committee was appointed to draft these petitions to be laid before the Synod at its meeting next week. Of course, they did not anticipate that this measure would be so far advanced as it is now, or they would have been prepared in time. I am quite certain that if the attention of the community generally had been drawn to the subject before the meeting of Parliament, the House would have been inundated with petitions against this measure. I am perfectly free to admit that there are many excellent men in this country (as well as in England) who are in favor of the proposed change, but I am sure the House will agree with me that, in a matter so deeply affecting the religious scruples and domestic happiness of the whole community, we should be thoroughly well assured that any change sought to be made really commends itself to the judgment and consciences of at least a large majority of the community. In a matter which involves all that is dearest and most precious to us in our home life and affection, the views and opinions, and even the prejudices of all affected, are entitled to consideration and respect. What has been said by the hon. Senator from Richmond as to the course pursued in England, under similar circumstances, in avoiding hasty legislation, and also in reference to the course pursued in this House, in reference to a measure of another character, a year ago, ought to have some weight with the Senate. This matter has been well discussed in the House of Commons, and will now be thoroughly discussed here, and I think it is not an unreasonable thing to ask that the Bill be allowed to lie over until the next session of Parliament. It should also be borne in mind, as has already been remarked, that individuals, whose particular cases are met and legislated

for in this Bill, are much more likely to be very zealous in petitioning Parliament, and agitating in favor of the measure, than those who are simply opposed to it on general principles—and this will sufficiently account for any lack of agitation against the Bill; but I am perfectly correct in saying that had the community generally been fully aware of what was in contemplation to be done in the way of legislation, during the present session, we should have had a very strong expression of adverse opinion from all parts of the country. There is nothing unfair, or unreasonable, therefore, in asking that time and opportunity be given for the expression of that opinion, if it really exists, and while I am not likely to change my own views on the subject, still, if it should appear, at the next session of Parliament, that a majority of the community are in favor of this Bill, of course all that I, and those who agree with me, can then do, would be to relieve our own consciences by voting against it. I earnestly hope, therefore, that the House will accede to the request of those who are opposed to the Bill, and who think that they speak the sentiments of a very large number of their fellow-citizens throughout the Dominion, and will postpone the further consideration of the Bill until the next session of Parliament.

Hon. Mr. KAULBACH—This is a very short Bill, but one striking at the root of social and domestic life, and it is most important in its character and consequences. No such bill has ever been submitted to the British Parliament, and we have never had such a bill as this submitted to any Parliament in Canada. The hon. gentleman who introduced it here to-day has contended that this measure is desired in England, and that there is no scriptural argument against it. It seems to me, however, that this is not the case. I look very strongly to the "happy homes of England," which, I think, should be our examples in many matters—religious as well as moral—and we must feel that England, from its clear and oft-repeated actions in Parliament, has no desire for this bill. It is true, as the hon. gentleman from Alma (Mr. Penny) has said, that Lord Lyndhurst's Bill was intended simply as

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a measure of relief, and Parliament, in a charitable spirit, granted the transgressors relief, but declared that such marriages in the future would be void, and so stands the law to this day. If it had not the moral and beneficial influence which we believe it has, why has not the Parliament of England since that day abolished this law? Why has it not been repealed? We know, in fact, that it has been frequently brought before the English House of Commons, and as frequently been defeated. We have evidence of the House of Commons siding with the House of Lords in 1861, in 1862, in 1866 and in 1869, and in every instance rejected the Bill. Again, in 1875, Sir T. Chambers' Bill was defeated on second reading in the House of Commons by a vote of 174 to 142. Now, we must consider that that was the public sentiment of England in 1875, and we have seen no change of sentiment since that time. We know that even last year a bill not as repugnant as this one to the dignity of woman—not going as far as this one in the destruction of the happy union of families, but a measure only to legalize marriage with the sister of a deceased wife—was defeated in the House of Lords, notwithstanding the extraordinary and powerful influence of its mover and its promoters, and, therefore, I say again that, if we look to England as our exemplar, which I am happy and pleased to do, we must admit, without any hesitation or doubt, that it is there considered as striking at the root of the social and domestic life and happiness of the country. If, therefore, we wish to look for precedents in this matter for this Bill, we cannot go to Mother England, for we find there, from its beginning, for centuries upon centuries, the law of the land following the Divine law has been opposed to these marriages. In no case, and at no time, in England has a bill attempted to go as far as this one goes—to legalize marriage with the widow of a deceased brother—and it seems to be revolting to natural feelings that a brother's wife, incorporated into and assuming and legally taking the name of the husband and his family, should be subject to such an inconsistent, depraved and demoralizing alliance. It seems to me that such an alliance, viewed from every standpoint,

is shocking, and only could be sanctioned or approved by a misguided or corrupt taste. I feel that there should be a strong opposition to this Bill as being repugnant to all feeling or sense of right, depriving sisters-in-law of the chaste guardianship of fraternal love. I do not wish to go far into the religious aspect of this question, but I believe that such marriages have not the Divine sanction. The 18th chapter of Leviticus clearly prohibits such alliances, and although, as my hon. friend from Amherst has stated, there are some marriages that are not by express words prohibited, they are merely the corollary of those that are prohibited. For instance, a father was not expressly prohibited from marrying his own daughter—but a mother was prohibited from marrying her own son. Nor was a man in terms forbidden to marry his niece—but a woman was expressly forbidden to marry her nephew. I contend that what was forbidden in the one sex was forbidden in the other, and, reasoning from these premises, I maintain that, when, as by the 16th verse of that chapter, a man was expressly forbidden to marry his brother's widow, a woman, by reasonable implication, was strictly forbidden to marry her deceased sister's husband—her brother-in-law. If we sanction such marriages, we will be led to deny, in every detail, the sacred law, and, by degrees, familiarize ourselves with all the abominations which the law forbade. In the early history of our race, such marriages were, of course, necessary, but the fitting time came—when the Divine law interposed—when it would not impose a harsh restraint on the proper liberty of choice, but would guard and extend the purity and sanctity of loved and hallowed relations—protected from the misery, confusion and jealousy—with which, unhappily, this Bill now threatens them. My hon. friend from Alma stated this afternoon, marriages with the sister of a deceased wife, were not prohibited by divine law; and he took upon himself to quote some remarks on that point from the celebrated Cardinal Wiseman, to the effect that the ecclesiastical rules and regulations of the Church of Rome prohibited such marriages, and that the present law is an unnecessary interfer-

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ence with its discipline. But the Church of Rome certainly bases her religion upon the divine law, and that Church declares these marriages to be highly improper, and forbids them, reserving dispensations in extreme cases. But that celebrated prelate, Cardinal Wiseman, before the same commission to which my hon. friend from Alma referred, stated that these marriages, of course, were unlawful, and that such marriages, as are now contemplated by this Bill before us, would be null. My hon. friend says that marriages of this kind are not always void, and that there is a state of confusion in the present law. There can be no confusion in the law. Our law is plain and unmistakable. Every person must know when he marries contrary to the spirit and intent of that law, that he is violating it and indulging in (to use a mild term) a misguided taste, and this Bill is instigated and brought in simply at the instance, and for the express purpose of protecting a comparatively few people from the consequences of the law which they have deliberately violated. I have no sympathy with such people, whether they move in high society or in low life, who openly and knowingly disregard the moral and religious law of the land. To legalize marriage with a deceased wife's sister would at once destroy that fraternal affection which exists for the sister-in-law, and deny her the guardianship which she should naturally have in her sister's house and family. Unless, under any circumstances, the wife's sister can only be treated as a sister, the close relationship and fraternal love that are the charm of social life are destroyed; and once you destroy the present relation of the sister-in-law, which you will do if this Bill passes, you will deprive many persons, who add a charm to marriage, who now live together in a fiducial state, as brothers and sisters, of that free social and domestic and family love and intercourse that prevails under the present law. We have seen the benefit of this law in England for centuries, and I see no reason why, because some misguided or corrupt individuals have thought proper to violate what for ages has been considered to be a moral and necessary law,

holding society and marriage relationship, with the innumerable benefits in the varied vicissitudes of life—I see no reason why that law should be repealed, in order to legalize what is, in every sense of the word, wrong, through any feeling of sympathy.

Hon. Mr. DEVER—Hon. gentlemen, in explanation of the vote I am going to give on this subject, matrimony, I wish to make a few remarks, and, in doing so, I trust I will be governed by proper humility, if not timidity, because I am aware the great majority before whom I speak cannot, nor will not, be induced to look on matrimony, and its church regulations, in the same sacred and religious light which I do. To me, matrimony clearly presents itself as a purely Christian institution—over and above the Levitical law, an institution worthy of all honor and respect, and binding, by that law, the Christian, “till death do us part.” To sustain this view, I find that, as far back as the second century of the Christian era, Tertullian, who is known in history as one of the fathers of the early Christian Church, wrote these words:—

“How can we,” he says, “express the happiness of the marriage union contracted under the auspices of the Church, consecrated by the oblation of the holy sacrifice, and sealed by the benediction which the angels have witnessed, and which the Eternal Father has ratified.”

Again, in the fourth century, St. Augustine, another father of the Church, writing on the same subject, made use of these clear and unequivocal expressions:—“Among all nations the advantage of the nuptial bond was to propagate the human race, and to unite the married pair by the fidelity they owe to each other. But with the people of God,” he says, “a more precious good, and a stricter bond of union result from the sanctity of the sacrament.” Here hon. gentlemen will see, without any doubt, that, in the early church, matrimony was clearly considered a sacrament. But St. Paul, too, calls it “a great sacrament,” or “mystery,” if you will—as some translators have it—for what are any of our sacraments but mysteries—things which cannot be comprehended, except by the eye of faith? “This is a great sacrament,” he says, “but I speak in

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Christ, and in the Church”—Paul to the Ephes. 5 chap. 32 verse. And, as the Church condemns not only this marriage, with a deceased wife's sister, or a deceased husband's brother, but even with the third cousin, or any nearer blood relation of one's former husband or wife; and, as I do not feel disposed to reject the teaching of Scripture and the Church, as I see it, till some better guide be given, I must personally be governed by the history of the past, and by the deductions from that plain passage in Matthew, the 28th chapter, 18th, 19th and 20th verses, which say:—

“All power is given to me in Heaven and in earth. Go ye, therefore, and teach all nations, baptising them in the name of the Father, and of the Son, and of the Holy Ghost, teaching them to observe all things whatsoever I have commanded you. And behold I am with you all days, even to the consummation of the world.”

See for further declaration of this commission, John 20th chap., 21st, 22nd, and 23rd verses, and John 14th chap. and 16th verse. But, notwithstanding all this—and it is a good deal—I will vote for the Bill, because you will see by the foregoing views that I look on matrimony and its church regulations as a purely Christian institution, which should be wholly free from all civil restrictions to those who can see it in no other light. Besides, I know some highly honorable and good people who are affected by this inconsistent civil law—people who have no church restrictions of their own in their way, and I am glad to have it in my power to assist in relieving them from it. But, in voting for the Bill, I also see that the clergymen of the Church of England have strong conscientious scruples on the subject, and I would, therefore, propose as a concession to these gentlemen to have the following words inserted in the Bill before we pass it: “But the passing of this Act shall not be construed to compel any clergyman who may have conscientious scruples in the matter to perform the ceremony against his will.” And this, I believe, is but fair to those gentlemen who clearly have strong conscientious scruples, and who, when deprived of the present civil restrictions, cannot fall back, as other clergymen can, on ecclesiastical law to prevent what they conceive to be a great error, if not a sin.

With these views, hon. gentlemen, I will vote for the Bill.

Hon. Mr. ALEXANDER — The House has been so flooded with newspapers and memorials giving arguments for and against this question, that I am sure it will not be disposed to listen to any lengthened remarks on the subject. I merely rise to explain, as briefly as possible, why I consider it to be my duty to vote for this Bill. I ask myself the question: if this measure becomes law, how will it affect society and the different classes of society? If I look at my own neighborhood, or Toronto, Hamilton or other western cities or counties, I can find numberless cases where men desiring to evade the law as it now stands, have passed over to the United States, and, under the laws of that country, have married the sisters of their deceased wives. I have then asked myself: what have I found to be the position of those gentlemen who have done so, and, in all cases of which I have had cognizance, they have been leading members of leading churches, occupying a respectable and respected position in every way, and they have not been the less respected because they have done so. I have, therefore, come to the conclusion that this Bill will not affect the better class of society, because the head of any family who has the misfortune to lose the mother of his children, and desires to marry her sister, can go over to the United States and legally accomplish there what he cannot do in Canada, and I do not see that the passing of this Bill will have any immoral effect on the poorer classes. For, when a poor man has the misfortune to lose his wife, what can be more natural than that the sister of the deceased wife should be more interested in the welfare of the children than any other person? I cannot see that this Bill will have any immoral effect on society, and I conceive it to be my duty to vote in favor of the measure.

Hon. Mr. FLINT moved the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

The following Bill, from the Commons, was introduced and read the first time:—

Hon. Mr. Dever.

Bill (79) "An Act to incorporate the Souris and Rocky Mountains Railway Company."—(Mr. Vidal.)

The House adjourned at 5.50 p.m.

THE SENATE.

Wednesday, April 28th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

EMERSON FREE BRIDGE BILL.

THIRD READING.

Hon. Mr. TRUDEL, from the Committee on Standing Orders and Private Bills, reported Bill (36) "To authorize the Corporation of the Town of Emerson to construct a Free Passenger and Traffic Bridge over the Red River, in the Province of Manitoba," with an amendment.

Hon. Mr. VIDAL, in the absence of Hon. Mr. GIRARD, moved concurrence in the amendment, which, he explained, was merely to supply an omission in the clause providing for the appointment of arbitrators.

The amendment was concurred in, and the Bill was read the third time and passed.

GREAT NORTH-WESTERN TELEGRAPH COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (45) "To incorporate the Great North-Western Telegraph Company of Canada," with certain amendments, which, he explained, were intended to make this Bill congruous with similar legislation which had passed this session.

Hon. Mr. VIDAL moved concurrence in the amendments.

The motion was agreed to, and the Bill was read the third time and passed.

A COLONIAL RESERVE ARMY.

INQUIRY.

Hon. Mr. ALEXANDER inquired: "Whether the Government can give this House any information respecting an offer

which has been made by the Imperial Government, to raise in this Dominion, and pay at the expense of England, 'a Colonial Reserve Army of four thousand men, officered entirely by Canadians. Terms of enlistment to be for six years active service. First three years of duty to be performed in England, last three years in Canada. To be then disbanded, but to be liable for service, in case of war, for a period of fifteen years, and form part of the general reserve, receiving six pounds (£6) sterling annually, as a consideration for this obligation."

Hon. Sir ALEX. CAMPBELL—No such offer has been made to the Government of Canada by the Imperial Government as that mentioned in this question. There is, however, I will add, a confidential correspondence going on between the Government of this country and the Imperial authorities as to the formation of a reserve; but not at all upon this basis.

SUPREME AND EXCHEQUER COURT BILL.

IN COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole on Bill (37) "Further to amend the Supreme and Exchequer Court Act."

Hon. Sir ALEX. CAMPBELL, before drawing the attention of the Committee to the clauses *seriatim*, desired to state that he thought it would be convenient to the House to have the Bill reprinted with the amendments of which he had given notice, if they should be adopted, before its third reading. The first amendment was to the first clause, to leave out the words "or a judge thereof." It was thought, on consultation on the subject, that it was not desirable that any judge should be given this power. He proposed, also, to strike out the latter part of the clause, which, as it originally stood, gave the general power of amendment in the discretion of the Court, which he (Sir Alex. Campbell) objected to, and which, on further consideration with the gentlemen to whom he had referred, it was thought desirable, if possible, to limit by more precise language. He had therefore struck out the remainder of the clause and introduced this amendment. The clause, as amended, would read as follows:—

"1. At any time during the pending of any appeal before the Supreme Court, the Court

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may, upon the application of any of the parties, or without any such application, make all such amendments as may be necessary for the purpose of determining the existing appeal, or the real question or controversy between the parties, as disclosed by the pleadings, evidence or proceedings."

Hon. Mr. MILLER said that he did not intend to oppose the adoption of the clause, as the spirit of legislation at the present day was to give the courts the most unlimited power of amendment. It was desirable that this power should exist in all instances, where justice required it, on the trial of causes in courts of original jurisdiction, but it might not be desirable to give power to the same extent to the courts of appeal, because very often an appeal might be grounded upon irregularities, the removal of which, in the appeal court, would completely destroy the grounds on which the appeal was prosecuted. Where a suit is brought up to an Appeal Court, on such grounds, if that court possessed power to alter the whole case by correcting the errors which should have been corrected in the court below, the party who appealed with a good legal case, would find that he had no case at all. However, he thought some such power was necessary in the Supreme Court, and he admitted that a very great deal of care had been exercised in limiting that power within such bounds as might prevent injustice from being done. He did not intend to oppose the clause, because it certainly was an improvement on the language of the Bill as it stood before the alteration was made.

The clause, as amended, was adopted.

On the third section,

Hon. Sir ALEX. CAMPBELL said that he proposed to insert a new clause. Section 22 of the Supreme Court Act provided that there should be no appeal from the decision of a court exercising its discretion upon such an application as this referred to in the following amendment:—

"In all cases of appeal the Court may, in its discretion, order a new trial, if the ends of justice may seem to require it, although such new trial may be deemed necessary upon the ground that the verdict is against the weight of evidence."

The law had been found to work injuriously, and it was agreed by those who had been practising a good deal be-

fore the court that it was desirable that the court should have the option to order a new trial where the ends of justice required it. That power would be exercised, not in appeal from the decisions of the court below, but might be exercised spontaneously on the conviction of the judges in each case as it came before them, if the facts as presented to them would seem, in order to attain the ends of justice, to render a new trial necessary. It was thought in the quarters to which he had referred, that this was a provision which ought to have found its way into the original act, and experience had shewn it was desirable to have such a provision in order to meet the ends of justice.

Hon. Mr. DICKEY—It is a very extensive power.

Hon. Mr. MILLER said he had no doubt the court here would desire it, but it was a very extensive power. However, it was possessed by the Judicial Committee of the Privy Council, and, though he did not like it, he would not oppose it.

The clause was adopted.

On the following clause,

Sir ALEX. CAMPBELL said that the amendment, of which he had given notice, was one that he had considerable doubt about. He would state the reasons which induced him to consider it advisable. By section 8 of the Supreme Court Act, the right of appeal in the Province of Quebec was limited to cases where the amount in dispute exceeded \$2,000. In the Province of Ontario it was not limited at all; as was also the case in the Maritime Provinces. He left out, for the moment, the general class of cases, which were always subject to appeal, no matter what the amount might be, because the law, in those cases, affected all the Provinces in the same way. But where it was a mere question of amount, the appeal was limited in the manner he had described. In Ontario the right to appeal to England was limited to cases involving not less than £500 sterling, and in the Maritime Provinces £300 sterling. It was a question with him whether it would not be well to take \$2,000 as the limit for all the Provinces, or whether it should not be fixed at \$1,500 to meet the case

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of the Maritime Provinces, and to make that limit general. It seemed to him better to keep down litigation, and take the higher figure. He understood that cases had been appealed to the Supreme Court involving only from \$100 to \$150. It seemed to him desirable to prevent such appeals.

Hon. Mr. MILLER hoped that no change would be made which would affect Nova Scotia. In that Province they were satisfied with the law as it stood, and he did not believe there was any request for the amendment, so far as Nova Scotia was concerned. He had the greatest respect for the Judges of the Supreme Court, but they were like all other people—they desired to have as little work as possible. It could not be said that their time was so fully engrossed as to prevent them from attending to all the cases brought before them. The country paid a very large amount of money to support the Supreme Court, and he thought it should get the largest possible return for that money. The judges were the last persons to look to for advice on this question. The amendment meant lessening their work one-half, but they had now nothing to complain of in regard to over-work. There was no court in the Dominion that had less to complain of on that head, and, therefore, they should not approve of the amendment.

Hon. Sir ALEX. CAMPBELL said that the suggestion upon that point did not come from the Judges of the Supreme Court, but from the Minister of Justice.

Hon. Mr. MILLER said that he had also a great respect for the Minister of Justice, but he did not think this amendment would be at all acceptable to the Province of Nova Scotia or to the public generally. He had always been in favor of a Supreme Court for Canada, and one of his chief reasons for supporting the creation of that tribunal was the necessity he believed to exist for such a court to supervise the decisions of the Provincial Judges. He desired to have that supervision as broad as possible, and would not consent to curtail it.

Hon. Mr. DICKEY deprecated such an amendment. In most cases of appeal there was some substantial right to be

considered, and appeals were often taken, irrespective of the amount involved. With regard to this amendment, it was quite sufficient to look at the proceedings which had already been taken in the nature of appeals from the Maritime Provinces. So far as he knew, they had been taken in almost every case under conditions where the amount did not approach anything like the minimum of \$2,000, and yet, strange to say, there had been a great many cases in which the judgments of the courts below had been reversed. The very statement of this fact, he thought, was quite sufficient to settle the question, so far as the Maritime Provinces were concerned, because they wished to have the protection of the Supreme Court. He (Mr. Dickey) ought to be the first to confess, because he had objected to the establishment of the Court at the time—that the Supreme Court had been a great boon to the Maritime Provinces. It had given the people confidence in the administration of justice and protection from possible influences which might affect the rights of parties in their own provinces. It would be strange, indeed, if that protection were to be taken away from them by fixing a limit which would, in nine cases out of ten, be far above the amount involved in appeals to the Supreme Court.

Hon. Mr. POWER quite concurred in what had been said by the two hon. gentlemen who had last spoken, and he was very glad to hear the hon. Minister of Militia say that he was not very clear on this section himself. He (Mr. Power) hoped, after this expression of opinion from representatives of the legal profession in the Maritime Provinces, that the amendment would be dropped. He had not heard any complaints from Ontario, or any of the provinces as to the present law regulating the amounts in appealable cases, and the fact stated by the hon. Senator from Amherst, that, in a great majority of cases, the judgments of the courts of Nova Scotia had been reversed when appealed to the Supreme Court, was sufficient to shew that the law should not be changed. The only reason that could be given for limiting the amount would be that the work of the Supreme Court at Ottawa was greater than the

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Judges here could overtake, and he did not understand that such was the case.

Hon. Sir ALEX. CAMPBELL was very uncertain about it himself, but, at all events, if it was thought to be convenient hereafter to make a change, it could be done. He would omit the section altogether, and leave the law as it stood.

The amendment was withdrawn.

Hon. Mr. MONTGOMERY, from the Committee, reported the Bill, with amendments, which were concurred in. The Bill was ordered to be printed, and the third reading was fixed for Friday next.

ASSINIBOINE BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. GIRARD moved the second reading of Bill (49) "An Act to incorporate the Red River and Assiniboine Bridge Company." He said: The original intention of the promoters of this Bill was to obtain the privilege of constructing bridges, not only over the Assiniboine River, but also over the Red River. They could not obtain the whole of their request, and they were obliged to take "half a loaf rather than have no bread." They expected, however, in the future, to obtain the whole of what they justly claimed. Enterprises like this shewed that, if large sums of money were expended in Manitoba and the North-West by the Government, the people themselves were also contributing to the progress of that part of the Dominion. Large risks were being incurred by private individuals in advancing the interests of Manitoba and the North-West. There was nothing extraordinary in the Bill. It was purely a private enterprise, and the public interest would be sufficiently protected by the clause which provided that the plans for the bridge would have to be approved by the Governor in Council before the commencement of construction. In so far as the navigation of Red River was concerned, there was a clause which provided that sufficient space should be left for all boats navigating that stream.

The Bill was read the second time.

THE CONSOLIDATED BANK OF CANADA
WINDING UP BILL.

SECOND READING.

Hon. Mr. RYAN moved the second reading of Bill (64) "An Act to authorize and provide for the winding up of the Consolidated Bank of Canada." He said he was without any instructions or information from the promoters of this Bill, and he had not looked into its provisions; but as it would be referred to the Banking Committee, he presumed there would be no objection to its passing a second reading.

The Bill was read the second time.

CANADA CENTRAL RAILWAY BILL.

SECOND READING.

Hon. Mr. COCHRANE moved the second reading of Bill (67) "An Act to amend the Act respecting the Canada Central Railway Company."

Hon. Sir ALEX. CAMPBELL—I do not intend to oppose the second reading of this Bill, but I desire to call the attention of the House, and of the Railway Committee, to which it will be referred, to the second clause, which seems to be one which goes, I think, beyond what this Company should ask at the hands of Parliament. The Canada Central Railway commences at Brockville and runs to Carleton Place, and another branch runs from Ottawa to Carleton Place. It then runs north-westerly towards Lake Nipissing. That is its line of country, and it should hardly ask to be allowed to extend its ramifications beyond its own particular route. The clause in the Bill to which I think attention is necessary is the second clause. It provides that the Company may extend a branch line of railway from any point of its main line to the Village of Madoc or to the Village of Tweed, in the County of Hastings, a distance of some 80 or 90 miles or more in the direction of Toronto, over a line of country which has already furnished the subject of a railway charter. A charter is now in existence for a road between Toronto and Ottawa, running precisely in the direction, or very nearly in the direction, that this clause points to, and that charter has been in existence for several years. Not only that, but a great many municipalities along the line of route

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have voted large bonuses to it, notably the city in which we now stand, and many other municipalities.

Hon. Mr. AIKINS—Yes; nearly a million dollars.

Hon. Sir ALEX. CAMPBELL—My hon. friend says nearly a million dollars have been voted to assist the company already incorporated to construct the line of railway through this very country to connect Ottawa with Toronto. It does not seem to me to be fair, when such a corporation is already in existence and has made active and continuous exertions to carry out the enterprise, that we should give another railway an opportunity, as it were, by a side power, to interfere with the operations of the road already in existence, and going on, as far as we know, successfully with the initial steps of the project, and it is unfair to the municipalities along the route which both roads are intending to adopt. It also seems to me that it may be attended with this additional disadvantage: that, it may be, this road may expect to receive something for giving up the right of traversing the same section of country. I do not say that such will be the case, but it is open to that surmise, as the other company is already on the ground, and as operations are probably suspended at the present moment more on account of the illness of the person at the head of the enterprise than for any other reason, it should not be interfered with by this side power. Further on, the same clause of the Bill provides that the branch railway, to be constructed by the Canada Central Railway Company, shall not be affected by or charged with any mortgage or lien in favor of the present or future holders of any mortgage bonds of the Company which have been heretofore issued. But what does that mean, if it does not mean this: that the money of the Canada Central Railway Company shall be taken for the construction of this branch line, and yet, the creditors of that Company shall not have any lien upon the property which is to be constructed out of their money? The present bondholders of the Canada Central Railway Company are not consenting parties, so far as I am informed, to this Bill, and they are the persons who are interested in the future of the

Canada Central, and have their claims upon it, and is it fair to the persons who hold those bonds to say that the earnings of the road shall be taken to build a branch which shall not be liable to the parties whose money is invested in it? We certainly should not legislate that this shall be done without the consent of the bondholders of which we have, as yet, no evidence. On these two points, I think, the second clause is not one that the Company should ask at the hands of the Legislature. I merely rise to call the attention of the House and the members of the committee to whom this Bill will be referred, to that section, to which I am sure they will give their fullest consideration.

Hon. Mr. SCOTT—Apparently, there is a good deal of force in the language of the hon. gentleman, calling attention to the conditions of the second clause of the Bill, inasmuch as the line of country which the Canada Central Railway traverses is in another direction. The clause has been introduced at the instance of the parties who desired this railway connection, extending westward from Perth towards Toronto. I understand the clause was placed in the Bill for the very purpose of securing the construction of a road from Perth to Toronto. The city of Ottawa, unwisely, in my judgment, coupled with the subsidy proposed to be given the Toronto and Ottawa Railway a condition that the Canada Central Railway should not be used, but that the Toronto and Ottawa should be a purely independent line. The Canada Central Railway Company has at present a line to Perth, a considerable distance of the route lying between Ottawa and Toronto. As far as I can learn the prospects of the Toronto and Ottawa Railway are by no means bright, particularly if it is to be constructed as an entirely independent line. There are several sections between Ottawa and Toronto, over which railways have already been constructed, and, if a railway is to be built to Toronto, it would be wiser, instead of expending a considerable amount on an independent line, to utilize the roads already in existence. Therefore, the Canada Central having a line as far as Perth, it is only reasonable that it should be utilized, unless there is

some special reason for expending a million of dollars in the construction of a competing line between Perth and Ottawa. I do not think you could, at present, induce capitalists to embark their money in a competing line, for a distance of 50 miles through that country, and this clause has been introduced at the instance of persons desiring this connection, and who have no faith in the Toronto and Ottawa road. The member for South Lanark (Mr. Haggart) has taken considerable interest in this Bill, and his constituents think the best way to build the road is to utilize the line already in existence. If there was any probability of an independent line from Ottawa to Toronto being constructed, there would be a great deal of force in the observations of the hon. the Minister of Militia; but I question very much if it is possible to obtain the capital, even with the assistance the municipalities have granted to construct that road. We know that capitalists are very cautious in advancing money where there is a competing line, even for any portion of the distance, and, during this and last session, it has been the feeling, not only in this House, but in another place, that it is not wise to grant to several companies charters over the same section of country, because it is simply imperiling the prospects of all. When we have fifty miles of a line already constructed, it does seem to be unwise to build a competing line alongside of it for that distance. When the City of Ottawa declared in its by-law granting the subsidy to the Toronto & Ottawa, that the Canada Central should not be utilized, I felt that it was a severe blow to the whole enterprise; that the large expenditure that was required to build twenty-nine miles of an independent line to Carleton Place was a wasteful expenditure unless something could be gained by it. The true principle is to attach conditions to the charters, that connecting roads should carry traffic on such conditions as the Legislature or the Government of the day should think proper. These conditions are always proper to be left to Parliament or to the Government, and it is very much wiser to make such stipulations than to risk the ultimate defeat of the enterprise by making it

Hon. Sir Alex. Campbell.

impossible to obtain the necessary capital for its construction

Hon. Mr. FLINT—I do not rise for the purpose of opposing the Bill, in its present stage, but I think the hon. the leader of the Opposition is wrong in principle, as far as regards the second clause of the Bill. Already a charter has been given to the Toronto and Ottawa road. Large bonuses have been granted, and a survey has been made of the greater part of the road from Peterborough to Perth, and somewhat below that, causing a considerable amount of expenditure, and, consequently, I think it would be very unwise to charter two competing lines on the same route. From my knowledge of the country, I am well aware that these two roads must run very near together, if built. In many places I might almost say, within half a mile, and in no place more than five miles apart. In order to get to Madoc there would be no place more than five miles apart, unless they went so far to the south as to run very near the Grand Trunk Railway. I am well acquainted with every part of that country, and know that there is but one feasible route to go from Peterborough to Perth. Certainly if you take any other line it must be at very great expense. And if you go down by Tweed you are directly out of the way, and would make a large bend in the road and add to the expense of construction. When the Bill comes up before the Railway Committee, I shall endeavor to be there, and show that it should be so amended that there should be an arrangement between the two lines before anything further is done in connection with this Bill. I know myself that the Toronto and Ottawa Railway Company have expended some \$20,000 on the survey of their line. I am well acquainted with the engineer, and have pointed out a considerable portion of the route, and gone to large expense myself to explore it, before the surveyors came on at all, consequently I speak on good authority when I say that this Company has already expended a large amount of money on the project. I know that the only route that the Canada Central Company could take is the one laid down by the Toronto and Ottawa Railway. It may be possible, as the

Hon. Mr. Scott.

hon. gentleman opposite has said, that the City of Ottawa has done very unwisely in not adopting the Canada Central as far as Carleton Place. I think they did, as it would have been better to have utilized that portion of the road; but as they have not seen fit, in their wisdom, to vote the bonus without that condition, the question is, shall the Toronto and Ottawa road lose that amount of money, provided they do not see fit to amalgamate with the other line. If the City of Ottawa would amend its by-law so as to allow the Toronto and Ottawa road to start from the Canada Central, at Carleton Place—which would be the proper place to start from, because if you go round to Smith's Falls, and then to Perth, it would make quite an elbow in the line—I think the other Company could have no objection; but, under the circumstance, I do not think it is right to have a charter given to a road so near a line already chartered. I know there is difficulty in the way of the construction of the Toronto and Ottawa line, as the President of the Company was sick during the last session of Parliament, and I am aware that the Ontario Legislature did not grant any sums of money for the purpose of aiding that road, or any other road, and I am also aware of another fact, that the Ontario Government has been expending large sums of money on railroads in the western parts of the Province, while they have given nothing towards the eastern or central part of Ontario, where they have derived a large portion of the revenue that they have been expending in the west. We only ask for our rights from the Ontario Government, and that we should obtain a just proportion of the revenue which they have derived from timber dues and lands sold in this part of the Province.

Hon. Mr. VIDAL—It was my intention to have waited until the Bill went to the Railway Committee before raising my objections to this clause; but I think, at this stage, I may say that I object entirely to the principle of that section. While I think the House is quite in harmony with the principle on which the Railway Company was first organized, I cannot understand why an entirely new road should be authorized by this second section, and Parliament should be asked

to sanction its construction without any stock being taken or any obligation being incurred, for, in a very explicit manner, it frees that road from all liabilities already incurred by the Company, and from any mortgages that may hereafter be issued on the main line. This is an extraordinary provision, and one which, I think, ought not be allowed by this House.

The Bill was read the second time.

Hon. Mr. COCHRANE moved the suspension of the sixty-first rule, in so far as it applied to this Bill.

Hon. Sir ALEX. CAMPBELL said he had no objection to suspending the rule now. It was the rule which required a Bill to be hung up for two days before it could be referred to the Committee. He would move, in a few days, that the rule be suspended altogether during the remainder of the session.

The motion was agreed to.

SOURIS AND ROCKY MOUNTAINS RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (79) "An Act to incorporate the Souris and Rocky Mountains Railway Company." He said the object of the Bill was to authorize the promoters to construct a railway from some point on the Canada Pacific Railway, in the North-West Territories, westward, between the international boundary line and the fifty-first degree of north latitude, to the Rocky Mountains, with a branch line of railway south-westward to the coal pits on the Souris River.

The motion was agreed to, and the Bill read the second time.

INTEREST ON MORTGAGES BILL.

SECOND READING.

Hon. Mr. FLINT moved the second reading of Bill (11), "An Act to regulate the encumbering of real estate by loans of money, or otherwise." He said: In rising to move the second reading of this Bill, I wish to state that I took up the matter because no one else seemed anxious to do so. I have looked carefully over it, and I find it is in some respects somewhat similar to the Bill which was brought before

this House some little time ago by the hon. the Secretary of State, and which is now before the other House for second reading, but has not yet been read the second time. I do not wish to enter into the particular merits of the Bill, at the present time, as I wish to have it referred to the Committee on Banking and Commerce.

Hon. Mr. ODELL—I do not rise to oppose this Bill, but rather to endeavor to limit its operation. This measure, it appears to me, has been introduced with the object of limiting the amount of interest to be exacted by loan and building societies, and to prevent any usurious exactions. My attention has been called to it, inasmuch as I think it will bear with great hardship upon the Maritime Provinces, where we have none of those loan societies. We have some building societies, but no difficulties such as have been referred to in this House on a former occasion as existing in other parts of Canada, have been experienced by us. Therefore, I think this Bill ought not to be made to apply to transactions between private individuals. Most mortgages in the Maritime Provinces are straight mortgages, and are often drawn by the parties themselves without reference to legal gentlemen, and, if a Bill of this nature affecting them is passed, I foresee a great many difficulties that may arise, as, after these mortgages may have been executed, some flaw may be discovered under the provisions of this Bill, if it passes, which would render them void. I give notice that, when this Bill comes before the Committee, I will propose a slight alteration in the last section, to make it read in this way:—

"6. This Act shall only apply to moneys secured by mortgage on real estate executed after the first day of July, in the year of our Lord 1880, taken by or on behalf of any loan, building or other society, whose principal business is loaning or advancing money on mortgages, and to mortgages taken in trust for any such society."

Hon. Mr. READ—I rise for the purpose of saying a few words in support of this measure, it being in the right direction, but it would suit me and the country's interest generally, if it went much further in the interest of the borrower. The time has arrived when the attention

Hon. Mr. Vidal.

of Parliament and the country should be called, in a most unmistakable manner, to the extortions and legalized robbery practised by loan and building societies. When a bill of this character was before the Senate this session, I took occasion then to give my opinion of what was necessary, and point out to the House some of the extraordinary acts that are practised by these societies at the present time, and the manner in which building societies have the right, as I may say, by legal robbery, to impose upon borrowers who happen to get into their hands, because I suppose if it was not legal, they could not do it. If such acts are legal it is time the attention of Parliament was called to such matters as I will present to this House in a very short time. I hope I shall be considered as speaking by authority now, and shall not be obliged to call a witness to the Bar of the House to prove the statement, of which I then produced a copy, and which was called an invention by my hon. friend from Hamilton (Mr. Hope). I now produce the original statement of the Hamilton Provident and Loan Society, which is an exact copy of the one produced then; and as he is, I believe, the President, I hope that he will not now dispute my statements—or, I may say, his own, for it is his own statement that I quote from. I do not know whether it will be accepted as a correct statement, or as only an invention, but I will produce it, with the stamp of the Company on it—I will not say the seal. I do not know whether the parties took the trouble to get the stamp made for the purpose, but, as I have been charged with “using strong and unfounded statements”—I took down the words—

Hon. Mr. MILLER—Who used them?

Hon. Mr. READ—My hon. friend from Sarnia (Mr. Vidal). As I have been charged with using strong and unfounded statements, I shall now read this document. I do not vouch for it. I only give it as I got it. I did not vouch for the copy I read on a previous occasion, and which I read as a copy merely, but I have compared the two, and I find them alike, word for word, the only difference being the words “H. D.

Hon. Mr. Read.

Cameron, Treasurer,” printed on one but not on the other. Now, we shall see how the Hamilton and Provident Loan Society conducts its business. It may be supposed that this is not done by other companies, but I know that it is. I do not say they all do their business in the same manner; but I wish to draw the attention of the House to this statement of the Hamilton Provident and Loan Society. This is the result of \$1,000 borrowed of this Society. The first payment being due on 1st January, 1879, proceedings were taken and the farm sold under a power of sale in the mortgage, the costs and interest charged for the short time being \$455.31. This may be termed legalized robbery, for it is nothing else.

“THE HAMILTON PROVIDENT AND LOAN SOCIETY,
HAMILTON, Ont., Nov. 4th, 1879.

“WM. E. ROXBURGH, Esq., Norwood.

Re A. R. WIGMORE, No. 2,069.

“Dear Sir,

“The following is a statement of the Society's claim as at October, 1879 :

“STATEMENT.

“ 14 instalments yet to pay of \$131.37	
each, the first due Jan. 1st, 1880.	\$1839 18
“ Less discount for pre-payments...	736 58
	<hr/>
	\$1102 60
“ Add 1st instalment, due Jan. 1st,	
1879.....	131 37
“ Interest on arrears to Oct. 1st, 1879	11 25
“ Costs, Selling, Commission, Solicitors, &c.....	210 09
	<hr/>
	\$1455 31
“ Property sold, for.....	1400 00
	<hr/>
“ Amount due the Society.....	\$ 55 31

“Yours truly,

(Signed) “H. D. CAMERON,

“Treasurer,

“Per K.”

My complaint is this: that a person borrowing to pay by instalments does not appreciate, nor can he know, the interest he has to pay. I only use the language of an hon. gentleman who is a President of a loan company that, with a good actuary alongside of him and he himself good at figures, they could not agree on the value of a mortgage or the interest it paid to the Company. So then, those who are not intelligent, cannot be supposed to know, nor can they know, the amount of interest they have to pay on loans from these societies. In addition to this, they are liable to be

fined, and money collected from them for things they do not understand. Should they fail to pay an instalment the whole mortgage becomes due, and the society collects, not the money they should have received on account, but they really collect also money which the borrowers had not the use of. This should not be allowed by Parliament, and I contend that this legislation is calculated to make the rich richer and the poor poorer. It may be said that people should not borrow, but they do borrow, and will borrow, and it is necessary that Parliament should protect them. We protect people against imposition in other respects. We pass laws against the adulteration of food. If a man sells milk adulterated with water he is liable to punishment; if a grocer sells coffee adulterated with chicory he is liable to be fined, and I think it is the duty of Parliament to protect the borrower against usury. Building societies have privileges, and they are allowed to put clauses into mortgages, by which they collect money, that individuals would not be permitted to collect. I do not believe that they can do it legally, but they do it. To give an instance how moneys are collected, and how these accounts are made up, I will read a bill in connection with these costs on the sale of this property. I have to apologize a little for what I said on a former occasion in this connection, because the lawyers do not appear to have received all these moneys. It appears that there are other harpies who prey upon the vitals of the borrowers. Here is a gentleman who signs his name as inspector, and the following is a part of his little bill for advertising and selling this property, which was advertised to be sold on 19th April, terms \$100 down, half the purchase money in two weeks, upset price \$1,400. Then the property, as I am told, was not sold that day, unless it was bought by the Company. There is a gentleman whose privilege and to whose profit it is to make pleasant excursions from one end of the Province to the other. This inspector travels from Hamilton to Norwood three times, and although there is a stage running to Norwood, he is allowed to charge for livery. However, I shall read the bill, which includes the expenses of this inspector. It is as follows:—

Hon. Mr. Read.

Copy.

"THE H. P. & L. SOCIETY IN ACCOUNT WITH
M. S. PUTNAM.

"In re A. R. WIGMORE, No. 2069.

"1879.

"May 17..	Fare and hotel bill to Peterboro	\$5 50
	Livery and expenses, two days, to Norwood	9 00
" 21..	Fare to Hamilton and hotel bill	5 50
" 29..	Fare, Hamilton to Peter- boro, and hotel bill	5 50
	Livery and expenses, two days	9 00
	Fare, Peterboro to Ham- ilton, and hotel bill	5 50
"June 29..	Fare, Hamilton to Peter- boro, and hotel bill	5 50
	Three days' livery and hotel bill	14 00
	Fare, return Peterboro to Hamilton, hotel bill	5 50
	Thirteen days' wages in above trips, \$3, or	39 00
	Advertising property for sale in Daily and Week- ly <i>Globe</i> and Peterboro papers, and circulars ...	15 00
		<u>\$119 00</u>

"Commission, \$14.00, included in
other bill

"Rec'd payment,

"M. S. PUTNAM,

"Inspector.

"Sept. 13, '79."

Now, I do not say that the sale was not advertised, but I have made diligent search, as others have done, for such advertisements, but without finding them. I observe that of the \$210 charged for costs, over \$133 went to the inspector and others, so that the poor lawyers did not get the whole of it this time. It is a question whether I, as a private citizen, could collect this amount under the same circumstances. What I complain of, is that a mortgage can be drawn in such a manner that a person can be mulct to such an extent. The Company take something that, I contend, they never earned; they take \$102.60 of a fine levied upon this poor man, because he failed to pay \$131, and then there is a charge for interest after the property was sold. It cannot be supposed that this is the only company that conducts its business in such a manner. I hope it is, but the statement that I have submitted to the House ought to be sufficient, at all events, to shew what hardships may result from the law as it stands.

It may be asked "Why did not this man pay what he owed?" Because his crop failed, and he was not able to pay. The terms of sale, as advertised, were that \$100 should be paid down, and one-half of the purchase money within two weeks from the date of the sale, and the balance on time; upset price \$1,400. See how harsh those terms are: \$700 within two weeks. We cannot too often warn the country against the frauds that are being practiced upon them. I say "frauds" advisedly, because people are being deceived by those Companies. There is a way of covering the amount of their charges, so that people do not feel them in the first place, but they become a heavy burden afterwards. I have seen an epitaph that was inscribed on the tomb of a poor man who had been a sufferer by such a transaction. It was as follows:—

"Shed not a tear for Simon Wruggle,
For life to him was a constant struggle;
He preferred the tomb and death's dark fate
To farming mortgaged real estate."

These companies are the harshest landlords that we have ever seen. Absentees are nothing to them. I think I shall not be charged to-day with inventing a statement. I hope I have removed that impression. In view of the facts that I have submitted to the House, I ask if such a state of affairs should be allowed in this country? I say that there should be a change. So numerous have these companies become, every cross-road has an agent. My informant signs himself "Appraiser for the Canada Permanent Building and Loan Society." He knows what he is talking about. He says in his letter that he trusted Wigmore with goods from his store, and cash to the extent of \$175, for which he took a second mortgage on the property, but the terms of sale were so harsh that he could not buy it in to protect himself from loss. He could not take \$700 out of his business in two weeks, and so he had to forego his claim. It has been asserted here that the property was not what it was described when the application was made for the loan; but my informant, who lived in the neighborhood, knew the value of it, and was willing to advance goods on the security of a second mortgage, but when he learned the terms of sale, he was

Hon. Mr. Read.

unable to buy the property, and had to trust to Wigmore's future success in life for his payment. He does not seem to doubt that, at some future time, he will get his money. This is a question which Parliament should take some action upon, and I hope that the House will do so on the first opportunity.

Hon. Mr. BUREAU — All these building societies have been established under two statutes, one for the Province of Quebec, (Cap. 69, Consolidated Statutes of Lower Canada) and the other for the Province of Ontario, (Cap. 53, Consolidated Statutes of Upper Canada), and these Statutes are still in existence. Under these laws building and loan societies could not take more than 6 per cent. interest, but it is not mentioned in any of the bills which we have passed, incorporating such associations, what rate of interest they may charge. Still, under the two laws that I have referred to, the legal rate of interest—only 6 per cent—is allowed, because the acts abolishing the usury law were passed after these two Statutes were enacted. Consequently, the rate established by the usury law, 6 per cent., is the legal rate, the acts repealing the usury laws having no retroactive effect. But, besides the legal rate of interest, they are allowed a reasonable bonus, which is not specified in the law, but is subject to the decisions of the courts, in case the rate is considered excessive. In my opinion, the statement which has been read by the hon. Senator from Quinté division (Mr. Read) is a very extraordinary one, but the man whose property has been sold has the remedy in his own hands, if he has been imposed upon by the Society, and can apply to a court of justice for redress. In the Province of Quebec there had been a great many abuses, and I remember, when we came to this Parliament for relief for our building societies, we were told by the representatives of Ontario that everything was going on well in that Province. They said that there was no injustice there, and that all the complaints came from the Province of Quebec. It would seem, from what we have heard in this debate, that the people of Ontario are worse off than we are in Quebec. I have seen numerous illustrations of the difficulties which are complained of. I have found

that, when any estate had to be wound up, official assignees had a great deal of trouble about mortgages made by some of these societies; and, after testing the matter, the account was always considerably reduced. I think, therefore, that Mr. Wigmore, whose case has been referred to, can find a remedy in the courts under the law as it exists. I think that the two Statutes to which I have referred ought to be repealed.

Hon. Mr. DICKEY—I am not at all surprised that the hon. Senator from Quinté should desire to set himself right before the House in this matter. I could not help feeling, the other day, that he was rather hardly sat upon, for he received, I will not say harsh treatment, from some members of the House, but he was, perhaps, put in the most odious light that he could be, under the circumstances; for really, after all, there was nothing in which my hon. friend had offended. He made a statement which, whether it was from a copy or from an original document, matters little, because it corresponded almost to a cent, I believe, with the figures given by the hon. Senator from Hamilton. This side issue about lawyer's fees, which led my hon. friend into another direction altogether, did not affect the question at all, because it was admitted that the property brought \$1,400, and that \$55 was still due, and, also, that the amount payable included some \$210 expenses. At the moment, it did not strike me that there was anything very heinous in his conduct. Certainly, everyone of us who know him must be convinced that his statement could not have been made with any view to deceive the House, or any member of it. With regard to the Bill before us, I should like to say this: several of my hon. friends—those from Ontario more particularly—have attacked these societies as to the rate of interest charged on loans secured by mortgages on real estate. They must be, surely, aware that it is the fault of their own law. The rate of interest in Ontario is not limited and if these societies, seeking after good investments, make good bargains, it is the most natural thing in the world, and I really cannot see why they should be attacked under these circumstances, rather than

Hon. Mr. Bureau.

that the law itself should be amended, or repealed. Now, I speak more decidedly upon that point, and, before sitting down, the House will see that what I am saying is germane to the Bill itself. In Nova Scotia we have limited the rate of interest on real estate to 7 per cent., and no mortgage can be taken for more than that. The result is that we all know where we are. Now, by this Bill you propose to make a new rate of interest for Nova Scotia and the other Maritime Provinces. You propose to allow persons to take interest at any rate that they may agree upon, in cases under the 1st section. I fear that such is the effect of the Bill. It is quite true that all former legislation, including the very Bill that we had before us here the other day, was confined entirely to Ontario and Quebec, where these building societies are in operation, and we from the Maritime Provinces were perfectly satisfied with it. We have had, almost every year since I came here, legislation upon these building and loan societies which was confined to provinces where their operations were carried on. It did not affect us, and we took precious good care to see, as they went through the House, that by no side wind could there be a provision to enable parties in the Maritime Provinces to take a higher rate of interest than the present law allows. I speak freely and impartially on that point, because I am rather a lender than a borrower, and, if I were governed by personal interest, I might agree to a bill of this kind, which gives very large powers to parties taking securities under this Act. Whether people are induced to borrow by their poverty or otherwise, we know that, in point of fact, men, under the pressure of stern necessity, will do almost anything to get control of money. They are checked in Nova Scotia by a law which works well, and which, I hope, will not be interfered with. There is another principle in the Bill to which I object: It allows parties to agree between themselves upon the rate of interest to be paid. This Bill, according to its terms, is not confined to building and loan societies; it is general. It speaks of mortgages that may be made by individuals as well as by loan societies.

Hon. Mr. MILLER—On the same principle.

Hon. Mr. DICKEY—Yes, on the same principle. There is another principle (one that is held sacred by the courts) that is violated by this Bill, that interest shall not be charged upon interest. It may be right in principle that, where a man's interest is in arrear, he shall pay interest upon it, but no court, I think, will allow it upon compulsory proceedings.

Hon. Sir ALEX. CAMPBELL—It would, I suppose, if there were a bargain to that effect. In Nova Scotia such a bargain would be enforced.

Hon. Mr. DICKEY—No; I think not.

Hon. Mr. MILLER—Oh, yes!

Hon. Mr. DICKEY—I do not wish to go into a discussion upon the point, but I have stated what my impression is. At all events, this Bill applies to Nova Scotia, and enables parties in that Province, for the first time since Confederation, to lend money on the same terms and conditions as these building and loan societies. Under the circumstances, I sympathise with my hon. friend from Halifax, who called attention to this question, and I trust that, before the Bill reaches its final stage, some amendment will be introduced to exempt the Maritime Provinces from its operation.

Hon. Mr. MILLER—I do not care to detain the House at the present moment, because I feel that there is an anxious desire to get through the business that is on the paper, but I cannot allow the remarks which have fallen from some of the hon. gentlemen who have addressed the House to pass without some reply. I differ altogether from my hon. friend who has just resumed his seat, as to the operation of this Bill. I say that (if it become law) it will not at all affect the Statute which regulates the rate of interest in Nova Scotia. In that Province, as my hon. friend has said, the rate is fixed by law, and the Bill before the House does not contemplate, in any way, to interfere with the rate established for that Province. The effect of this Bill in the Province of Nova Scotia will simply be that, in case money is loaned there under the terms of this Bill, it

will compel the lender to accept a rate of interest not exceeding seven per cent., as is now done, with regard to loans, on ordinary mortgages, in that Province. The only effect which the Bill would have at all in Nova Scotia would be in relation to a building society in Halifax, and I am not at all opposed to having it so applied. That society has operated on the general conditions which attach to societies of that character, and I think that the application of the law to it will be looked upon as a very great boon in the City of Halifax, where a few capitalists have control of large amounts invested on loan on the instalment system. I think, therefore, that the Bill will be acceptable in Nova Scotia, and I shall have great pleasure in voting for it. I could say a great deal more in favor of the measure, if it were necessary, but its details can be discussed in committee. I desire, however, to say a word or two in reference to the Wigmore case, which has been referred to by the hon. Senator from Quinté (Mr. Read). My hon. friend has evidently selected this opportunity more for the purpose of giving expression to his views with regard to that matter, than to advocate the passage of the Bill before the House. I would not be surprised that he should avail himself of the opportunity, if he had not made so much of a small matter, to put himself right before the Senate in reference to the statement which he made a few days ago. On that occasion, several gentlemen, I believe, questioned his accuracy. I did not, however, do so, except in one particular, and in that the facts bore me out, that he was wrong in making the charge that he did against the solicitors engaged by the Hamilton Provident and Loan Society. Since the subject was last before the Senate, I have had a letter addressed to me by a person who is very well acquainted with the circumstances of the Wigmore case, and I cannot see the "glaring injustice," or "legalized robbery," that the hon. gentleman has spoken of, in that transaction. The circumstances are that Wigmore borrowed \$1,015; his property was valued at \$2,580, which turned out to be a gross over-valuation. The money was loaned at nine or nine and a quarter per

Hon. Mr. Dickey.

cent. interest on the instalment system. The borrower fell into arrears at once after the first instalment matured. In July, 1879, the Society ascertained that the security was totally inadequate, and so exercised their right to sell the property to realize their money. They advertised the property for sale, with as little expense as possible, under the power given by the mortgage.

Hon. Mr. READ—Did you say that was in July, 1879?

Hon. Mr. MILLER—Yes.

Hon. Mr. READ—The property was sold in April, 1879.

Hon. Mr. HOPE—It was sold on the 3rd of July, 1879.

Hon. Mr. MILLER—That makes very little difference. I say that the property was offered for sale, and the highest bid that could be got for it was \$1,000. A man named Roxborough, who held a second mortgage on the property, and who, we are told, was my hon. friend's (Mr. Read's) informant, made that bid, and he could not be persuaded, either at the time of the sale or afterwards, to offer more. Therefore, it is evident to the House that there must have been a very serious mistake in the valuation of the property, and that the owner had got the full value for it, and, with the accumulated interest, more than the full value. After some difficulty, and after some censure of the valuator, the company succeeded in getting the property off their hands for \$1,400, and even then were losers by the transaction. If it had been possible to sell the property for the amount at which it was valued when the loan was obtained, it would have been to the interest of the Society to have done so. They had no interest, whatever, in selling the property below its value, but the contrary. Having lost money by the transaction, they found that the man refused to move off the property, and he put them to the expense of an action of ejectment to get him off. It was in connection with that action, I believe, that they had to seize and sell his crops for expenses. That was a business transaction, without malice on the part of the Company—because they could have had no desire to injure the mortgagor—and, therefore, I

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say that there is no ground, that I can see, for making wholesale charges against the Company and the respectable individuals connected with it. I have a few words to say on another portion of the hon. gentleman's remarks. My hon. friend has, on several occasions,—I think, very unfairly—used opprobrious epithets on the floor of this House towards the profession to which I belong. In a former debate he called them "blood-suckers;" to-day he has spoken of them as "harpies." Now, I do not think, from a gentleman occupying a seat in this House, that is language which should be hurled at a respectable and learned profession. It does not hurt the profession, I am sure, but it is not the language we should expect to hear in this Chamber. One would be disposed to ask what business or profession does my hon. friend belong to that he should hurl such epithets at unoffending lawyers. My hon. friend is, I believe, a whiskey distiller, or manufacturer. Now, I do not think that a whiskey distiller is one who can afford to cast reflections upon any profession or occupation—not even that of a scavenger. We hear a good deal about the rate of interest charged by loan societies; is there any class that takes a larger rate of interest for capital invested than the distillers? Not 10, 15, 20, or even 50 per cent., but 100 per cent. will satisfy them. Then, again, there are other lights in which to look at this business. The hon. gentleman said a great deal about widows and orphans. What class of people are more responsible for the number of widows and orphans than whiskey distillers? I might extend my question, and ask what other class contribute more to swell the category of crime than that to which the hon. gentleman belongs? I therefore ask, is the hon. gentleman the right person to hurl opprobrious epithets at members of any profession in this House or elsewhere? I do not think he is, and he should not indulge in such uncalled-for expressions when there is no occasion for them. My hon. friend got up the other day and said that, in connection with the sale of the Wigmore property, the lawyers had got \$210. I pointed out then that the amount was made up of several other charges, and it is now ad-

mitted that the solicitors received for all their trouble in the Wigmore case the very modest sum of \$46 in all. If my hon. friend possesses, as I believe he now does, that information, he did not give it to the House. I think he should have made the correction, and should not have allowed such an unfounded statement against a respectable firm of solicitors to go abroad. It was a statement calculated to do them a great deal of harm, and to sully their professional reputation. I do not think that he would, in his calmer moments, do an injustice of that kind to individuals situated as these solicitors are. I can understand that, in closing up a transaction of that kind, \$46 was a reasonable charge for legal expenses. Further than that, I find that the charges of the Company in connection with the performance of professional work are of the most meagre, mean and unremunerative character. These are specimens of them:—For drawing mortgage in duplicate, having executed, registered, examining title, &c., where the sum borrowed is \$500, the charge is only \$5. When the amount is \$1,000, the charge is \$7.50, with an addition of \$2.50 for every additional \$1,000. Then for writing and getting a discharge of mortgage executed, the charge is only one dollar. If these are fair specimens of the charges of the solicitors of this Company, I do not think there is any ground of complaint against them, much less any justification for the strong language of my hon. friend from Quinté. If the charges in all these companies are the same, they should not be complained of, and, certainly, they are not of a character to justify the language that has been used by my hon. friend against the legal profession. I am very sorry to trouble the House with these matters, but, if individuals or classes are unfairly attacked by any hon. gentleman, I think it would be only consistent with a sense of justice that someone should have an opportunity, and should take the trouble, to make a few remarks in reply.

Hon. Mr. KAULBACH—I agreed, the other day, with my hon. friend from Quinté (Mr. Read) that \$210 was too much to charge for disposing of Wigmore's property. I do not concur in the opinion that, because the property did not bring, at a forced sale, the amount

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at which it had been valued, therefore too much money had been loaned upon it. If notice of the sale was given, it was insufficient, and the property was sold at a sacrifice. There was no foreclosure proceeding; the property was simply sold under the power given in the mortgage, and, therefore, \$210 was an exorbitant charge to make. It is a charge such as I have never heard of before, and, if it had not been for the authentic statement furnished by my hon. friend (Mr. Read) I would not have believed that such a thing was possible. I must support the stand that he has taken, regardless of what he has said about the legal profession. My hon. friend from Amherst (Mr. Dickey) is in error in supposing that a mortgage is not valid in Nova Scotia if it bears more than seven per cent. interest. The mortgage is valid, but more than seven per cent. cannot be recovered by the lender in a court of law; neither does this Bill regulate or effect the right of interest on mortgages in Nova Scotia. We, in a previous Bill this session, approved of the principles contained in this measure, and I can see no objection to it now; therefore, I shall support the Bill.

Hon. Mr. REESOR—This Bill has four principal provisions. The first is to prevent parties loaning money, whether building societies or private individuals, and taking a rate of interest that is not clearly stated in the mortgage. It is the duty of the party loaning money, in charging a rate of interest, to state clearly what that rate is, and the amount due at each payment, if the loan is required in instalments; so that the borrower cannot be deceived as to the rate of interest he is bound to pay. The next provision is that the lender shall not be allowed to impose fines and penalties, even though the mortgagor is behind in making his payments. The third provision is that, if the payments are in arrear, they shall not be allowed to increase the rate of interest, but shall charge simply, until the mortgage is paid, the rate of interest agreed upon in the first instance. The fourth principal provision is that, after a mortgage runs for a period of five years, the mortgagor may, if he choose, pay up the mortgage by paying three months' interest in ad-

vance. But, beyond these four provisions, as I understand the Bill (and I have read it over carefully), there is nothing to provide for the regulation or limitation of the rate of interest, any more than the law already regulates it in the different Provinces. I was quite surprised when my hon. friend opposite (Mr. Dickey) said that this Bill would interfere with the rate of interest in Nova Scotia, but I was quite satisfied that the House would scarcely agree with him after the remarks made by the hon. gentleman who followed him (Mr. Miller), and I am quite sure that any one reading the Bill, whether he be a lawyer or a layman, if guided by common sense, would hardly see that any such interference could take place. The Bill simply provides that the rate of interest shall be clearly stated, and the party making the mortgage shall not be required to pay any other rate than that stated on the face of the mortgage. My hon. friend who sits before me (Mr. Odell) objects to this Bill being applied to individual lenders of money. I cannot, for the life of me, see why a difference should be made. If it be wrong for a building society to deceive the borrower as to the rate of interest he may be required to pay, or impose fines upon him, I do not see why any other lender of money should be allowed to perpetrate such wrongs with impunity. If the principle laid down in this Bill is correct for loan institutions, it is correct also for individuals, and I certainly hope that my hon. friend will not press his motion to throw out the Bill, or, if he does so, I hope that it will not prevail. The Bill is just and fair in its objects, and I have every confidence that the House will sustain it.

Hon. Mr. BOTSFORD—I am not acquainted with the operations of loan societies, but it appears to me that the provisions of this Bill should not apply to private lenders. In New Brunswick, mortgages are frequently drawn by non-professional men, and there is a provision here which would, in effect, invalidate many of them. In New Brunswick, if no rate of interest is specified in a mortgage, 6 per cent. would only be recoverable, under the existing law. Therefore, no inconvenience would arise in private transactions between individuals, in

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lending moneys on the security of mortgages. This Bill would also interfere with the free, necessary and advantageous arrangements between parties who wish to invest money for a term of years, especially in the case of minors. I know of many instances in which money has been loaned for a period of ten years to the mutual advantage of the borrower and the lender, but, if this Bill should pass, if no rate of interest is mentioned, only six per cent. can be charged. There is no law in New Brunswick which enables a person lending money, to impose fines upon a borrower who is in arrear; he can only recover the principal and interest. If a larger rate than six per cent. is mentioned in the mortgage, it can be recovered under the Dominion Act, regulating the rate of interest. This Bill, however desirable it may be to apply its provisions to building and loan societies, should not extend to private transactions, because, so far as my experience goes, there is no necessity for it. No evil has arisen, and no injustice is done, so far as I know, under the existing law, and I hope that the Bill will be confined, in its operation, to building and loan societies.

Hon. Mr. PENNY—The fact is, this Bill was a bid for popularity, in the first instance. It passed the second reading in the House of Commons, in spite of the opposition of the Ministry, and of the desire, as I believe, of the wisest men in that Chamber. After the second reading, instead of being thrown out, it was taken up, and transmogrified to such an extent that it seems to have an opposite tendency to that which was designed by the gentleman who introduced it. Instead of restricting the rate of interest, as it did in the first instance, it seems to extend it, at all events in some directions. It strikes me that the best thing that we can do now, as the Bill does not represent the intentions of its author, and seems to meet nobody's views, is to dispose of it by the three months' hoist.

Hon. Mr. HOPE—I should like to know what is the intention of the Government with regard to the Bill which was passed by the Senate recently and sent down to the other House? Is it their intention to press it through the

other House and eliminate those clauses which were incorporated at the suggestion of the hon. Senator from Prescott?

Hon. Mr. AIKINS—I understand that the Bill, having reached the House of Commons before this Bill which we have now under consideration came up to this Chamber, it was their intention to strike out those clauses introduced here, inasmuch as the principle of them is embodied in this Bill. If the measure which is now before us should be rejected in the Senate, there would be no bill at all.

Hon. Mr. HOPE—There were some amendments that the hon. Senator from Prescott intended to move to-day; but he is absent from his place.

Hon. Mr. AIKINS—I understood from the hon. Senator (Mr. Brouse) that he would press the amendments when the Bill is in committee.

Hon. Mr. HOPE—I desire to make a few remarks with regard to what the hon. Senator from Belleville (Mr. Read) has said about the transaction between the Hamilton Provident & Loan Society and Wigmore. My own impression is that the Society has had a fraud perpetrated upon it. I have very little doubt about it; because, in the first place, upon examining the deeds, it was found that a person, named Johnson, sold the property in January, 1874, for \$700. In July, 1877, the mortgagor made application for a loan of \$1,015 on that property, representing it contained 157 acres, although the deed only mentioned 100 acres, and describing the property as being worth \$2,500. It was not until months afterwards that he produced the deed from the party from whom he bought the property; and that deed represented that the purchase money was \$2,500, of which amount he professed to have paid \$1,500 in cash, and was borrowing the \$1,000, he said, to complete the purchase money. Under the terms of the mortgage, the first payment was to have been made on the 1st January, 1879. When that time came around he paid nothing, and then the Society began to discover that a fraud had been practised upon them. They proceeded to sell the property in April, 1879, but, for

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the want of bidders, it was not sold. The next step that the Society proceeded to take was to effect a sale through the exertions of an agent who was sent down for the purpose of obtaining a purchaser for the property. The expenses up to the date that the property was offered for sale, amounted to \$68.44, of which \$46 was for solicitor's fees. That was all that the property was legally chargeable with on the 19th of April, when it was offered for sale, and if it had been bought on that date by the mortgagor or by any of his friends, that was all that could have been collected; but it was not sold, and the consequence was an agent was engaged to dispose of it.

Hon. Mr. READ—What was the upset price?

Hon. Mr. HOPE—\$1,300.

Hon. Mr. READ—The advertisement says \$1,400.

Hon. Mr. HOPE—No; the upset price was \$1,300. The agent employed was, perhaps, as competent a man for the disposal of real estate as there is in Ontario, but it was more than he could accomplish in a day, being actually about thirteen days engaged with the matter, at \$3 a day, besides expenses, which the Society had to pay, and he received, in addition, one per cent. for selling. So these charges must be added to the cost of realizing the property, besides \$8.65 for drawing mortgage and other charges on the sale, to the purchaser, from the Society, making, altogether, \$141.65, and these charges bring up the amount to \$210.09, the sum mentioned by the hon. Senator from Quinté (Mr. Read), as contained in the statement that he read to the House. His figures are quite correct, but he makes a wrong use of them. He does not seem to understand them, and he confuses himself, and imagines that this man has been paying 24 per cent., when he has been paying nothing of the kind. I do not complain of the hon. gentleman's intention; he may not intend to do wrong, but the effect of his statement is to mislead the public, and to make the Senate believe that this mortgagor was charged more than was really the case. The fact is, as I have said, a fraud was committed upon the Society, and, instead of the mortgagor suffering, the widows

and orphans, whose money has been lost in the transaction, are the real sufferers. The hon. gentleman (Mr. Read) talks about the mortgagor being turned out of house and home. On the 3rd of July, when the purchaser of the property went to take his crop off the place, he was threatened by Wigmore, and he came to the Society for protection. He said that he had bought the property with the crops upon it. He wanted legal authority to take them, and he got it. The crops were sold, and were purchased in by some friends of the party at a nominal price. The gentleman who furnished my hon. friend with his information, and who held a second mortgage on the property, had a right to buy it in, but all that he would bid was \$1,000. The loan was originally made at a rate to yield $9\frac{1}{2}$ per cent. From the competition of loan societies and the introduction of foreign capital, money is cheaper now. Such is the effect of free trade in money. The property was sold for \$1,400, which would leave a surplus of \$155; but the mortgage, in the second sale, was at 8 per cent., a reduction of $1\frac{1}{2}$ per cent. Deducting the loss of interest from the surplus, you have only \$50.97, or about $2\frac{3}{8}$ per cent. per annum left to represent the net gain to the Company. And for this transaction the hon. Senator charges them with being guilty of "fraud" and "extortion." These are the charges the hon. gentleman makes against a Society that can challenge any one to put his finger upon any of its numerous transactions, involving millions of dollars, that will not bear the closest scrutiny for fair-dealing and forbearance. Before making such charges, the hon. gentleman should inform himself as to the facts of the case. I cannot account for the hon. gentleman's course in this instance, except on the supposition that he attributes to others motives which may actuate himself.

Hon. Mr. FLINT—I did not anticipate, when I moved the second reading of this Bill, that it would have been the subject of such a long debate. I trust that the measure will find the same favor that is extended to all other Bills which come up to this House—that it will be read the second time, and referred to committee, where its details can be discussed, and amendments can be made, if

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necessary. The hon. Senator from Prescott (Dr. Brouse), who, I regret to see, is not now in his place, has expressed his intention to move certain amendments. There are some new changes in the Bill, which, I think, are in the right direction, and I believe that it is, in view of all the circumstances, a better measure than any that has yet been before the Senate.

Hon. Mr. McCLELAN—So far as the Province of New Brunswick is concerned, I think this Bill will have a most injurious effect. It has been very properly remarked by some hon. gentleman that, while the original intention may have been to relieve the difficulties under which borrowers labor, it will have the effect of increasing their burdens. In New Brunswick, money is generally loaned on what is called the straight loan system; that is, stipulating exactly the rate of interest that will be taken, and the rate is generally low. If this Bill should pass the House in its present shape, applying, not only to loan societies, but to private transactions between individuals, it will encourage practices that I notice have been very much complained of, and, possibly, with very good reason, in this Chamber to-day,—practices which do not prevail in New Brunswick. In addition to that, the Bill prescribes a new formula in drawing mortgages. Altogether it would tend to throw the business of lending money into confusion. It would injure the borrower, and facilitate very much the objects of gain, which often actuate those who have money to loan, and are in the habit of lending it. I think the Bill passed here the other day applying only to building and loan societies is very much nearer what this House desires than the measure which is now before us, and, if that Bill should become law instead of this, it will meet the desires of the people so far as I have been able to learn them. I, therefore, move, in what I consider to be the public interest, that the said Bill be not now read the second time, but that it be read the second time this day six months.

Hon. Mr. DICKEY—I should like to ask the mover of the Bill a question upon this point. Reference has been made to the Bill which has already passed this House, respecting building

and loan societies, and I think we ought to have some explanation as to the position of that Bill in the other House, and what its fate is likely to be. That measure was passed after a great deal of deliberation, and it was amended in a most material sense in consequence of representations made, and it then went down to another place. Now, what has been the fate of that Bill? Where is it? If we had that Act, there would be no difficulty about this Bill, and I am quite satisfied that if we had the assurance that that Bill was coming back to us, we should be relieved of the embarrassment of this motion; but this Bill appears, in some mysterious way, to have come up here as a substitute for the other. If that is the case, we ought to know where we are. Is it due to our reputation, or is it due to the character of the Senate that a bill should be kept hanging on that way, and we should be called upon to pass another bill that is, perhaps, unnecessary, if the other is given the force of law? That is the position of the matter; and I think we should have some statement from the leader of the Government as to the position of the other Bill which has passed this House, and to which no one has any objection. If its operations are confined to building and loan societies, although the language of this section may not put individuals in any worse position in regard to ordinary loans, still it is desirable to have that Bill and to know exactly what our position is. I am quite sure my hon. friend would not press his motion if he got a satisfactory assurance that that Bill is coming back to us, or that this Bill is to be held in hand until we know the fate of the other Bill in another place.

Hon. Mr. ALEXANDER—I hope the majority of this House will allow this Bill to be read the second time, and to go to committee, not that I believe, from the large experience I have had myself of the working of the loan societies generally—that is, of the respectable societies—that the Bill will accomplish much in the direction desired by its promoters. I am not one of those who believe that in the dealings of building and loan societies, or of banks or private individuals, that there is so much fraud or extortion in the matter of money lending, as has been asserted. Money has

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become so plentiful in the country, and loan societies have multiplied to such an extent, that there is too keen a competition amongst those societies for any very extensive extortion to be practised at the present day. At the same time, if a bill like this has a semblance of protection for the borrower against the smaller and less scrupulous societies, it is desirable that it should go to the committee, and evils in a certain quarter may be checked if it is passed in a practical shape.

Hon. Mr. AIKINS—My hon. friend from Amherst (Mr. Dickey) has made an inquiry of the mover of the Bill in reference to the measure that passed this Chamber a few days ago, respecting building and loan societies. If he had heard my reply to the hon. member from Hamilton (Mr. Hope), he would have ascertained the fate of that Bill. It went down in due form to the Commons, and it is being proceeded with in the ordinary way there. I find it on the order paper of yesterday, standing, with a number of other bills, for second reading. The position of the Bill was simply this: That House, having passed the measure now before us, which is more generally applicable in its terms than the Bill originating in this House, the inclination, therefore, was to strike out the amendments made here to my Bill and pass it in its original form, and allow those amendments to form the principle of this Bill. That is all I can state about it. What action the House may take on the question I do not know, but that is the course they are likely to take, so that, if the motion of my hon. friend should prevail, it is possible we may have no restrictive bill at all in reference to those companies. I think the better course is to allow the Bill to be read the second time, and be referred to committee.

Hon. Mr. ALLAN—I think it ought to be borne in mind that the Bill which was introduced in this House by the hon. the Secretary of State, was brought in, as he said, just now, for a special purpose, viz., for the relief of building societies and loan companies from the consequences of certain informalities in the returns made by them, and which were furnished by them to the Government; but it was felt that the resolutions which

were proposed as amendments by the hon. member from Prescott (Dr. Brouse), not now in his place, were not germane to the Bill. The measure was for one special purpose, and his resolutions were addressed to entirely different objects altogether, but I think there was a very strong feeling amongst a large number of gentlemen in this House, that they were anxious and willing to do anything which would meet the just wishes of the House and of the community in reference to any alleged hardships or abuses which were said to exist in the workings and operations of these societies, and it was with that view that the amendments which were proposed by the hon. gentleman from Prescott, were, with some few alterations, concurred in by a large majority in this House. But it was felt, at the same time, that it would be very difficult to make that Bill really consistent and such a measure as it ought to be, by mixing up two different subjects. Therefore, I think, while the feeling of all of us was that, if the Bill of Dr. Orton, which was then before the Commons, came up here, and should accomplish the objects which seemed to be desired, particularly by the hon. member from Prescott, it would be, perhaps, desirable to reduce the other Bill to its original form and adopt this one instead. I should be very sorry if the motion which has been made for the six months' hoist should be carried, and I really hope the hon. gentleman from Hopewell will be persuaded to withdraw it, and allow the Bill to be fairly considered, and give also to the hon. gentleman from Prescott an opportunity to be present at its discussion. If the Bill is to be considered to-morrow, I, for one, do not see the justice of the request which has been made by several hon. gentlemen that private lenders should be exempted from the operations of this Bill. If cases of individual hardship have occurred in connection with the operations of building or loan companies in their transactions with their borrowers, I do not think it would be at all difficult to get up quite as many cases of hardship between private lenders and parties borrowing from them. I know as a fact that money has been loaned in Toronto at $2\frac{1}{2}$ per cent. per month by private lenders, and I have no doubt that, if hon. gentlemen like my

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hon. friend from Quinté were equally zealous in hunting up cases of that kind, a great many of them could be laid before the House. Therefore, if it is proper to place any restrictions or safeguards on the loaning of money by corporations, in order to protect borrowers from any risk of harsh or oppressive dealing, it is quite as necessary and only just and fair that the same rules and restrictions should be made to apply to private lenders of money equally with corporate bodies.

Hon. Mr. READ—I think we need not take much more notice of the Bill that has gone to the other House, as I see it has taken a fortnight to get to its second reading there, and the session is drawing to a close, so that it is not likely to reach its final stage.

Hon. Sir ALEX. CAMPBELL—All the business of that House will be disposed of before a fortnight.

Hon. Mr. READ—Although the Bill was sent down on the 15th of this month, it has only been set down for second reading on the 28th. But it is whispered around this House and in another place, that certain gentlemen came down from Toronto, and Toronto gentlemen control, more or less, the legislation of this House.

Hon. Mr. MILLER—I desire to make one or two observations, in order to remove an impression which seems to prevail among the members from the Maritime Provinces that this legislation is going to affect straight loans on mortgages. It has no reference whatever to such loans; it has reference merely to the loans described in the 1st section, which I will read for the information of the House:—

“1. Whenever any principal money or interest secured by mortgage of real estate is by the same made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement shewing the amount of such principal money and the rate

of interest chargeable thereon, calculated half-yearly, not in advance."

I wish hon. gentlemen to understand distinctly that this Bill will not affect the loaning of money upon what is called straight mortgages in the Maritime Provinces or elsewhere, and it will not affect the rate of interest in Nova Scotia, which is controlled by a special Act of Parliament, with which this Bill does not interfere. Therefore, I should be sorry it, under the supposition that it had a different effect, any hon. gentleman from the Maritime Provinces should vote against the Bill. This House has approved of the principle of the measure by adopting the resolutions amending another Bill, lately before the Senate, that was sent down to the House of Commons.

Hon. Mr. BOTSFORD—As applicable to loan societies.

Hon. Mr. MILLER—Yes; but, in my opinion, there is as much, if not greater reason why this principle should be applied to individuals loaning money on the instalment system as to societies, because they are much more likely to abuse the power which they possess than is a corporated body. The House having approved of the principle of this Bill, and there being some danger of the other measure not getting through the Lower House, I certainly think the Senate should not now vote for the motion of the hon. gentleman from Hopewell (Mr. McClelan), and throw out the Bill altogether. If, in the judgment of the House, it is desirable to reject this Bill (I do not take any special interest in it myself), it can be done on the third reading, which can be postponed until a convenient period, in order to meet the exigencies of the case, as may result from the fate of the Bill now before the Commons.

Hon. Sir ALEX. CAMPBELL—I do not think that there is the slightest danger of the Bill now before the other House. It is in charge of the Minister of Justice, and, whatever shape the House desires that measure to be placed in, it will be disposed of. I trust that this motion of the hon. member from Hopewell will not prevail, because this is

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a Bill which has been introduced in the other House, and has been framed with the assistance of members all actuated by the desire of protecting the borrower. It was introduced adversely to the companies and in the interest of the borrower. That was the object with which it was framed in the other House, and the view with which it comes here. There are other institutions and companies which lend money, as well as loan societies—life and fire assurance and other companies. They, as well as private lenders, are all open to the same temptations, and should be placed on the same footing; and that is the great advantage which this measure has over the Bill that was introduced here and sent down to the Commons, which applied only to trust and loan companies and building societies, whereas this applies to all companies and to private persons. If the terms are not just and fair, let us amend it in committee, but do not throw out a measure which is really in the interest of the borrower.

Hon. Mr. McCLELAN suggested that the debate should be adjourned for a few days, and then, if the other Bill passed through the Commons, his motion could be withdrawn.

The amendment was declared lost, on a division, and the Bill was read the second time.

At six o'clock, the Speaker left the chair.

AFTER RECESS.

ONTARIO REFORMATORY FOR BOYS BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (98) "An Act respecting the Ontario Reformatory for Boys."

Hon. Mr. BUREAU reported the Bill from Committee without amendment.

The Bill was then read the third time and passed.

PRINCE EDWARD ISLAND REFORMATORY FOR JUVENILE OFFENDERS BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (99) "An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island."

Hon. Mr. MILLER called attention to the wording of the 4th clause, which provided for the arrest and punishment of offenders escaping from the reformatory, on proof of their identity before the Supreme Court or stipendiary magistrate. He thought it would be more convenient to have juvenile offenders brought before a County Court judge, but he supposed the reason why it was not so provided was that County Court judges in Prince Edward Island did not have criminal jurisdiction.

Hon. Mr. HAYTHORNE said the clause was conveniently worded, as there was no stipendiary magistrate in Prince Edward Island, except at Charlottetown, where the reformatory would be situated, and, as the hon. gentleman from Richmond had correctly stated, County Court judges in that Island did not have criminal jurisdiction.

Hon. Sir ALEX. CAMPBELL said that the Bill had been framed by the Minister of Justice, after communication with the Attorney-General of the Island. He would allow the third reading of the Bill to stand until he would make inquiries on the matters referred to by the hon. gentleman.

Hon. Mr. BELLEROSE reported the Bill from the Committee without amendment.

Ordered that the Bill be read the third time on Monday next.

MARRIAGE WITH DECEASED WIFE'S SISTER BILL.

DEFEATED ON SECOND READING.

The Order of the Day having been read for resuming the adjourned debate on the Hon. Mr. Ferrier's motion, for the second reading of Bill (30) "An Act to

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legalize marriage with the sister of a deceased wife,"

Hon. Mr. FLINT said The hon. member from Amherst, yesterday, moved a resolution to postpone this measure over the present session. I can see no good reason in the argument that he offered on that occasion why this Bill should not be proceeded with the present session. The hon. gentleman, if I understood him rightly, gave us to understand that, when a man married a woman, they became one flesh, and that the wife's sister also became part of that flesh. I must dissent from any belief of that kind. I do not believe in a man's wife's sister being incorporated into a wife and husband when the marriage tie is made, and I trust the hon. gentleman will pardon me for mentioning the matter, if I am right.

Hon. Mr. DICKEY — The hon. gentleman must have misunderstood me. I did not say the husband and his wife's sister were one flesh. I said of the husband and wife that they twain should be one flesh.

Hon. Mr. FLINT—I think that there were other hon. gentlemen in this House who understood, as I did, the hon. Senator from Amherst to say that the wife's sister stood in the same relation to the husband, and, so far as the reasoning of the hon. gentleman goes, from his standpoint, it is all right. He wants this Bill postponed because a large number of petitions have been laid before the House in opposition to the measure. I have paid considerable attention to those petitions as they were brought before the Senate, and I did not hear of one of them asking for the postponement of the Bill, but rather that it should not become law. There is but one presented to-day asking for its postponement. The question now is, whether any benefit or advantage is going to be derived from postponing this Bill until another session. If a certain amount of agitation has been raised already, what will that agitation be between now and next session, and is it actually necessary that this agitation should be set on foot throughout the length and breadth of the land, in order to induce hon. gentlemen to pass this

measure? The hon. gentleman from Amherst suggested that we should now adopt the same course as was taken by this House in reference to the Insolvency Law Repeal Bill, but I do not think that is an analogous case at all, as it stood in an entirely different position. The Insolvency Repeal Bill was for the purpose of abolishing an Act that we considered to be injurious to the country. This Bill is not for the purpose of dissolving the marriage tie, but to allow a man to marry his deceased wife's sister, or a woman to marry the brother of her deceased husband, provided that they should agree to do so, and I do not see that we should do anything to prevent it. We live in a free country, and we should be allowed to think, act and speak for ourselves as long as we keep within the limit of the law. I am considerably advanced in years, and I have, during my lifetime, known several cases in which a man has married his deceased wife's sister, and in every instance, so far as my knowledge extends, I have never known a disagreement as the result of such marriages. The sister-in-law is far preferable, in my opinion, to bring up the children of her deceased sister than any woman outside of the family. I have noticed also that, when widowers have married the second time, not with the sister-in-law, the first children have been abused and driven from home, and everything has been done to prevent them from enjoying any of the benefits which would accrue from the property of their father. I have known some very hard cases indeed of this kind, but none on the other side of the question. Under all circumstances, a man should have the privilege of marrying whom he pleases, so long as he does not marry an actual relative. I believe that there is no affinity between the deceased wife and her sister. When the wife dies she is gone, and that tie is, therefore, severed just as much as is the tie between the husband and wife severed when the wife dies, and *vice versa* with the husband. This being the case, I cannot see why we should object to this measure. The great majority of the petitions that have been sent in against the measure have come from the Episcopal Church. We have been told by the hon. gentle-

man from Montreal that the position of Roman Catholics in Quebec is this: That, while the church can grant a dispensation to allow a man to marry the sister of his deceased wife, the children of that issue cannot inherit the property under the civil law. Are they to be allowed to remain in that state? I think not. If the church has the power to give the dispensation, they ought at least to consent to a law which will make the children by the marriage with the deceased wife's sister heirs to their father's property equally with the children of her first wife. If they wish to bow to the will of their church in this respect it is all very well, but they should not insist that we Protestants should also bow to the will of the Church of Rome. The Church of England has no power to grant dispensations such as the Church of Rome has, and if the ministers of that church desire to have an Act passed giving them that power, they should say so, and then we can understand them, but they come forward, instead, and tell us they do not want this Bill passed, because it is contrary to Scripture. Where do they get the Scripture it is contrary to? It is contrary to their own rule, but not to Scripture. The hon. gentleman from Amherst quoted Scripture last evening to shew that he was right, and I want him to understand that there is nothing like appealing to the law and to the testimony. The eighteenth chapter of Leviticus and eighteenth verse is the authority which is quoted as forbidding marriage with a deceased wife's sister. It reads:—

“Neither shall he take a wife to her sister to vex her and uncover her nakedness beside the other in her lifetime.”

Now, what is meant by these words: “in her lifetime?” It simply means that he should not marry his wife's sister during his wife's lifetime, as they might quarrel, but he could take the sister of any other woman, as a matter of course. He could have two wives under that dispensation. I have never known but one case where a man had two wives at the same time, and they did not quarrel. It is such a peculiar case that I will mention the circumstances. A farmer living back of Brockville, was said to have two wives. They had two houses, and he lived with one wife one week and with the other the

next week; turn about. He had two families by those wives, and supported them comfortably, and settled them all on good farms. These two wives did not quarrel, but, as a general rule, there would be a quarrel between the first wife and the second; if they were sisters they would quarrel worse, and there would be a great amount of trouble in such a household. If any hon. gentleman can interpret that passage of Scripture to mean anything else than what it says, I should like to hear him do so. I am no theologian; I have never studied divinity, but I have studied the Bible some, and I take it for what it says, and I believe it says just what it means. The hon. gentleman quoted several passages to prove that marriage with the sister of a deceased wife is prohibited, but I do not think that any of them apply. On the other hand, if you refer to Matthew, you will find that, when the Sadducees came to our Saviour and asked him about the woman who had seven husbands, which of them would be her husband in Heaven, he did not upbraid the woman, nor say that it was wrong for her to have had seven husbands, nor did the Sadducees ask him to do so; but they asked him whose wife she would be in the resurrection. Christ's reply was that she would be the wife of none of them, but would be as the angels in heaven. It is said also that there is no law by which a man can marry his deceased brother's wife. Well, if you just go back to Deuteronomy, you will find, in the 25th chapter and 5th verse, that there is not only authority but a command to a man to marry the wife of his deceased brother. It may be said that that is because he has to raise up children to his brother. It may not have been the man's fault that she had no children. Hon. gentlemen may laugh, but I am speaking seriously on this subject, though, if they continue it, I may be tempted to put in a joke occasionally. If the man refused to marry his brother's widow, she could unloose the shoe from her foot and spit in his face. He was bound to marry her or to submit to this degradation. I cannot see anything in this passage which prohibits a man from marrying his deceased wife's sister, or a woman from marrying her deceased husband's brother,

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and why should it be so? I am strongly in favor of this Bill, and I hope that hon. gentlemen will consider well before they throw it out for this session. The people are in favor of this measure, and, if they were asked to petition Parliament for it, the House would be flooded with petitions. But no one thought it was necessary, as they expected it was only reasonable and right that a bill should be framed so as not only to allow those marriages to take place, but to legalize all that had taken place before, and to place the children of such marriages in the same position as the children of the first wife. I trust that I have said nothing offensive to anyone's feelings in my remarks, as I have only spoken strictly in accordance with the dictates of my own conscience.

Hon. Mr. ODELL—I think this is too grave a subject to be treated with levity. It is a question of very great importance—more so, perhaps, than any other that has come before this House this session, or in any previous session of Parliament, affecting, as it does, the social relations of the community from one end of the Dominion to the other. I desire, therefore, to record my reasons for the vote which I shall give in support of the resolution which has been submitted, and, before I proceed to state what those reasons are, I will first refer to the petitions which have been alluded to by the hon. member who last addressed us. He stated that none of those petitions ask that this measure be deferred, but that the Bill be rejected. Now, I will read from the conclusion of those petitions, one of which I hold in my hand, what the prayer of the petitioners is:

“Finally, your petitioners submit that, before any alteration is made in the marriage laws, ample opportunity should be afforded for the full consideration of a subject in which all persons are more or less interested, and for the presentation of their objections by those who are opposed to any change; that no such opportunity has been afforded with respect to the Bill now before your hon. House, and that for this, as well as the other reasons herein set forth, it should be rejected.

“And your petitioners will ever pray, &c.”

With regard to the Bill, as I have already said, I consider it one of very great importance, demanding the careful and calm consideration of your honors, which

it is the peculiar duty of this House to give to all measures, but especially to one upon which opinions appear to be so divided. I do not intend to bring into the discussion any arguments in regard to the scriptural objections that have often been raised against the measure, opinions upon which are so divided, even amongst those supposed to be best qualified to form a correct judgment. At the same time, I think great consideration ought to be accorded to the feelings of those entertaining such scruples, sanctioned and enjoined as the interpretation they contend for has been by church and state for so many centuries. The Bill, as it has reached us, is, in some respects less objectionable than as first introduced in another place, as an amendment has been made reserving the rights of the issue of the previous marriage. Still, whatever arguments may be adduced in favor of a marriage with a deceased wife's sister, that with the brother's widow is far more objectionable. This, your honors, is the first time this measure has ever been before the Dominion Parliament introduced without any previous public notice, and no fair opportunity afforded for obtaining an expression of public opinion upon the question. How, I would ask, has it come before Parliament? I see, by reference to the speeches reported in *Hansard*, that it was frankly admitted to have been instigated by, and introduced on behalf of a lady, who, as has been said, "Loving not wisely, but too well," knowingly and wilfully placed herself in the position she now occupies, and desired that her act should be now legalized in disregard and in violation of the feelings of the law-abiding portion of the community. Not only so, but, having issue herself, she wished to divert from her sister's children to her own, the inheritance lawfully belonging to them. (*Hansard*, page 291.) Is this, I ask, a fitting prelude for the introduction of such a bill? Does it not present the strongest argument against the measure? And how completely does it destroy the argument that, while converting the aunt into the step-mother, you retain the affections and kindly feelings of the aunt towards her sister's offspring, and provide the fittest person to have their care and to act the part of guardian and protect their rights. If you

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could provide that no issue should ensue, or if there were no previous children, there might be some force in such an argument, but if issue follows, then the aunt becomes merged in the step-mother, and her affections naturally become alienated from her sister's children to her own. But, aside from this particular case, what is the object sought to be attained by this Bill? Clearly the relief of the comparatively few who can ever be in a position to avail themselves of the privilege of contracting such marriages, and of those who have already openly violated the law and disregarded what many hold to be a Divine injunction, and in opposition to what I believe to be the wishes and feelings of a large majority of the law-abiding portion of the community. I am glad to find that, by the Bill, as it has reached us, the existing rights of the children of the first wife have been preserved, and the contemplated spoliation, openly avowed at its introduction in another place, been frustrated, even should the Bill pass. What, let me ask, is the course pursued in regard to bills of a local nature or affecting a few individuals, or a small portion of the community? Have we not established most stringent rules, requiring not only public notice for two months in the *Gazette* of the nature and provisions of any such bill proposed to be introduced, but a similar notice in both languages, French and English, in one or more newspapers in the locality interested? Do we not, by the 51st rule, require certain prescribed formalities, as regards petitions for the passing of such bills, to be complied with before even the petition will be entertained? And have we not appointed a large and influential committee, whose duty it is to ascertain that all these preliminaries are duly attended to? And all this machinery has to be put in motion and worked for a trivial alteration in some act of incorporation—the alteration of a road or the building of a bridge, or some such purpose. But in this case we are asked to pass a bill affecting all the social relations of life of every individual from ocean to ocean—Cape Breton, in the east, to Vancouver, in the west—without any previous notice whatever that such a measure was contemplated. Why, hon. gentlemen, if a publication of two

months is required in all such private and local matters, twelve months would barely suffice for proper notice in a matter in which the whole population, spread over this vast extent of country, is deeply interested. And I hold that this 51st rule is applicable to this case, as it refers specially to bills granting any peculiar rights or privileges, or affecting rights of property, or relating to any particular class of the community. I would, therefore, strongly urge the adoption by your honors, in this case, of the same course pursued last session in regard to the Bill to repeal the Insolvent laws. A bill like the present, coming from the Commons, backed by a large majority, and, though affecting only a portion of the community, it was decided that time should be afforded for more mature consideration and for information as to what its effect might be, and the Bill was, accordingly, postponed. How much stronger and more forcible are the demands for delay in the case of a measure like the present, affecting the social relations of the whole population of every class and of every creed, creating so important a change in the long-established law which has, so far, withstood all attempts to change it in the Mother Country, and ratified and confirmed, as it has been, by both Church and State for so many centuries. In discussing a question of this nature, we ought, I think, to be in a great measure guided by the course pursued in England. Now, whatever may be said in regard to the Statutes passed during the reign of Henry VIII to suit the caprice of that licentious monarch, it is clear that since the passing of the Lyndhurst Act, in 1835, marriage with a deceased wife's sister is made illegal; the offence, up to that date, was condoned, but not to be repeated. Since the passing of that Act, the question has been repeatedly brought before the British Parliament, and though bills introduced in the Commons have, in several instances, been passed, they have, on a majority of occasions, been there rejected, and have been invariably rejected by the Lords—whether originating in that House or the Commons. The measure was rejected in the Commons on eight occasions: in 1842, 1849, 1855, 1861, 1862, 1866, 1869, 1875,

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and bills originating in the Lords on three occasions, 1811, 1851, and again as late as 1879. Had a bill to legalize such marriages become law in England, then, I think, we should pass a similar one here to assimilate our laws. But, passing one here, would be altogether local in effect; give no rights or privileges, or legalize the marriages there. In addition to this, I desire to call especial attention to what has lately taken place in England. A large and influential meeting was held at St. James' Hall, London, on the 20th of February last, under the auspices of a number of lay P.ers, Members of Parliament, Queen's Counsel, delegates from the Established Church of Scotland, Workingmen's Society, Workingmen's Protestant League, Protestant Election Union, and Free Church College of Glasgow. At this meeting the question was not taken up as a party question, not as a church question, but as one of social order and morality. The first resolution was moved by Mr. A. C. Swinton, representing the General Assembly of the Kirk of Scotland, and, with permission, I will read an extract from his remarks in introducing the resolution:—

“ He stood there as the representative of the church and people of Scotland. He rejoiced to add that the Free Church shared with the Establishment in the intensity of its convictions, and that the Church of England was with them to a man. What was proposed would be the beginning of a revolution in the social life of the community. You would deprive orphaned children of what the promoters of the Bill declared to be the best guardianship they could have. The interests of thousands of God-fearing men, law-abiding citizens, would be sacrificed to the desires of a few.”

Altogether, four resolutions, all condemning any change in the existing law, were carried by overwhelming majorities, thus clearly shewing how strong and growing a feeling exists in England and Scotland against any change in the existing law. It may be argued that such a law prevails in Australia, but the example has not been followed by the adjacent colonies of New Zealand or Natal, in both of which the measure failed; and in Australia it never became law until twice passed—the first Act having been disallowed, and only receiving the Royal assent on being passed a second time. I

do not think we should go to so distant a colony for precedent, but rely rather upon the example of the Mother Country, where such a measure has always failed to meet with success. The Act will be especially unfair to the Episcopal clergy who have no power of dispensation, and feel precluded from solemnizing such marriages by their ordination oath, by the established tables of kindred and affinity and the canons of their Church, and, notwithstanding, may be compelled to perform the ceremony, or submit to penalties that may be imposed. Notwithstanding the short period which has been allowed for presenting petitions, I find that upwards of sixty have been presented against the Bill, asking that the measure may be postponed, to afford sufficient time to learn the wishes of the country at large upon so vital a question. These petitions, I find, by a printed sheet laid upon my table, have been assailed in a most unjustifiable manner by a Montreal paper, to which I desire to refer. This sheet, in referring to the Bill before the House, indulges in the following remarks :—

“There, perhaps, never was a measure before Parliament in connection with which public sentiment in its favor was so united as is the case in connection with this measure. We had in the press of the Dominion no indication of any hostile sentiment. With singular unanimity the press of all the provinces have either warmly approved the Bill, or have been silent. The petitions that have been presented, asking for its postponement, prove the same fact. They are for the most part printed, shewing a regularly organized effort to provoke a hostile expression of opinion; and yet, although they only ask for a postponement of the measure, which many persons who are favorable to it, or indifferent upon the subject, might sign, and, although most powerful influence has been used to secure signatures, the result has simply shewn how utterly infinitesimal is the opposition to the measure.”

I am at a loss to perceive how the presentation of sixty-one petitions against the measure from sixty-one different localities, proves that “the public sentiment is in its favor, and that there is no indication of any hostile sentiment,” as asserted by the writer. Again the writer goes on to state :—

“Had there been any such opposition as would justify the Senate in interposing its veto, after the overwhelming majority in its favor in the House of Commons, that opposition would have manifested itself in a much more emphatic way than has been shewn.”

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To this I would remark that, by petition is the only legitimate way, the only emphatic way, of expressing the wishes of the public, or of individuals, to Parliament; and this course has been adopted, so far as the limited time allowed has rendered practicable. And, again, that “the postponement would provoke discussions and breed heart-burnings which everyone would deplore.” This argument, that postponement would cause discussion, is altogether worthless. Discussion is what is required, and the friends of the measure ought rather to court discussion than repudiate it. The measure, if a good one, and in unison with public sentiment, would lose nothing, but thereby gain support. After all this, what do we find emanating from the same city of Montreal? Instead of an imaginary, an unmistakable “regularly-organized effort” to induce your honors to sanction the Bill, by a number of printed sheets circulated there for signature, handsomely bound and illuminated, presented to this House as purporting to be, and entered on the proceedings, as so many separate petitions, whereas they, in truth, form but one and from one single locality. The whole number of petitions, therefore, in favor of the measure are only four—two, at least, from the same locality; whereas there are sixty-one against it, from sixty-one different localities. I desire also to call attention to the reasons assigned in this petition for passing the Bill, viz:—“Because it is said the question has been before the world for years,” and “the suspension of the passage for twelve months would create confusion and difficulty, and affect the rights of many citizens.” Now, if as is stated, “it has been before the world for years,” no great calamity has ever, in consequence, ensued. Nor is it likely that any will occur if deferred for twelve months longer. Nor need we anticipate the confusion or difficulties suggested. And as to the delay affecting “the rights of citizens,” there are no existing rights to be asserted. I might well retaliate and apply the remarks already quoted, that “this result simply shews how infinitesimal is the support given to the measure, or it would have manifested itself in a much more emphatic way than has been shewn by four petitions.” I feel sure

your honors will not allow yourselves to be beguiled by this attempt to ignore the petitions from sixty-one different localities, or look upon Montreal as representing the whole Dominion, whatever personal interest or influence may be there concentrated, but that you will readily grant the reasonable delay asked for by the resolution before the House. I may say, in conclusion, that should the Bill go to a committee, I give notice that I shall move that the latter part of the first clause be amended by striking out the words, "or the widow of his deceased brother." And also, should the Bill pass, that a clause be added suspending the operation of the Act until it shall have received Her Majesty's assent, as it would be highly prejudicial and injurious should such a measure become law for a short period, and be afterwards disallowed.

Hon. Mr. MACFARLANE—I shall not follow my hon. friend in the course that he has taken, because I imagine that here the richest field for controversy has been abandoned by the most astute scholars in the world, who have pledged their reputation as linguists that the interpretation of the Levitical law will bear the construction that we, who advocate this measure, put upon it. I regret that the hon. Senator from Amherst, who introduced this resolution, did not move the six months' hoist, but has sought to win support for his cunningly-prepared resolution, which he could not obtain by a direct motion against the Bill. I believe that his resolution was prepared in order that it might catch some hopeful support like that of the hon. Senator from Richmond, who frankly told us that he was prepared to sustain the Bill—with the exception of the second clause—and yet was prepared to vote for this amendment.

Hon. Mr. MILLER—I did not say anything of the kind. I distinctly stated that an important portion of the Bill I was decidedly opposed to.

Hon. Mr. MACFARLANE—I have already said that, while the hon. gentleman opposed a portion of the Bill, he was not opposed to the first part of it. He said that he agreed to the portion of the Bill which permitted marriage with

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the sister of a deceased wife. While I do not see the same objection to the latter part of the Bill that some gentlemen do, I cannot see the close or doubtful affinity that some do, in the case of the widow of a deceased brother. Still, I frankly admit that there are objectionable features in connection with such a marriage, which we do not feel in connection with the first class of cases, and I am not at all prepared to say that if this Bill goes into Committee, I would not be ready to sustain my hon. friend's views on the second part of the clause allowing marriage with the wife of a deceased brother. From what has been argued here, and from the pertinacity with which some hon. gentlemen oppose the Bill, you would really suppose that the object was not merely to give them liberty, but to compel them to marry the sisters of deceased wives. You would suppose, from what they say, that there was not a man in the country who, if he happened to lose his wife, would not be compelled to marry her sister, if she had one. Now, hon. gentlemen, what really are the causes that give rise to such a disturbance? Who are the parties that seek, here, to avail themselves of the privilege that this Bill will confer? Is it the cases of young and thoughtless persons in the hey-day of youth? How many sad scenes do we find, of young persons who are brought together without previous acquaintance, and who rush into wedlock and learn the truth of the old adage, "marry in haste, and repent at leisure?" We know many of those sad cases; they are before us every day; but who are the class of persons that seek relief through this Bill? The man who has arrived at mature age, beyond all doubt. He has been wedded, and must, in all probability, have spent years of wedded life. His wife's sister will, very probably, have been residing in the house with him. Who, I ask, could be found to whom the wife, in her last moments, would so carefully entrust her children as to her sister? But who is the sister? In all probability she, too, is a lady of mature and ripened years—very likely an aged spinster; probably one who, for years, has been on intimate terms of acquaintance with her sister's husband. Hav-

ing known and carefully studied each other's qualities, and having made up their minds that they were adapted to each other, if they conclude to marry, who can doubt that such a conclusion is the result of mature experience, and that such a marriage would be a happy one? We have all seen cases of men who did not marry their deceased wife's sister, and whose experience was unfortunate. But while I know a great many who have married their deceased wives' sisters, I am not aware of a solitary instance in which the parties were not happy. But what is the consequence of the law as it is at present? The hon. Senator from Woodstock told us yesterday that these marriages are continually being contracted all over Canada. What do parties do who desire to contract those marriages? They simply go across the border, where such marriages can be contracted and are legal, and they do so, feeling and believing that there is no moral stain upon them. They feel that they transgress no law of God or man, and that there is no blood relationship between them. If some hon. gentleman had had the boldness to introduce a law to restrict marriages between cousins, I am not sure but that it would benefit the country. Who can have failed to observe the effects of ill-assorted marriages of cousins and other blood relations? Who can have failed to have seen the sad results of such marriages, such as often happens—deformed children—and yet is there any law to prevent these unions? What is to prevent a widower marrying his cousin, a blood relation, who, perhaps, has taken charge of his children? Is there anything in such a marriage that is considered immoral; or does anyone think there is any immorality in a man, who has lost his wife, living in the same house with his cousin? While the sad effects of the marriages of blood-relations are seen and felt all over the country, the results of marriages such as are intended to be legalized by this Bill, are exactly in the opposite direction. My hon. friend says that we should be guided in our legislation by the experience of England, but what is the state of society there? Who does not know you have there a dominant church, which rules and controls

the social life of the country? Who does not know that, in the House of Commons of Great Britain, where bills of this kind have been carried seven times—

Hon. Mr. POWER—Four times.

Hon. Mr. MACFARLANE—I shall give the very best authority, the authority of Lord Houghton, who says that such bills have passed the House of Commons seven times.

Hon. Mr. ODELL—It is a mistake.

Hon. Mr. MACFARLANE—It is a statement which, I imagine, the hon. gentleman will not be able to gainsay. Here is what Lord Houghton says, in a speech delivered on a second reading similar to this, on the 6th May, 1879:—

“Seven times has the will of the people been expressed by various majorities, sometimes approaching one hundred in support of these bills, and seven times have they been rejected by the House of Lords. That, assuredly, is not a satisfactory position in which to leave that question, and, in the meantime, these marriages are multiplying every day.”

Now, what does this eminent authority that I have quoted state in his speech? That these Bills were introduced not so much to relieve the aristocracy of any disability, but rather to relieve the poor classes of the people who reside in the rural parts of the country, and not so much residents of large cities and towns, where they have a large field to form their connections in. In the rural districts, where a man has found a friend in his deceased wife's sister, he clings to her, and she is able to help him to provide for his children. That has proved to be the case in England, and it is equally so in this country. Now, has any gentleman been able to shew that bad results have arisen from these marriages across the border, where they are permitted by law? Yet there the law affects forty or fifty millions of people; and who has ever heard a complaint that any woman has been found to try to strip her deceased sister's children of their property? Such cases may occur. I do not say that there are not bad sisters-in-law, just as well as other people; but what I do mean to say is, that the widower who has had a good opportunity of becoming acquainted with the sister of his deceased

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wife, and especially if she has resided in his house—there is no one whose character he ought to be more familiar with, being in a position to know whether she would make him happy or comfortable if she became his wife, in such a case. I say, he should not be prevented by law from contracting such a marriage. I shall not labor the Bill, but in every view that I can take of it, we are removing by it, as we are bound to remove, the shackles or restrictions that prevent men from selecting their partners in life when there is no blood affinity in consideration. The only valid objection to marriage is where the blood relationship is so close that it is likely to affect the offspring. With these views, I have great pleasure in supporting the Bill of my hon. friend, who we may well call the Nestor of the House. I am sure that, if the hon. Senator from Montreal (Mr. Ferrier) thought there was any immorality about it, he would be the last one to be found advocating this Bill. In his long life and extended experience, the hon. gentleman is the Nestor of the House. He has had more and longer opportunities than any other member to judge of the relief that it will give, and I am quite sure that any hon. gentleman in sustaining the Bill introduced by that hon. gentleman, will have no cause to regret it. Entertaining these views, I shall certainly record my vote against the amendment proposed by the hon. member for Amherst, and in favor of the Bill, and, if the measure should be carried, as I trust it will, when it is referred to committee I shall be prepared to assist in expunging any objectionable features that it may contain.

Hon. Mr. MILLER—I am sure that the hon. gentleman who has resumed his seat has no desire to misrepresent what I said, and I can only conclude, as he expressed it himself, that he could not have understood the plain statement that I made to the House yesterday. What I did say on that occasion was that I was in favor of legalizing marriage between a man and his deceased wife's sister if there was any immediate haste for doing so; but that in the face of the very respectable memorials that have been presented from every portion of the country, and in the face, also, of the conflicting counsels that prevail in

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regard to the details of the Bill among the heads of another very large denomination, I thought that my proper course was to vote for the postponement of the measure for another session. I also said that I was decidedly opposed to that portion of the Bill which was intended to legalize the marriage of a man with the widow of his deceased brother. I could not, under any circumstances, vote for the second portion of the Bill. Neither can I understand how any member can support the second reading of the measure, who is not in favor of the whole Bill.

Hon. Mr. MACFARLANE—I did not at all misunderstand the hon. gentlemen. The statement which I made is, I think, entirely in harmony with the explanation.

Hon. Mr. POWER—The question before the House is whether we shall support the resolution of the hon. gentleman from Amherst, to defer this Bill until another session, or whether we shall pass it once; and, probably, strictly speaking, a discussion of the merits of the Bill is not altogether necessary. There is a good deal of force in what was said by the hon. Senator from Richmond, that it was not necessary to enter into any very elaborate discussion of the merits of the measure, but that we should simply decide whether we should not postpone it, on the ground that it was not absolutely necessary to pass it now. There is a great deal of authority on the subject. A somewhat similar Bill has been discussed several times, and with great ability, in the Imperial Parliament. This Bill has also been debated in the other branch of this Legislature, and has been discussed in some letters published by Judge Loranger, of Montreal, in the Montreal *Minerve*, probably with greater ability and accuracy than by any other gentleman in this country. I feel that, while that is true, and members in this House can get access to all the authorities on the subject, the public at large, who are to consider the question, if the resolution of the hon. Senator from Amherst passes, have not the means of getting at those authorities, and I think that, to a certain extent, it is the duty of gentlemen who are in favor of

postponement, to supply to the public some materials upon which they may base their judgment. I do not propose, however, to delay the House for any great length of time. We are asked to pass this Bill at once. Now, unless there are circumstances of peculiar urgency, aside from the nature of the Bill, I do not think that we should do so; and, when we come to look at the circumstances, I do not think that they will be found to be of that character. There is no very strong popular feeling in favor of the measure outside of Parliament; in fact there was none of any kind until this Bill was introduced in the House of Commons. The case is not the same as in England, where petitions, signed by hundreds of thousands of persons, were presented to Parliament on the subject. There were no petitions presented here before the Bill was introduced in the other House, and since then a great majority of the petitions have been against the measure. It has been said that this Bill is in favor of the fair sex. I do not think that there is any evidence in support of that assertion; and I think that the majority of that sex are altogether opposed to the Bill. We cannot be asked to pass this Bill in a hurry because of the existence of a similar law in England. The fact is the reverse; instead of assimilating our law to that of England, we should be making it different. Aside from the merits of the Bill, the only reason why we should pass it this session is, that the hon. gentleman who introduced it in the other branch of the Legislature is very popular, very much liked by his brother members, and very resolute and determined in carrying his point. While he deserves all credit for that, I do not think that it is any special reason why we should support this Bill. I think we should consider the measure on its own merits, and not otherwise. Looking at the somewhat revolutionary character of the Bill, I do not think we should pass it this session, unless some urgent necessity is shewn for it. No such necessity has been shewn, nor even alleged to exist. In the case of the Insolvent Act last year, which has been referred to by some two or three hon. gentlemen, it might have been stated that there was some necessity for haste, be-

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cause it might be claimed that the business of the country was suffering; but there is no such urgency in this case. I wish to call the attention of hon. gentlemen who may be disposed to support the principle of the Bill, to the fact that, to my mind, at any rate, even if the principle should be admitted as correct, this is not the bill which ought to pass. The measure is illogical and inconsistent. It allows a man to marry the sister of his deceased wife, whilst it does not allow him to marry her niece, though the niece is a degree further removed than the sister. If the Bill is to be altered at all, it should be changed to include the niece. I do not think we are bound to undertake, at this stage of the session, to manufacture a new Bill. Then, the second section, if hon. gentlemen will look at it, is *ex post facto* legislation, which is always reprobated in England, and is forbidden by the constitutions of the different states of the neighboring republic. This second section interferes with the rights of persons acquired under the existing law, and interferes with those rights on behalf of persons who have broken that law. I think it is unjust and improper. But, even in this, the Bill is illogical, because, while it legalizes certain marriages contracted between men and the sisters of their deceased wives, it does not legalize all of them, as will be seen by reading the second section. I should like to call the attention of the Senator from Fredericton (Mr. Odell) to the fact that he was in error when he said that the Bill did not affect existing rights of children. The section says: "All such marriages heretofore contracted, the parties whereto are living as husband and wife at the time of the passing of this Act, shall be held to have been lawfully contracted." If lawfully contracted, the children of such marriages would share in the property, as well as the children of the former wives.

Hon. Mr. ODELL—Is there not a proviso?

Hon. Mr. POWER—No; it has been struck out. If a marriage of this sort was contracted five or six years ago, and children were born, and one of the parties died, those children would be ille-

gitimate, while, if both of the parties were alive, their children would be legitimate. Now, I do not think anything could be more illogical or unfair than that part of the Bill. Another circumstance connected with it, which has been adverted to by some hon. gentlemen who have spoken, is, that it differs from the Bills introduced in England, and I believe from those passed in Australia, inasmuch as it legalizes marriage with the widow of a deceased brother. That is repugnant to the sense of right and propriety of almost every man, and is something that I hope will not pass this House. With reference to such marriages, in addition to the arguments used against marriage with a deceased wife's sister, there are a number of others. There is an express prohibition in Scripture. The hon. gentleman from Belleville (Mr. Flint) was not able to find a prohibition, but, instead of looking at the eighteenth section of chap. 18 of Leviticus, he should have looked at the 16th, where he would have found an express prohibition of marriage with the widow of a deceased brother. In the 21st verse of the same chapter it is pronounced an unlawful thing, and the punishment is, that the couple should be without children. The hon. gentleman referred to the passage in Deuteronomy as exceptional. Now, to my mind, the exception in this instance proves the general rule. I am confirmed in that belief by the fact that, in the twenty-seventh chapter of Deuteronomy, twenty-third verse, there is a very serious condemnation against persons who are guilty of a similar offence. As I understand the Senator from Belleville, he argued that the Scriptures do not recognize affinity at all. The hon. gentleman from Cumberland (Mr. Macfarlane) seemed to take the same ground. Now, in the eighteenth chapter of Leviticus, fourteenth verse, I find that, with reference to the wife of an uncle, intercourse with whom is forbidden, she is described as one "who is joined to thee by affinity." The Scriptures very strongly recognize the relationship of affinity. In the seventeenth section of the same chapter of Leviticus, and in other places where the relationship is merely one of affinity, it is held that the flesh of the husband is the flesh of the wife, and that intercourse

with certain relatives of the wife is incest. On this point, I will call attention to a letter which was published in the *Globe* the other day, by Mr. Hirschfelder, a Jewish gentleman living in Toronto, a man of considerable prominence in the Jewish body, who is in favor of marriage with the sister of a deceased wife. Speaking of marriage with the widow of a deceased brother, he says:—

"Taking all things into consideration, I cannot see upon what grounds the law prohibiting an alliance of a brother with a deceased brother's widow can be abolished, unless it is upon the supposition that the Mosaic marriage laws, like some other laws, were only intended for the ancient Israelites, and, therefore, have no force now.

"Now, Mr. Editor, in order to comprehend fully the force of many of the Mosaic laws, it is necessary to divide them into three principal classes:—(1) Precautious laws; (2) Sanitary laws; (3) Moral laws."

"To the third class belong all such laws which are conducive to foster morality, and, as might be naturally expected, they are by far the most numerous. Now, I think it will hardly be denied that the observance of these laws are just as binding to Christians as to the Jews, and I think it will be admitted at once that the marriage laws must certainly belong to this class, and, if such is the case, I can hardly see how the law prohibiting 'a brother marrying his brother's wife' can consistently be abolished. There are, certainly, very strong grounds to be urged against such alliances; but, as I have above stated, it is impossible to notice them in a newspaper article."

I think, hon. gentlemen, enough has been said to shew that, as regards marriage with the widow of a deceased brother, there can be no reasonable doubt as to the law laid down in the Scripture. As to marriage with a deceased wife's sister, the scriptural argument has been dealt with already by the hon. gentleman from Amherst, and has been discussed in the other House and elsewhere, and hon. gentlemen are quite familiar with it; but there is one point to which attention has been called, to a certain extent, and to which I shall again refer; that is this fact: that, whatever the Jewish law on this subject may have been, there is no doubt as to what the Christian law has been. One of the greatest changes that was made by the change from the Jewish to the Christian dispensation, was in the elevation of the married state. The marriage tie was made more sacred,

and the union between husband and wife rendered more intimate and more difficult to dissolve. Divorce, which had been allowed in the old law, was not tolerated in the new. Polygamy, which had existed under the old law, was done away with, and husband and wife were declared by the Redeemer himself to be one flesh. Looking back on ecclesiastical history, we find that, at a very early date in the history of the church, the canon law, in dealing with the question of marriage, placed the relations of wives in exactly the same position as those of the husbands themselves. Not later, I think, than about 300 years after the Christian era, we find the law in that position, and for hundreds of years the canon law was as strict as this—that marriage was forbidden not only between those who were nearly related by blood or affinity, but between persons related by blood or affinity as far as the seventh degree, and it was only at the fourth council of Lateran, in the beginning of the thirteenth century, that the prohibition was limited to the fourth degree. Now, this canon law was the law of all Europe up to the sixteenth century. It was recognized by cap. 22, of the 25th year of Henry the Eighth, and by a subsequent statute of that monarch, as the law of England, and it has so been accepted down to the present day. It was said by the Senator from Alma (Mr. Penny) that, up to 1835, the time that Lord Lyndhurst's Act was passed, such marriages were not void, but were voidable. He is in error in that. They were void, but they had to be declared so by the Ecclesiastical Court, and this Act of Lord Lyndhurst's declared them void in the eyes of the common law, without any action of the Ecclesiastical Courts. In order to shew what the sentiment of the early Christian world was on this subject, we cannot go to any better authority than the Greek Church. In that church they preserve most of the old practices and discipline of the early church, and, in the Greek Church, those marriages are absolutely void. It was not until the middle ages, and after a struggle that endured for some time, that the right of the Popes to grant dispensations for such marriages was recognized; but the church has always been hostile to them. As an argument in favor of this Bill, we

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have been referred to the practice in the United States, and also, I think, to the practice in Germany. Now, I do not think, when we want a model for our social life, we should go to the United States. I do not think the morals of that country are such as to induce us to follow in their footsteps, but very much the reverse. Whatever good things there may be in the United States, I do not think that their domestic morality is more admirable than our own, or anything that we should be anxious to imitate; and Prussia, which, I think, is the only country where those marriages are allowed without any dispensation, is undoubtedly the most immoral country in Europe. A very singular argument was used by the Senator from Belleville (Mr. Flint), that if we allowed this Bill to stand over for another year, there would be a great deal of agitation against it. That seems a very extraordinary argument. I am surprised that a gentleman, who is generally so ready to recognize the right of the people to be heard, should take such a position in this instance.

Hon. Mr. FLINT—I did not say that there would be an agitation against the Bill. I stated that it would create great agitation throughout the country. The hon. gentleman is just about as wrong in that as his quotations of Scripture.

Hon. Mr. POWER—If the hon. gentleman will take the trouble to examine the passages in Leviticus, he will find that I have quoted them correctly.

Hon. Mr. FLINT—I examined them before the hon. gentleman was born.

Hon. Mr. POWER.—I do not know whether it was the hon. gentleman from Belleville who said that this Bill was opposed as if it obliged every man to marry the sister of his deceased wife. I think there is another way of looking at it. One would imagine, from the anxiety of hon. gentlemen to get this Bill passed at once, that there were no other women to be married but sisters-in-law. There are women enough in the world for men to marry without contracting such alliances. An argument that has been used by almost every hon. gentleman who has supported the Bill is, that orphan children would have the guardianship and care of their aunts, who are the best persons to take

charge of them. That is true as the law stands now. A deceased wife's sister can remain in the house with her brother-in-law and take care of them ; but, if you passed this Bill, she could not do that. She would have to leave the house, because she would be in the position of any other unmarried woman there. It has already been said that if she becomes a step-mother, she ceases to be an aunt ; so that the orphan children would lose by this Bill, in any case. The hon. gentleman referred to the woman who had seven husbands, and the problem as to who was to be her husband in the resurrection. We are not now dealing with the future life, but with this life, and we should confine ourselves to that. I should like to say a word with reference to the church to which I myself belong, since it has been referred to by the hon. gentlemen from Alma (Mr. Penny), and St. John (Mr. Dever.) The law of the Church of Rome, as everyone knows, almost from the commencement of the Christian era down to the present time, has forbidden those marriages. For a long time, dispensations were not granted under any circumstances ; now they are granted under urgent circumstances, and obtained with a great deal of difficulty. The cases in which dispensations are granted are exceptional. The question is whether, looking at the matter from the standpoint of the Church to which I belong, it is better to have the law of the land agree with the general law of the church, or with the exceptional cases. To my mind, it is better to have the law of the land agree with the general law of the church. The fact that the law of the land is hostile to such marriages, and makes the issue of them illegitimate, is a discouragement to persons entering into alliances which are contrary to the law of the church. If a dispensation is granted, the children are legitimate in the eye of the church, and there is no stigma affixed to them in the eyes of other members of the Church. With reference to the rights of property, any difficulty of that kind can be substantially got over by a man making his will in the proper way. That is all that I propose to say for myself ; but I would call the attention of the House to some language used in the House of Lords in 1873. I wish to quote from the speech,

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on the motion to reject the Bill to legalize marriage with a deceased wife's sister, made by Lord O'Hagan. He had been Lord Chancellor for Ireland, was one of the best lawyers in the three kingdoms, and his orthodoxy, as a Catholic, was unquestioned. He made this speech several years after the evidence, which has been quoted by the hon. gentleman from Alma, had been given by Cardinal Wiseman. At page 1,888 of the *Hansard* for that year, Lord O'Hagan is reported as having used the following language :—

"I have the sincerest sympathy with any innocent persons who suffer from the law as it exists. From some of them I have received communications which have touched me deeply. But I cannot pity those by whom that law has been deliberately violated, on the prompting of passion, or in concession to a supposed expediency, without consideration of the fatal results to trusting women and unborn children. If it were possible to relieve, in cases of real hardship, with due regard to the momentous issues involved in the controversy, I suppose we should all be glad to aid in doing so ; but we have to consider what is right and wise, and for the highest interests of the society in which we live ; we cannot play with them according to the impulse of our feelings. We are bound to deal with them as judgment and conscience dictate when we come to touch that family life, which is the very corner stone of our social state, and, according to its moral condition, becomes the glory or the shame, the strength or the destruction of a people."

And again, at page 1,891, Lord O'Hagan says :—

"We are the ' heirs of all the ages,' and we should not lightly set aside the instruction which they give. If you would maintain a Christian civilization in the world, hold high the ideal of the Christian marriage. Do not abase its dignity ; do not dim its brightness. The time is not apt for meddling rudely with that great ideal, or, as you are asked to do tonight, with principles which are its bulwarks, and from which it derives its beauty and its strength. Old landmarks are vanishing away. Doctrines of international law and political justice, which long governed the public conscience of mankind, are losing their power. The elements of socialistic anarchy are working through the nations, and we should beware of precipitating the time when laxness as to the marriage bond may help to bring us to the condition of Rome, as described by Gibbon, 'when marriages were without affection, and love was without delicacy or respect,' and when corruption in that regard was one of the worst instruments in the overthrow of the mightiest of empires. But, my lords, if all I have said were to be disregarded ; if there were no tradition

or authority, or religious influence to warrant the rejection of this Bill, I should not oppose it in the interest of society, and for the maintenance of the dignity and purity of the family life; I should oppose it because it is calculated to alter the relations of the sexes in a way most serious and most mischievous. The connection of the brother and sister is delicate and tender, and so ought to be that of the brother-in-law and the sister-in-law—a connection of love and trust, without the taint of passion or irregular desire, and thus it will continue, if you refuse to make legal marriage possible between them. Temptation is bred of opportunity, and dies when it is lost."

I shall say no more, except to end, as I began, with the hope that this House will not pass such a revolutionary measure as this; but will grant the very reasonable and modest request contained in the petitions that have been addressed to the House, and involved in the resolution moved by the Senator from Amherst, to wait one year, to give Parliament and the country time to consider the matter.

Hon. Mr. GIBBS—I have listened with a very great deal of attention, during the whole of this discussion, and have endeavored, if possible, to hear if anything could be advanced by any hon. gentleman, that would tend, in any way, to shake the opinion which I had formed in the past, and which should guide me in the vote which I shall give on the present occasion. I am bound to say that, ably as the discussion has been conducted on both sides, from the beginning until now, I am really more strongly impressed with the correctness of the views I have held in the past, than I was at the commencement of the debate. The only argument used by those who are opposed to the Bill, for the purpose of affecting the vote to be given on the question, is the one that there should be delay in order that more light may be obtained on this subject, which we are told has been discussed for the last 1,880 years, and hon. gentlemen ask that they may have 1,881 years in order to form a correct opinion upon it. It has also been said that this Bill is intended to give relief to a few individuals; that, in point of fact, if this law had not been violated by a few persons, there would have been no debate to-day, there would have been no movement in the country, and there would have been no petitions

presented before the House, nor would this Bill have been introduced. Taking it for granted that this statement is substantially correct, and for the purposes of my argument, I am willing to assume that it is so, I ask if Parliament has not, on all occasions, been willing to afford relief to even one humble individual, not hundreds, as we are told in this case, who have violated the law of the land, and who are now asking for relief at the hands of Parliament? I say Parliament has always been ready to give relief to individuals, and, besides, we are informed that, in the Province of Quebec, the children of these marriages are incapable of inheriting property, and, in fact, that under the law, as it stands in that Province, they are illegitimates. The parties who have entered into the bonds of matrimony under these circumstances did not believe they were violating the law, for, had they so believed, they had only to cross the borders, and enter into those bonds without violating the laws of the neighboring Republic, and could return to Canada to live as man and wife. Now, we are informed that we are not to go to the United States to obtain lessons on public morality. I grant, it if you please. Another hon. gentleman has based his argument on the fact that England has refused this Bill for years and, therefore, Canada ought to refuse it also. I do not think, however, we should be asked to look to countries that have refused to pass this measure, but rather to the colonies and countries that have adopted it, to ascertain what the effect of such a law has been. I ask the hon. gentleman who has based his argument—a very able one it was, from his point of view (but very illogical)—what the effect of such a law is, or has been, in countries where it has been adopted? We are asked to believe that it will have a bad effect in the Dominion of Canada; that it will, in point of fact, shock the moral sense of the community. We know that it has not produced injury elsewhere when adopted, and its effect here, I believe, will be to set at rest a question that we desire to have settled. I desire that we should follow the example of the colonies of Great Britain, the United States and the coun-

tries of Europe—Germany and Switzerland—where this law prevails, and draw our inferences as to its effects in those countries, rather than from countries that have opposed it from time immemorial, and still continue to do so. I admit that there are many things we might copy from English legislation, but I ask my hon. friend from Fredericton if there is any force in his argument, that we should, in every instance, assimilate our laws to those of England? Would the Statute have been passed in Canada, which is now in force—I allude to the abolition of the law of primogeniture—if we were to follow the law of England? Does the hon. gentleman wish us to repeal that law, in order to assimilate our legislation to that of England? It was an Act which met with the approval of the people of Canada, and I have never heard one word said against it from that day to this, nor do I believe that there is a solitary individual who desires, to-day, to see that law repealed. Another suggestion is that this Bill should have a suspending clause, if it is passed, but I think that, as every law passed here is liable to be disallowed within two years by the home authorities, then, I say, if that is the case, instead of postponing the passage of this Bill, it is a more urgent reason why we should pass it at once, for, if there are two years within which it can be disallowed, we may, at the end of that term, have to begin *de novo*. It has been stated in this debate that the Act passed in Australia was not allowed for two years, and it did not receive the Royal assent until it had been passed the second time by the Australian Parliament. This being the case, the sooner we pass this Bill the better. We are bound to pass it, and to give relief to those who seek it. No persons are more likely to come for relief to Parliament than those who are affected by the law as it now stands. I have no friends of my own seeking relief, and, therefore, I do not speak from any interested point of view, as it is not a matter of the slightest consequence to me, personally, whether the Bill passes or not; but I do hope, in the interest of those who seek relief at our hands, that hon. gentlemen will vote against the amendment of the hon. Senator from Amherst. It may be, upon his part, very

good tactics to introduce his motion in the shape he has framed it; it may be, as an old parliamentarian, that he expects, by this method, to defeat the Bill, but I think it would have been a more straightforward and a more manly way to have met the Bill squarely upon its merits, and let the vote be taken upon its merits. I agree with my hon. friend opposite (Mr. Macfarlane), when he said it was an endeavor to catch those who were undecided in their opinions. To such, the amendment of my hon. friend from Amherst comes as a relief, because, in voting for it, they feel that they are not voting against the principle of the Bill, but are simply asking for its postponement. Is there an hon. gentleman in this House who would rise in his place and say that he expects, by this time twelve months, he will have more light than he has at the present moment? I venture to say that there has not been a single argument adduced in this debate from the Scriptures that bears on the subject, and if the hon. gentleman who did quote from Leviticus had read the whole chapter, the sense of the House would have been against his interpretation of it. I am bound to say this: that hon. gentlemen cannot vote upon this question on any other principle than according to their own convictions, and I admit that it is very difficult to overcome one's prejudices. If, in early life, we have imbibed certain views—religious ones particularly—I know how difficult it is to get rid of them in after life; no matter how one may reason upon them, they cleave closely to him all through his natural life. I know, also, the respect that is paid by members of any church to the doctrines and teachings of that church, whatever they may be, and, although I am at all times disposed, myself, to give due respect to opinions coming from high authority of that kind, yet, when they come into conflict with my own convictions, I put them aside, and act according to my own views. I must confess my surprise at the paucity of the arguments that have been placed before this House in opposition to this Bill. I do not believe, and, if I stated my own convictions, I would add that I doubt very much if hon. gentlemen who advanced those arguments before this House think that the passage of this Bill will create

such a revolution in the country as they would fain make us believe. I am satisfied this measure would be accepted by the people as the settlement of a vexed question, and I, for one, would be very sorry, coming so recently into this hon. House, to find it arrayed against the other branch of the Legislature, after its having pronounced itself in such an unmistakable manner upon this question.

Hon. Mr. VIDAL.—At this late hour and protracted stage of the debate, I fully recognize the propriety of confining my remarks within a limited space. I rise to support the amendment proposed by the hon. member from Amherst, and I must say that, in my judgment, the severe comments which have been made upon it are not justified. It has been alleged that postponement of the Bill has not been asked for. I think the hon. gentleman shewed most distinctly and most clearly, as did other hon. gentlemen, during the course of this debate, that the petitions presented to this House against the Bill, have, all of them, asked that it should either be rejected or postponed for one year; and, consequently, the amendment which has been proposed is in strict accordance with the prayer of the petitioners. Those petitions are numerous. It has been stated that there have been over sixty of them. I have hurriedly counted them, but have not reached that number. I remark, however, that the petitions for the Bill up to the day before yesterday amounted to only two, and I think, with my hon. friend from Fredericton, that the thirty-six petitions which were bound together, presented at one time, and came from one city, might with all propriety be regarded as one petition. If so, we have the fact, worthy, surely, of some consideration, that there are sixty petitions against the Bill, and only three in its favor. It must be admitted that there is a great deal of feeling, both within and without this House, with regard to this question, which has been long before the public, and has developed a wide divergence of opinion; it must, therefore, be approached with great consideration in order to form a correct judgment upon it. I have listened very carefully to the entire debate, and I am constrained to say that, either

I have seriously misapprehended the statements that have been made in the House justifying the introduction of this measure, or the House misapprehends the real character of the agitation in favor of the Bill. It has been alleged that great suffering prevails in the community on account of the present state of the law. I will ask hon. gentlemen has there been one petition presented to this House from any person who claims to have suffered in the least degree from the operation of the law as it now stands? Has there been one single case of hardship or injustice presented to the House to shew that this Bill—so subversive of long-established institutions—is really necessary to remedy it? or, has proof been adduced that any evils have, in this country, resulted from the present law? We have had strong statements and fancy pictures of domestic unhappiness presented as evils necessarily connected with the law, as it has been for centuries, and equally fanciful pictures have been painted in glowing colors of the beneficial results that will follow the passage of the Bill before us, but none of those illustrations will bear examination. My hon. friend from Belleville (Mr. Flint) gave a very pathetic illustration to shew how suitable it is for the sister of a deceased wife to take charge of the children she might leave behind, and how desirable that the husband should marry her, rather than bring in a stranger; but, in order to secure the carrying out of his views, he would have to make this law compulsory, obliging him to marry her, for he seems to forget that the man would have some freedom of choice in the matter, and, although he might have the sister-in-law there, he might fancy some other woman for a helpmate, and the dreaded results might follow. But, apart from these social considerations, I would rather urge the point to which I have alluded: that no person has come before this House to shew that any evil result whatever has flowed from this law, as it stands, and the petitions that have come have not asked us to remedy an evil, but simply to pass this Bill. They are not the outcry of a suffering people coming to the Legislature for relief; they are got up at the request of parties in the House who have desired to sustain the Bill by getting

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this outside help. That is, practically, the character of the petitions that have been presented in its favor. Much has been said about the state of the law, on this subject, in England, I will admit that, in England, there is ample room for agitation on this question. I am not surprised that there are petitions, signed by thousands of people, presented to the British Parliament, asking relief from a real practical difficulty in the law, as it stands there. But we are not under that law; no law is in force in Canada, declaring those marriages void. In England, they are under an actually oppressive law—a law which, were I in England, I would do all in my power, if not to repeal, at least so to amend it as to remove the clauses which bar the issue of such marriages from inheritance of their fathers' property. My hon. friend from Woodstock has told us that great difficulty was experienced in the western parts of Ontario in consequence of our law, and that many people, on account of it, had to go to the United States to get married. I question if he could produce any cases of parties who went to the United States to be married because the law of Ontario makes such marriage illegal if it takes place here. The law of Ontario does not make such marriages illegal, and, if people go to Buffalo, Detroit, or other American cities to get married, it is simply because it is convenient for them to go there, or it suits their purpose in some other way. There is not, in the Province of Ontario, any law which throws any obstacle in the way of those unions, or disinherits the issue of such marriages. I challenge any hon. gentleman here to produce any single instance on record where a court in Ontario has decided that the issue of one of those marriages is illegitimate! It cannot be done. Whence, then, this cry for relief? Where this oppression that the people are groaning under? The community has never asked for this Bill, for the people have not suffered from the evils complained of. Now, let us look at the relation of this question to the Province of Quebec. I believe, from the remarks that have fallen from hon. members, that the issue of such marriages are not considered to be the lawful heirs to the property of their father, should he

die intestate. Supposing it is so, are we, hon. gentlemen, legislating for the particular interests of a few individuals in that one Province? Is not that a question which is solely and entirely in the hands of the Provincial Legislature? I do not mean to say that marriage is, but as to this question of holding property, is it not a fact that to the provincial legislature is confided the duty of legislating with respect to property and civil rights? and can we constitutionally legislate to say that the issue of such marriages shall be heirs-at-law? They certainly ought to get that relief; but it is the local legislature alone that should grant it. I am very much surprised at the assent that has been given in the other Chamber to the Bill now before us. Gentlemen whose battle-cry has been: *Notre religion, notre langue, et nos lois*, have advocated and voted for the passing of a measure in direct contradiction to the law of the church to which they belong, and are asking this Legislature to interfere with those laws which they value so highly, and which one would suppose they would desire to keep in force. But I have other and more serious objections to the Bill than its being unnecessary and unasked for, and the chief is that it may possibly be a measure in direct opposition to Divine law. I presume that, if it could be distinctly shewn that it were so, this House would not commit itself to any such legislation. One part of this Bill is, in my judgment, clearly and distinctly a contravention of Divine law. I have not the least hesitation whatever in saying that I regard the part of the first clause legalizing the marriage of a man with the widow of his deceased brother as contrary to Divine law, and I could not consent to the passing of this Bill while it contains such a provision. Although my objection is not so strong against the first clause, I have very serious doubts even as to the propriety of legalizing marriage with the sister of a deceased wife. If it should be so, that this Bill is in contravention of the Divine law, what are we about to do? Do we suppose that we can improve on the government and laws of the Almighty? Is it not a fact that every law He has given to man has been designed for man's

good? He does not condescend to explain all the reasons for giving that law, or all the results to flow from it; if He has laid down a law barring such marriages, I maintain it is for the good of humanity. None of His laws are arbitrary enactments, but command or prohibit, because the doing of this, or the refraining from that, are conducive to man's health and happiness. I think, under the circumstances, we ought to be very careful indeed to confine ourselves to that kind of legislation which is clearly within our jurisdiction, as relating to things earthly rather than spiritual. I should have no hesitation whatever in supporting a bill which declared merely as to property that the children of these marriages should be considered as lawful inheritors of it, but I do object to see on the Statute book of our country an act, the terms of which may be said to be in direct contradiction to the Divine law. There is manifestly a great difference of opinion as to whether it is so or not. The Catholic Church of Rome, a very large and influential body of Christians, by its laws—not enacted as of its own will and authority, as we make laws here, but drawn from the law of God, declare this affinity a bar to marriage, although granting a dispensation in some particular cases. Then look at the Church of England, comprising such large numbers of highly educated and talented theologians of unquestioned wisdom and piety, who affirm clearly that this affinity is, by the word of God, a bar to marriage. Do these opinions count for nothing? I would not, for a moment, accept their authority as a mere church law, of human origin, but I do accept these church laws as evidence that, in the opinion of these great and learned men, such marriages are forbidden by the law of God. Then take the Presbyterian Church—strong in numbers and influence, in piety and talent—and we find in the "Confession of Faith," their authorized standard of church law, they have it laid down, among the rules drawn from the Scriptures, that "A man may not marry any of his wife's kindred nearer in blood than he may of his own." I would not adhere to that view merely because given as the rule of a church. I am too independent, and too free to be bound down

Hon. Mr. Vidal.

by doctrines, the mere commandments of men, but I do consider that, when the opinion of those wise and good men, who have carefully and prayerfully studied the Scriptures, is, that the law of God prohibits this kind of marriage, it should have great weight with us. I say that these three great churches, by their standards, have, for centuries, upheld it.

Hon. Mr. PELLETIER—Not the Catholic one.

Hon. Mr. VIDAL—I take these three churches by their accredited standards, and I challenge any man to say that they do not disapprove of such marriages. I think, without going into arguments that are not fit for the floor of this House—for the discussion on the Scriptures is better fitted for a forum of a different nature—these churches all bear testimony to the fact that, in their opinion, the law of God requires that there should be a bar to this kind of marriage. Is all that testimony valueless? Are we to say that there can be no difference of opinion, or are we to be like the hon. gentleman from Belleville, who seemed to think that his *ipse dixit* was to sweep all these bars to the winds? This being the testimony of such a large number of persons who are so well-fitted to form a judgment, we should hesitate before venturing to say that they are entirely wrong, and I think it is a wise thing to give an opportunity, which I think will be taken advantage of, to have this subject thoroughly discussed by the churches and the people, and some decision arrived at, that may be a guide and assistance to Parliament at its next session.

Hon. Mr. BOYD—It is with some reluctance that I venture to offer a remark on this question, the more so because, while very grave differences of opinion exist between good men of both sides, whose judgment I respect, to me it seems so clear, and the interests involved in the early and just settlement of it so great, that I deem it my duty to join those who may press for an immediate decision, and that in favor of the Bill which is now before this hon. House. It has been said by my hon. friends the members from Amherst, Toronto and Fredericton, that the people

have not asked for it ; that few petitions have been sent up for, and many against it ; but this is a question which does not take hold of the public mind ; because it is not one which touches the country's pride or its purse, it is passed over with the remark : " A mere question of family relations, and not likely to affect me or mine," say too many. But it has been discussed very widely in the Old Country, Australia and the United States. In the latter it has been decided favorably, and in Britain, the House of Commons, after years of discussion, passed it by a large majority. It is yearly growing in favor of the House of Lords, and it must succeed, for in all these discussions, so far as I have seen—and I have followed them with some degree of interest—I have not met one argument to convince me that it was wrong, for neither from pulpit, platform or press have I heard or seen any reason that can weigh against those which have been adduced in favor of the principle of this Bill. The main appeal has been to the Scriptures. Here, one party rests their case, and they have so far been singularly unfortunate. They involved the question in such a labyrinth of difficulties that in many cases they were forced to leave this ground and seek that on which we stand when discussing the ordinary affairs of life and duty, of which matrimony is one. Even Cardinal Wiseman, as has been quoted by the hon. member from York, is in favor of this Bill, for the poor, as necessary in their case, and will be productive only of good for them, therefore, it is right in his view, and may be obtained by the wealthy for a consideration. Standing upon this ground, I have put the case to my own judgment in every conceivable shape. I can see nothing in it but what is purely sentimental. Even this has its weight, and we are bound to respect it ; but there is sentiment also on the other side, and more than sentiment, there are realities which have come home to many a household ; and men and women, pure as ever lived, have been branded with disgrace, and made to feel the humiliating mark placed upon them until their death. And why ? Because certain prejudices have been framed into a law. Great names have been quoted in defence of certain views. Men in authority desired to pursue

a certain course, and this was made easy to them by those whose policy it was to please, but as in political matters, so in spiritual, or what is called spiritual, it is not always safe to be led by great names, as even the best of men have at times been, unwittingly, the victims of prejudice. They desire to believe a certain thing ; they frame it into a dogma, and, instead of going to the law and the testimony for the Truth, they, out of their own desires, frame a policy—they go to, and frame arguments from it, in defence of this policy, and thus even good men have been led astray ; and the old lines of Burns have been in order in their case :—

" Some books are lies frae end to end,
And some great lies were never penned.
E'en Ministers they hae been kenned

In holy rapture ;

A rousin' whid at times to vend

And nail't wi scripture !"

Confounding the Moral with the Ceremonial—that which is for all time, with that which was merely for a dispensation which passed away some 1800 years ago—men have framed a plea from the Old Testament to sustain their opposition to this Bill ; but it goes too far. They say it meets their case ; let us read it : " Neither shalt thou take a wife to her sister, to vex her besides the other in her (the wife's) lifetime." We may not marry our wife's sister while she lives—that is all ; they forget that we may, by a parity of reasoning, when she dies ; and not only so, but while prohibited from vexing our wife, by wedding her sister while she lives, we are at perfect liberty, according to this law, to wed her after the death of the wife, and, from the example of the good men of that day, to wed her and any other man's wife's sister also, and there is no restriction on the number that might be thus wed ; so that if this law is of any force, we must take it with all that it commanded, and all that it permitted. Under it hon. gentlemen might establish Harems in this country—they might introduce the abominations of polygamy, now happily confined to Utah and a few other places not recognised in Christian circles. The same law to which appeal is had against this Bill, if we take it in all its fulness, would regulate our appetites in every direction ; our domestic economies ; what we should eat, drink and avoid ; how we

should bear on ourselves the Sabbath, with other purely local and ceremonial enactments, adapted to a barbarous, untutored people in those early ages—a people who treated woman as inferior, placing upon her heavy burdens, and degrading her, in almost every position in life. Even this law, to which appeal is had, ordered that, on the birth of a female child, the purification attendant should be double that of a male. These laws are attempted to be set beside those which are for all time, and against laws which commend themselves to our better nature, and which will last when those of mere ceremonialism shall have for ever passed away. If marriage were aught else but a civil contract between man and woman, which I hold it is, we might be inclined to yield our judgment to spiritual courts, and to the decrees of spiritual teachers. It is a subject which belongs to the State; to be regulated only by the State, and Parliament, therefore, is the proper place to deal with it. We ought not to give up our powers to another court; we cannot guard these too carefully, or uphold them with too much jealousy. But even in spiritual circles, opinions widely differ. My hon. friend from Montreal will be met by my hon. friend from Toronto, each with a list of great names against the opinions of the other. One of the most distinguished clergymen in the Wesleyan Church had to leave England and come to this country, and remain here for a length of time, to marry his deceased wife's sister, and to avoid the annoyances consequent upon it. I know a case of one of the most pure and amiable ladies in the Dominion, a model wife, a good mother to her sister's children, and yet her family have discarded her, and, almost broken hearted, she is no longer recognized by them. My hon. friend from Sarnia has challenged us to name one case where parties had to leave this country to effect such a marriage. I can name two such cases where I had myself to act as the guide from St. John to Eastport, on missions of this kind. I might multiply such cases, but this one, will, I doubt not, suggest many to hon. Senators, who have probably had like knowledge, and why should we lend our sanction to a continuance of this injustice? Why cause these heart-burnings and recriminations, where

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there ought to be only love and harmony? Are we looking for more light? Is Parliament unable to form an opinion? What are we, to gain by postponement? And must we, in this stage of the world's progress, wait upon spiritual courts, while they pass their judgment upon matters purely secular? Make laws, if you please, against the marriage of certain degrees of blood relationship, and see that they are carried out in the interests of future generations. Make a law, as in Sparta, compelling every man of the age of 25 to marry, or pay a tax to the State—and I trust that this law will include my hon. friend from Halifax, who says there are many women in the world, but yet has not taken one to himself, as I hope he will ere another session of this House—but, in framing these marriage enactments, omit all limits where the laws of nature or of scripture have set no limits. Let a man marry whomsoever he loves and is loved by, yea, even to his own mother-in-law, if he has the courage, and should so desire. At the present time those desiring marriage with their sister-in-law can step across the border line, and the twain be made one flesh. Let the same privilege be accorded here, and thus remove a barrier which is useless, indefensible, and, I believe, wholly evil. Some of the opponents of this measure assume to be the sole defenders of woman's purity, dignity, rights and privileges. I am quite willing to leave with woman the custody of her own dignity and purity, her rights and privileges; to leave her to be the judge of these herself, in this matter of marriage. I would say to those who are unfairly interfering with these: "hands off," and, if not, there will always be found those, who, like Mary Frances Cobb, Maria S. Rye and others, who can defend themselves against the stronger sex, even though led on by Right rev. bishops, and give a good account of themselves, even against a whole General Assembly of Divines. Let us then, leave these questions to the men and women interested or to be interested. If a man or woman desire to marry, let him or her do so, and let us not use our power to force either party. Differences of opinion and taste always have, and will exist; let these continue without obstruction from us. The old minis-

ter, discussing this point, said : " It was well there were such differences of opinion, for, if everyone had been of my opinion, they would all have wanted my wife," while his deacon replied, that " if everyone had been of his opinion, no one would have wanted her." These differences of opinion are wise and natural. Let us have Free Trade in these things, coupled with just Protection to the weaker. Let us not interfere where our interference will be evil, or we may find ourselves tripped up at every step. The transgression of Eve seems to be ever before the minds of certain high dignitaries in all ages, and for this alleged sin of our dear old inquisitive grandmother, they would put her daughters into leading-strings for evermore, and say what they should do, or not do, in matters in which they have no concern. A later dispensation has elevated woman to her proper position. It is only under the benign influence of Christianity that woman is accorded her true place. Here she is no longer in the same degree as formerly—the slave of man's wants and of his passions. She is now the equal in, and the helper of, his home; often his guide, always his best counsellor in times of difficulty; his stay in trouble, as I know. In that great trial which came upon so many of us in our burning city, when men's hearts failed them for fear, woman only was equal to the emergency, and bore us up with her strong faith and loving sympathy. Whenever a man is drawn toward such an one, and she reciprocates his love, let not mere sentiment frame a law to prevent their union, for " whoso findeth a wife findeth a good thing." There are plenty of *women* in the world, but a *wife* is not so easily to be had. This principle of love, we can talk about it, but who can estimate its strength, its influence for good, when rightly exercised; its influence for evil, when improperly obstructed? George Stephenson, once asked by a lady, What is the most powerful force in all nature? replied: " Madam, it is the eye of a woman for the man she loves. If he go to the uttermost ends of the earth, that eye will bring him back. There is no other force in all nature that will do that." No one may stand between a woman and the man she loves. " Neither life nor death; things present or to come."

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Nothing more inexplicable, wonderful, beautiful than this love exists, a grand example of which we have in the character of Evadne, as drawn by Shiel, portrayed by one of the most accomplished of her sex, and witnessed by hundreds in Ottawa last evening—an example which ought to melt the most obdurate woman-hater or woman-enslaver in Parliament. And where such devotion exists, and it only does exist when allied with purity and truth; and where no violation of God's law can be shewn in permitting it to declare itself, then, hon. gentlemen, I believe we would be unjust to our kith and kin, untrue to our own nature, and unfair to those who have entered into the bonds of matrimony, or who desire thus to do, under the relationship contemplated by the framers of this Bill, if we did not at once ordain a law which has only the opposition of mere sentiment, and against which there has not been advanced one argument that I have heard, that can stand the test of reason or the light of Scripture. For these reasons, then, I shall vote for this Bill. I do trust that this House will shew itself abreast of public sentiment by sustaining it heartily; and, for myself, I am glad to vote for a Bill that has been introduced by one whom, for the last thirty years, I have known for his good works, and whom, with so many who know him throughout this Dominion, I am delighted to honor and respect.

Hon. Mr. HAYTHORNE—I desire to offer a very few remarks in explanation of the course that I intend to pursue on this occasion. I intend to support the amendment that has been moved by the hon. Senator from Amherst. One hon. gentleman says that the Christian world has had this question before them for 1880 years, and surely the Senate did not want another year after all that time to make up their minds. I shall answer that by saying that it is not to make up my own mind, but to permit those I represent to express their opinion at another meeting of Parliament upon a measure which they certainly did not contemplate would be submitted in the Legislature this session. It is not because I hesitate in my own opinion upon this Bill, but because this question was not before the people of the Province that I represent when I

last was face to face with them ; and they have this further disadvantage, that their geographical position renders it more difficult to communicate with them than with other parts of the Dominion. It is possible that, sometimes, even British Columbia may be more easily communicated with in winter than Prince Edward Island. Looking at all these things, and being, as I am, aware of the fact that many men connected with my Province, for whose opinion I have the very highest respect, are opposed to the marriages legalized by the Bill now before the House, I think it my duty to support the amendment. I may say that the views which I entertain with regard to the Bill itself are very much in conformity with those expressed here yesterday and repeated to-day by the hon. Senator from Richmond. I am in favor of that portion of the Bill which permits marriage with a deceased wife's sister, but I am not in favor of that portion of it which permits marriage with the widow of a deceased brother. Under those circumstances, even if I were aware that the opinions of the people of my Province were in favor of the Bill, I could not vote for it in its present shape. It is, therefore, the more incumbent on me to vote for delay. I will, with the permission of the House, touch upon a few points that have been alluded to in this debate. In any remarks that have fallen from the speakers who have preceded me, with the exception of the hon. Senator who has just resumed his seat, no allusion was made to special cases of hardship, and I think that the House can readily understand the reason. No person can wish to have paraded before the public his own case or the cases of friends, and, therefore, the difficulties of those who advocate the passage of this Bill are increased. I look upon this measure as the removal of a disability. Now, in my three-score and some more years, I have seen several disabilities removed, and I remember that, previous to their removal, terrible consequences were contemplated. I remember the sad anticipations that were indulged in when the disabilities of Catholics were removed ; but no such evils occurred. Then, again, there was another measure which occupied the attention of the Imperial Parliament session after session, which

was rejected over and over again, but which, finally, was passed—I allude to the removal of the disabilities which prevented Jews from sitting in Parliament. That was a measure which was very unpopular, not only in Parliament, but throughout the country. The disabilities were removed, and how many Jews do you find returned to Parliament in the last election ? It is not hard to trace who is, and who is not, a Jew, for, along with their religious and national peculiarities, they preserve their family names ; and anyone who runs his eye over the list of returned members, can see that, probably, not over half-a-dozen Jews will take seats in the newly-elected Parliament. Now, as to the religious points of this question, which have been so ably discussed, I may say that I have given them careful consideration, and I have come to the conclusion that, with regard to the marriage of a man with his deceased wife's sister, there is no scriptural objection. I think we may very safely accept the opinions of a dignitary of the Roman Catholic Church on that question, so far as Roman Catholics are concerned. We have the opinions of Cardinal Wiseman, as alluded to by the hon. Senator from Alma (Mr. Penny), and they are very emphatic in favor of the removal of this disability. In the Episcopal Church we have the opinions of Archbishop Whately, also emphatically expressed in favor of the removal of such disabilities ; and when I find two men, holding such an elevated position as those two ecclesiastics, I cannot hesitate to accept their opinion as conclusive upon this point. The hon. Senator from Fredericton (Mr. Odell) alluded to a numerous meeting of clergy and others in London, England. While I am willing to attach as much importance to a meeting of that sort as it is worth, it must be considered that it was not held in our own country or amongst our own immediate countrymen. What is far more to the purpose, and should weigh more with us, is the fact that a meeting of the Ministerial Association was lately held in a city much nearer to us than London—in Montreal—for whose opinions we ought to have greater respect. It was called for the purpose of discussing this question, and, though not

very numerously attended, I find that there were, among those present, six ministers of different persuasions, all of whom expressed the opinion that there was no scriptural inhibition against such marriages, and, further, that they approved of this Bill. That was the unanimous opinion of the meeting. So much for Protestant opinion on the subject. Now, I think, upon a question of this sort, Jewish opinion is worth something. I think we should inquire what has been the practice among the Jews with respect to marriage with a deceased wife's sister. And here, again, I have a competent authority. Whether he is a native of British North America or not, I cannot say, but I know that Dr. De Sola occupies a very important position in one of our leading educational establishments, as Professor of Hebrew, at McGill University:—

“As regards Jewish authoritative opinion, this unquestionably has always been in favor of such marriages, because the synagogue (the *ecclesia docens* of Judaism) has always regarded them as in accordance with the will of God, and as instituted in the law which he commanded his servant Moses. The propriety of such marriages has never been questioned by Jewish teachers, ancient or modern. As regards marriage with a deceased wife's sister, this has always been permitted by the Jewish Church, and practised by the Jewish people. The passage in Leviticus xviii, 18, sometimes appealed to as prohibiting such marriages, according to received Jewish interpretation, and also in accordance with strict grammatical analysis, should read thus:—”

I will not trouble this hon. House by again quoting this verse, which has been done once or twice already this evening. I will only say that Dr. De Sola's translation is substantially the same as the English version. Here is the opinion of a learned Hebrew professor of our day, telling us emphatically that the Jews have always regarded such marriages as in accordance with the law of God. With the opinion of these high authorities in favor of the legality of such marriages, I, for one, can have no difficulty in forming an opinion upon that point. Then, my hon. friend opposite (Mr. Macfarlane), whose speech I very much admired, and whose sentiments I generally concurred in, referred to the fact that bills similar to this had passed the British House of Commons seven times. In saying so he

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answered my hon. friend (Mr. Odell), who thought that the Bill had been more frequently rejected than passed by the British House of Commons. One fact has escaped the observation of both hon. gentlemen; it is that, although a measure may have been rejected twenty times, it needs only to be carried once, and, when it has been carried so often in the House of Commons, and by such large majorities, indicating a very general consensus of opinion in its favor in Great Britain, it does seem a great stretch of authority on the part of the House of Lords to reject it so often as they have. I quite agree that this House is a sort of reflection of the House of Lords, and should occupy in the Canadian Parliament a position somewhat similar to that of the Upper House in England, but I, for one, should not like to take the responsibility on my own shoulders, of rejecting a bill which passed the other House seven times, by majorities sometimes approaching one hundred. Knowing that the Senate is weary of this debate, I shall content myself with simply observing that I intend to support the amendment of the hon. member from Amherst; but, in doing so, I have found it necessary to explain my views very clearly, because I do not wish to subject myself to any misinterpretation on this point. I do not wish it to be said here, or anywhere else, that I supported the resolution with the view to seeing how the land lies in my own Province. I have expressed myself with sufficient clearness to render such an imputation perfectly groundless.

Hon. Mr. TRUDEL—I should not have taken part in this debate if allusion had not been made repeatedly to a supposed necessity for this Bill in the Province of Quebec, and if Catholic doctrine had not been invoked in its favor. I think that the vote to be taken to-night will shew that we, in that Province, do not seek for such legislation. I have strong objections, some of which I shall state, to this Bill. At this late hour, and at this advanced period of the session, and with the numerous memorials that have been presented in this Chamber on the subject, lengthened argument would be useless. I may refer, however, to the opinions of

some hon. gentlemen who do not belong to the same church that I do, and who have contended that the Roman Catholic Church permits such marriages. Those gentlemen are right in one sense, but wrong in another. The rule of the church is this: it does not recognize the power of civil governments to legislate upon the marriage tie, so that any legislation which deals with the validity of the marriage tie is, in my opinion, contrary to the rule of our church. That is one of the objections that I have to this Bill. Another objection is, that the law of the church prohibits such marriages, reserving the power, under certain circumstances, some of which have been referred to in this debate, to grant dispensations. The law is against such marriages, but, in exceptional cases, they are allowed, and it is in this sense only that it may be said that such marriages are allowed. But this Bill, without making any exception, legalizes these marriages. It affirms a principle which is entirely opposed to the law of the church. While the church enacts, as the general law, that "the marriage of a man with the sister of his deceased wife, etc., is prohibited," this Bill lays down a contradictory proposition as the general rule, viz.: "Marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, shall be legal." Is it not clear that it is contradictory to the law of the church and of its doctrines? That is my second objection to the Bill. I question very much the propriety of admitting such a general rule—a rule which, I admit, will have the effect of affording relief to some parties, but is wrong in principle. We are all Christians, and I think it will be universally admitted that such marriages are not favorably regarded, though they may be allowed, by any religious denomination. They are not of such a character that they should be put on the same general footing as ordinary marriages. Therefore, to pass this Bill would be to lay down a principle which, as a general rule, is reprobated, I believe, by most of the Christian denominations of this country, and is opposed to the religious sentiment of the people. An hon. gentleman from Ontario remarked, to-day, that, while he has the greatest respect

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for the opinions of the different churches, still he prefers his own convictions. This hon. gentleman should consider, whatever his individual opinion may be, that marriage is, in this country, admitted by all creeds to be a religious act, and, consequently, a matter which properly belongs to the different churches; and I hope that the day is far distant when it will be considered a civil matter. The best proof of that is the fact that, in all the religious denominations, the ceremony of marriage is performed by a clergyman. There is no marriage performed by civil officers, and, fortunately, civil marriage is not permitted in this country. To us Catholics, marriage is a sacrament, is of Divine institution, and is exclusively under the control of the church. I do not see how the opinions of the different churches on this question can be set aside. The Bill is also objectionable from a social point of view, but, at this late hour, I shall not enter into an argument on that branch of the subject. One hon. gentleman remarked this evening that he had heard very few arguments against the Bill; the reason was explained, even at the beginning of the debate—the late period of the session. If we had time, I should be perfectly ready to meet the advocates of the measure, and shew that there are very strong arguments against it. Is not the fact that Christianity, during eighteen centuries, has been opposed to these marriages, and that they have been allowed only under exceptional circumstances, sufficient to shew that they are objectionable? It may be contended that we live in an age of great advancement, but it must be remembered that the rules of morality are always the same and do not admit of progress. Unfortunately, instead of improving, in our age the sense of morality is diminishing, so that the tendency of the age cannot be used as an argument in favor of this measure. We are asked "why do you not vote directly against the Bill if you are opposed to it? Why do you ask for a year's delay?" My reason is, that I consider some legislation necessary to meet particular cases, although I am opposed to establishing a general rule, and, therefore, I wish to have a year's delay in order that such legislation may be introduced. What we want

is legislation giving sanction to the rules of the church, that is, recognising the marriages which they have allowed, and which would enact for instance: "That such marriages between a man and his deceased wife's sister that have been contracted according to the regulations of their church, are recognized as valid." Special allusion has been made to the Province of Quebec, with reference to the civil status of children, issue from such marriages. The social position of parties in that Province, who have contracted such marriages, is not affected by any feeling in the community, if dispensations have been granted by the church. The only difficulty is that their children cannot inherit their property: but this fact is no reason for adopting a general principle which is wrong. There is a simple remedy for the difficulty; these parties can make their wills in favor of their children. I shall, therefore, vote for the amendment, first, because I consider that the Bill establishes a wrong principle, and better legislation may be framed; and, second, that there is no harm in postponing the matter for another year.

Hon. Mr. SMITH—I did not intend to say anything on the Bill before the House, but, as so many hon. gentlemen have expressed their views on this subject, I think I should say a few words to identify myself with the measure before the amendment is put. I find that, since the beginning of the Christian era, marriage with a deceased wife's sister has been allowed. It is against the law of the land, but it cannot be said that it is against the law of God. If it was, the church to which I belong would never have granted dispensations for such marriages. The law of God has, therefore, not been broken, but the law of the land has been violated, and it is our duty to place upon our Statute books a law which will relieve their offspring from the unmerited taint of illegitimacy. In voting against the amendment and for the Bill, I consider that I shall be doing my duty to my church, my God and my fellow-men. No argument that has been advanced here by Roman Catholic members can shake, in the slightest degree, my convictions on this subject. I have the high authority of the great Cardinal Wiseman in

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support of the course that I shall take, and I shall vote to remove the disabilities under which so many of our people are suffering.

Hon. Mr. BOTSFORD—I did intend to express my views on this measure, because I have a very decided opinion upon it, but I shall not detain the House, at this late hour, longer than to refer to the statement made by the hon. Senator from Sarnia (Mr. Vidal), in respect to the opinions of the learned divines of the Church of England, the Church of Rome and the Presbyterian Church. I will read a few authorities upon that point to shew the hon. member that he has made a statement which, he will acknowledge, went too far.

Hon. Mr. VIDAL—I spoke of the standards of the churches, not of anybody's opinions.

Hon. Mr. BOTSFORD—The House will pardon me if I cite a few authorities. I find in *Hansard* for 1855, Mr. Ball is reported as saying:—

"Among those names (in support of such marriages) were those of Archbishop Whately, the Bishop of Norwich, the Bishop of St. David's, the Bishop of Lincoln, the late Bishop of Landaff, and he might go on naming a long list of illustrious divines and holy men who had concurred in those views. Then, again, among those who were revered by the great body of the Dissenters, and who were favorable to the adoption of a measure like the present, the name of Dr. Chalmers stood pre-eminently forward. * * * * Another name that he would cite in its favor was that of Dr. Adam Clarke, a man of profound learning, of immense ecclesiastical research, and whose admirable commentaries upon the Holy Scriptures had rendered his name celebrated throughout the empire. He, too, was favorable to the abolition of the present restrictions; and he (Mr. Ball) would complete the list of illustrious men, whose opinions were favorable to a change of the law in this respect, by adding that of a man who was held in veneration by hundreds of thousands, nay, perhaps millions of his fellow-countrymen—the great Wesley, a man than whom no one led a purer or more pious life; and also the name of Professor Lee."

In 1862, when a bill similar to this was before the British House of Commons, Mr. Buxton is reported as saying:

"Nor could he allow that it was a question of mere expediency. It was a question of right and justice. In forbidding a man, when God had not forbidden him to marry the woman he loved—in forbidding him to give his children a mother already devoted to them, instead of a strange step-mother—they were as cruelly

wronging him as if they snatched away his money or his land. He had a claim on their justice to be allowed to do that, and they were trespassing on his rights in debarring him. If Scripture said nothing, people would be left to form their own opinions. But when a line had been precisely drawn between allowed and disallowed marriages, surely those who demanded to use the freedom which God had given them were wronged if that freedom were taken away upon the pretence of some fancied awkwardness arising to imaginary people. The case for the Bill seemed overwhelming if they took the ground of expediency alone. But the true, the decisive reason for supporting it was that the existing law was a trespass on men's natural rights, and that it filched from them the freedom reserved to them by the law of God."

Mr. Monckton Miles, in the same debate, cited the following testimony of Dr. McCaul, one of the best Hebrew scholars of the day; at the same time, his orthodoxy cannot be disputed. Dr. McCaul says:

"I confess that, when I entered upon this inquiry, I had no idea that the case of those who wish a change in the present marriage law was so strong. I had thought that the opinions of grave and learned students of the Bible were more equally divided; and that, as authorities were pretty evenly balanced, they who had contracted such marriages must bear the inconveniences arising from doubtful interpretation. But I do not think so now. Confirmed by the testimony of antiquity and the judgment of the most considerable interpreters at the Reformation, and since the Reformation, I now believe there is no reasonable room for doubt—that there is no verse in the Bible of which the interpretation is more sure than that of Leviticus xviii, 18; and I think it a case of great hardship that they should, by the civil law, be punished as transgressors, whose marriage, according to the divine law, is permitted and valid; and harder still that the children of such marriages, legitimate in the sight of the infallible Judge, should be visited with civil disabilities."

I have quoted these authorities to shew the opinions of leading divines in England upon the subject.

The House then divided upon the amendment, which was adopted by the following vote:—

CONTENTS :

Hon. Messrs.

Allan,	Chaffers,
Archibald,	Chapais,
Armand,	Christie,
Bellerose,	Cormier,
Boucherville, De,	Cornwall,
Bourinot,	Dickey,
Bureau,	Dickson,
Campbell, Sir Alex.,	Dumouchel,

Hon. Mr. Botsford.

Girard,	Odell,
Grant,	Power,
Guévremont,	Pozzer,
Haythorne,	Ryan,
Kaulbach,	Sutherland,
McClelan (<i>Hopewell</i>),	Trudel,
LeLelan (<i>Londonderry</i>)	Vidal,
Macdonald,	Wark—33.
Miller,	

NON-CONTENTS :

Hon. Messrs.

Aikins,	Lewin,
Baillargeon,	McMaster,
Benson,	Macfarlane,
Botsford,	Macpherson (<i>Speaker</i>)
Boyd,	Montgomery,
Cochrane,	Pâquet,
Dever,	Pelletier,
Fabre,	Penny,
Ferguson,	Price,
Ferrier,	Read,
Flint,	Reesor,
Gibbs,	Simpson,
Hamilton (<i>Inkerman</i>),	Smith,
Hamilton (<i>Kingston</i>),	Stevens,
Hope,	Thibaudeau—31.
Leonard,	

The House adjourned at 11.30 p.m.

THE SENATE.

Thursday, April 29th, 1880.

The Speaker took the chair at 2.50 o'clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

His Excellency the Governor-General being seated in the Chair on the Throne, The Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is His Excellency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed severally, as follow:—

An Act to further amend "An Act respecting the security to be given by Officers of Canada."

An Act to incorporate the Dominion Commercial Travellers' Association.

An Act to amend the Act respecting Joint Stock Companies to construct

works to facilitate the transmission of timber down rivers and streams.

An Act to incorporate "The Mail Printing Company."

An Act respecting the Great Western and Lake Ontario Shore Junction Railway Company.

An Act to authorize the establishment of Superannuation, Provident and Insurance Funds by the Great Western Railway Company.

An Act to give certain powers to "La Compagnie Française du Télégraphe de Paris à New York."

An Act to incorporate the Baptist Union of Canada.

An Act to provide for the Salaries of two additional Judges of the Supreme Court of British Columbia.

An Act to amend and re-enact, as amended, the Act incorporating "The Dominion Grange of the Patrons of Husbandry of Canada."

An Act to amend the Act intituled: "An Act to incorporate the Anchor Marine Insurance Company."

An Act to amend the Act thirty-sixth Victoria, chapter one hundred and eight, intituled: "An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company."

An Act respecting the Niagara Grand Island Bridge Company.

An Act further to amend the Act therein cited incorporating the Canada Guarantee Company.

An Act to incorporate the Bell Telephone Company of Canada.

An Act respecting "The President, Directors and Company of the Bank of New Brunswick."

An Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter, and to provide for the winding up of their affairs.

An Act to incorporate the St. Clair and Lake Erie Navigation Company.

An Act to confirm the purchase by the Dominion of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto.

An Act for the final settlement of Claims to Lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three.

An Act to amend "An Act respecting the Port Whitby Harbor Company."

Bills Assented to.

An Act to amend the Act to incorporate the Ontario and Pacific Junction Railway Company.

An Act to authorize and provide for the winding up of the Stadacona Bank.

An Act further to continue in force, for a limited time, "The Better Prevention of Crime Act, 1878."

An Act respecting Dorchester Penitentiary.

An Act further to amend the Acts therein mentioned, respecting the Militia and Defence of the Dominion of Canada.

To these Bills the Royal Assent was pronounced by the Clerk of the House in words following:—

"In Her Majesty's name, His Excellency the Governor-General doth assent to these Bills."

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

CANADA CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, to whom was referred the Bill intituled: "An Act to amend the Acts respecting the Canada Central Railway Company," reported that they had gone through the said Bill, and had directed him to report the same, with several amendments. He said: The most material amendment was the striking out of the second clause of the Bill, which gave power to build a branch line from Carleton Place to Madoc.

The amendments were concurred in, and the Bill was read the third time and passed.

ROYAL MILITARY COLLEGE.

MOTION.

Hon. Mr. ALEXANDER 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, papers shewing what subjects are taught at the Royal Military College at Kingston that are conducive to qualifying Cadets for Civil employments in the service of the country, such as:—

"1st. Employment as Civil Engineers and Architects in the Department of Public Works, construction of Railways, Canals, Bridges, &c., &c.

"2nd. Employment in the Civil Service Crown's Land Department.

"3rd. Employment in the Department of Militia, higher Engineering duties or other branches of that Department."

He said: If the House will give me its patient ear for a few moments, I will endeavor, to the best of my humble ability, to shew why I have asked for the information pointed to in this motion. The Royal Military College at Kingston was established by the late Administration, I believe, at the suggestion of the military authorities at home. It is a very costly institution to the country, and, I believe it is on all hands admitted that the staff of instructors are well qualified to discharge their duties. Independent of the large expenditure necessary for the construction of the buildings, the annual expense of this institution may be placed in round figures at about \$40,000. Now, I ask the House what are the practical results of this large expenditure? Are we, as at West Point, training a given number of young men to officer a standing army in the Dominion? We have not even the shadow or nucleus of a standing army, for the reason that our nationality has not yet assumed large enough proportions, and our financial resources are insufficient. Then the House will ask *cui bono* this practical military institution? A certain number of young men receive there, as they could at West Point or at Sandhurst, a thorough military education and training. A certain number of parents of a wealthy class are deriving certain advantages at the public expense. But this explanation will not satisfy the taxpayers of the Dominion, nor will it satisfy the enlightened citizens of our country. I fear that this is not a happy illustration of the practical working of our beautiful theory of responsible government. I, who have lived under the Governments of Germany and Austria, venture boldly to assert that such an aimless expenditure of public money would never be found at Vienna or Berlin. We have, at present, in this Dominion, a population of four millions—a people distinguished for great industry and enterprise. If ever there was a people that deserved to be well-governed, it is the people of this Dominion. I do not know, from personal observation, the Maritime Provinces, but behold the Province of Quebec, with its bright, cheerful hamlets, and churches, and towns, and cities, all

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speaking of industry, and prudence, and thrift, and general happiness; take my own Province of Ontario, where, during half a century, the forests have, by unbending toil, been replaced by comfortable homesteads, and the soil has been made to yield abundance of food. But, with all this, our people are groaning under burdensome taxation. The country is over-weighted with governmental machinery, and the result is that, in addition to oppressive taxation, we have now annually chronic deficits. While the great Republic, with its forty millions, has only seven departments of state, this young country must have thirteen departments—thirteen ministers of the Crown, enjoying salaries of \$8,000 a year, including the sessional indemnity. And this is the manner in which one of the departments is administered. Will any member of this House say that, up to the present moment, and for the next ten years, the office of Minister of Militia might not be abolished? Might not all the duties of that Department, be perfectly administered by our present able Adjutant-General of Militia, Colonel Walter Powell, under the suggestions of an experienced military commander? Let me venture now, as we have not yet the nucleus of a standing army, to throw out some suggestions shewing how this Royal College at Kingston could be utilized to accomplish good in another direction, as the period has not arrived for its being devoted entirely to military purposes. We are entering upon the construction of extensive public works—railroads, railway bridges and canals, requiring great engineering skill and training. We also require high scientific training to carry out, in an efficient manner, the surveys of our North-West Territory—to fill the higher offices of the Public Works Department and to discharge possible military duties that may in the future arise and devolve on the Militia Department, as the country progresses. Why should not the Government adopt the policy to accomplish the highest scientific training of our own youth for such work, by establishing, as in England, the principle of competitive examinations on entering the Royal Military College, and let all those offices to which I refer be thrown open to com-

petitive examinations and merit? We shall thus be training and using our own native talent. How much would it be to the advantage and benefit of the country that we should thus secure young men, disciplined and honorable, and thus raise the engineering service of the country, outside the influences of politics! What enormous sums of money could be saved to the country by employing men of real scientific training, who could be relied on to send in reports unbiassed by fears of party politics, which cannot be done by men appointed and kept in position by politicians! Some reports of Government engineers have been found to read either way, like the Delphic Oracle: *Aio te Romanos vincere posse*. We are at present employing a foreigner in the Canal Branch of the Public Works—no doubt a gentleman of high attainments, whose services we are glad to avail ourselves of. But why should this necessity have arisen, with such large expenditures going on, upon institutions which ought to produce such men amongst ourselves? I will not weary the House by enlarging further to-day upon this subject, but move the adoption of the motion of which I have given notice.

Hon. Mr. MACDONALD—What is the income of the college?

Hon. Mr. ALEXANDER—You will find on page 154 of the Public Accounts of this year, that the total expenditure on the Royal Military College is \$52,470; refunds, being contributions from cadets under regulations, \$10,857.98; transfers for articles supplied North-West Mounted Police force \$190.31, leaving \$41,422.26 as the cost of the Military College.

Hon. Mr. DICKEY—I do not intend to enter into the merits of the resolution which has been proposed. My object in rising now is to state that the hon. member who has just sat down has been, from the time he commenced to read his speech, until the end of it, entirely out of order. It was only in deference to him, and as a matter of courtesy, that I did not interrupt him and call him to order. We seem to be gradually drifting into an irregular habit of reading speeches instead of making them. With all the sense of responsibility upon me, in adverting to the course taken by the hon. member,

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and assuming, as a matter of course, that my doing so, after the hon. gentleman has delivered himself, will not be misconstrued in any way as a reflection upon him, I will simply call attention to the rule as laid down in Parliament by May.

[Mr. Dickey here quoted from this work the rule as laid down: that it is distinctly contrary to parliamentary usage of both Lords and Commons to read speeches, which must be delivered *viva voce*.]

That is the rule in the Commons and in the House of Lords, and I need hardly remind hon. members that our own rules provide that, in any unprovided cases, reference must be had to the usages of the House of Lords.

Hon. Mr. ALEXANDER—I merely say, as an humble layman of this House, I do not possess the ability for debate of the hon. gentleman, who is a practised barrister.

Hon. Sir ALEX. CAMPBELL—Most of the information that is asked for may be found in the *Canada Gazette*, but the Government has no objection to the address, as the return will place the information in a more convenient shape. The hon. gentleman has attacked the Civil Service—that part of it which has the administration of canals—very unjustly. The Russian gentleman who is in the service of that Department, and to whom he has referred, is only one of a number of meritorious officers, and there are others his equals, and some his superiors in professional skill. I speak of Canadians, and though I should be very unwilling to see withheld any recognition of merit wherever it may be due, there was no necessity, and it was extremely unjust to others to refer to him in the terms the hon. gentleman has used. The hon. Senator has been good enough to tell us also that he thinks the office I have the honor of holding might, advantageously, be abolished. It is odd that, during the present session, I have heard (I merely state the rumors which have reached me) that he, not many days ago, considered the position of Minister of Militia, not only an office which should be maintained, but that he coveted it for himself, and was actually ready to give his services to the country and step into the office; and, moreover, proposed to one or two hon. gentlemen in this House

to be his colleagues—proposed office to them in fact—and not only so, but that he was so active about it, and so anxious to occupy this post, which he now thinks should be abolished, that, I am told, he waited on the head of the Government (Sir John A. Macdonald) to suggest that changes should be made, and his services availed of.

Hon. Mr. ALEXANDER—I rise to a question of order. I want to know whether private conversations ought to be repeated in the manner in which they are now done by the leader of the Government on the floor of this House, which may be totally incorrect?

Hon. Sir ALEX. CAMPBELL—I am not relating any private conversations, but am giving the House the rumors which have reached me. The hon. gentleman is said to have waited on the leader of the Government for the purpose I have mentioned; and, not content with that, on finding his services were not thought to be so valuable as he imagined, he, I understand, proffered his services to the Opposition. He was willing, it would seem, to serve under Mr. Mackenzie, or in any other way, or under either party, if he could displace me and get into the office I now hold, and which he now says should be abolished. I only mention this to shew how little reliance should be placed on the hon. gentleman's suggestion. I do not wish to go into any contest with the hon. gentleman, for reasons which the House will understand. I desire, if possible, to live at peace with all men, but I have thought it necessary to make these few remarks that the House may understand the value of the suggestion and of the motives which led to its being made.

Hon. Mr. SCOTT—I think that this is a fitting occasion to advert to an incident that, I think, is going to prove that the existence of that College in Canada is to be attended with very substantial benefits. It must be in the recollection of hon. gentlemen that, a few months ago, the Imperial Government intimated to the Government of Canada that commissions would be set apart in the artillery and engineers for gentlemen who would graduate at the Military College in Canada. They would enter the Im-

perial service on the principle of competitive examinations, adverted to by the hon. Senator from Woodstock. There were four commissions set apart, the first in the Engineers, the second in the Royal Artillery, and the others, I believe, in the Infantry. This seems to me to be a fitting occasion to call attention to the opportunities thus afforded to young Canadians to enter the Imperial service, as they could not have done prior to this concession made by the Imperial authorities, unless they had very strong influence at home.

Hon. Sir ALEX. CAMPBELL—I also wish to say something as to the income which we expect to derive from the College. It will be increased during the year which begins next July by a sum of about \$10,000.

The motion was agreed to.

ST. LAWRENCE RIVER IMPROVEMENTS.

MOTION.

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:—

"1st. Copy of the resolutions adopted by the Board of Trade of the city of Montreal, on the 6th of April inst., on the subject of the assumption by the Government of the Dominion of the debt contracted by the Harbor Commissioners of Montreal, for the improvement of the Harbor of Montreal and the deepening of the channel of the river St. Lawrence below Montreal, and on the subject of the reduction of the dues imposed on shipping, either in the harbor of Montreal or on the Government canals.

"2nd. A statement of the entire cost of the works and improvements in the river St. Lawrence between Montreal and Quebec, according to the various reports of the Harbor Commissioners of Montreal, since the year 1850, such statement to indicate the places in the river where such works and improvements have been carried out, and the sums the same have cost.

"3rd. Copies of all letters that have passed between the Government of the Dominion and the Government of the late Province of Canada, on the one part, and the said Harbor Commissioners of Montreal, on the other, as well as of all letters and memorials on the subject of the said works and improvements addressed to the said Governments."

He said: I think, hon. gentlemen, that everybody will be of opinion that, when such a proposal is made to the Government of the Dominion

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to assume the burden of the debt contracted for the improvements on Lake St. Peter and in the St. Lawrence, now due by the Harbor Commissioners of Montreal, the resolution of the Board of Trade of that city containing such proposal should be placed before the House, together with a detailed statement of the debt, and all the papers connected with the matter. The proposition is of such an important character that ample opportunity should be given to both Houses of Parliament to look carefully into the subject, in order that they may duly consider the advisability of the Government entering into such an undertaking. In my opinion, this is one of the most important questions that can occupy the attention of this House. It is well known, and it is hardly necessary to repeat it, that the navigation of our great national highway, the River St. Lawrence, is a matter of so much consequence to this country that we cannot pay too much attention, not only to its improvement, but to the encouragement of the trade which follows that channel. Unfortunately, circumstances have modified our position in such a way as to deprive us of most important benefits which might be derived from the possession of such a great highway to the sea. About thirty years ago the Government of Canada inaugurated a policy, which has been endorsed, I may say, by all the public men of this Dominion—a policy that has cost us millions and millions of dollars, for which we have not received anything like a proportionate return. It is well known that not more than six per cent. of the export trade of the West, of which the St. Lawrence is the natural outlet, follows that route. The rest finds its way by the Erie Canal and other American channels to the sea. It is also well known that the main cause of this diversion of the trade, is the heavy charges which are imposed upon the traffic which goes by Canadian ports. I know that it has already been declared in another place that the Government do not intend to take immediate action in this matter. Of course, it is of too important a nature to criticise or condemn the Government for taking at least a year to decide upon what course is best to pursue; but, I think there is but one opinion

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amongst the people of Canada, and that is, that something should be done in order to put ourselves in a position to benefit more fully by the improvements we have made in the St. Lawrence, at so enormous a cost. I contend that, after such a heavy outlay, the Government should not now be prevented by the consideration of further expense, even of millions of dollars, if necessary, from giving effect to the policy which has been so steadfastly followed during the last thirty years. The people, especially in the Province to which I belong, are so anxious about the question that even the resolution which I now propose has raised strong feelings amongst a certain class of the population. In a recent issue of one of the leading papers of Montreal, I find the following remarks:—

“In the Senate, to-morrow, the Hon. Mr. Trudel intends to renew his criticisms upon the Montreal Harbor Commission. It is somewhat strange that he chooses a time like the present for an attempt to prove that the work upon the ship canal is useless, and badly controlled. His energies would have been better expended in helping the delegation spoken of above.”

I do not complain of this criticism upon the course that I am taking. I quote these remarks in order to shew the interest which the people are taking in this question. Of course, I understand that all men who take an active part in the public affairs of the country are subject to criticism by the press. For this I have nothing to say; but, perhaps, it would have been better had the writer of this article waited to see what my course would be before writing his criticism. I respectfully submit to the House that the motion of which I gave notice contains nothing objectionable. I refer to this now more particularly in order to disabuse the mind of one hon. gentleman of the false impression he seems to entertain of what I said on a previous occasion. The House will recollect that, in a former debate, I took great care not to make any charges against the members of the Harbor Commission. I then stated that I was perfectly sure that those men were men of honor, great ability and great patriotism, and that I had not the slightest doubt that they had done their best to promote the interests of the country, but I added that the

works under the control of the Harbor Commissioners had attained such a magnitude that we could not expect from gentlemen, to whom these public works were of secondary importance, (because they had first to attend to their own private business) that the works under their charge could receive the same careful supervision that would be given by public officers having the same responsibility as the head of a public department, and that, therefore, it was quite natural some irregularities should occur. I further stated that I attributed the mistakes which I mentioned, to the irresponsibility of the *employés* of the Commissioners, and that I was satisfied that the members of the Board were not to blame. I also contended that the time had come for Parliament and the Government to examine into this matter, and see if a change of the system would not be beneficial to the country. It was remarked on that occasion by the hon. the Minister of Militia that this harbor trust was, to a certain extent, beyond the control of the Government. I said then, and I am still of the same opinion, that works of such magnitude, upon which millions of the public money were expended, should be brought under the control of the Government. The tendency of the article from which I have quoted is that, in order not to compromise the project of having the Harbor Commission taken over by the Government, it was better not to inquire into the manner in which the money had been expended. I do not agree with that policy. It is not a proper manner of dealing with public business. I do not believe that the Government would take upon themselves this burden, though, practically, it is upon the country now, because the money which has been expended by the Harbor Commission was borrowed from the Government, and the Harbor Commissioners, having no means of reimbursing them for the expenditure, it is, practically speaking, a public debt, and the money disbursed in that way was as much public money as if it had been expended by a regular department of the Government. At all events, I do not think that the Government of the day would take the responsibility of assuming that debt without examining into

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the condition of the affairs of the Harbor Trust. I now desire to shew, not only the advisability, but the necessity, for the Government undertaking to relieve Canadian as well as foreign trade from the heavy charges which are put upon it on account of the debt of the Harbor Commissioners. The cost of exporting goods from the West is greater from Chicago to Montreal than from Chicago to New York. Statistics which I have before me shew that the average cost of transferring 60,000 bushels of wheat from Chicago to Montreal by the St. Lawrence route is \$6,200; that is, 10½ cents per bushel. The cost of the same quantity of wheat from Chicago to Buffalo by steam barge is \$1,710, which is equal to 2 $\frac{9}{10}$ cents per bushel, and from Buffalo to New York, by the Erie Canal, it costs 5½ cents per bushel, making altogether 8½c. per bushel as the entire cost of the carriage of wheat per bushel from Chicago to New York, while it is 10½c. per bushel from Chicago to Montreal; a difference of about 21 per cent. in favor of New York. Nor is that the only difference against Montreal. If it was, the natural advantages of our great highway might, no doubt, enable us to keep our trade; but, unfortunately, the harbor dues in the port of Montreal are so heavy that competition with the American channels is hardly possible. For a given tonnage, the difference between the port of Montreal and the port of New York, is as follows:—A duty of three-fourths of a cent per ton gives \$45 per day in the port of Montreal; no similar charge exists in the port of New York. Now, there is another charge of \$2.50 a week by the owner of the wharf, which would give \$7.50 for three weeks, which is the average time occupied. In the port of New York the charges of private owners of wharves are heavier than in Montreal. Accommodation, which in the latter port would cost only \$7.50, would, in New York, cost \$40. But the customs charge in Montreal is \$7.50, while in New York it is only \$6. For health inspection it cost \$1 in Montreal; nothing in New York. In the former port there is one hospital and police charges of five cents per ton, say \$15; nothing in the latter. The towage inward and outward, to the sea, is \$275; in New York it is only \$60. Pilotage

is \$118.25 from Montreal; from New York it is only \$73.70. Wharfage is, in Montreal, \$100; in New York nothing—making a total charge against Montreal of \$560.75; while, for the port of New York, for the same towage, it is only \$179.76—a difference of \$380.99 in favor of New York, as the following will shew:—

For Twenty Days.	Montreal.	New York.
Harbor dues three-fourth cents per day. To the owner of the wharf	\$45 00	
Customs	7 50	\$40 00
Health officer	7 50	6 00
Hospital and police dues, 5 cts. per ton.	1 00	
Inward and outward towage	15 00	
Inward and outward pilotage	275 00	60 00
	118 25	73 70
	\$561 75	\$179 70
	179 70	
Difference against Montreal	\$382 05	

Shewing that the charges at the port of Montreal are more than three times those of New York.

Hon. Mr. MACDONALD—Do foreign vessels pay the same duties as home ships in New York?

Hon. Mr. TRUDEL—I do not know, but I suppose they are the same, because I see there are many charges which are not made in New York that are made in Montreal.

Hon. Mr. MACDONALD—Foreign ships pay double the amount in San Francisco that home ships do.

Hon. Mr. TRUDEL—I do not think this question should be dealt with as a local one. I think that the Government should take the necessary steps to induce the trade of the West to come down by the Canadian route, whatever may be the sacrifice, because I think the time has passed when it would be advisable to adopt a different policy after spending millions of money upon the route. I consider that, before saddling the country with the heavy debt which has been put upon our shoulders to

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open up our great national highway, the time was then opportune to ascertain whether such an expenditure would have the necessary effect of bringing the trade of the West through our waters; but the expense having been incurred, I consider it would not be a proper policy to stop now for the sake of saving one or two millions of dollars, and allow that trade to be captured by a foreign country. The other day I expressed the opinion that the time had come for the Government or Parliament to consider the question whether it would not be far better, in the public interest, that those works—the St. Lawrence River improvements—should be placed under the control of the Government. But I think that I am in a position to cite facts and authorities, which will shew clearly that it is the duty of the Government of the day to resume the control of those works, and this with due respect to the character for honor, integrity and capacity of the gentlemen composing the Harbor Commission. The amounts expended upon those works on the River St. Lawrence, from 1841 to the 1st of July last, are as follow:—

DEEPENING BETWEEN QUEBEC AND MONTREAL—
LAKE ST. PETER.

Amount expended by Govt. of Canada from 1841, to 31st December, 1849, £73,576 9s. 6d....	\$294,305 90
Amount through Harbor Coms., 1st January, 1850, to 30th June, 1867.....	869,929 18
	\$1,164,235 08
Amount through Harbor Coms., year ended 30th June, 1874	\$275,000 00
Amount through Harbor Coms., year ended 30th June, 1875	269,000 00
Amount through Harbor Coms., year ended 30th June, 1876	192,000 00
Amount through Harbor Coms., year ended 30th June, 1877	122,000 00
	858,000 00
Amount through Harbor Coms., year ended 30th June, 1878	130,000 00
Amount through Harbor Coms., year ended 30th June, 1879	178,000 00
	308,000 00
Total	\$2,330,235 08

Expended by Govt. of Canada to 31st December, 1849.	\$294,305 90
Expended by Harbor Coms., viz. :—Pre-vious Confederation \$869,929.18. 1st July, 1867, to 30th June, 1879, \$1,166,000.00.	2,035,929 18
Total.	\$2,330,235 08

Those figures are taken from the Public Accounts. The total expenditure therefore, since 1841, amounts to \$2,330,235, up to the 30th June, 1879, and, I suppose, the expenditure for this year is as large as last year's. The works in Lake St. Peter were begun on a plan to cut a straight channel through it. The works were under the control of the Government up to 1850, and this plan was carried out at a comparatively small cost. Since 1850, the Harbor Commissioners have had control, and it is a remarkable fact that, after spending a considerable sum of money in the same direction, they decided to abandon the straight channel and revert to the old and crooked channel, and it is in opening up that last channel that most of this enormous expenditure of \$2,330,235 has taken place. I find in the sessional papers of 1867-8, when, I believe, Mr. Chapais was Minister of Public Works, the following report. (See Sessional Papers 8, Vol. I., No. 5, 1867-68, page 39.) :—

"There were so many conflicting statements and rumors circulated in reference to the supposed silting, or filling up, of the excavated channel, that, in 1848, the Commissioner of Public Works personally inspected the works, and caused a great number of soundings to be taken in his presence. The Commissioner reported the result of his visit to the Governor and stated that the newly-excavated channel was not filling up; that the width of the channel varied in some places from 100 to 150 feet; that the total length, where the dredges had been in operation, was seven miles; and that there yet remained from one and a half to two miles to be excavated, in order to complete the straight cut."

" The merchants of Montreal having repeatedly urged on the Government the importance of completing, at as early a date as possible, the deepening of a channel through the lake, and having stated that they would cheerfully submit to a toll levied on all vessels of great draft which would pass through the lake, an Act was passed in August, 1850, empowering the Harbor Commissioners of Montreal to

excavate a channel through Lake St. Peter, to a depth of 16 feet, the said channel to be made in such a manner, direction, and place as should be deemed best by the Commissioners, and also to deepen the channel in the St. Lawrence at or near the Isle Plate.

" The Harbor Commissioners, after a careful examination of all the circumstances of the case, deemed it advisable to abandon the works commenced on the new channel, and resolved to deepen and enlarge the natural channel. This improvement necessitated an excavation, in this channel, of eleven and a half miles in length."

I wish to direct the attention of the House to this fact: that the Harbor Commissioners abandoned the straight channel adopted in 1844 by the Board of Works, after seven miles of it had been opened up, and when only a mile and a half, or two miles, of it remained to be done, and adopted a crooked channel, where they had to excavate for a distance of eleven and a half miles. The reason given for making this change was that the straight channel was filling up, but experience has demonstrated that, instead of filling, it has been deepening. I shall now quote, with the permission of the House, a statement made by a gentleman of great experience, a man who is a high authority in these matters. He says :—

"What were the reasons for abandoning the works begun on the south side? It was a great mistake, as I shall shew, for, if the report of experienced persons is to be believed, this abandoned channel was the best, and the one that should have been followed in preference to all others, for it has improved by purely natural means. Indeed, according to the indications of the chart, we find that when it was abandoned there was fifteen feet of water where it had been dredged, whilst there was eleven feet of water on the shoals, and, according to the report of these same experienced persons of whom I have just spoken—the Superintendent of Pilots and Captain Armstrong—a depth of twenty feet of water is to be found where there were but fifteen before. It is not so in the northern channel; on the contrary, the level gets lower there every day, and still they say the improvements there are complete. They are far from being so, and, what is more, they never will be, for, according to the report of several pilots, this channel (the northern crooked one) is gradually filling up. There is nothing surprising in that to anyone acquainted with the nature of the soil through which this channel passes. It has been cut through moving mud, so that the sides of this channel being cut perpendicularly, gradually came in under the pressure of the numerous steamers which are constantly going and coming. Naturally enough, this mud falls into the cut

and fills it up, little by little, and here is a proof in support of this assertion, which is furnished by the report of the Superintendent of the Pilot Office. According to him, the buoys that indicate the edges of the cut are generally placed two feet inside the former line," etc.

I think it is due to those who, at the time, opposed the change, to mention these facts, and to state that it is universally conceded now that the public money has been wasted through the mistaken policy of the Harbor Commissioners of the time. And every year the public money continues to be wasted, when, by the expenditure of a few thousands of dollars, the straight channel could be made navigable. I desire to lay before the House some statements respecting the change of channel, contained in a memorandum that has been furnished to me upon the subject. I extract from it the following:—

"That is one of the disadvantages of this channel, and it is a great one, for this channel will continually require improvements, and it will never be complete. Another disadvantage is that it is crooked, so that vessels cannot go through there during the night, notwithstanding the nine lights that are placed there. Now, let us see what advantages are offered by the Vaughan (the straight) channel. If, instead of abandoning it, the works begun there had been continued, we would now have a good straight channel, which would have been completed a long time ago. On this channel there would be but one bend, and, with six lights, vessels could easily pass through it during the night, and avoid delays in waiting for the daytime to pass through the lake. Thus it seems evident to me that the Vaughan channel was too hastily given up, and that the influences that brought about this unfortunate step were based rather upon false reports than upon a personal knowledge."

So much for Lake St. Peter. The advisability of reverting to those facts has been questioned. I am asked: "What is the use of going back, after twenty years, to those matters?" I do so as a matter of justice to those who, at the time, opposed that disastrous policy; that alone is a sufficient reason. They have been, for twenty years, baffled and laughed at, and their advice has been despised. But there is a more important reason: The same ruinous policy has been continued, and, for the last few years, if I may rely upon the memorandum I hold in my hand, the officers of the Harbor Commission have continued to make the improvements in the wrong

direction, and waste the public money, especially at Cap-Charles, Cap-à-la-Roche, Cap-Levrard, Contrecoeur, etc., always against the advice of the most competent men. I continue to quote from the same memorandum:—

"At Cap Charles a channel was cut through the bar formed by the point of the Cape. It cannot be denied that this channel, cut through the bar, renders the passing of this bar much easier. This channel is marked out by floating buoys and lights, that are soon to be put in place. Unfortunately, it takes us right upon a shoal, which exists a little higher up, called Pouiller à Rayer. There is the fault to be found with this cut, and that is what lays it open to blame. A line more to the south should have been chosen; by following the natural channel lying to the south of the Pouiller this shoal would have been avoided. It is strange that the engineers did not discover this channel. But what is stranger still is the fact that they do not avail themselves of it, but persist in following the course already taken, which renders necessary the removal of the shoal, which is soon to be undertaken. Why thus dredge, at great expense, an artificial channel where there exists a natural one, that, with a little improvement, might be made excellent? In comparison with the works contemplated, this would cost but little; and it cannot be pretended that the existence of this natural channel is unknown, for in 1876, when the works were inspected, the superintendent of the pilots, who was aware of the existence of this channel, deemed it his duty to point it out to the members of the Harbor Commissioners, as well as the channel that should have been followed, demonstrating the existence of the latter by means of soundings. But, as usual, the Commissioners paid no heed to his opinion, in order not to injure the reputation of engineers appointed by them. How is it that, after so many soundings, this channel was not discovered? What great costs would have been saved! This fact proves that the persons entrusted with these works are not well acquainted with the river, or else that their investigations are not rightly prosecuted, and that they care little about saving the public money, and still less about improving the channel. So much for the history of the works performed in this place. As for the future, it is proposed to remove the Pouiller à Rayer above alluded to. In my humble opinion, this work will necessitate a great expenditure that might be easily avoided. It would be preferable to widen the cut made through the bar of Cap Charles, of which I have already spoken, and to carry it further to the south, so as to avoid the shoal, and fall into the natural channel lying to the south of the shoal. The money that is to be spent for the removal of this Pouiller could be far better employed for the widening of the cut in a southerly direction, for this cut is too narrow, and offers, moreover, great

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danger for large vessels. Dredges ought to be set to work there in order to widen it and render it less perilous. By this means we would have, in a few years, a channel wide enough to give a passage in a straight line from the point of the river Duchene, off Cap à la Roche. By following this course, vessels would avoid, by passing to the south, the Pouiller à Rayer, the removal of which would become unnecessary. By placing two lights on the point of the River Duchene, in order to guide the course of vessels, and another on Cap Charles, we would have a magnificent channel that would save the cost of the removal of the Pouiller à Rayer. That is the way in which the works at Cap Charles have been carried on. It is evident that they might have been more satisfactorily performed at less cost, and that much can yet be saved and the works well done, provided that some heed is taken of the opinions of persons who, though they occupy an inferior position, can at least be useful and render much service on account of the practical knowledge they possess of the river. The past should be a lesson for the future. The public would gain thereby. Let us now pass to the works carried on at Cap à la Roche.

" 2. CAP À LA ROCHE.

"The improvements at Cap à la Roche have not been carried on as they should have been, for at this place the bottom, from one shore to the other, is an almost even shingle, but paved with boulders and rocky ledges. It is in this shingle that, after having removed the boulders, they have dredged the new channel. This channel, where the works have been going on for the last two years, is only 150 feet wide, and has, moreover, irregular currents, that render it dangerous. If, instead of making this new channel, they had removed the boulders from the natural one, according to the reports of Captain Armstrong and of the Superintendent of the Pilot Office in 1877, we would have a much better channel. By comparing the two we will be easily convinced of this. The old channel has an even bottom, which the new one has not; its currents are regular, whilst irregular currents are frequently met with in the new channel, which, together with the rocky points projecting from each side in a cut only 150 feet wide, will always make it dangerous. On the other hand, the old channel presents no difficulty in either going up or down the river. After having dredged, at such great cost, this channel in the shingle, and, after having spent two years in giving it a width of 150 feet, it will be necessary to spend as much more money and time as has been spent, in order to give a width of 300 feet, which is required for the present wants of navigation. Thus, if they had been satisfied with removing the boulders from the old northern channel, we would have as much water, and the passage of this old channel would be much less dangerous than that of the new one that they have been obliged to cut through the solid rock near Cap à la Roche. If to that be

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added the cost of building and keeping up the two lighthouses placed for the use of this channel, on the Point des Grandines, I believe it will be sufficient to convince the public that the dredging of this new channel was entirely useless, and that the expenditure it has involved is a dead loss. Therefore, in this place, we might have had a good channel without much expense. It was only necessary to improve the old one, which could have been done at little cost. But let us continue:

" 3. CAP LÉVARD.

"The report of Captain Armstrong and of the Superintendent of the Pilot Office, in 1877, of which I have already spoken, recommended merely the cutting away of the point of the shoal, at St. Anns, so as to widen, and, at the same time, straighten the channel at this place, for this channel, improved by Captain Armstrong, entrusted with the dredges, and who worked there for two or three years, presented no danger whatever. But that was not deemed sufficient. Far from it. This channel was abandoned, and a new one, that was not necessary, was cut through nearly the entire width of the shoal. I really do not know what could have been the motive of dredging this new channel, seeing that no difficulty had been experienced in the other. Why was not the money spent in dredging this channel applied to improving the existing one, or rather a part of it, for it would not have required the whole amount? Really, to see the way things are carried on, one would say that each engineer aspires to have a channel of his own, regardless of expense, and without taking any pains to ascertain whether another channel exists that might be rendered good with a little improvement. So much so, that, if the present Government appointed another engineer, he would doubtless dig a third channel to replace the two existing ones, which, according to him, would be worthless. Thus, if a part only of the amount sunk in the new channel had been expended on improvements in the old one, we would have, to-day, a very practicable channel, whilst, as it is, out of the two that exist, both require improving. That is how the public funds are squandered. It is in order to avoid such useless expenditure that the pilots requested the Harbor Commissioners to appoint a committee of pilots, whose duty it would be to come to an understanding with the engineer as to the places where works could be the most advantageously carried on. I am convinced that, by this means, great sums might be saved.

" 5. THE CHANNEL AT CONTRECOEUR.

"There, again, after an enormous amount had been spent in dredging a channel on the north side of the river, a new one was made on the south side. I would ask any reasonable man, acquainted with the requirements of navigation at this point, whether the dredging of this new channel was necessary. It is claimed, in justification, that the northern channel is dangerous. This is not the case. On the contrary, all the pilots will tell you that it is less dangerous than the southern

channel, because it is straighter, and because there the currents offer no obstacle, whilst the southern channel is not only crooked, but also full of strong currents, which flow, when the water is low, at the rate of from five to six miles an hour. That is what is dangerous, especially when vessels meet. It is true that the southern channel gives deeper soundings, but, if the works in the northern channel had been continued, and if a part only of the amount spent in the new one had been employed in improvements in the old, this channel would, to-day, be in perfect order, whilst, as it is, we have two defective channels, and the new one, for the above-stated reasons, is more dangerous than the old one. For, in the latter, even in the state it is now in, vessels are only exposed to ground in the mud, as it has happened sometimes, but no serious accident ever occurred there. In my opinion, this reason was not sufficient to cause it to be abandoned, and to necessitate the dredging of a new one."

I call the attention of the House to the fact that those works have always been entered upon contrary to the advice of two of the most competent officers—Captain Charles Armstrong and the Superintendent of Pilots. Years afterwards, high authorities on the subject say that, after all this expenditure, the natural channel is better than the artificial one, which has been cut through rock at a very large expense. This document, from which I have quoted, is very long. I shall deposit it in the Department of Public Works at once, and I may say that the writer of it is prepared, at any time, to prove his allegations. I hold in my hand the report of the Select Committee, appointed two or three sessions ago, to inquire into the cause of the dismissal of certain officials by the Harbor Commissioners. Among the facts brought out in evidence was this: that an old official, Pierre Coté, one of the most competent men in the country, was dismissed on the representation by the Engineer of the Harbor Commissioners that his salary was too large. Pierre Coté had built more than twenty steamers and other vessels, and was called upon by the large navigation companies to remedy defects in their vessels which had been turned out of the yards of the best builders in the country. This man filled the position of superintendent in the important shipyard of the Harbor Commission at Sorel. Hon. gentlemen will have an idea of the importance and magnitude of the affairs controlled by that trust from the fact,

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stated in this report, that about sixty vessels, most of which are steam vessels, belong to the Harbor Commission, and are employed for its works. Coté was at once the superintendent and the engineer of the yard. His salary was \$960 a year, and he discharged his duties to the satisfaction of everybody; but he was dismissed on the score of economy, and replaced by a superintendent who receives \$2,000, and a foreman, who is paid about \$600 a year, an increase, for the performance of the same work, of over \$1,600 a year. It is stated in a newspaper of Sorel that, besides these two officers, an engineer has also been appointed, at a salary of \$1,500, to do a portion of the work which was so satisfactorily done by Coté. If that is true (I have not been able as yet to ascertain the accuracy of this statement) the additional expense incurred by the change exceeds \$3,000. That is the direct result of dismissing a man of the most upright and honorable character, and whose ability is unquestioned. The Select Committee who investigated this matter did not seem to have time to inquire into all the charges brought against the Commissioners, but I observe that no less than ten or fifteen *employés*, who were said to be well qualified for their positions, were discharged without cause. There is another matter to which I desire to call the attention of the House. Two years ago, a sounding apparatus was invented by a gentleman in the service of the Commission. The mode of sounding hitherto has been to tie two poles on each side of a boat and run in the channel. It very often happened that these poles ran between boulders without touching them, and the channel was reported to be perfectly safe. The next day, perhaps, a vessel navigating that same channel would strike upon one of those boulders, with, very often, serious consequences. The apparatus to which I have referred was designed to remedy this. It is described in the report of the Patent Office of June, 1878, under the number 8,774. In company with a number of gentlemen, principally members of the House of Commons, all thoroughly acquainted with these matters, I visited the Patent Office and inspected the model of this apparatus. The unani-

mous opinion was that it was an admirable invention, and we could not understand why the Harbor Commissioners had not adopted it. The reason is, as I am informed, that the engineer of the harbor will not allow any invention but his own to be used. I consulted engineers in the Board of Works, who had taken the trouble to look at the model, and they all agreed that they had never seen a more useful invention. The Harbor Commissioners, when it was patented, voted a sum of money to give it a trial, but I am told that the engineer of the harbor refused to have anything to do with it. This may appear to be a trifling matter, but it is not; hundreds of thousands of dollars have been expended in taking soundings. The principal part of the work is done in winter, through holes cut in the ice, and the House can readily understand how expensive such work must be. You can only sound one point at each hole. With this apparatus, an ordinary steamer would sound about fifty miles in length of a channel in one day. Some forty or fifty men connected with the navigation of the St. Lawrence have asked me if there is no way by which the Commission can be induced to adopt this useful invention. The explanation of all these facts is always the same: the officials of the Commission control the whole of these works, and they are, properly speaking, responsible to nobody. How can you expect a merchant, however intelligent and public-spirited he may be, to devote the time, which is demanded by his own business, to such matters? How can men, who are engrossed in mercantile pursuits, effectively control these engineers? Practically, they are under no control.

Hon. Mr. AIKINS—Are they not paid by the Harbor Commission?

Hon. Mr. TRUDEL—Yes.

Hon. Mr. AIKINS—Then the Harbor Commission ought to control them.

Hon. Mr. TRUDEL—Theoretically, that is true; but, practically, it is not. To be properly controlled, a man must be under the direction of somebody who can judge of his work. How can you expect a merchant, who devotes all his time to looking after his business, to spend days and months on the river to

ascertain whether the *employés* of the Commission are competent or not? I would not go so far as to say that the head engineer is not a competent man. From what I have been told, I believe that he is a good engineer, but I am obliged to conclude, from the facts I have mentioned, that he is not fit for the position which he holds. I stated, the other day, on the authority of a Montreal newspaper, whose statement was not contradicted, that the result of appointing him has been to increase the expense of the engineer's office by nearly \$7,000 per annum, and the work is less satisfactory. Without attaching blame to the Commissioners, I contend that those works are of such magnitude that the time has come for Parliament and the Government to consider seriously whether they should not be brought under the management of one of the public departments, whose officers are better qualified to say what should be done, and who can put an end to the enormous expenditures which are followed by such unsatisfactory results. I ask, first, for the resolutions of the Board of Trade; and, second, for all statements and papers shewing the cost of those works. In doing so, I urge again the necessity for the Government to adopt a policy such as will relieve the trade of the St. Lawrence of the charges which prevent a successful competition with the American channels; and, in doing it, I do not advocate more the interests of Montreal than those of Quebec or any other city.

Hon. Mr. PENNY—I shall not, of course, follow the hon. gentleman into all the details of his speech, for I am sure it is quite impossible that anyone could understand them, except by having a map before him, and after having made a long inquiry as to the facts. It is evident that some person, who may, perhaps, be particularly competent, and, for all we know, may be very incompetent, has thought that he knows better than the engineers and all those gentlemen who are employed on this work how it shall be managed. For my part, if the Government say that this person is one who speaks with authority, or if they have any doubt as to the manner in which the Harbor Trust is being conducted, and, therefore, consider it necessary to institute an inquiry and to

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undergo the expenses that would be entailed thereby, I see no objection to granting the hon. gentleman's motion. I do not want to be understood as opposing an inquiry into a matter of such consequence as this; but if what the hon. gentleman has stated is well founded, I think we must admit that the perversity of the series of Harbor Commissioners who have managed these works has been beyond all perversity hitherto heard of. I believe human nature is thought by some to be naturally perverse, but I can hardly believe that it has reached the extent of perversity which has been disclosed by the statement read by the hon. gentleman, if the statement is well founded. What are we to conclude from it? That one Board of Commissioners after another—gentlemen who know the river, and whose interest in the river is greater than that of any hon. gentleman in this House—have gone on, year after year, doing what is perfectly useless, and heaping up costs and expenses on their own trade. The hon. Senator speaks of the competence of the gentleman who has given him this report. I do not know his name, but this I do know: that the firm of Allan & Company have three or four vessels going up and down the river every week, and that they have experienced pilots on board. It, therefore, seems to me very strange that these gentlemen have not found out ere this all these perversities and monstrosities which have been going on for years, and which have been yearly augmenting expenses of their trade. If it is a fact, it is one of those instances in which facts are more extraordinary than romance, in real life. I think there is some mistake in the hon. gentleman's remarks as to the time when the policy of making the straight channel was changed and the construction of what is called the crooked channel was commenced.

Hon. Mr. TRUDEL—I took it from the report of the Minister of Public Works for 1867.

Hon. Mr. PENNY—However that may be, this is very clear: At one time, the Government into whose hands the hon. gentleman desires again to put this work, undertook to manage it; but they failed, and abandoned it. It was

Hon. Mr. Penny.

then put by the Government into the hands of a Commission, and that Commission has carried out the work successfully. The hon. gentleman tells us that the dredged channel, after all this work, is worse than the channel existing before the dredging was done. But what is the fact? We know that vessels that could not formerly come up by the natural channel now ascend by the dredged channel, and we have vessels of from 3,000 to 4,000 tons unloading at our wharves; whereas, before these improvements were made, our vessels were only 300 or 400 tons burden. That seems to me to be inconsistent with the hon. gentleman's contentions. He spoke of Captain Vaughan as a man of considerable talent. The hon. gentleman happens to be a younger man than I am, and he is not conversant with the circumstances at the time when this change took place; otherwise, he would have known that Captain Vaughan was never put forward as an authority in this matter at all. If the hon. gentleman were as well aware of the facts as I am, he would know that Captain Vaughan was not a scientific man; and that, moreover, he might have cited persons of very great authority as advocates of the straight channel, for instance, Captain Bayfield, and a gentleman whose name I do not at the moment recollect, who was, however, an able engineer, afterwards employed by the Imperial Government at Woolwich.

Hon. Mr. TRUDEL—I did not speak of Captain Vaughan at all. His name was referred to in the letter that I read, which simply said that the works were under his direction. I know very well that the gentlemen to whom the hon. Senator alludes are mentioned in the report of 1868, and I would have quoted the whole report, but that I saw that I was trespassing on the time of the House.

Hon. Mr. PENNY—I understood the hon. gentleman to say that this straight channel was undertaken on the advice of Captain Vaughan.

Hon. Mr. TRUDEL—No.

Hon. Mr. PENNY—If that is so, I have nothing more to say about him. But it is quite true that eminent authorities—Captain Bayfield and the other

gentlemen whom I mentioned—did recommend it. Whether their recommendation was right or wrong, it is not for me to say; but their scheme failed, and the Government gave up the work, after having expended £70,000 in attempting to construct this straight channel. They may have been right, or they may have been wrong, thus to abandon it, and I know there are people who think at this moment—Sir H. Allan, I believe, among the number—that the straight channel could have been had if it had been pushed. Instead of that, it was abandoned, and, three or four years afterwards, the Government put the whole thing into the hands of a Commission, which has made it a success. It is not only the Commissioners, however, who have made all these mistakes, if they have been made. The hon. gentleman spoke, the other night, of a Mr. Neish, who was the engineer to the Board before the appointment of Mr. Kennedy, the present officer. He spoke of him as a very competent person, but I know there were reasons for which the Board did not consider it advisable to continue Mr. Neish's services as their engineer, and I know that Mr. Kennedy is a man of very great experience in this kind of work, and was appointed because of his experience. However, it is quite certain that Mr. Neish, whom the hon. gentleman speaks of as being so very competent, did all or most of these things that he is complaining of. The fact is that Mr. Kennedy is merely carrying out the plans of his predecessors. I do not think it is at all necessary to go into this question of the sounding apparatus; but, as the Commissioners were at first disposed to lay out a sum of money for it, the probabilities are that they found reason, at last, to conclude that they did not want the machine, or that it was not so good as it was supposed to be. I do not suppose the hon. gentleman attaches a great deal of importance to that, and I certainly do not. Then, however, he speaks of the Commissioners being very incompetent because they are not able to spend all their time on the river. Suppose the work were put into the hands of a governmental department, could the Minister or deputy head of that department spend all his time on the river, or would he do

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so if he could? You must have local engineers, and the men who are so employed, and who can pick out every stone or boulder in the channel, I think, are very much more likely to manage the work properly than any minister of a department, resident in Ottawa. With regard to those gentlemen whose discharge from employment is complained of by the hon. gentleman from Sorel (Mr. Guevremont), all I can say is, that I was on the Committee, and that I came to a very different conclusion to that which the hon. gentleman who has just spoken has done from reading the evidence adduced in the inquiry. I do not say anything against the character of these men, but I think there were reasons quite adequate for the Commissioners, as employers, to dismiss them, as *employés*. The hon. gentleman has spoken of Mr. Côté, who, I believe, is a very respectable man, a fair mechanic; but he has been referred to in terms of even superlative praise. It has been said, for instance, that, when steamships came from England, this gentleman used to be employed to correct the errors of the engineers who had built them. Now, I would remind the hon. gentleman that this man was employed at only \$20 a week, and it does seem to me that the Commissioners had a most wonderful bargain in him, assuming that he could do all that is claimed for him. They certainly did not act wisely if they got rid of a man possessed of such transcendental qualities—a man capable of correcting all the best engineers of England—while he was to be had at such a low salary. It seems, moreover, that, with all the market open for that kind of talent, he is now very anxious to get back at the same salary. There seems to me to be very great discrepancy between the hon. gentleman's representations and these facts. I wished to call the attention of the House to these points, and not to oppose in any manner the motion of the hon. gentleman for an inquiry. It is for the Government to say whether they think there is any reason for it. As far as I am concerned, I think that if an inquiry be held it will turn out that this expenditure, large as it has been, was very well made, and that the Commissioners—I am not speaking of men who are my

own political friends—will be shewn to have administered this trust right through in a manner very creditable to themselves and very profitable to the public.

Hon. Mr. KAULBACH—I regret that a matter of the highest national importance has come before us interlarded with so many minor matters as to prevent its meeting with the general interest of the House. Any matter affecting the trade of the St. Lawrence is a very important one to the whole country, from our seaboard to the Rocky Mountains, and one, in which I, in common with everyone in the Dominion interested in our shipping trade, must feel a lively interest. Everything should be done to increase that trade as much as possible. Montreal, situate at the head of our ocean navigation and at the outlet of our canal system, has the key to the position, and is alive to its importance; and, if the Government should find the means by which to do away with, altogether, the tolls and tonnage dues now charged on the shipping going to the port of Montreal, I believe it will be, directly as well as indirectly, a great advantage to the country, by cheapening the transport of the West. Belonging to the Maritime Provinces, and having some special interest in shipping, I know, from my own knowledge, that New York is considered a cheaper port to go to than Montreal, if the freights are equal. I find that tonnage, pilotage, towage, tollage and other dues of the harbor of Montreal are far in excess of those of the port of New York. Even insurance on freight is, I believe, greater at Montreal than at New York; and, when freights are equal, I am aware that the vessels of Nova Scotia have chosen New York in preference to Montreal. If this is a fact—and it is a fact, as far as my own knowledge extends—it should be carefully considered, as a matter of very serious consequence, by the Government. If we do not secure the great trade that is expected to come from the far West, all the money that we have expended on the canals has been thrown away. A wonderful change in the cost of transportation, and an immense competition is going on in the United States for traffic against our Canadian route,

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and the cost of bringing the produce of the West to the ocean ports has been very much decreased year by year. In fact, it has been shewn by my hon. friend (Mr. Trudel), to-day, that grain can be carried, and is carried, from Chicago to New York *via* Erie Canal for 8½c. per bushel, while to transport it to Montreal it costs 10½c. per bushel. If this continues, we must expect that the trade will go to the United States, where there are greater facilities for shipment, and where the expenses are lower. I hope the Government will do all they possibly can to retain and increase the transport trade of this country, by reducing taxation on shipping in the manner I have said. The rejection or abolition of canal tolls and harbor dues will benefit both the producer and the consumer, as well as the whole trade of our country. This is a vital question—a matter of so much importance that I am sure the Government must be alive to the necessity of it, and that they will, as far as is consistent with the revenue they are obliged to raise, increase the facilities for the trade of our great highway—the St. Lawrence.

Hon. Mr. GUEVREMONT (in French)—In seconding this motion, I desire to say a few words in reply to the remarks of the hon. Senator from Alma (Mr. Penny). He asks: “If Pierre Côté is as skilful and competent a man as the hon. Senator from De Salaberry says he is, why did he ever accept a position worth only \$80 a month?” I reply that it was because Sorel was his home, and he did not desire to leave it. When the investigation was held, three sessions ago, by the Select Committee, whose report has been referred to by my hon. friend opposite (Mr. Trudel), it was proved that Pierre Côté had refused a position worth \$4 a day in the United States, preferring to remain in his native country. That fact alone is a sufficient reply to the question. Another remark which my hon. friend (Mr. Penny) made, if I understood him correctly, was that if the control of these works should be assumed by the Government, they would still have to be managed by officials who would, practically, have the control of them just as they have now. While that is true in one sense, it must be remembered that the Government would be responsible for

the acts of their subordinates, and that the people would have the right, through their representatives in Parliament, to inquire into the manner in which the work was done. That would be more satisfactory than the present condition of affairs, and it would effect a great saving, as the Government have already a sufficient staff. In 1877, when I moved an address asking for information concerning certain dismissals which I complained of, the Harbor Commissioners sent a reply to the Marine and Fisheries Department, a copy of which will be found at page 17 of the report of the Select Committee appointed that session to investigate the matter. The Commission would not furnish the information asked for. The Committee made a further demand for information, and the reply to that demand, which can be found at page 27 of the report, was equally unsatisfactory. Mr. Kennedy, the engineer of the harbor, when summoned before the Committee and asked to furnish certain information, refused to answer whether he would or not. The Committee adjourned to give him sufficient time to furnish it, and he returned to Montreal to make search for certain documents, but when he appeared the second time before the Committee the result was the same as on the first occasion. The hon. Senator from Alma (Mr. Penny) vouches for the capacity of Mr. Kennedy. Well, I shall mention one fact, from which the House can draw its own conclusions. Last year he attempted to remove a boulder which obstructed navigation at a point between Montreal and Quebec. There is a man, named Roberge, at the town of Sorel, who has made a specialty of that kind of work; but, for some reason, he was not employed, and the engineer proceeded to remove the boulder himself. He spent two months at it, and was obliged to go to the United States to procure improved machinery, and expended \$4,000 in trying to remove a boulder which should have been blasted in a couple of days. Finding himself unequal to the work, he made overtures to Mr. Roberge to assist him by his advice, which Mr. Roberge, very naturally, declined to give. The engineer was obliged, at last, to secure Mr. Roberge's services, and that gentleman, in two days, removed the boulder

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entirely. I do not wish to say anything to Mr. Kennedy's discredit, but I do not believe that he has had sufficient experience to fit him for the position that he holds. When this question was before the Senate some days ago, some slight reference was made to the cordwood trade in Montreal. Of course that interest cannot be compared with that of the Messrs. Allan, but, at the same time, it is the duty of this Parliament to legislate for the protection of the poor as well as of the rich. There are people in all the counties on both sides of the St. Lawrence between Quebec and Montreal who are engaged in the cordwood trade. These are the men who have petitioned Parliament to appoint a commission to investigate this matter. Captain Labelle's name was, last year, suggested for a position on the Harbor Commission. I know that he is familiar with the navigation of the St. Lawrence between Quebec and Montreal, and I regret that the Government have not appointed him, because he is a gentleman in whom the people of that part of the country have confidence. I make no charge against the Harbor Commissioners, but I state a simple fact when I say that the dues which they impose upon the cordwood trade are excessive. I speak of this matter with a knowledge of the facts, because I have myself been engaged in the trade, and can bear testimony to the injustice which is shewn in the harbor of Montreal to those who ship wood to that city. The trade has ceased to be profitable, in consequence of these exactions. It may be asked, "then, why do they not abandon it?" I can do so, because, I have other means of support, but it is not so with others; to most of them, it is the only way in which they can earn a living, and, notwithstanding the treatment which they receive, they continue in the business. When a calamity occurred in Hull, the other day, and four or five thousand people were left homeless in a few hours, the Government generously voted a large sum for their relief; but here are hundreds of families who are being ruined and exposed to want, not by any sudden calamity, but through ill-treatment which they receive at the hands of the Montreal Harbor Commissioners, and

whose petition for relief remains unanswered. Let me give some facts concerning this cordwood trade. We pay a tax of six cents per cord on the wood and the usual dues on the vessels carrying it, besides the expenses incidental to any delay in the port. When a number of vessels come in at the one time, there is not space for the whole of them to discharge their cargoes simultaneously, but each must take its turn, and they are thus obliged to remain under expense, having to pay their hands and wharfage. I have known the expenses to reach \$80 per vessel before they could leave the port. This is not the only occasion that complaints have been made against the Harbor Commissioners. In 1865, a committee was appointed, on motion of the hon. Senator from DeLorimier (Mr. Bureau), to investigate these complaints. It was composed of Messrs. Bureau, chairman, Wilson, Ryan, Chaffers, Archambault, Armand, Lacoste and Prudhomme. Mr. Young, Mr. DeLisle and several other witnesses were examined, and proved that these complaints were well founded. That Committee reported, and the result was many reforms, though not all that were asked for, for the benefit of the *habitants*. These charges are excessive, and they are the result of the enormous expenditures unnecessarily made by the Harbor Commissioners, contrary to the advice of experienced men.

Hon. Sir ALEX. CAMPBELL—There is no objection to the address going. I do not understand, as the hon. Senator for Alma seems to think, that an inquiry is to be made. This is a motion for papers only. They cannot be prepared in time to be brought down this year, but will be ready by next session. The subject is one of very great importance. The hon. Senator from DeSalaberry seems to me to have divided it into two branches, one of which led him to treat of the delinquencies of the Montreal Harbor Commissioners, and the other, of the general interests of trade involved in the charges on the St. Lawrence route. As to the first, I do not think there is any advantage in entering now into a discussion of it. The original efforts made by the Government to have a direct channel through Lake St. Peter were discontinued, as has been pointed out,

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after an expenditure of some seventy or eighty thousand pounds had been made. The work of finding and deepening the best channel was then taken up by the Harbor Commissioners, and they adopted and improved the winding natural channel of the river, which has been used since. The vessels of the Allan line, 3,000 to 4,000 tons burthen, and other equally large ships, now come up to Montreal—thanks to the exertions of the Harbor Commissioners—whereas, when they took hold of the work, the largest vessels which could pass up did not exceed 250 or 300 tons. The best test of the exertions of the Harbor Commissioners is the result of them, and it is of a most satisfactory and gratifying character. They may have made mistakes; no doubt it is possible that they might have carried out the plan of the Government, but they did not. It is now some twenty years since they abandoned it, and it would be folly to revert to that channel when we have one now by which vessels of 4,000 tons can come up to Montreal. With reference to the other branch of the subject, I do not think that its importance can be exaggerated. The trade of the St. Lawrence is life and death to the Dominion, and everything that we can fairly do to promote it should be done. We have already deepened and enlarged our canals, improved Lake St. Peter, established lighthouses, fog whistles and steam trumpets along the route, and the country has gone to as much (if not more) expense as its resources warrant, considering the other claims upon the public treasury. Everything has been done in the past to facilitate and give advantages to the trade of the St. Lawrence. In carrying out those improvements, certain charges have been placed on the shipping using the St. Lawrence. It may be in the interest of the country, considering the very important trade that we may, perhaps, attract to the St. Lawrence, to give up those charges, or some of them, but, in that case, a very large sum would have to be assumed by the public exchequer. I cannot state, off-hand, what the amount is, but many millions of dollars would have to be added to the public debt by assuming loans, the interest on which is now paid by the Harbor Commissioners of Montreal and

Quebec—and taking off the tolls on the canals. It is a question which will have to be studied very carefully, and which will, as has been stated in another place, engage the serious attention of the Government during the recess. It is a startling fact that, of all the grain that leaves this continent, only six per cent. goes by the St. Lawrence, the other 94 going by American seaports. Not many years ago, some fourteen or fifteen per cent. went by the St. Lawrence. These are very serious facts, demanding careful consideration. On the other hand, we must keep in view the resources of the country, the demands upon the public treasury and the enormous sums which have been expended on these improvements. Next session, I hope to be able to announce some plan to the House which will diminish, to some extent at least, the charges on the St. Lawrence, and facilitate and increase the trade which we are all so anxious to keep in that route, and which I consider vital to the whole Dominion. The Government have no objection to the address.

Hon. Mr. TRUDEL—I cannot conceive why the hon. gentleman from Alma tries to induce the House and the public to believe that I have made charges against the Harbor Commissioners. If he had paid any attention to what I have said, he would have seen that I made no charges against them. We know that many of them are most competent men, but I repeat it again, that they are not responsible officers who are in charge of those works, and their first duty is to their own business. The hon. gentleman asks how is it possible that such mistakes should have been made, and competent officers like Mr. Kennedy not perceive them? I might retort: how is it that, on the Pacific Railway, such mistakes as the Fort Frances Lock were made by such an engineer as Mr. Fleming? How is it that 400 feet difference of level was found only after the work had been commenced? How is it that competent engineers did not see it was a great mistake? I think it is as proper to ascertain now the mistakes which were made in the deepening of Lake St. Peter as those made in the Pacific Railway. I will give an explanation of this: Certain men in Montreal and elsewhere are in the habit of despising the advice of men

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who are the most competent to give advice, and who know the River St. Lawrence better than anybody else. It is all very well to say that these hundreds of thousands of dollars were expended twenty years ago, and what is the use of reverting to it. I did not content myself by shewing that it was a great mistake at the time to have abandoned the straight channel, but I quoted the opinions of competent men to prove that it would still be an advantage to the country to return to the straight channel. I shewed, by the works done at Cap Lévrard, Cap à la Roche, Cap Charles and Contrecoeur, apart from the many blunders in the Lake St. Peter, that the mistakes which were made twenty years ago are being repeated day by day. Five or six years hence it will be said: "It is true they made mistakes five or six years ago, and wasted the public money, but what is the use of mentioning it?" I say there should be some end to those mistakes, and that is why I call public attention to it, though it is a very disagreeable duty to me. Many gentlemen have tried for the last twenty years, as I am now doing, to call the attention of the public to these matters, but they were crushed by the powerful influence of those against whom they spoke. I am not afraid of that powerful influence, and, whenever I believe I have a public duty to perform, I will attend to it, no matter what interpretation may be given to my words.

Hon. Mr. POWER—I think there are two objections to adopting the course that has been suggested by the hon. member from De Salaberry (Mr. Trudel), and which the hon. Minister of Militia seems to look upon with some degree of favor. Of one of these evils I think we have had a fair sample this afternoon. The Government have nothing now directly to do with the Montreal Harbor; notwithstanding that, a whole afternoon has been taken up in discussing some very small difficulties which arose between the Harbor Commissioners and some of their *employés* some years ago. The time of Parliament was taken up with the same petty matter some three years ago. If that is the case now, when the Government have nothing to do with the harbor directly, how will it be when the Government have the direct management of the harbor, and are

responsible for everything that takes place in the working of its details? I think that this is one practical reason why the Government should not take charge of the Montreal Harbor works. Another one is this: I come from a city which has, I think, as strong claims upon the public treasury as Montreal, and I do not see why Montreal should be made a free port at the expense of the country any more than Halifax, St. John, or Quebec. I am a very humble member of this House, but, after the declaration made by the Minister of Militia, I do not care to let the motion pass without a protest. The country has expended millions of dollars to make a cheap and good route to the sea by the St. Lawrence. There is another port besides Montreal, (in which the harbor dues are excessive) that is the port of Quebec; and after all that has been done for Montreal to make it the port of the Dominion, why should we go on and spend further sums in trying to fly in the face of nature by attempting to build up Montreal, when Quebec is the natural port? Montreal seems to me to be a perfect horse-leech. After the country has spent so much money in building railways, and improving the navigation of the St. Lawrence, to fill the coffers of that city, they come to Parliament and ask us to assume the debt and management of their harbor. The probabilities are that, when that is done, Montreal may be found to be a very expensive city to live in; that people may not go there because taxes and hotel charges are high, and then Parliament may be applied to to relieve Montreal of civic taxes and make hotels free. I think that the Government should be very slow indeed to adopt the course that has been suggested to them. There is one other aspect of the case that presents itself to me. If the canal tolls are removed, and supposing the Montreal people have their request granted, and the harbor dues are abolished, what particular object has this country in increasing the trade of the St. Lawrence? The Government will have no revenue from it. It may help to build up Montreal, but I do not see why the whole revenue of the country should be made to suffer for that purpose.

Hon. Mr. HOPE—The hon. gentleman has alluded to Montreal, but it is
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not Montreal only that has demanded those changes; the people of Ontario, whose produce has to be sent to the eastern markets, demand them, and we contend that the money that has been expended on the St. Lawrence, between Montreal and Quebec, is as much in the interest of the people of the west as it is of the people of Montreal. Instead of having a channel by which only vessels of 200 or 300 tons can ascend to that port, we now have a twenty-five feet channel, by which vessels of three or four thousand tons burden can ascend with their cargoes. It has had the effect of cheapening the cost of every article imported into the Province of Ontario, and it has been the means of raising the price of every bushel of wheat and every barrel of flour exported from the west. I look upon it as a matter of national importance that every facility should be given to encourage that trade, and we are only beginning to realize the importance of it. A deputation waited on the Minister of Public Works, the other day, and informed him that the sooner those improvements were completed on the St. Lawrence, so as to correspond with those on the Welland Canal, whereby the vessels from the upper lakes can descend to Montreal and then exchange cargoes, the better for the general interests of the country. Vessels can only descend the St. Lawrence canals at present with cargoes of from 10,000 to 12,000 bushels of wheat, but the vessel of the future will be a steamer capable of transporting 55,000 bushels of grain from Chicago to Montreal, accompanied by two consort, carrying 60,000 bushels each, or a total cargo of 175,000 bushels in each trip, at a cost of one-twentieth part of a cent. per ton per mile. Careful calculations have been made which shew that the cost of transporting grain from Chicago to Montreal by rail, on a well-equipped road, is three-ninths of a cent per ton per mile, or six times greater than the cost by water. For these reasons, the improvements on the St. Lawrence canals ought to be made as rapidly as circumstances will permit. The motion was agreed to.

MINUTES OF PROCEEDINGS A CORRECTION.

Hon. Mr. MILLER—I rise to call the attention of the House to an incorrectness

in the Minutes of Proceedings of yesterday. In the division on the Deceased Wife's Sister Bill, the vote is put down: "Contents, 32; Non-Contents, 31." I voted on that occasion with the Contents for the amendment, and my name has not been inserted on the Minutes. It has been left out through some mistake, and I desire now that it be inserted, and that an erratum be entered on the Minutes to that effect.

Mr. SPEAKER—It is ordered that the correction be made by the Clerk.

NELSON VALLEY RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (68) "An Act to incorporate the Nelson Valley Railway and Transportation Company," with several amendments. He said that the amendments were simply verbal, with the exception of a new clause which was added, giving the directors power to issue paid-up stock or bonds in payment of right of way or salaries for their own employes.

The amendments were concurred in.

Hon. Mr. DICKEY moved the third reading of the Bill.

Hon. Mr. HOPE objected to the third reading at this stage.

Ordered that the Bill be read a third time to-morrow.

WINNIPEG AND HUDSON BAY RAILWAY AND STEAMSHIP COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (46) "An Act to incorporate the Winnipeg and Hudson Bay Railway and Steamship Company," with several amendments.

Ordered that the amendments be taken into consideration to-morrow.

THE SENATE DEBATES COMMITTEE.

Hon. Sir ALEX. CAMPBELL moved that the Hon. Mr. Botsford be restored to the Committee on the Reporting of the Debates of the Senate.

The motion was agreed to.

The House adjourned at 6.10 p.m.

Hon. Mr. Miller.

THE SENATE.

Friday, April 30th, 1880.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third time and passed:—

Bill (49) "To incorporate the Assiniboine Bridge Company."—(Mr. Girard.)

Bill (63) "To extend the powers of the Manitoba South-Western Colonization Company, and to further amend the Act incorporating the said Company."—(Mr. Girard.)

Bill (79) "To incorporate the Souris and Rocky Mountains Railway Company."—(Mr. Girard.)

Bill (60) "To incorporate the South Saskatchewan Valley Railway Company."—(Mr. Girard.)

Bill (64) "To authorize and provide for the winding up of the Consolidated Bank of Canada."—(Mr. Ryan.)

Bill (68) "To incorporate the Nelson Valley Railway and Transportation Company."—(Sir Alex. Campbell.)

BILL INTRODUCED.

Bill (7) "To consolidate and amend the Acts respecting the Inland Revenue."—(Sir Alex. Campbell.)

THE SIXTY-FIRST STANDING ORDER.

MOTION.

Hon. Sir ALEX. CAMPBELL moved that the 61st standing order be suspended for the remainder of the session. He said that it had always been the custom, towards the end of the session, to suspend this rule, inasmuch as it required private bills coming from the House of Commons to be placed in the lobbies for twenty-four hours before they could go to the standing committees.

Hon. Mr. ALEXANDER did not consider it a safe procedure to suspend this rule in the manner proposed. If any particular bill should come from the House of Commons which would warrant the House in asking for the suspension of the rule, let it be done; the House would be guided entirely by the urgency of the case. He was not aware that it

had been the practice to suspend this rule towards the close of the session, but, if it had been, he considered it an unsafe practice, and the effect of such suspension would be that parties wishing to trample upon private rights and obtain legislation wrong in principle would introduce their bills late in the session, when they could be rushed through Parliament under a suspension of this rule. He appealed to the House not to grant the motion.

Hon. Mr. MILLER did not agree with the hon. Senator from Woodstock (Mr. Alexander), that there was much danger of private rights being trampled upon under any circumstances by legislation of this Parliament. The hon. gentleman would see how impossible it was that any injustice could arise from the suspension of this rule. In the first place, any private bill coming from the House of Commons, must have passed through all its stages in that Chamber, and then, after coming to the Senate, must be read three times, and considered in one of the standing committees. Even if there was no such rule, there would hardly be any danger of interference with private rights, or injustice being done for want of it.

Hon. Sir ALEX. CAMPBELL said that he was about to make the same explanation. He had nothing to add to the remarks of the hon. Senator from Richmond.

SUPREME AND EXCHEQUER COURT BILL.

THIRD READING.

The Order of the Day having been called for the third reading of Bill (37) "Fur- to amend the 'Supreme and Exchequer Court Act,'"

Hon. Sir ALEX. CAMPBELL moved an amendment to correct a verbal error in the fourth clause.

The motion was agreed to, and the Bill was read the third time.

Hon. Mr. DICKEY—It would be very inconvenient and unseemly, perhaps, to discuss this Bill at this stage, and I only rise to express a doubt which rests upon my mind, whether the very extensive powers given for amendment

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ought to be conferred upon a mere court of appeal. I think it is open to argument and doubt, and, with regard to the clause empowering the Court of Appeal to grant a new trial, it appears to me that it may be attended with a good deal of inconvenience and expense to litigants. I mention those points, not with any desire to obstruct the Bill, but merely to place my views on record.

Hon. Sir ALEX. CAMPBELL—I have already explained why these powers are given. I have since conversed with the Minister of Justice with reference to the result in Nova Scotia, and he seems to think that the change will be found very convenient and desirable there.

The Bill was then passed.

INTEREST ON MORTGAGES BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (11) "Respecting interest on money secured by mortgage on real estate."

Hon. Mr. REESOR called attention to an error in the first clause, which required interest to be calculated half-yearly. In many mortgages interest was calculated yearly, and he moved to amend the clause by inserting the words "yearly or."

The amendment was adopted.

On the 5th clause,

Hon. Mr. VIDAL expressed the opinion that this clause was beyond the jurisdiction of the Dominion Parliament, as it dealt with contracts between parties. Matters of contract were, under the terms of the British North America Act, confided to the local legislatures. He further objected to the clause on account of its unjust character. It required one party to a contract to take back his money on certain terms and conditions, but did not allow the lender to call in his money on the same notice. He would move that the 5th section be struck out of the Bill.

Hon. Mr. ALLAN said it would be inoperative if it was unconstitutional. When the other Bill had been before the Senate, he had consented to some limitation of this kind, though it did not seem.

a reasonable thing to ask. However, if the borrowers considered it any protection, he was willing to assent to it, but he thought three months' notice was not enough; six months' notice should be given. There was a great deal of force in what the hon. Senator from Sarnia (Mr. Vidal) had said. As he (Mr. Allan) had consented to the insertion of a similar clause in the other Bill, he could not vote against this clause now.

Hon. Mr. DICKEY doubted the competency of Parliament to pass this clause, as it related purely to matters of contract, which, of all things, were questions of civil rights; but, looking at it in its practical operation, there was another objection to it on principle. Take the case of a trustee for a minor, or for any other person, who wished to make an investment for ten years. Under this clause, the borrower could, at the end of five years, if money became plentiful and interest lower, pay up the loan, and the lender would be obliged to seek a new investment. The lender had not the same option, and, under the circumstances, the bargain was unequal. He hoped that the clause would be struck out.

Hon. Mr. MILLER differed completely from the hon. gentleman, not only in his construction of the law, but with regard to its constitutionality, and the conclusions which he had drawn as to the injustice of the clause. In the first place, Parliament had the power to deal with this subject; it had every incidental power with regard to regulating mortgages. If they had not that power, it was a delusion to suppose they had the right to pass a single clause of the Bill.

Hon. Mr. VIDAL—Have we the power to interfere with contracts?

Hon. Mr. MILLER believed they had, but he would speak with all deference to the opinions of hon. gentlemen who thought otherwise. Then, with regard to the injustice to the lender, of giving the power in question to the borrower, he understood that the main object of this legislation was to protect the borrower. Could the borrower be protected in the way indicated without injustice to the lender? Under this Bill he thought he could, because it would apply only to

mortgages created after the first of July next, and every lender who would advance money upon mortgages after that date would do so with a full knowledge of this law. The law was not retroactive in its effect, and, therefore, could not prejudice mortgages now in existence or create any injustice to the lender.

Hon. Mr. READ thought that this clause was necessary in the interest of the lender as well as of the borrower, because it was to the interest of the lender to facilitate the transfer of real estate in this country. Every effort was being made to induce tenant farmers in the old country to come over and purchase farms in Canada, and it was very important that those men who came with ready cash in their pockets to buy should be in a position to compel mortgagees to take their money on reasonable conditions, so that transfers of the properties could be easily made.

Hon. Mr. POWER differed from the constitutional doctrine laid down by the hon. gentleman from Richmond. The British North America Act certainly gave Parliament the power to deal with the rates of interest on money, and the first four clauses of the Bill came within that jurisdiction, but the 5th clause related to matters of contract which were solely within the jurisdiction of the local legislatures. He agreed with the hon. gentleman from Amherst that the lender should have the same option to demand payment as the borrower had to compel him to accept it, after proper notice.

Hon. Dr. BROUSE said that the history of the legislation with regard to this interest Bill was peculiar. A Bill had been introduced by the hon. Secretary of State for the relief of building and loan societies. To this Bill, he (Dr. Brouse) had offered certain amendments for the protection of borrowers—amendments that were demanded by the country, and which were almost unanimously adopted by this House. The Bill, as amended, was sent down to the other House for their sanction. But another bill to regulate the rate of interest on mortgages had been introduced in the Commons, which, after having been mutilated to such an extent that it had to be reprinted two or three times, was sent up to this

House in the shape it was now before them. It had been hastened to this House for a certain object; that was, to have it passed here, and then to mutilate the Bill that had been sent down from this House in such a manner that it could not be recognized. What was the result? It had been brought before the House of Commons, yesterday, with the amendments made to it in the Senate stricken out, the reason assigned for striking them out being that a Bill had passed the Commons to regulate interest on mortgages, and it had been sent up to this House. In other words, that august assemblage had passed a Bill and sent it up to the Senate, therefore any bill that came down to them from the Senate for the same object should be cast on one side. It seemed to him to be an indignity thrown on this House, and he, for one, was prepared to resent it. The resolutions he had offered had been well considered, and the Senate had adopted them as being in the interests of the farmers and other borrowers. But those amendments had been struck out by the Commons, and the Bill now before them was sent up in such a shape that his amendments could not be introduced into it. He would warn hon. gentlemen that this Bill was not for the relief or protection of borrowers, but a Bill concocted for other purposes, and did not contain any provisions that would give relief to the farmers. There was one clause which gave to loan companies such power that they could foreclose their mortgages immediately, on one or two days' notice, and turn the unfortunate borrower out of his property. It had been stated that such a case could not occur, but, in order that hon. gentlemen might understand how it could occur, he would read a letter he had received on that very subject from Mr. O'Donohoe, of Toronto:—

"It occurred to me to say that a very needful provision would be that every mortgage should be held, whether expressed or not, to contain two or three months notice of sale, before actual sale is made. Ignorant people never mind whether a notice clause is in or not. A great hardship and loss are imposed upon poor borrowers for want of this. Within the past two weeks one of several that came to my knowledge occurred. A widow had her property advertised, and a notice reached her on Tuesday for a sale of her farm on Friday

Hon. Mr. Brouse.

next following. She begged and pressed for a couple of weeks in vain. Her place was sold and she sacrificed."

He objected to making this clause general, as applied to private individuals, as it was not found that the abuses complained of were practised by individuals, but by the loan associations, who had \$35,000,000 loaned to farmers on mortgages. The hon. member had given notice that he would move a resolution that this clause should not refer to private individuals, but only to loan societies, and he thought it was a step in the right direction. If they were obliged to throw aside the Bill which had passed this House, and take up this measure instead, they could then add the resolutions which he (Dr. Brouse) had moved to the previous Bill, and another amendment to the effect that notice must be given before the foreclosure is made. If this amendment were not accepted, this Bill should be rejected altogether, and when their own Bill came back from the other House, they should amend it again, and insist on the amendment being adopted or the Bill rejected altogether. He would move that the Committee do rise.

Hon. Mr. SCOTT thought the Bill would never come back from the other House.

Hon. Dr. BROUSE believed it must come back. It was for the relief of building and loan societies, and would have to be passed.

Hon. Mr. AIKINS said he had not the slightest doubt that his hon. friend from Prescott felt very strongly on this matter. That hon. gentleman had taken a deep interest in the class of borrowers whose cause he was now advocating, and he (Mr. Aikins) sympathized with him in that respect, as he thought it was necessary there should be legislation on the subject. He quite agreed with the hon. gentleman in the principle he advocated. There was no doubt whatever that the Building Societies' Bill would come back, and it rested with the House to say what action they would take on it when returned amended. If the hon. gentleman desired to protect the borrowing community, it would be better to take the Bill now before the House, or suggest that it be amended, rather than

that the Committee should rise and the measure be lost. His hon. friend had complained that this Bill contained no clause whatever to prevent a sale without giving notice. He would ask the hon. gentleman if his amendment made to the Building Societies' Bill provided for any contingency of that kind?

Hon. Sir ALEX. CAMPBELL.—The law provides for that.

Hon. Mr. AIKINS said that, with regard to the particular clause now under discussion, he was not prepared to say whether it was constitutional or unconstitutional, or whether they had the power to enact it, but he considered that no great harm could result from its forming a portion of this Bill. It, however, did seem unfair that the borrower should have the option of paying back a loan after five years, and that the lender should not have the power of calling in his money by giving a notice, or paying three months' interest. He thought this Bill was very much better than the one they had considered and sent down to the Commons. The other Bill dealt only with loan companies and building societies; but there were other associations, particularly in Ontario, such as insurance companies that loaned large sums of money, and he did not see why the restrictive provisions of this Bill should not be made as applicable to them as to these companies, which, it struck him, would only be reasonable. As to private money lenders, he believed that, as a rule, they were quite as severe as companies, and quite as exacting and rapacious in their demands, and he could not understand why they should not be under the same restrictions as loan societies. He would be very sorry if this Bill should be lost, and he believed if the Senate rejected it, instead of elevating themselves in the opinion of the public, it would have the very reverse effect, as it would be thought that their wish was not so much to protect the weak, as to have their own views placed on the Statute book.

Hon. Mr. MILLER said the difficulty that presented itself to his mind was this: supposing this Bill were thrown out, they would have no certainty that they could amend the other Bill during the present session.

Hon. Mr. Aikins.

Hon. Mr. DEVER had not the slightest objection to this Bill extending to all other portions of Canada, if it excluded New Brunswick, where they had a law which was very satisfactory. He (Mr. Dever) had the honor of having introduced into this House the Bill for the abolition of the usury laws in that Province. In New Brunswick, when the rate of interest was not specified on the face of the mortgage, the lender could only collect 6 per cent.; but where a bargain was made, and the interest was specified on the face of the mortgage, the lender could collect the rate of interest agreed upon. It was found, under that law, that money could be borrowed as cheaply as in any other part of the Dominion. After the great fire in St. John, large sums of money were loaned at 6 per cent. However, it was optional with the lenders to take 7, 8, or any specified per cent. agreed upon with the borrower, and he would be sorry to see any law now passed which would interfere with this arrangement, and he trusted that the New Brunswick members would be heard in the matter.

Hon. Mr. GIBBS did not see why the hon. gentleman from Prescott had constituted himself the guardian of the borrowers in this country. He (Mr. Gibbs) contended that the hon. gentleman was no more the guardian of the particular interest which he seemed to advocate on the floor of this House, than he (Mr. Gibbs) was of the loaning companies. As a rule, respectable loan societies treated their clients as liberally as private individuals did. When companies were obliged to resort to ulterior measures for the collection of their money, it was only done when they found that the borrower was no longer paying his interest, or that the security for the debt was diminishing in value. They did no more than private individuals to protect their interests, and ought not to be subjected to the animadversions made without just cause in regard to them. He hoped the 5th clause would be struck out.

Hon. Mr. READ said that the hon. gentleman seemed to speak for all the companies in the Dominion, but he would give an instance of the dealings of one company for which the hon. gentleman had not spoken. In January 1877,

a gentleman borrowed \$300 from the Hastings Loan and Investment Society at the nominal interest of 7 per cent., the loan to run five years, and to be repayable in sixty monthly instalments of \$6.75 each. He paid \$192.25 in twenty-seven instalments, and then, when he asked to be allowed to withdraw from the society, they claimed \$202.70. This was charging him, for interest on the \$300, for two years and four months, \$94, or within \$11 of the amount which they should have received for five years.

Hon. Sir ALEX. CAMPBELL desired to point out to his hon. friend from Prescott, that this Bill was, at all events, in the direction in which he was anxious to see legislation. The Bill which was sent down from this House had come back with the amendments stricken out, and there was no possibility of the amendments being again introduced and sent back to the other House and receiving the assent of that Chamber. The only course, then, would be to have a conference between the two Houses, which was not convenient at this stage of the session, and it would be found impossible, in practice, to have the amendments restored to the first Bill, or made at all, except under the Bill now before the House. It would be far better, he thought, for the hon. gentleman to take advantage of this Bill as far as it went, and reserve to himself the right of action, another session, to have any additional amendments which he might think important made to the law.

Hon. Dr. BROUSE said if his amendments could not be made this session, he would have to accept the alternative suggested by the leader of the Government.

Hon. Mr. REESOR hoped that his hon. friend would see the propriety of withdrawing his motion, "That the Committee do rise," and allow the Bill to pass. He was quite satisfied that this Bill secured the object which the hon. gentleman from Prescott was working for better than the amendments made to the Bill introduced by the Secretary of State. It was general in its application, and it would be better that, in all their legislation, there was the same general principle at the bottom—that the law should apply to every one alike, under

Hon. Mr. Read.

the same circumstances. He believed that the same principle should apply to private lenders of money as to loan societies, as it was as important that the borrower should have protection from both. He thought the Bill was a very good one, and he hoped his hon. friend from Oshawa (Mr. Gibbs) would not move that the last clause be struck out. It was necessary for the protection of the poorer and less educated class of borrowers, particularly in the agricultural districts. He had no doubt as to the constitutionality of the 5th clause, and some of the ablest men in both Houses of Parliament held the same opinion.

Hon. Mr. ALEXANDER was not surprised that the hon. member from Prescott should feel indignant—and this House should feel indignant—at the manner in which his amendments had been expunged from the Bill that was sent down to the Commons, through some improper influence. If there was anything that should produce warmth in this House, it was the manner in which the honest endeavors of independent members were sometimes thwarted, when they were striving to correct evils of which the people complained, and from which they had suffered.

Hon. Mr. DICKEY knew of no objections to the amendments of the hon. member from Prescott being incorporated in this Bill. There was a provision in it already that would make one of his amendments wholly unnecessary—that was the provision that no fine or penalty should be exacted from the borrower. He hoped the House would be prepared to strike out the 5th clause, on the ground that it was unconstitutional and would move, seconded by Hon. Mr. Botsford, that the 5th clause be expunged.

Hon. Mr. VIDAL said that a motion to that effect had already been made.

Hon. Mr. PENNY entirely approved of all laws that were intended to prevent persons from being deceived, but he was decidedly of opinion that they ought not to interfere with contracts. "The greatest good to the greatest number" was the maxim in legislation that was most frequently quoted, but he believed that simple justice for all was a better principle to be guided by in these matters,

and that lenders should have the same option in regard to recalling their loans that borrowers were to be allowed as to payment.

Hon. Mr. AIKINS said that insinuations had been indulged in by some hon. members, in reference to the Bill which had been sent down to the Commons from this House, with the amendments of the hon. member from Prescott incorporated in it. Such insinuations should not be indulged in, as they were wholly unfounded. The Bill introduced in the Commons had been amended, reprinted and reported to that House before the hon. member from Prescott had introduced his amendments at all, and he thought that that House had every right to say, when the Senate Bill came down to them, that a measure of their own, which had been introduced early in the session, and which had been carefully and thoroughly considered, should not be superseded. The Commons had a perfect right to take that course, and he rose to throw back any insinuations that undue influence had been used.

Hon. Mr. READ said he had been the first to throw out those insinuations, and he had good ground for doing so. When he could be told in advance that such and such things would take place, and they did actually occur, he thought it was more than a coincidence.

Hon. Mr. SIMPSON favored the Bill, but preferred to see the 5th clause amended, so as to compel the borrower to pay six months' interest when he wished to pay off the mortgage before the time had expired. It was unfair to the lender, after he had made a safe investment of his money for a term of years, that he should be compelled to take it back at any time the borrower chose to tender him three months' interest along with it.

Hon. Mr. POWER felt that the Senate should stand on their dignity, and decline to accept the amendments of the Commons to the other Bill. It would then go back to the other House, and the responsibility of rejecting the amendments of the hon. gentleman from Prescott would rest with the other Chamber. He did not wish to impute anything unfair to anyone, but it was well known that gentlemen representing these loan societies had come down from Toronto,

Hon. Mr. Penny.

and it was really supposed that their visit had something to do with the elimination of the amendments of the member from Prescott from the Bill. He thought the best course would be not to pass this Bill, but to keep it in committee until they could see what action the Commons would take on the other measure.

Hon. Mr. MILLER said that a great deal of stress was laid on the fact that the amendments made to the Bill that had been sent down to the Commons provided that the rate of interest was to be written across the face of the mortgage in different colored ink. Although, in the same words, that provision was not made in this Bill, still there was a provision applicable to all mortgages on the instalment plan to the same effect, as in all cases the mortgage had to contain a statement of the rate of interest, calculated yearly and half yearly.

Hon. Mr. HOPE said that, when the hon. Senator from Prescott submitted his amendments to the Government Bill in this House, his object was that they should affect building societies only, and it arose from complaints that had been made against the manner in which some of those companies conducted their business. He (Mr. Hope) did not believe that those complaints existed against all building societies, and he was satisfied that these associations had done a great deal in reducing the rate of interest, and in keeping private lenders in their proper position. There was one clause in those amendments, as originally offered, about which he had had a good deal of doubt—that was, giving power to the borrower to terminate his contract at any time, upon paying the mortgage with six months' interest in advance; and strong expressions of disapproval had been made by several members in this House against that clause. He had advised the hon. Senator from Prescott, at the time, to withdraw it. To his (Mr. Hope's) astonishment, this Bill from the House of Commons dealt not merely with building societies, but with all mortgages; and some hon. gentlemen who were opposed to the clause to which he had referred, when the other Bill was before the House, now supported this measure, the principle of which extended

to all lenders, and to all parts of the Dominion. He (Mr. Hope) could not support this 5th clause. Now, the three first clauses of this measure were intended to deal, not only with building and loan societies, but with private loans and mortgages. If there were any complaints with regard to private lenders, there would be some cause for this interference; but all the complaints were against certain building societies, and he saw no reason for mingling the two classes of mortgages. It would be far better for the promoters of this Bill to withdraw it and allow the other Bill to go on.

Hon. Mr. FLINT said his hon. friend from Sarnia somewhat doubted the constitutionality of the 5th clause, and in that opinion, the hon. Senator from Amherst concurred, while the hon. Senator from Richmond took the opposite view. Then the hon. Senator from Halifax, whom he looked upon as one of the greatest legal luminaries of the country, gave his opinion that it was unconstitutional. However, when he (Mr. Flint) considered that there were a great many legal luminaries in the other House, perhaps not so profound as the hon. Senator from Halifax, who had had this Bill before them, he believed that they must have considered it constitutional when they passed it. He (Mr. Flint) believed that it was constitutional, and, therefore, he asked the adoption of this clause. The House should be willing to give the country some measure of relief in reference to the rates of interest on mortgages and the manner in which they were collected. It might be better to amend the clause by extending the notice from three to six months. That was nothing more than reasonable. If a man loaned money under this Bill, he must, necessarily, know the conditions—that he might have the money paid back in five years, with six months' interest added—and, therefore, he was as much protected as the borrower. It was nothing more than fair in principle, but if the borrower could be called upon at any time to pay up the principal, he would be placed in a very different position from the lender. The course that had been pursued by the other Chamber in reference to the Bill sent down from the Senate, a few days ago, was not

Hon. Mr. Hope.

exactly what it should have been. He believed that the other House had taken too much upon themselves; but, notwithstanding that, he thought that the Senate should be too dignified to retaliate upon them. There was a good deal said about this House, and a disposition in the other Chamber to get rid of it, and he thought that it would be unwise to throw out this Bill, and give them cause to say that the Senate had retaliated upon them. He hoped the hon. Senator from Prescott would not ask the Committee to rise, because that would defeat the Bill. The reason that he (Mr. Flint) had taken up the Bill the other day, was because nobody seemed to have charge of it, and it would be discourteous to the House of Commons to allow it to lie on the table. It was not because he felt himself competent to grapple with this great question. He had merely discharged his duty in moving the second reading.

Hon. Mr. SCOTT said that the effect of striking out the amendment would be to send the Bill back to the other House, and, at this late period of the session, that might result in the defeat of the Bill. There seemed to be a consensus of opinion that the Bill had substantially good features about it. He concurred in that view, and would regret if it should be lost this session, which he believed, would be the result if any amendments were made.

Hon. Mr. DICKEY said if there was anything in that argument; it was very unfortunate that the other House had seen fit to make so many amendments to the Bill that had been sent down to them from the Senate. This measure had not been delayed in the Senate. It had been detained a month or six weeks in the other House, and it was not the fault of the Senate that it came before them for discussion so late in the Session.

Hon. Mr. WARK said that there were two parties to any contract. A person entrusted with the money of third parties wishing to invest it for a long period, may, perhaps, find a dozen ready to borrow it on the terms he offers. One of the parties borrows it, and thus enters into a contract. This Bill would permit one party to the contract to violate it before the expiration of the period for which the money was borrowed. If in-

terest were rising, no man would pay off a mortgage if he had to borrow money at a higher rate ; but, if he could get money on better terms, this Bill would enable him to do so. The other party had no option. He could not terminate the contract as the other could, consequently, it would be permitting acts of injustice to be done, and, therefore, he was opposed to the clause.

Hon. Mr. MILLER asked what injustice could be done, when the parties entering into the contract knew that, at the end of five years, the money could be returned ? The contract would be subject to this condition just as much as it would be subject to the conditions contained in the mortgage. But was there anything extraordinary in the law attaching such conditions to contracts ? Was not this whole Bill a piece of legislation regulating and restricting the loan of money secured by mortgages on real estate ? Was not the whole Bill intended to control the loaning of money, and had not Parliament just the same right to limit the period of a mortgage to five years as to limit the rate of interest, or enact any one of the conditions mentioned in the Bill ?

Hon. Mr. BOTSFORD asked why Parliament should interfere with a bargain between two parties, unless some evil could be shewn to result from permitting them to do so ? If these loan societies possessed large powers, Parliament had granted them, and, if evils arose from the exercise of those powers, Parliament could deal with them ; but he could not understand why Parliament should interfere between individuals making a bargain which was usually for their mutual benefit.

Hon. Mr. MILLER said that Parliament had power to make usury laws.

Hon. Mr. BOTSFORD said that it should first be shewn that evils existed before attempting to pass such a Bill as this, which directly interfered with civil rights.

Hon. Mr. GIBBS thought it was an extraordinary doctrine that contracts might be made to which one party should be bound and the other should not or need not be bound. If it were desirable to fix five years as the limit of mort-

gages, it was but fair to say that no contract should be binding on either side beyond five years. He was surprised that such an astute lawyer as the hon. Senator from Richmond could advocate the doctrine he had expounded.

The Committee divided on the amendment, which was lost.

Contents, 20 ; Non-Contents, 26.

Hon. Mr. DICKEY supposed that it was useless to try to carry anything against the united forces of the Government and Opposition. The constitutionality of this clause would soon be tested in the courts.

Hon. Mr. MILLER said that, by limiting the clause, and making it applicable to the first section only, would bring all mortgages of over five years now in existence under the terms of the 5th clause, and that would be a very great injustice.

Hon. Mr. DICKEY said the House was getting a little more light on this Bill. The other day, when the objection was made by the hon. Senator from New Brunswick (Mr. Botsford) that this Bill applied to all mortgages, he was informed by the hon. Senator from Richmond that he was mistaken. Now, however, it seemed that it applied to all mortgages after the first of July next. If that were the intention, it was only another proof that the Bill was beyond the jurisdiction of Parliament. The hon. Senator from Richmond had remarked half-a-dozen times, the other day, that the Bill did not apply to what was called straight mortgages ; but now it seemed to include the straight as well as the crooked.

Hon. Mr. MILLER said he had been misunderstood. The other day, the discussion turned on the rate of interest, and the hon. Senator from Amherst started the point that the Bill was going to limit the rate of interest fixed by law : that was the view that he (Mr. Miller) was arguing upon, and he had contended that the Bill would only affect mortgages upon the principle mentioned in the first section. That was his contention still but, with regard to this clause, which was intended to give an opportunity of paying off a mortgage after five years, he did not pretend to say that it would not apply to all mortgages

taken after July next. His contention, the other day, was that this Bill did not affect the rate of interest on mortgages in Nova Scotia at all.

Hon. Mr. ODELL thought that there should be some distinction between mortgages made between individuals and those made by loan and building societies. He thought it was very wrong to put restrictions upon arrangements that might be made between individuals, as no difficulties had heretofore been found to exist in that direction, and no grounds had been shewn for imposing such restrictions. He, therefore, moved that:—

“6. This Act shall only apply to moneys secured by mortgage on real estate executed after the first day of July, in the year of our Lord one thousand eight hundred and eighty, taken by or on behalf of any loan, building or other society, whose principal business is loaning or advancing money on mortgages, and to mortgages taken in trust for any such society.”

Hon. Mr. HAYTHORNE objected to the amendment, because it would render the Act almost useless in the Province of Prince Edward Island, where there were no large societies which acted in the way that some hon. gentlemen spoke of. But there were many money-lenders there, who often loaned money at a high rate of interest, and he thought that the clause referred to would be very useful to control their rates.

Hon. Mr. MILLER said that the amendment was out of order, because it struck at the principle of the Bill, which was that the first clause should apply to all mortgages drawn on the sinking fund principle.

Hon. Mr. BOTSFORD said the hon. Senator from Richmond was of a very different opinion now to that he had entertained a few days ago, when he stated that this Bill did not apply to mortgages made between private individuals.

Hon. Mr. MILLER said that had not been his contention.

Hon. Mr. BOTSFORD said he did not think he had mistaken the hon. member. The hon. gentleman had certainly argued that the first clause did not apply to that class of mortgages, and, now, the hon. gentleman contended that it did. The amendment was quite in order, and he hoped that it would pass. From his

Hon. Mr. Miller.

own personal experience, he knew that the evils caused by loan societies did not exist with regard to private individuals. In New Brunswick, at all events, the interest laws were very well known, and mortgages were generally drawn without the rate of interest being stated. In that case, only 6 per cent. could be collected.

Hon. Mr. ALLAN said, if the amendment should carry, the effect of that amendment would be to limit the application of the 5th clause entirely to building and loan societies lending money on the sinking fund principle, and he would, therefore, consider himself relieved from his promise to support the clause, because, if that amendment were adopted, it would be making a most unfair and unjust distinction between such societies and other companies, and individuals loaning money in the Dominion.

Hon. Mr. SCOTT said the reason why this Bill was before Parliament, was because of complaints of certain hardships imposed on borrowers. Such hardships would be none the less grievous if the money were obtained from a private individual than if obtained from a company. If the statement were true that no such hardships existed in the case of loans obtained from private individuals, then this Bill would not affect them. It was only those particular lenders who acted as loan societies were said to act occasionally, that would be affected by this Bill.

Hon. Mr. MILLER, in reply to the hon. Senator from Sackville (Mr. Botsford) repeated his explanation of his remarks of the other day. The subject under discussion then was, whether this Bill affected the rate of interest in Nova Scotia. His contention was that it would not do so in the slightest degree, as mortgages in that Province were on the “straight” principle. The only provision in this Bill relating to straight mortgages was the 5th clause, which affected the time when they could be paid off. His argument, the other day, was not in reference to that clause, but the application of the principle of this Bill to the loaning of money in Nova Scotia.

Hon. Mr. BOTSFORD contended that the former argument of the hon. Senator was that the Bill did not extend

to private individuals, but to those only made on the principle mentioned in the 1st section.

Hon. Mr. McCLELAN said that was the impression that the hon. gentleman's (Mr. Miller's) remarks had made on him, but he had not been very much influenced by them. He (Mr. McClelan) hoped that the amendment would pass, because he was opposed to the tendency of this Bill. He considered it unconstitutional and unjust in its application to private contracts. If there was any class of the community in New Brunswick that would derive benefit from the passage of this law, it was the very respectable class of legal gentlemen there. He believed that the constitutionality of it would be tested. A very great difference of opinion existed among the legal gentlemen in this Chamber, and the same difference of opinion would, undoubtedly, exist among gentlemen outside of it, the result would be litigation, and, instead of relieving the borrowing class, so far as contracts between private individuals were concerned, he was satisfied the tendency of the law, if passed in its present shape, would be to have the opposite effect.

The amendment was declared lost.

Hon. Mr. MILLER suggested that the clause should only be made applicable to such mortgages as were mentioned in the 1st section of the Bill.

Hon. Mr. ALLAN said that that would be a very unjust thing.

The Committee rose and reported progress, and asked leave to sit again.

AFTER RECESS.

The House resumed consideration of the Bill relating to interest on mortgages secured by real estate, in Committee of the Whole.

Hon. Mr. KAULBACH said that he could not support such an amendment; he thought that the same rule should apply to all classes of mortgages. In Nova Scotia, loans were generally made by private individuals, and, when the rate of interest was restricted, there was no reason why the borrower should not be allowed to pay it back as soon as he was able. Our laws should facilitate, as much as possible, the payment of debts.

Hon. Mr. Botsford.

Hon. Mr. MILLER said that he had thrown out the suggestion before six o'clock. He now moved that the 5th clause be amended as follows:—

"After 'mortgage,' insert, 'provided that this section shall only apply to mortgages mentioned in the 1st section of this Act, and to all loans by incorporated companies secured by mortgage in any way whatever.'"

The effect of this amendment would be to exclude private straight mortgages from the operation of the law.

Hon. Mr. REESOR thought it would be better to leave the Bill as it was, because this amendment might give rise to a good deal of doubt as to the class of mortgages included in the Bill.

Hon. Sir ALEX. CAMPBELL said that the amendment met the difficulty mentioned with reference to the first proposition made to the Committee, of extending the proviso to all incorporated companies, and, so far, he agreed to it. But it was open to this objection: that it militated against the plan of lending money on the sinking fund plan. It would be an inducement to the loan companies to favor straight loans. Was that in the interest of the public? There was strong ground to argue that it was not.

Hon. Mr. ALLAN thought that, if any limitation was to be made at all, the House would be justified in striking out the 5th clause altogether. He spoke and felt very strongly on the subject, because, apart from the interests of the loan companies, he believed that the sinking fund system had been a great boon to the people of this country, and it would be unwise to drive the companies into abandoning that system, as they were likely to do if this amendment were adopted. The Bill, so far as it related to money borrowed on the sinking fund principle, was complete, and he saw no reason for imposing this additional penalty on companies doing business in that way, unless it was extended to all persons lending money. If there was to be any limitation at all, he would feel himself at liberty to vote for striking out the 5th clause altogether.

The Committee divided on the amendment, which was rejected: Contents, 15; non-contents, 17.

Hon. Mr. PENNY moved the following amendment:—

"Whenever any principal money or interests secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then in case at any time after the expiration of such five years, any person entitled to receive the money and interest so secured, tenders or pays to the person obliged to pay the money, three months' interest in lieu of notice, he shall be at liberty forthwith to call in and recover the money and interest due on the same mortgage."

The amendment was declared lost.

The clause was adopted.

On the 6th clause,

Hon. Mr. BROUSE moved that the following clause be added to the Bill:—

"Clause A.—No sale of lands made under power of sale contained in any mortgage shall be valid unless two months' previous written or printed notice of intention to exercise such powers of sale, specifying the date and place thereof, shall have been given to the mortgagor or left with a grown-up person, at his last place of residence in the province, nor unless such proposed sale shall have been advertised for at least one month in some newspaper published in the county within which such lands lie."

He said he had received a statement from Mr. O'Donohoe of Toronto, of the case of a poor widow who received notice from a loan company on a Tuesday that her property would be sold the following Friday for non-payment of an instalment. She asked for time, but it was refused, and the property was sold at a sacrifice.

Hon. Sir ALEX. CAMPBELL thought the proposition was a reasonable one.

Hon. Mr. POWER hoped that the leader of the House would reconsider his statement. It seemed to him (Mr. Power) that this proposed section was *ultra vires* of this Parliament, as it interfered with a matter which came within the jurisdiction of the local legislatures.

Hon. Mr. McCLELAN approved of the amendment, but thought the language of it could be improved.

Hon. Mr. ALLAN suggested that the clause should be allowed to stand over.

Hon. Mr. PELLETIER did not see how this Parliament could legislate on the matter, and the amendment was unnecessary, so far as Quebec was concerned,

Hon. Mr. Allan.

because, in that Province, no sale of land could take place unless advertised for four months in the Quebec *Official Gazette*.

Hon. Sir ALEX. CAMPBELL said there might be grave doubts on the subject, but this Parliament was legislating on the basis that it had power to control those companies, and, therefore, over all the other circumstances incidental to such control. In the case put by the hon. Senator opposite (Mr. Pelletier) the Bill would not be contrary to the law of Quebec, as only two months' notice was required.

Hon. Mr. MILLER was not at all prepared to say that the view taken by the hon. Senator from Halifax (Mr. Power) was not correct, but was rather inclined to think that this Parliament had power to pass this amendment. It would be better, however, to let the amendment stand, in order that time might be given to frame it more carefully.

The amendment was allowed to stand.

Hon. Mr. LEONARD, from the Committee, reported the Bill, with amendments, which were concurred in.

ONTARIO REFUGE FOR GIRLS BILL THIRD READING.

The House went into Committee of the Whole on Bill (100) "Respecting the Industrial Refuge for Girls, of Ontario."

Hon. Mr. McCLELAN, from the Committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed.

THE PRINTING OF PARLIAMENT. TWELFTH REPORT OF THE JOINT COMMITTEE.

The Order of the Day having been called—consideration of the twelfth report of the Joint Committee on Printing,

Hon. Mr. SIMPSON said that a difficulty had arisen with regard to one of the resolutions in the latter part of the report, recommending that two rooms

in the Senate vaults be prepared for storage purposes. He understood that these rooms were necessary for the use of the Senate.

After some discussion, the further consideration of the report was postponed until Monday.

WINNIPEG & HUDSON BAY RAILWAY AND STEAMSHIP CO.'S BILL.

THIRD READING.

Hon. Mr. READ, in the absence of Hon. Mr. DICKEY, moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (46) "To incorporate the Winnipeg & Hudson Bay Railway and Steamship Company."

The motion was agreed to, and the Bill was read the third time and passed.

INLAND REVENUE BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved that the rule be suspended to allow the second reading of Bill (7) "To consolidate and amend the Acts respecting the Inland Revenue," to take place at this sitting. He said that there was no principle involved in the measure to which exception could be taken. It entirely related to the mode in which duties should be collected, and was not a bill which was likely to be altered or amended in the Senate.

The motion was agreed to, and the Bill was read the second time.

The House adjourned at 9.30 p.m.

THE SENATE.

Saturday, May 1st, 1880.

The Speaker took the chair at four o'clock.

Prayers and routine proceedings.

LAW OFFICERS AND TRANSLATORS' DEPARTMENTS.

REPORT OF THE COMMITTEE.

Hon. Sir ALEX. CAMPBELL, from the Joint Committee of the Senate and House of Commons appointed to consider whether it would not be attended with economy and advantage to the pub-

Hon. Mr. Simpson.

lic service if the "Law Department" of each House and that of "Translation" were respectively amalgamated, presented their first report:—

"COMMITTEE ROOM,

"16th April, 1880.

"The Joint Committee of both Houses appointed to consider whether it would not be attended with economy and advantage to the public service if the 'Law Department' of each House and that of 'Translation' were respectively amalgamated, beg leave to report,—

"That, having well considered the matter referred to them, they are of opinion that no change in the present system would be attended with either economy or advantage to the public service.

"Appended to this report will be found 'memorandums,' prepared in compliance with the desire of the Committee, by the Law Officers and the Chief Translators of both Houses.

"All which is respectfully submitted.

"A. CAMPBELL."

He said: In moving the adoption of this report, I merely desire to explain that, after thoroughly considering this matter, the Committee unanimously arrived at the conclusion which it sets forth. The departments of law were first considered, and, with regard to them, this was the suggestion which, I think, prevailed in the Committee, and which is, I think, entitled to great weight: that there is considerable safety in having the Bills which are presented to Parliament considered by legal minds, from different and distinct points of view, and it was considered that, if the law departments were amalgamated, that advantage would be lost. It was decided on that ground that it was better not to amalgamate the law departments. In reference to the translation, it was found, after examination of the translators of the two departments, and after hearing what was said by a member of the Committee who had had great experience in that branch of the service, that no economy would result from the proposed amalgamation. In the first place, it was assigned as a reason that we should be obliged for our own convenience, to retain one translator of the two we now have, for the translation of the daily proceedings of this House, even if the departments were amalgamated. We have only one other translator besides the gentleman who sits as French clerk at the table, so that the economy would not have

been great, of adding the other translator to the staff of the House of Commons. Even if it were done, the Committee thought that the business would not be expedited in any appreciable degree, and that some possibility might exist (remote, I trust) that discomfort or uneasiness might arise between the two Houses in reference to the facility with which the documents for the respective branches of Parliament were translated. On the whole, the Committee arrived at the decision reported, that the change would not be attended with advantage or economy to the public service, and a report was so prepared, and directed to be presented to both Houses of Parliament.

The motion was agreed to.

EXTRA SITTINGS OF THE SENATE.

MOTION.

Hon. Sir ALEX. CAMPBELL moved :—

“That, when the House adjourns to-day, it do stand adjourned until Monday, at eleven o'clock in the forenoon, such sitting to continue until one o'clock in the afternoon, unless the House be sooner adjourned, when the House shall stand adjourned until three o'clock in the afternoon, and that thereafter during the present session there shall be, unless the House shall otherwise order, two sittings every day, one at eleven in the morning and the other at three in the afternoon, and that each of such sittings be considered a distinct sitting, and that Government business shall have precedence.”

The motion was agreed to.

BILLS INTRODUCED.

Bill (106) “An Act further to amend ‘An Act respecting the Harbor of Pictou, in Nova Scotia.’”—(Sir Alex. Campbell.)

Bill (117) “An Act to repeal the Act 42 Victoria, cap. 5, for granting an annual subsidy towards certain telegraphic communication.”—(Sir Alex. Campbell.)

Bill (109) “An Act to authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their tidal dock.”—(Sir Alex. Campbell.)

Bill (110) “An Act to enable the Harbor Commissioners of Montreal to pay a life annuity to the widow of the

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late Hon. John Young.”—(Sir Alex. Campbell.)

Bill (88) “An Act for the appointment of a resident representative agent for Canada in the United Kingdom.”—(Sir Alex. Campbell.)

Bill (108) “An Act for extending the Consolidated Act of 1879, respecting duties imposed on Promissory Notes and Bills of Exchange to the whole Dominion.”—(Mr. Aikins.)

Bill (84) “An Act to amend the ‘General Inspection Act of 1874.’”—(Mr. Aikins.)

Bill (102) “An Act to amend the Act 42 Vic., cap. 15, intituled: ‘An Act to alter the duties of Customs and Excise.’”—(Mr. Aikins.)

Bill (107) “An Act to amend the law respecting the removal of obstructions in navigable waters by wrecks.”—(Sir Alex. Campbell.)

The House adjourned at 5 p.m.

THE SENATE.

Monday, May 3rd, 1880.

The Speaker took the chair at eleven o'clock a.m.

Prayers and routine proceedings.

A COLONIAL RESERVE FORCE.

MOTION.

Hon. Mr. ALEXANDER 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 any correspondence which has taken place between the Dominion or Imperial Governments relative to a proposition of the Imperial Government to raise in this Dominion a Colonial Reserve Force.”

Hon. Sir ALEX. CAMPBELL—There is no correspondence that can be brought down. The correspondence that has taken place is confidential and incomplete, and, so far as I know, up to this stage, consists in the exchange of cablegrams. I hope the hon. gentleman will withdraw the motion.

The motion was withdrawn.

A QUESTION OF PRIVILEGE.

Hon. Mr. ALEXANDER—Before the Orders of the Day are called, I rise to a question of privilege, and to make a personal explanation. I am sure that the members of this House are always disposed to prevent any injustice or wrong being done to any of its members. There is always amongst the members of the Senate, as amongst Englishmen all over the world, a love of fair play. If any one, however humble, is wronged by another, a fair opportunity is ever afforded to redress that wrong. Now, the hon. the leader of the Government in this House is reported, in this morning's *Citizen*, to have made the following statement during the debate on the Royal Military College of Kingston, which took place on Thursday, speaking of me as the Senator from Woodstock—and I may say that I understand that speech was sent to him for revision before it was published—

Hon. Sir ALEX. CAMPBELL—I do not think it is in order to refer to a debate that has already taken place.

Hon. Mr. ALEXANDER—I think it is quite in order, as I will shew by quoting from May, page 302 :—

“In regard to explanations of personal matters, the House is usually indulgent, and will permit a statement of that character to be made without notice.”

I submit to this House, with all deference, that a statement has been made affecting my character as a public man, which I shall quote.

Hon. Sir ALEX. CAMPBELL—I do not think it is in order, or that it is the practice of the House, to go back to debates that have taken place. If the hon. gentleman goes into that debate again, I shall have to do so too, and, on that account, the rules of Parliament preclude any reference to a debate that has taken place during the same session. If I had any serious charge against the hon. gentleman I should at once acquiesce in the course he has taken; but everyone knows that he proposed, on the occasion to which he refers, a certain course, and I said, in badinage, in reply, what I had heard of his intentions.

Hon. Mr. ALEXANDER—I will not touch the debate. I merely desire to shew the House where the hon. gentleman

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has made a statement affecting my reputation as a public man, and I cannot imagine that he will ask the House to deny me a privilege which any citizen of the country can claim. The hon. gentleman said in his speech—

Hon. Mr. TRUDEL—It seems very clear to me that the hon. gentleman should explain in what way he proposes to put the matter before the House. Does the hon. gentleman complain of inaccuracy in the report, or does he desire to raise a question of privilege?

Hon. Sir ALEX. CAMPBELL—I object to a reference to a debate which has already transpired in the Senate. We all know there was nothing charged against the hon. gentleman calling for a personal explanation. I do not think it is profitable, at this stage of the session, to occupy our time in that way.

Hon. Mr. PENNY—I think the statement made by the hon. the Minister of Militia, was one which certainly threw ridicule on the hon. Senator from Woodstock, and it does seem to me that, that having been the case, he should allow the hon. Senator (Mr. Alexander) to make his statement. He does not propose to occupy the time of the House very long, and I think his request is only reasonable.

Hon. Sir ALEX. CAMPBELL—The hon. gentleman knows it was badinage.

Hon. Mr. PENNY—There was no moral imputation on him, it is true, but he was ridiculed.

Hon. Sir ALEX. CAMPBELL—Why did not the hon. gentleman reply to it at the time?

Hon. Mr. ALEXANDER—I did not hear the hon. gentleman's remarks.

Hon. Mr. BOTSFORD—The hon. gentleman did not deny the correctness of the statement at the time, and he does not now state that the report of it is inaccurate. He should have taken the opportunity on Saturday, when the subject was before the House, of denying anything against his character. The difficulty in making an explanation now is that it would be a violation of one of the acknowledged rules of the Senate, that no one shall refer to a debate that has already taken place during the same ses-

sion. This very case shows how important it is that we should adhere to that rule, because we shall never have an end of references back to speeches made by hon. members if we now assent to this matter being taken up by the hon. Senator from Woodstock. As there was no charge against the hon. gentleman, and the statement was made in mere badinage, and he did not take exception to it at the time, I do not think he should take up the time of the House now.

Hon. Mr. MILLER—For my own part, I think the hon. gentleman is out of order in the remarks that he has been making to the House; but, if he desired merely to deny any incorrect statement, I do not think that the House would be disposed to prevent him from doing so. Where, I think, the hon. gentleman sets the sense of the House against him is in prefacing his explanation with remarks and comments which do not apply to the explanation he desires to offer. If the hon. gentleman would come to the point, and say that he wishes to deny certain statements made by the hon. the Minister of Militia, his object would be accomplished without detaining the House, and, I am sure, that there would be no disposition to prevent him from doing so.

Hon. Sir ALEX. CAMPBELL—If the hon. gentleman desires to make a correction, he can do so without referring to a previous debate. I quite concur in the views expressed by the hon. Senator from Richmond (Mr. Miller).

Hon. Mr. ALEXANDER—I simply desire to state, if I am not permitted to refer to the charge as conveyed in the hon. gentleman's own words, that I have often seen the Hon. Sir John Macdonald during the last month, but that I have never said to him that I desired the position of Minister of Militia, and it is not possible that I could have said so; nor did I ask him to make me the leader of the Government in this House, because I feel that I am not capable of taking the position, not being a member of the legal profession. I give a distinct denial to that statement. The hon. gentleman stated, further, that I preferred my services to the Opposition. I simply here emphatically state that I never ap-

Hon. Mr. Botsford.

proached a member of the Opposition. The hon. gentleman has made a statement against me which affects my honor as a gentleman and my character as a public man. I call upon him now to name the member of the Opposition who says that I approached him, or to make an humble apology on the floor of this House for the charge that he has made against me. I call upon him to name the leader of the Opposition that I approached.

Hon. Sir. ALEX. CAMPBELL—The House will see at once that this is not an explanation. It is going into this old question again. The hon. Senator does me an injustice in saying that I stated he approached the Opposition. In the first place, I was speaking badinage, and I stated that a rumor had reached me in the corridors to that effect, and I mentioned the name of the leader of the Opposition then. I said it was stated he had approached the Hon. Mr. Mackenzie.

Hon. Mr. ALEXANDER—I never spoke to Mr. Mackenzie. I have not spoken to him for a month.

Hon. Sir ALEX. CAMPBELL—In view of that statement, I quite acknowledge that the rumors which reached my ears are unfounded.

Hon. Mr. ALEXANDER—I hope that in the future the hon. gentleman will not continue to pursue a course leading to such scenes as we have witnessed here this session.

Hon. Sir ALEX. CAMPBELL—I do not give rise to scenes, but I know who does.

The matter then dropped.

PRINCE EDWARD ISLAND REFORMATORY BILL.

THIRD READING.

Hon. Sir ALEX. CAMPBELL moved the third reading of Bill (99) "An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island."

The motion was agreed to, and the Bill read the third time and passed.

THE LIBRARY OF PARLIAMENT.

REPORT OF THE JOINT COMMITTEE
ADOPTED.

Hon. Mr. ALLAN moved the adoption of the first report of the Joint Committee on the Library of Parliament. He said that the report had been for some time on the minutes of the House, and, no doubt, almost every hon. gentleman was aware of its contents. There were three subjects more particularly alluded to in it. First, as to the advisability of securing for deposit in the Library of Parliament a collection of coins commemorative of public events in the history of Canada, collected by a gentleman well known as a special authority on such matters. Secondly, certain recommendations in respect to the salaries of the clerks in the Library Department; and, thirdly, a reference to the state of the Library account, and the course which the Committee recommended should be taken in respect both to the present indebtedness and the means to be adopted to equalize, as far as possible, the annual receipts and expenditure. In regard to the first subject—the purchase of the coins—a full account would be found, in Appendix A of the report, of the interesting and important nature of the collections, as elucidating many events in the early history of Canada; and the Committee renewed the recommendation which had been made by them last session, that the Government should endeavor to secure them for deposit in the Library. On the second point—the increase of the salaries of certain officers of the Library staff—the Committee referred to the resolution agreed to upon the augmentation of the Library staff in 1876, that these gentlemen should be placed on an equal footing in respect to rank and emolument with the other departments of the Civil Service, save only as regarded the grade of entrance, which, on account of the special qualifications required, had always been on a higher grade on entering the Library; and the Committee, being satisfied as to the very satisfactory discharge of their duties by the Library staff and their thorough efficiency in all respects, recommended that they should come under the Civil Service Act of 1868, and be severally rated as first and second class clerks and

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junior and senior second class. The names, with the salaries recommended, would be found in Appendix B. In connection with this part of the report, the Committee also recommended, for the reason therein set forth, the temporary employment of Mr. E. S. Thayne for the work of transcribing the large classified catalogues of historical, scientific and miscellaneous literature, nearly worn out, and which would, otherwise, have to be re-printed at a great expense. The last subject to which the report referred was the excess of the expenditure in the purchase of books for the library over the sum annually voted. The matter was carefully investigated by a sub-committee, whose report would be found in Appendix D. The Committee recommended that the accounts now due should be liquidated as speedily as possible, and advised that the vote of \$7,000 for the ensuing fiscal year should be applied to paying off this indebtedness, and that the Government should be requested to place in the Estimates an additional sum of \$3,500, for necessary purchases for the year 1880-81, and that the grant for 1881-82 should be reduced by the same amount to make good this advance, and that, for the future, care should be taken that the annual grant should not be exceeded. The attention of the Committee had also been directed to the desirability of some change in the mode of selecting the books for purchase for the library, but no conclusion had been arrived at. It was felt by many hon. gentlemen that there was a considerable number of books on the library shelves which scarcely deserved a place there—and others, again, which it was desirable to have, but were not to be found there. Different suggestions had been made as to the appointment of a Committee to confer with and assist the Librarian in his selection, but nothing definite had been arrived at. A very general feeling seemed to prevail that the duty might most conveniently be undertaken by the two Speakers and some members of the Government, resident in Ottawa. He moved the adoption of the report, which had been already adopted in the other branch of the Legislature.

Hon. Mr. PENNY said he did not wish to occupy the time of the House at this stage of the session, but he quite con-

curred in the remark that fell from the hon. gentleman (Mr. Allan) that the Library was not equal to what it should be for the amount of money expended on it. He (Mr. Penny) had put himself in communication with the gentleman who had just spoken some few days ago, and had found that gentleman's ideas to be very much like his own. There was no doubt the selection of books was very much a question of taste. One man thought one kind of book would be desirable in the Library, and another man thought another would be better. So it was very difficult to satisfy every person. But there were two or three classes of books on the shelves of the Library which appeared to him considerably in excess of the requirements. He spoke of what he would call *pietistic* works, or works of devotion. He had no objection to such theological works as were standards, such as the Summa of St. Thomas, or Hooker's Ecclesiastical Polity. They ought to be there, but there were a number of books of mere devotion, which, it seemed to him, were not fit for a public library of any kind. Besides this, they had books of travel, very ephemeral works, it seemed to him, in considerable numbers. Then, on the other hand, matters of history, which would seem to be the standard works of such a library, next to books of reference, of course, were not numerous enough. How that was to be remedied it was difficult to suggest, and the Chairman of the Committee, he found, perceived the same difficulty as himself; but he thought that, during the session, the Committee itself should select a number of books from those thought desirable by members of both Houses, to be purchased at once. Then, a certain amount of money should be left in the hands of the Librarian from one session to another, to enable him to procure new and important publications which came out in that period. Parliament might, perhaps, set apart \$1,000 out of the \$7,000 appropriation for the Librarian to expend in this way, and the balance might well be disposed of by the Committee. They would then, probably, procure books more suitable to the wants of our Library, and of more general interest to the men engaged in legislating for the country, than those which crowded the shelves of the Library at present.

Hon. Mr. Penny.

Hon. Mr. DICKEY said that, though it was a very late period of the session, he thought the time of the House might well be occupied on this important subject, especially when they saw that the report of the Librarian, presented in the early days of the session, recommended that there should be an enlargement of the Library. It was a very serious subject, and he regretted that the Committee had commenced their labors in this direction by suggesting an increase of some \$550 a year in the salaries of officials of that department. He did not, however, intend to enter upon that point, because there were two important points in the report which hon. gentlemen might find at length in the proceedings of Friday the 16th April last. The first thing that struck him in reading that report—and it was strange that it was never found out by the Committee before, and he thought the present Committee deserved credit for the discovery—was that, for a series of years, there had been an over-expenditure in this branch of the public service. That had culminated now in an amount which his hon. friend (Mr. Allan) had stated approached very nearly the whole grant for the year. He found that it was put very tersely by the Librarian himself, in his report, when he said:—

"This evil has, at length, assumed such a magnitude that, at the present time, the accounts due to our book agents abroad amount to \$6,988.92, while the cash balance on hand is only \$52.55."

He (Mr. Dickey) was not at all surprised that the Librarian added:—

"That, notwithstanding the explanation he has offered, which may partly account for this great deficiency, he cannot hold himself free from blame in this matter, and trusts that he may be more successful in future in maintaining a proper equilibrium between income and expenditure."

When the House came to know the mode in which this expenditure was made, they would not be at all surprised that neither Mr. Todd nor the Committee seemed to have known before this session the state of things before them. It appeared that the Librarian was in the habit of forwarding to the different publishers of London, Paris and the United States, orders to send on books, allowing them to send what books they pleased, in addition to certain books specially

ordered. In the first place, this would account for the over-expenditure, and, in the second place, it would account, to a considerable extent, for the character of the books that were received—what, he called literary rubbish—which encumbered their shelves year by year. He had taken the trouble to examine one of the Library catalogues, and he was safe in saying that every tenth book could be struck out without disadvantage to the Library. It was found that, in the short space of ten years, the number of volumes had grown from 60,000 to nearly 100,000. It was no wonder that the Librarian had no remedy to suggest except an enlargement of the Library. He (Mr. Dickey) suggested that the remedy should be to diminish the number of books; to make use of the pruning knife in the catalogue, and he ventured to pledge his reputation that at least one book in every ten in the Library would be found utterly useless, and that the list could be reduced by 10,000 volumes. It might be said: what would be done with these rejected books? Presents of them might be made to circulating libraries through the country; they might amuse country people, and do some good in that way, or they could be sold. He was of opinion, with all submission to his hon. friend (Mr. Allan), that, although the Committee had done good service this session, they had not struck at the root of this evil, and they ought to have been prepared to make some suggestion as to how this evil should be best dealt with; whether it should be done in one of those two ways, or whether books should be given away to anyone who would take them. In any case, the Library ought to be relieved of this accumulation, which he felt himself justified in calling literary rubbish. The only suggestion the Committee had made on that point was this:—

“They would further suggest that, hereafter, a proper system for the selection or ordering of books, and of keeping and auditing the accounts, should be established, whereby the annual receipts and expenditure would, as far as possible, be equalized.”

He was not at all surprised that there was a suggestion that there should be something like an effectual audit of the accounts. The statement that had been presented to the House, for the first time for several years, shewed the deficiency

Hon. Mr. Dickey.

he had pointed out. He would like the Committee to state what system was to be substituted for this loose mode of selecting books. Surely some plan could be devised, similar to that suggested by the hon. Senator from Alma (Mr. Penny), that, instead of sending orders out to publishers, as a shoddy man might do for \$10,000 worth of furniture for his house, the Committee could take the publishers' lists and make the necessary selections, or a committee of selection might be appointed to act with the Librarian in Ottawa. It had been said, on a former occasion, that a sub-committee had been appointed for that purpose, but they lived in Toronto, and had not been in personal communication with the Librarian. Although they had done good service, still they had not had the same advantage a committee would have if living on the spot. The difficulty might be met in this way: authority might be given to the Speakers of the two Houses to supervise the lists; or two Ministers, residents of Ottawa, and who are the guardians of the public purse, might spend an hour or two, occasionally, in checking off the lists of books considered desirable for selection. We should not allow matters to proceed in the present irregular groove: the Librarian ordering such books as he chose, and, still worse, allowing the publishers to transmit such books as might not be of any use to Parliament, but the sale of which might be profitable to themselves.

Hon. Mr. ALEXANDER was quite sure that, if the hon. member from Amherst had been a member of the Library Committee, and had known the trouble which that Committee had taken to prevent the evils to which he had alluded, he would never have addressed those observations to the House. The Committee had had this question under discussion, session after session, for the last three or four years, as some of the works in the Library did not appear to some members of Parliament to be well selected, and that, perhaps, all the money had not been wisely expended. They had endeavored to deal with this subject to the best of their judgment, though the remarks which had fallen from the hon. gentleman really implied that the present Librarian, Mr. Todd, a gentleman of large experience, and who took almost a deeper interest in

the Library than in his own private affairs, was wholly indifferent as to the selection of the books. If the hon. gentleman would take the trouble of attending the meetings of the Library Committee, he would have been aware of the efforts that Mr. Todd had made, and that he was most anxious to have such a selection of books as would give satisfaction to all the members of Parliament and to the country. The hon. Senator labored entirely under a delusion when he supposed that general orders were sent to the publishers to select, according to their own judgment and view, the new works, in the same manner that one would send an order to a furniture dealer. The Librarian asserted that members of Parliament frequently suggested the names of new works, and, he asked, who had a better right to do so? French members requested that French works should be selected from modern literature. These members represented a large and important Province of the Dominion, and they had every right to ask that French literature should be represented in the Library as well as English. He quite agreed with the hon. gentleman from Alma (Mr. Penny) that there had been some books purchased of a less useful character, and he thought that his (Mr. Penny's) suggestion was a very wise one, and that it would be well if the Librarian of Parliament were, during recess, to make a complete list of all the books proposed to be bought, to be submitted to the Library Committee, who could make a selection from the same. It was not likely that the Speakers of the two Houses would take a deeper interest in this subject than the members composing the Committee.

Hon. Mr. ODELL said there was no doubt that general orders had been given to certain publishers to send on new publications to the Library. Such an order existed in regard to French and English law books, as well as others, and a great many publications were obtained in that way that were not required at all. Therefore, to that extent, the statement of the hon. member from Amherst was correct. It was true that this question of the selection of volumes was over and over again discussed in the Committee, but no conclusion had been arrived at.

Hon Mr. Alexander.

It was very important that a Committee should be appointed to supervise the list of importations and prevent the crowding of the shelves. He, in connection with a member of the Commons, had been appointed a sub-committee of the Joint Library Committee, to audit the accounts of that department, last session, and he desired to offer a few remarks in regard thereto, in order that hon. gentlemen might understand how the matter stood. There had been laid before this sub-committee a certain number of accounts and cheques, which, it was found, corresponded, and, apparently, the expenditure was within a fraction of the whole grant of the session, leaving a balance of \$55.50 in favor of the Library. The Committee was, therefore, led to suppose that their work was over. They did not go beyond what was submitted to them, and they took it for granted that the previous audit had been a correct one. Thus, apparently, the accounts seemed to be in a very satisfactory state; but, on further investigation, the Committee found that it did not, in reality, represent their true state, as they discovered that there were bills to a very large amount remaining unpaid. They also found, on looking back to the previous audit reports since Confederation, that, while the amounts of the several annual appropriations appeared to have been accounted for, no proper debit and credit accounts had been kept shewing the actual state of the account at each audit, including the amount of unpaid bills to that date. Extra amounts had been occasionally applied for by the Librarian, varying from \$1,000 to \$3,000; thus, on some occasions, there had been, in fact, \$10,000 instead of \$7,000 granted for the Library to tide over those unpaid bills. There had been no proper audit of the Library accounts from Confederation up to the present day. The House would see, by the report, that this over-indebtedness had thus gone on increasing from year to year, greatly reducing the amount available for the payment of current importations, which did not appear to have been reduced in proportion, until the amount had assumed such magnitude that, to pay off existing liabilities, would absorb the whole of the sum proposed to be appropriated for this current year. The overdue accounts, as submitted to the Com-

mittee, amounted to the sum of \$6,988.92 against the amount placed in the Estimates of \$7,000. When this was brought before the Joint Committee, the question arose, how the difficulty was to be got over for the present session, and it was finally agreed to recommend that an additional sum of \$3,500 should be asked for this session, and a like sum for next session, reducing the expenditure for the Library for these two years to \$7,000 altogether, and applying the whole grant of this year to wipe off arrears. By this means, the overdue amounts would be paid off, and the accounts of receipts and expenditure properly adjusted. It was further suggested, instead of allowing books to be imported in the loose manner that had heretofore obtained, that a committee should be appointed to superintend the selection, and he thought it was highly desirable that, before the close of the session, something should be done in that direction. It appeared to him that the duty should properly devolve upon some of the members of the Government who were at the seat of Government during the recess to decide what books should be imported in the future. This, of course, required joint action, as, individually, this House had no jurisdiction in the matter without consulting the other branch of the Legislature.

Hon. Mr. ALLAN said he heartily sympathized with all that had been said by the hon. gentlemen from Alma and Amherst as to the selection of books, as it was a matter in which he had himself moved on two or three occasions in the Committee; but it was only right that justice should be done to the Librarian. He thought the hon. gentleman from Amherst had stated the case rather too broadly in saying that a general order was sent to the publishers without any limitation whatever.

Hon. Mr. DICKEY said that the Librarian had no doubt ordered some special books, but he thought that the general practice was the other way.

Hon. Mr. ALLAN thought the practice was quite exactly the other way; that the Librarian sent only a general order for books of special interest just published; that such orders were rather

the exception, and that, as a rule, it would be found that the books were named in the order. He did not like to contradict his hon. friend until he had received a memorandum from Mr. Todd, because when this matter had been discussed in the Committee, he (Mr. Allen) had referred to new works found in Mr. Todd's room, and in reference to which that gentleman had explained that they had been ordered in this special way. With regard to the large percentage of literary rubbish which the hon. Senator from Amherst asserted was to be found on the Library shelves, he thought his hon. friend a little in excess, and he (Mr. Allan) thought it would be very unsafe, in forming such an estimate, to judge only from the catalogues, instead of examining the books themselves, as the catalogues would not always convey a correct idea of the nature of the publications.

Hon. Mr. DICKEY said life was too short for that.

Hon. Mr. ALLAN said that, for instance, many of the publications mentioned in the catalogues were pamphlets sent to the Library without charge; others cost a mere trifle, and were placed there because they happened to refer to current events, or matters connected with the political history, or trade, or business of the country, and it was thought right that they should be placed on record in the Library. He had no doubt there were many trashy works of fiction, many were ephemeral books of travel, of no great value or interest, and that there was, perhaps, a lack of some works upon natural sciences, and on other subjects, which would be very valuable as books of reference.

Hon. Mr. DICKEY thought there were too many books of religious controversy.

Hon. Mr. ALLAN admitted that there were, perhaps, many books of that kind that might be dispensed with; but it would be very unfair to the Librarian to assert that anything like 10,000 volumes of literary rubbish, as asserted by the hon. gentleman from Amherst, could be found in the Library. Hon. gentlemen should also bear in mind, in criticising the selection of books, that

there were books on some subjects which might be full of interest for one class of readers, but might possess very little interest for others. Many works on natural science, for instance, would possess no interest for persons who might be students of history—but who cared little for natural science—and so with other subjects, and yet it was very desirable that in a public library all these subjects should be embraced. Again, he did not think that the Librarian could rely very much upon suggestions from members generally, for what was everybody's business was nobody's business, and he was of opinion that the most feasible plan, if there was any committee to be appointed to assist the Librarian, would be to appoint gentlemen connected with the Government, residing here,—some members of the Government, and the two Speakers, for instance. Hon. gentlemen, however, should remember that they must ensure that whoever was appointed on such a committee must be possessed of the necessary knowledge and literary taste and interest in such subjects, really to be of any use or assistance to the Librarian. With regard to the financial position of the Library, he might state that, on looking back to previous audits since Confederation, former sub-committees were in the habit of simply examining the accounts and vouchers for the year, without inquiring beyond them. He did not think there need be the least alarm that that system would be continued in the future, and the Committee were under great obligations to the gentlemen of the sub-committee of this year, for the full statement contained in Appendix D, and which was the means of calling the attention of the General Committee to the subject. There had been a strong expression of opinion in the committee that this practice would not be tolerated any further.

Hon. Mr. ALEXANDER said that he had received a written statement from Mr. Todd himself to the effect that the works which were bought were chiefly selected by him at the suggestion of members of Parliament; that he sends a list home to the booksellers, with instructions to supply the books named and, if, in addition to them, there should be a

Hon. Mr. Allan.

few works of great public interest that the Dominion should have, to send them also.

Hon. Mr. MILLER said that the statement made by the Librarian might be quite correct, but the question arose: did the booksellers at home abuse the latitude allowed them? If they did, the whole charge was borne out.

Hon. Mr. BOTSFORD said that the difficulty arose from the variety of tastes of the 206 members of the House of Commons, and the 77 members of the Senate. It was most difficult not to order the books suggested by members of Parliament who had a voice in appropriating the money to purchase them. Objection had been made to works of fiction and other light literature, but they were often serviceable in relieving the tedium of reading blue books. Under the circumstances, he did not think there was much ground for complaint, and he believed that our Library would compare favorably with other public libraries of equal extent in other parts of the world. The only way to improve matters was to appoint a Committee to assist the Librarian. The difficulty in that case would be, that the Committee would have to consist, exclusively of members residing at or near the capital.

Hon. Mr. TRUDEL said that complaint had been made that too large a proportion of law books had been ordered, but it should be remembered that the principal business of Parliament was framing legislation, and the law library, therefore, could never be too complete. As a matter of fact, many leading works which could be found in the private libraries of lawyers in Montreal were not included in the catalogue of the Parliamentary Library. In his opinion, it was the first department which should be completed. The same remarks applied to works on political economy. For instance the work by Mr. Le Ploy, the most important on the subject of political economy, from a social point of view, published in this age, as explaining the institutions of England and most of the States of Europe, was not to be found in our Library. Now, as to what was called "rubbish literature," he did not concur in the opinion of the hon. Sena-

tor from Amherst, that it should be scattered over the country, nor did he say that it should all remain in the Library. There were many such books which should be got rid of. Those books were either good or bad. If good, he did not see any reason why they should not form part of the Library, as they should endeavor to make their great national Library as complete as possible; and, if they were bad, the hon. gentleman from Amherst would admit that they should not be scattered over the country. It was a misfortune that very large sums had been spent to buy those pernicious works, which should not have access into a Christian community. Such works, instead of being scattered amongst the people, should be burned. As to the novels, not bad in themselves, they were only for amusement, and, as their means did not permit them to buy all, they should give preference to the most necessary or useful. While on this question, he would take the liberty to allude to a painful subject, but, at the same time, one that he could not altogether ignore. He alluded to the fact that a book, written by a public officer, and aided out of the public treasury to the extent of about \$2,500, if he was well informed, contained insulting references to the church to which he (Mr. Trudel) belonged.

Hon. Mr. DICKEY—What is the name of the book?

Hon. Mr. TRUDEL said that it was the last work issued by Mr. Todd, the Librarian. He thought it his duty to call attention to the matter to prevent a repetition of the insult. He did not blame the Government for having purchased copies of that work for distribution among the representatives of the people, because books on such subjects as constitutional matters could not be too much encouraged, and they could not have gone over it to examine its contents critically. He was sure that if they had done so it would not have met with their approval. It was a gratuitous insult to those who professed the Catholic faith, and a striking illustration of stupidity. It disclosed such an ignorance upon that subject that, he would venture to say, no man of learning or intelligence, either in England or here, would endorse the passages alluded to.

Hon. Mr. Trudel.

The same work contained inexcusably incorrect statements on contemporaneous history. For instance, the writer stated that, since Confederation, there had been but two Ministers of the Crown in the Senate. Every hon. gentleman knew that, for the greater part of the time, there had been not less than four. It was a pity that the work should be written in such a loose way, and lamentable that it should contain such insults to those who professed the Catholic faith, which was more than one-third of the whole Canadian population.

Hon. Mr. SCOTT confessed that he was startled at this statement. He would scarcely have believed it possible that Mr. Todd could infringe on the religious prejudices of any part of this community. The book was one on constitutional government, and, when it had been first suggested to the Committee that Mr. Todd should write a book, his programme was laid before them, and they recommended that each member of Parliament should be furnished with a copy of it. It seemed right to encourage such a work. He (Mr. Scott) would, of course, look with some interest and curiosity at the particular paragraph in question. With regard to the purchase of law books, the Committee felt that a number had, no doubt, been added to the Library of the Supreme Court which might have been left unpurchased. An excess of American books particularly was marked. It was decided, however, that, in future, with reference to such works, the Library should exchange with other libraries, from time to time. It was admitted that the Library at Toronto was an extremely perfect one. It was managed by gentlemen of high culture, and it was rarely an unnecessary book was purchased for it. He thought, therefore, that the evil to which reference had been made would be mitigated in the future. With regard to the "trashy" books to which reference had been made, it would be found difficult to apply the pruning knife. Take any half-dozen members of either House, and ask them what books they would omit from the lists, and it would be found that they would agree on very few. While he regarded the Library as being far from perfect, he was not prepared to share in the wholesale denunciation of the

books that he had heard. He doubted if an equal number of books would be found in any other library so well selected. It must be remembered that a great number of the books to which reference had been made cost the country nothing. Very large donations were made from year to year. They exchanged with the Colonies, with the United States, and other nations of the civilized world, which sent their books and contributions, just as this Parliament sent them Canadian blue books and the works of native authors. The very books pointed to as exceptional and not worthy of a place in the Library were really works which cost the country nothing, and, therefore, these restrictions must be taken *cum grano salis*. Instead of expending \$7,000 next year, and the following year, there would only be \$3,500, and, no doubt, hon gentlemen would be complaining of the scarcity of works in the Library, and that it did not keep pace with the literature of the age. He thought, however, himself, that it was a perfectly wise suggestion to pay the debt on the Library by taking a portion of the appropriations for the next two years. One fact he should like to refer to was the purchase of the collection of coins and medals, which seemed to have been overlooked in the discussion on this subject. The Committee recommend that the Government be induced to purchase this collection, and he assumed, from the absence of any contrary expression of opinion, that it was the desire of the House that the Government should do so. He (Mr. Scott) thought it was a very valuable collection, and the recommendation came appropriately this year, as, for two years to come, the Library appropriation would be cut down one-half. Some hon. gentlemen had found fault with the recommendation to increase the salaries of the clerks in the Library, but he was sure that they would withdraw their hostile criticisms when they understood the facts. The junior clerks who had been appointed in 1876 had been given a salary much below their capacity. At that time, it was supposed that the Civil Service Act did not apply to the Library officials. When the vacancy occurred in the position of head clerk, the Government appointed a gentleman who had previously held no position in the Library.

Hon. Mr. Scott.

He (Mr. Scott) did not challenge the right of the Government to make that appointment; but the rule that had heretofore prevailed in all the departments was that, where a clerk shewed proficiency, he was promoted. By universal consensus of opinion, it had been considered that the Civil Service Act did not apply to the Library officials, though Mr. Todd ranked as a deputy head. Clerks in the Civil Service, if they conducted themselves to the satisfaction of their superiors, were entitled to an annual increase of their salaries of \$50 each, but the clerks in the Library had received no such increase. Those gentlemen, of considerable attainments, who had been appointed in 1876, would have been entitled to \$1,000 a year, but they had not received it because it was supposed that the Civil Service Act did not apply to them. When the subject was brought before the Committee, it was decided to have a system of promotion, and that the Library officials should be graded as first and second class clerks:

Hon. Mr. AIKINS—Have they been paying into the superannuation fund?

Hon. Mr. SCOTT said no. That was an anomaly to which he would advert, as his attention had been called to it. The salaries recommended were such as they would have been entitled to had they been in any other branch of the Civil Service. It was somewhat paradoxical to answer the question of the hon. the Secretary of State that an amount had been contributed to the superannuation fund for those clerks.

Hon. Mr. MILLER—How?

Hon. Mr. SCOTT said that it had been paid out of the contingencies of this and the other House—a very extraordinary condition of things. Nobody seemed to have known it, and nobody knew how long it had been going on, but that had been the state of affairs for a considerable number of years. Some \$300 appeared in the contingencies of the House every year as a rebate, and that amount went into the superannuation fund as the Senate's proportion for the clerks of this House and of the Library. He thought the attention of the Government ought to be called to this matter, and that the clerks of the Senate, House

of Commons and Library should be paid on the same footing as the Civil Service, and, while they received the advantage of the Civil Service Act, there should, of course, be deductions made in the same way for the superannuation fund.

Hon. Sir ALEX. CAMPBELL said the attention of the Government had been drawn to that, and that was the plan that would be followed.

Hon. Mr. SCOTT said he was glad to hear it. Before he sat down, he wished to say that his hon. friend (Mr. Trudel) had called his attention to the paragraph in Mr. Todd's work of which he has complained. It was certainly most objectionable, and he protested against a work in which the "Romish Church and Romish Priests" were referred to. It was an extremely improper paragraph, and if there was to be a second edition, he hoped the objectionable paragraph would be omitted. Had he seen it, he would have refused his sanction to the appropriation of \$2,500.

Hon. Mr. TRUDEL said that, with his imperfect knowledge of English, he would have hesitated in construing the passages referred to as he had done if his attention had not been called to them by a remark in an English review of this very book, in which the writer stated it was very strange, that, in such a country as Canada, such a statement should be made by a public officer. It was with the utmost reluctance that he (Mr. Trudel) alluded to such things, because he felt that, in a mixed community like ours, the less that was said on such subjects the better. On the other hand, it might be construed into cowardice on the part of the Catholics, if they did not call attention to the matter.

Hon. Mr. MILLER said that his objection to going further on the subject at the present time was in order that the hon. Senator (Mr. Trudel) might advise with some of his friends in the House, and adopt some course, if they considered it necessary to take further action in the matter.

TWELFTH REPORT OF THE JOINT COMMITTEE ON PRINTING.

REFERRED BACK TO COMMITTEE.

The Order of the Day having been called for consideration of the twelfth

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report of the Joint Committee on Printing,

Hon. Mr. SIMPSON moved that the first resolution, in relation to taking two of the Senate vaults for storage purposes, be struck out.

Hon. Mr. MILLER said that a report of the Joint Committee could not be amended in this House. The only course that could be adopted was to refer it back to Committee.

After some debate, the report was referred back to Committee.

INLAND REVENUE BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (7) "An Act to consolidate and amend the Acts respecting Inland Revenue."

Hon. Mr. AIKINS said this was a condensation of several excise bills dealing with that important question. It was largely a consolidation of the Excise laws, and contained some slight changes, with regard to the rate of duty, made in order to make calculations easier by avoiding fractions. There was also an increase in the charge for small bonded warehouses from \$50 to \$75. There was also a change in relation to the growing of tobacco. Under the provisions of this Bill, parties who undertook to grow tobacco would have to take out a license to do so. The object was to enable the Department to follow that tobacco after it was sold, and see what became of it. The impression was that a very large proportion of Canadian-grown tobacco went into general use by being worked up in the manufactories with imported leaf, and was sold without paying excise duty.

Hon. Mr. SCOTT asked whether the demand for licenses to grow tobacco was increasing, and if it was necessary for all parties who grow tobacco to take out licenses?

Hon. Mr. MILLER said that it was not if the party grew it for the use of his own family.

Hon. Mr. AIKINS explained that, under the provisions of this Bill, the grower was allowed thirty pounds for his own use and thirty pounds for each male

adult in his family, without being subject to excise duty. The fact was that, up to now, there had been no limit, but, under this Bill, the grower would be obliged to account to the Government for all that he produced above the thirty pounds allowed him, so that the excise officers could follow it to the manufactory. With respect to the increase in the charged for private bonded warehouses from \$50 to \$75, it had been found that there was a great deal of expense in attending to them. There was one in Morrisburg and one in Gananoque; the Department had no officers there, and the excise had to be collected by the customs officers, who received for their services 5 per cent., so that, instead of these private bonded warehouses being a source of revenue to the Department, they were really a charge upon it. Another provision of this Bill was the reduction of penalties. In many cases the penalties were so large that they could not be enforced without ruining the parties convicted, and the public sympathy was on their side. It was, therefore, thought desirable to amend the law in that respect by reducing the penalties to something reasonable.

Hon. Mr. SCOTT recognized the propriety of consolidating the Inland Revenue laws as this Bill proposed to do, and he did not intend to make many comments in relation to it. He was sorry to hear that the permission to grow tobacco was being so largely extended. A family of ten would be allowed to grow at least three hundred pounds of the article without being subject to excise duty, and it was very easy to double that amount; his hon. friend would find that, as the latitude was increased, so would the tendency to grow a larger quantity. There was another privilege in the Bill to which he took exception: he noticed that families were allowed to brew their own beer without being subject to excise duty or being compelled to take out license.

Hon. Mr. AIKINS—Yes; just the same as a man is allowed to grow his own tobacco.

Hon. Sir ALEX. CAMPBELL said that there was an adage against robbing a poor man of his beer.

Hon. Mr. Aikins.

Hon. Mr. SCOTT had heard so, and supposed that this Bill was a recognition of that principle. If a man could brew his beer, why should he not be allowed to have a little still and make his own whiskey? It seemed rather a fine distinction—particularly to those who took as much, or nearly as much exception to one as to the other. There was another clause to which he took exception, and that was the one granting license to compounders. He knew of nothing so horrible. One could scarcely conceive how or where they got the idea. For fifty dollars any man was allowed to make wine without grapes, and concoct other liquors, including champagne. These were made, no doubt, with a little alcohol and chemicals—strychnine, prussic acid and other poisons.

Hon. Sir ALEX. CAMPBELL—No doubt.

Hon. Mr. AIKINS did not think it would affect the hon. gentleman or himself at all.

Hon. Mr. SCOTT could not imagine how this had crept into our system, or why it was allowed to continue.

Hon. Mr. MILLER—It is legalized poisoning.

Hon. Mr. SCOTT—No doubt it was legalized poisoning, and it was discreditable that they should allow a law to remain on the Statute book under which a man could take out license to poison his fellow-men. He did not believe that fermented drinks could be, under any circumstances, beneficial to the human system, but that was, of course, a debatable point. He did not desire, in an arbitrary or *ex cathedra* manner, to force his views on that point upon the House, although he was free to say that, in his judgment, the most eminent physicians of the day had vetoed the assumption that anything good could come out of it. But men would all agree that this principle of allowing ordinary liquors to be poisoned and then sold for the use of mankind was discreditable to our civilization. He knew that the National Policy was not responsible for it in any sense, and he was quite prepared to admit that it was not due to this Government any more than to the late Administration, as it had been for many years a part of our

inland revenue system. A few years ago, the Adulteration of Food Act was passed. Under that law, if a butcher undertook to sell meat that was past the stage when it was fit for human food, he was liable to a fine, and the meat was confiscated and destroyed. If a grocer attempted to sell any article of food that was adulterated, it was liable to confiscation; and, under that law—a very proper law—officers, delegated by the Government, were authorized to inquire and to examine into the quality of the articles sold to the public, and, if they were found to be adulterated and not what they professed to be, those officers had the right to confiscate them and hold up the parties who sold them to public obloquy; yet, by a singular paradox, they allowed a man to make and sell poisonous liquors, because the Government derived a revenue out of it. It seemed to him to be so shocking, and so contrary to every sense of what was right and proper, that he could not fail to call the attention of the House to it. He thought that the commission of crime caused by drinking spirits was more largely due to drinking adulterated liquors than pure spirits. In the past history of the world, they were accustomed to associate with the drinking of wine a certain amount of good feeling and kindly sentiment, but now it stimulated only the worst passions of the human brain. It brought out the savage part of human nature, and led to the perpetration of the most fiendish outrages. It was only during the last sessions of the peace for this county that he had had occasion to prosecute two murder trials, one for the murder of a wife by the husband, and the other the murder of a husband by the wife, both of which crimes had been entirely due to the parties having been drinking the vile stuff that was allowed to be sold as whiskey—not spirits distilled from grain—in the low groggeries of the country. It simply fired the brain and developed a fiendish disposition in those who indulged in it. The reflection was by no means pleasant to hon. gentlemen to have their individual responsibility attached to such a subject. The Government had the right to add to Schedule B in the Bill which authorized the compounding of those liquors, or to strike

Hon. Mr. Scott.

out any particular liquor on the list. He hoped that the Minister of Inland Revenue would feel it to come within the discharge of his duty to limit, as far as possible, the amount of those compounds that should be permitted to be manufactured. He was glad to see that the penalties under this Act had been reduced, as there was no doubt the law defeated itself, and juries would not convict when the latitude of the judge was so restricted as in these particular cases.

Hon. Mr. TRUDEL thought that the criticism on the section relating to tobacco was not well founded. He considered it a great improvement on the law as it existed. This country was admirably suited for the cultivation of tobacco. He was informed that tobacco grown in Canada was much superior to that of Kentucky, and we should, therefore, encourage the production of it in this country. As to the quantity of tobacco which was allowed—thirty pounds for each member of the family—he (Mr. Trudel) was informed that hard smokers consumed three pounds of tobacco per month, and the quantity allowed was not too much. It would have the effect of encouraging tobacco culture in this country, and eventually be an important source of revenue.

Hon. Mr. PENNY called attention to the unnecessary verbiage in the Bill, and suggested that the tendency in that direction in our legislation should be checked.

The first six clauses were adopted, and the Committee rose and reported progress.

BILL INTRODUCED.

Bill (71) "To incorporate the Pontiac Pacific Junction Railway Co."—(Mr. Scott.)

The House adjourned at 1.05 p.m.

SECOND SITTING.

The Speaker took the chair at three o'clock.

Routine proceedings.

PICTOU HARBOR AMENDMENT BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (106) "An

Act respecting the Harbor of Pictou, in Nova Scotia." He said that the object of the Bill was to take the appointment of Harbor Master out of the hands of the Government and vest it in the Commissioners.

The Bill was read the second time.

TELEGRAPHIC COMMUNICATION SUBSIDY BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (117) "To repeal the Act 42nd Vict., chap. 5, for granting an annual subsidy towards certain telegraphic communication." He said that an Act had been passed some time ago to authorize an annual subsidy for the construction of a line of telegraph between Anticosti and the Magdalen Islands. Since then the Government thought it was desirable to purchase the wires and lay them down themselves, and, having to furnish the capital to buy them, there was no longer any occasion for the Act granting a subsidy.

Hon. Mr. POWER—Is there any provision made in the Estimates this session for it?

Hon. Sir ALEX. CAMPBELL—Yes. The Bill was read the second time.

QUEBEC TIDAL DOCK BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (109) "To authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their tidal dock."

The Bill was read the second time.

WIDOW YOUNG'S ANNUITY BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (110) "To enable the Harbor Commissioners of Montreal to pay a life annuity to the widow of the Hon. John Young." He said that the late Hon. John Young, whose name was connected with this Bill, had been Chairman of the Board of Harbor Commissioners of Montreal from the time that the work had been taken out of the hands of the Government, after the abandonment of what was

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known as the straight channel until his death. Mr. Young had for many years assiduously devoted a great part of his time to the work in which he had taken so deep an interest, and the result of his exertions had been that whereas when he had entered upon the improvement of the channel, vessels of only two hundred and fifty and three hundred tons could come up to Montreal, when he resigned his trust, vessels of from three thousand to four thousand tons could come up through the channel. During the whole of that period he had been without remuneration for his services. When he had commenced the work, out of feelings of patriotism and an anxiety for the success of the scheme which had induced him to take it up, he was a man of considerable wealth and indifferent to the salary, his recompense being the success of the noble enterprise which he had in charge. Afterwards, owing to the embarrassments of trade, he ceased to be a wealthy man, and exchanged some letters with the Harbor Commissioners on the subject of some recompense for his services. He had at the moment ceased to be Chairman of the Commission, and another had been appointed. His successors then and since had received a salary, but Mr. Young died before any successful consideration had been given to his memorial, and it now rested with Parliament to testify, if possible, the appreciation which, he was sure, the public felt for the deceased gentleman, by granting this annuity to his widow. The late Harbor Commissioners had undertaken to do so by setting apart \$10,000 in harbor debentures, the interest of which was to have been devoted to this purpose, to which the late Government had given their assent. However, it had not been done when the new Board was appointed, and the new Board had, by resolution, expressed their earnest desire to testify to Mrs. Young, in some substantial way, their appreciation of her late husband's services, and the Act of Parliament was necessary to enable them to do so in the way he had indicated.

Hon. Mr. ALEXANDER considered this to be a very graceful tribute to the memory of a gentleman who had been a useful member of society. He was sure that no money would be more cheerfully

granted by Parliament than this annuity to the widow of the man who had done so much to promote the trade and commerce of the Dominion.

Hon. Mr. PENNY felt grateful to the Ministry who had brought in this measure, as the deceased gentleman had not been a political friend of their own, and they might well have said that the late Government should have attended to it. It was, however, but a just tribute to Mr. Young's memory, and, on behalf of the widow and friends of the deceased gentleman, he wished to return thanks to the Ministry for this recognition of his services.

Hon. Mr. TRUDEL said that, during the whole of the debate to which the Hon. Minister of Militia had alluded, he had taken great care not to mention the name of the late Hon. John Young in connection with the works which he had felt it his duty to criticise. It was his earnest desire to see the faithful services of public men rewarded in a suitable manner; he thought, as a rule, they were too much neglected. As to the merit of the services rendered by the late gentleman referred to, he would not be consistent with the opinions he had already expressed if he said that he thought those services had been of a very useful character, but he would say this: he had no doubt the hon. gentleman had worked with an earnest desire, and with every good intention to serve the public interest. As there had been a unanimous desire expressed by the other House to pass this Bill, and the same feeling existed in the Senate, he would not undertake to oppose the measure.

Hon. Mr. RYAN wished to call the attention of the House to the fact that this was no act of generosity on the part of the other branch of the Legislature, because the money would come out of the revenue of the Harbor of Montreal.

The Bill was read the second time.

PROMISSORY NOTES DUTIES EXTENSION BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (108) "An Act for extending the Consolidated Act

Hon. Mr. Alexander.

of 1879, respecting the duties imposed on promissory notes and bills of exchange to the whole Dominion." He said that some doubts had arisen as to whether the Act referred to in this Bill extended to the Provinces of British Columbia, Prince Edward Island, Manitoba, the North-West Territories and Keewatin, and, without interfering with any disputes which had risen on it, the Bill proposed to extend the Act to these portions of the Dominion. So far as the Government could pronounce upon the question, the Bill did not extend beyond the stamping of cheques. The question was asked whether a draft at sight was a cheque or not. It was held not to be a cheque.

Hon. Mr. POWER doubted the propriety of extending the Stamp Act to the North-West Territories. There could be no objection to its extension to settled Provinces like Manitoba and British Columbia; but, if it were necessary to make a note valid by putting a stamp on it in the North-West Territories, it would give no revenue to the country worth speaking of, while it would occasion great inconvenience in remote and unsettled portions of the country.

Hon. Sir ALEX. CAMPBELL said it was a dangerous thing to make exceptions. There were not many notes given there at the present time, but this spring already 7,000 people had gone into the North-West. The country would be quickly settled, and it was advisable to take the North-West Territories into the general legislation of the country.

The Bill was read the second time at length.

THE INSPECTION ACT OF 1874 AMENDMENT BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (84) "An Act to amend 'The Inspection Act, 1874,' and the Act amending it." He said that under the Inspection Act, only pickled fish could be inspected. Smoked herrings were packed in boxes, and it was thought advisable that they should be subject to inspection in the same way as fish packed in barrels were. There were also amendments defining the sizes of barrels for certain kinds of fish.

Hon. Mr. MACFARLANE thought that the fee of 2c. per box for inspecting boxes of herrings was too high. Digby herrings were put up in small boxes, which were sold at from 20c. to 30c. each.

Hon. Mr. AIKINS said that the House of Commons had fixed that as the fee, and this House had no power to change it.

Hon. Mr. MILLER thought that the small boxes alluded to must be known to the trade as quarter boxes.

Hon. Mr. McLELAN said that this inspection fee would destroy the trade altogether.

Hon. Mr. DEVER did not think that the Government would get any more revenue out of it, because parties would only make their boxes larger.

Hon. Mr. POWER did not think that there was any constitutional objection to altering this Bill. He thought that 1c. per box was a large enough fee.

Hon. Mr. AIKINS said that the Bill could be defeated, but not amended in the Senate. No exception had been taken to this fee in the other House.

Hon. Mr. KAULBACH suggested that the clause should be struck out altogether.

Hon. Mr. MILLER said that such an amendment would raise a question of privilege between the two Houses. In the House of Lords such a course would not be thought of as amending a Bill imposing taxation. The only question was, whether, under our constitution, which gave the Senate the same immunities, powers and privileges as the House of Commons, except in the initiation of money grants, they had not power to amend the Bill. He did not think it was wise to raise the question on such a measure as this; the occasion for such a controversy should be one in which the Dominion was deeply interested, and in which the country would sustain the position that they should take.

The Bill was read the second time and referred to a committee of the whole House.

Hon. Mr. Aikins.

Hon. Mr. POWER moved to strike out the 3rd clause.

Hon. Mr. WARK did not think that it would be wise to adopt the amendment. If this kind of fish was to be exported it should be inspected. There seemed to be a difference of opinion as to the size of those boxes; perhaps a clause might be introduced designating the size of boxes meant.

Hon. Mr. AIKINS said he would make inquiries on the subject before the third reading of the Bill.

The amendment was withdrawn.

Hon. Mr. RYAN, from the Committee, reported the Bill with an amendment, which was concurred in.

CUSTOMS DUTIES AMENDMENT BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (102) "An Act to amend the Act 42 Vict., chap. 15, intituled 'An Act to alter the duties of Customs and Excise.'" He said: This is an amendment to the tariff, and we cannot change it in any respect. It has been discussed *ad nauseum* in the other House, and I suppose hon. gentlemen here have little to say upon the subject.

Hon. Mr. POWER—I do not think that we ought to let this Bill pass altogether in silence. It will be remembered that, some two years ago, during the session preceding the elections in 1878, a great deal of the time of the House was taken up with discussing resolutions and motions of a financial character. I notice that the gentlemen who were most anxious in those days to promote those discussions manifest now the greatest hostility to debates of that kind, and deem them altogether foreign from the province of the Senate. Taking this measure altogether, it probably does not make the tariff any worse than it is. That would not be easy to do. As far as regards Nova Scotia and New Brunswick, the existing tariff is most injurious to our interests and most unpopular with the people of those provinces. I have no hesitation in making the statement, and it will not be contradicted by many in the Province from which I come. There are one or two items to which I wish to

call attention. There is the item of coal: the increase of 10c. a ton on bituminous coal is hardly worthy of finding a place in a Bill like this.

Hon. Mr. AIKINS—Do you object to it?

Hon. Mr. POWER—In the first place, it discriminates, as far as it goes, against English coal. This country imports bituminous coal from England, and hard coal from the United States. This section increases the duty on bituminous coal 10c., discriminating against the English article, and in favor of the United States coal. I look upon the addition of 10c. to that duty as a mere mockery to the coal miners of Nova Scotia, who were promised a considerable increase in the duty on coal, and numbers of them had declared heretofore, and it is the universal opinion amongst coal owners, that nothing less than 25c. a ton increase would be any substantial benefit for them. It will only increase the burdens of the consumer, and do the miners of Nova Scotia no good at all. When the Government undertook to change the tariff at all, they might have made the duty at least 75c. a ton. I see, on the fifth page, the duty on cigars and cigarettes has been increased 10c. a pound. It seems to me that the duty was quite high enough before. Then on the sixth page, in the section with reference to free goods, I find that, while the Minister of Finance has removed from the free list a number of articles which were of general use, he has put on the list a number of articles which are used by the manufacturers only. For one, I think that is an objectionable feature. There is a great deal to be said on this subject, but saying it just now would be of no particular service.

Hon. Mr. DEVER—I cannot agree with the hon. gentleman who has last spoken, as I think the small favor to Nova Scotia should be taken with a good deal of gratitude. I look upon it as in the direction of the 75c. duty that the Nova Scotians were always desirous of having imposed upon foreign coal. I have no doubt that, next year, there will be another increase of the duty by 10c., and so on, until it is raised to the proper standard. If there are any people to

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complain of this increase in the duty, it is the people of New Brunswick. It is so many shillings a year taken out of my pocket, and out of the pockets of every other consumer in the City of St. John, because it is hard coal we use there almost altogether. It is placed in our market at such a rate, and is so suitable for our stoves and furnaces, that we use no other.

Hon. Mr. KAULBACH—I am very glad that my hon. friend from Halifax, in attempting to criticise the tariff amendments of the Government, has discovered so little to find fault with. I am sure, as far as coal is concerned, I am very glad he is with us, in contradistinction to the free trade policy, of which he is an advocate.

Hon. Mr. POWER—If there is to be protection, we ought to get our share of it.

Hon. Mr. KAULBACH—I think the increase in the duty on coal has already had a very beneficial effect, and this 10c. additional must be in the interest of Nova Scotia and the coal owners of that Province, as well as of interprovincial trade. This increase in the duty will be sufficient to extend the trade with the Upper Provinces. I am very glad to hear that, with the exception of that item in the Bill, there is nothing else but the duty on cigars and cigarettes that the hon. gentleman can find fault with. The latter is certainly a tax that will not bear heavily on the poor and industrial classes of this country, and I congratulate the Government on there being so little for the Opposition to criticise in their Bill.

Hon. Mr. McLELAN, (London-derry) I hardly expected a Senator from Nova Scotia, who has as large an experience as my hon. friend on my left, to have made the assertion that this tariff is exceedingly unsatisfactory to Nova Scotia, without offering some facts and arguments to sustain that position. As he has not thought fit to do so, it is not necessary to raise any further discussion on the subject. I did not expect, however, to hear him find fault with a change in the tariff that favors Nova Scotia in two of her largest industries, that is coal and iron. We are now largely engaged

in the manufacture of iron, and the production this year will be from 100,000 to 200,000 tons. I have no doubt that in the raising of coal the additional duty that is given will greatly increase the output and lessen importations. The hon. gentleman from Halifax thinks it ought to be more, but I hope the object of that policy—to exclude largely the importation of foreign coal—will be met by this duty, and not press unduly on anyone. The hon. Senator is politically connected with a former representative from Halifax, who has laid down the doctrine that nothing less than \$2 per ton would be of any benefit to the coal raisers of Nova Scotia; but I think that a duty of 60c. a ton will greatly benefit that industry without increasing the cost to the consumer.

Hon. Mr. REESOR—There is no doubt a good deal of unanimity as far as the representatives of Nova Scotia are concerned, in regard to the imposition of a duty upon coal; but it is not quite so satisfactory in the western portion of the Dominion. I am certain it is not so satisfactory in Ontario. It is a duty that bears unequally upon that class of the community who have occasion to use coal almost exclusively, as they have to pay an increased price, arising out of this duty, while others who do not use coal are exempt from that taxation. It should be the object of every Government to levy taxes upon such articles as are in general use, so that everyone would bear his due share of the burden. The present duty does not secure a market to any considerable extent in Ontario for Nova Scotia coal, but it does enable the coal producers to secure a larger price in their own Province and in New Brunswick and as far west as they can afford to send it. It would be much fairer to the people of the whole Dominion, and equally advantageous to the coal producers of Nova Scotia, if a bonus were given to them directly by the Government. If it is necessary that the people should pay a tax at all, in order to enable the producers of coal to make large profits, it is better to give it in the way of a bonus, as the tax would thus be distributed equally throughout the Dominion. It is utterly impossible to increase the sale of Nova Scotia coal in Ontario unless the duty is very much

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higher than what it is at present. There is another matter which has not been provided for in this Bill. I allude to petroleum oil. Crude petroleum introduced into this country from the United States has to pay a duty of about 300 per cent., while the refined article has only to pay 80 per cent. duty. The duty imposed discriminates against the refiners.

Hon. Mr. AIKINS—Does the hon. gentleman say that on crude petroleum they have to pay 6c. a gallon?

Hon. Mr. REESOR—Yes; it pays seven and one-fifth cents on the imperial gallon, and 6c. on the wine gallon, while refined petroleum pays only the same duty. It is extraordinary that the Government has not thought fit to revise the tariff in this respect. If refined petroleum is not taxed high enough, tax it higher, but if it is high enough, then the duty on crude petroleum should be reduced. There is another production of petroleum—lubricating oil—an article altogether different from that used for lighting purposes. The lubricating oils of Pennsylvania sell at from 6c. to 10c. a gallon in the crude state, refined lubricating oils sell from 20c. to 30c. The refined and crude lubricating oils are charged precisely the same rate of duty when imported into this country. There ought to be some discrimination in levying these duties, as there are men engaged in this business here who complain bitterly of the condition of the tariff in that respect, while leather, woollens, cotton and other manufactures are highly favored, and the raw material is allowed to come in free. Refiners of lubricating oils, or burning oils, have to pay precisely the same rate on their raw material as is paid on the refined, as is levied upon the refined article, I sincerely hope that if no amendment is made to this Bill at the present session, there will be a measure introduced next Session to remedy this matter.

Hon. Mr. DICKEY—I am under the impression that the hon. gentleman is entirely mistaken in supposing that the effect of the tariff on coal, last year, was to increase the price of coal in Ontario. My information

is of an entirely different character, because the effect of this tax in increasing the output of coal in Nova Scotia, was to enable parties to send it considerable distances into Ontario, to places where it was before excluded. The result has been to create competition, and in that way keep down the price. My hon. friend from Kings, who is so anxious about the interests of Nova Scotia, and has expressed his surprise at the imposition of this tax, should recollect that it is a tax imposed in the interest of the Dominion, and he should know also that there were other duties placed upon certain articles which were supposed to be peculiarly in the interest of Ontario, and yet these are taxes to which Nova Scotia is obliged to submit, in the interest of the whole Dominion. Take the articles of flour and grains; the hon. gentleman will find that Nova Scotia has to pay duty on them when imported from the United States. Happily they are not required to do so to a large extent, but when they do import them, they are obliged to pay large taxes for the benefit of Ontario farmers. The hon. gentleman says, with regard to this coal tax, that every Senator from Nova Scotia is in favor of it, as a matter of course. My hon. friend could hardly have been in the House to-day when the hon. Senator from Halifax declared his opposition to this tax because it was a discrimination against England. The hon. gentleman must know that every imposition on coal is, to a certain extent, a discrimination against England.

Hon. Mr. POWER—It only applies to bituminous coal.

Hon. Mr. DICKEY—Bituminous coal can be imported from the United States, and is, in point of fact, imported to a large extent into Ontario from that country. With regard to the duty on anthracite, there is none of that quality of coal produced in Nova Scotia, or in any part of the Dominion, and, therefore, it is not necessary to add a duty on hard coal, and to that extent the hon. gentleman will surely accept this tariff as a concession towards the interests of Ontario, because Ontario imports large quantities of

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anthracite. I should like to know from my hon. friend from Halifax whether he is in favor of any duty on coal at all for the benefit of Nova Scotia? I assume, from his argument, if carried out to its logical conclusion, that he is not in favor of any duty on Nova Scotia coal, and, if he speaks in this House, not only on behalf of the Opposition generally, as he has assumed to do to-day, but on behalf of the Opposition in Nova Scotia, I should like to know if he is opposed to any duty on coal? I think the duty is too small, and the Government might well have taken their stand on the principle that we ought to put just as much duty upon bituminous coal imported from the United States into Canada as Americans impose upon the same quality of coal imported from Nova Scotia into the Eastern States. That would have been logical and reasonable, and it appears to me that it is a principle that would have been recognized, even in Ontario, because the effect would have been to carry out what I said at the commencement, to enable the Nova Scotia producers to send their coal even further into Ontario than at present. Indeed, the Minister of Finance has assumed that this slight increase of ten cents per ton would be sufficient to send Nova Scotia coal as far west as Hamilton, and that it will come there into competition on favorable terms with United States coal. If we could only get the same duty imposed on American coal that they impose on ours, we certainly should not be open to any complaint from them, and we should be able to extend our trade still further west, and our vessels might bring back return cargoes of grain or flour, or such other articles as they send us.

Hon. Mr. WARK—I do not propose to say anything on this subject further than to protest against the doctrine laid down by the hon. gentleman who has just sat down, that the National Policy is in the interest of the whole Dominion. What interest has New Brunswick in the tax on coal? Have we not to pay taxes both on coal and flour? The hon. gentleman knows what it costs him for his own consumption, but that is not the whole question. We, in New Brunswick, are extensive ship owners, and we are in

the habit, when our ships can get nothing else to bring out, to ballast with coal from Liverpool for our own market. Supposing a ship is lying in Liverpool, and the owner wishes to order her out to carry home a cargo of lumber, his usual course is to write to his agent to ballast her with coal. If she brings out 1,000 tons, he has to pay on her cargo, as soon as he lands it, \$600. Is that in the interest of the Dominion? If we shut out New Brunswick ships from bringing out coal, they must go to the expense of purchasing ballast, on which they earn nothing, and the cargo of lumber must bear the whole expenses for the round voyage. There is the position in which the ship owners of New Brunswick are placed by the present tariff. If the hon. gentleman had said this duty was for the interest of the counties of Cumberland, Pictou and Cape Breton, he would be nearer the mark than in saying it was in the interest of the Dominion. If he goes down to Yarmouth, where they own so many ships, they will tell him that it is not in the interest of that section of Nova Scotia.

Hon. Mr. ARCHIBALD—Did the hon. gentleman pay more for coal in St. John by the 50c. duty than he did the year before?

Hon. Mr. WARK—That is not the question. Ships will be compelled to bring out stone or gravel as ballast under this tariff, or purchase a cargo.

Hon. Mr. MACFARLANE—The hon. gentleman forgets the importance of the coal interest to Nova Scotia. Is he aware that, in that Province, \$15,000,000 are invested in coal mining, giving employment and subsistence to about 30,000 people and forming a source of revenue to the Dominion? These mines were being closed up, not from any lack of industry or enterprise on the part of coal owners, but by the introduction of coal from American markets before this policy of protection was adopted. Not only does this duty enable very many of the coal mining districts to extend their operations, but it is enabling them to ship very largely into the Province of Ontario. I am able to say that, this season, very large contracts have already been made for the transmission of Cape Breton and other Nova Scotia coal as far

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west as Toronto, and I know that negotiations are now going on with large firms that will still further increase that trade. I am happy to say from the experience gained in the west, that when our coal is brought into competition with American coal there, it has been found to compare very favorably with all except Briar Hill coal, and even in that there is strong doubt in the minds of experts as to the superiority of the latter. I may say, as regards the statement of my hon. friend from Fredericton, it is well known that, while it is true that New Brunswick is not a coal exporting country, yet she has always derived a large portion of her coal from Nova Scotia, and there is no province to-day in which coal is sold more cheaply than in New Brunswick. If we compare the prices of coal here to-day with those paid in the United States, it will be found they are so low that coal owners have not been enabled to declare a dollar of dividend on the capital invested. I do not know that there are two companies in the entire Province of Nova Scotia who have been enabled, during the past five years, to pay a dividend. This small increase of 10c. per ton duty will have a good effect. I hope that, by-and-by we will be able to remove the whole of the duty, as we will have reciprocity in the coal trade with the people of the United States. I am satisfied that the coal owners of the United States will be quite content to give us our natural markets, the New England States, in order to gain access for Pennsylvania coal to the markets of Ontario. While the coal owners have probably pressed this matter, I can only say that, although I am to some considerable extent interested myself in coal operations, and can speak with some degree of independence, because the mine with which I am connected is not in a position to derive any benefit from the increase of duty as we are not on the St. Lawrence, the Spring Hill mine, in consequence of its inland position, has never been enabled to derive any benefit from the tariff, but it certainly has benefited the coal trade of Cape Breton and Pictou.

Hon. Mr. DEVER—When I spoke before, I had not read the Bill, and I was under the impression that this 10c.

extended to all coal, but, after reading the Bill, and finding that it refers to bituminous coal only, I find it will not injure the people of New Brunswick, where we use the anthracite coal. I am glad to see that this is a move in the right direction on behalf of the Province of Nova Scotia, and I have not the slightest objection to it. I am rather inclined to assist Nova Scotia to develop her extensive mineral wealth, and if we can extend her coal trade to this part of the Dominion we shall do a great benefit to the country. Under these circumstances, I feel disposed to vote for the Bill. It is, not a usual occurrence for foreign coal to come into New Brunswick as ballast, and, if it does, it is one of the accidents of trade that cannot be helped. Vessels will have to make provision for some other ballast instead of coal.

Hon. Mr. HAYTHORNE—This Bill appears to me to be just such a sequel to the tariff adopted last year as those of us who watched the progress of protection in the United States would have anticipated. It seems to me to be, for the most part, a readjustment of taxation and an increase of duties—a transference from the free list to the taxed list—and I think that this amendment to the tariff will find just as little favor, in the Province from which I come, as the tariff itself. It is but a few days since I had occasion to present a petition in this House, signed by six thousand registered voters of Prince Edward Island, including men who are well-known supporters of the present Government, but who could come to no other conclusion but this: that the tariff was doing that Province an infinity of mischief. I do not believe that this Bill will serve at all to alter their opinion. Some remarks which fell from my hon. friend from New Brunswick (Mr. Wark) are strangely confirmed by a passage in that very petition to which I have referred. My constituents in Prince Edward Island urge upon the notice of this House the extent of the injury which their shipping is receiving from the operation of this tariff. They say that, whereas, formerly, they received the greater part of their manufactured goods from Great Britain, now they have recourse to another market in Canada, and, in consequence, their ships, as stated with

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reference to the coal trade, are at great disadvantage in finding homeward freight. The exports from Prince Edward Island are principally agricultural produce, and, unless return cargo can be found, the ship which carries to Great Britain a cargo of oats, for instance, must be under great disadvantage. This is one of the disadvantages my constituents complain of, and will continue to complain of.

Hon. Mr. DICKEY—How does my hon. friend reconcile that statement with the fact that the importations of English goods has largely increased this year, relatively, under that tariff?

Hon. Mr. HAYTHORNE—I will answer that by reading a single paragraph in the petition, which runs thus:—

“That, although our foreign imports have decreased in value since the present tariff came into operation, as against the imports of the previous year, we, nevertheless, have actually paid a larger sum for duties on the smaller value of imports; and, incredible as it may seem, official statistics shew that, while in the year 1878 our taxes under the revenue tariff were 19.02 per cent., they swelled, under the protective tariff of 1879, to 26.91—an increase of over 41 per cent. upon the rate of taxation levied under the custom tariff of the late Administration.”

That is my answer to my hon. friend. If any corroboration of the fact to which I have just alluded were required, this ought to suffice: that, appended to that petition from which I have quoted, are the names of men who are well known as supporters of the present Government. A great deal has been said in this debate on the subject of coal. I must say I do not agree with many of the arguments of hon. gentlemen. It is said that the duties on coal are for the benefit of coal owners and miners in Nova Scotia and Cape Breton. It seems to me the best way to benefit the coal trade is to cheapen transport by sea and by land, to cheapen the materials of which our ships are built, and to reduce the cost of sailing them; to build cheap railways by consuming cheap iron, and to reduce the cost of transportation on these railways. In that way you can bring the coal of Nova Scotia and Cape Breton into consumption much better than by imposing duties on foreign coal. In my view, coal is an article which is a very unfit subject for taxation.

The duties upon it fall with peculiar rigour upon the poorer classes. Any wealthy gentleman, who is in the habit of consuming, say, three or four hundred dollars' worth of anthracite coal in his residence every year and pays taxes upon it, has always the remedy in his own hands if he chooses to apply it. He can put out some of his fires. But what is the poor man to do? He must continue to consume coal, and just in proportion as the price of coal is increased, in the same proportion will the burden be felt by the poor. I would refer the House, for one moment, to the enormous progress which the English coal trade has made during the past century. Some years ago, the British metropolis used principally sea-borne coal. Now it is principally brought by railways to London; but that is a small change compared to the external trade that has sprung up. There is hardly a coaling station in the world that is not supplied with English coal, carried, for the most part, in English ships. It is because of its cheapness that this is so, and it furnishes a lesson by which we might very well profit. Not only has English coal found its way, under the Cobden Treaty, into France, where it is considered a great boon, but the late Mr. Cobden is venerated as a great benefactor to the French on account of the benefits which the working classes there have derived from the treaty that he negotiated. In fact, I have heard it said that gentleman's death was as generally lamented in France as in England; and, further, the general use of steam power in France had been enormously increased in consequence of the introduction of cheap English coal under the Cobden Treaty. Just look at this enormous progress of the English coal trade—a progress not altogether unanticipated by those of us who lived and thought forty years ago. What may we not expect if we remove all obstructions of costly transport from the coal trade of Nova Scotia? I think, then, our principal object, instead of laying taxes on foreign coal, should be to facilitate the transport of Nova Scotia coal by every means in our power—by cheap ships, cheap railways, and freedom from taxation on materials employed in the construction of these ships and the running of these

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railway trains. Knowing that the House is weary of this subject, I do not wish to go into it at greater length on this occasion. I have described the state of public feeling in Prince Edward Island with reference to the tariff of last year, and it is my belief that the amended tariff will not alter public opinion thereon. I shall not give my support to the Bill.

Hon. Mr. READ—I think the hon. gentleman has told us as plainly as he could that the National Policy has resulted in what we all anticipated it would. He has told us that, although taxation is higher, we are paying no more money.

Hon. Mr. HAYTHORNE—I think the hon. gentleman is under a misapprehension.

Hon. Mr. READ—I understood the hon. gentleman to say that, although the tariff was twenty-six per cent. on the importations, that we had not collected any more money from the people than when it was nineteen per cent. What we aimed at was that the imports should decrease, and that we should produce for ourselves those things, the production of which was suitable to our country. The hon. gentleman's statement is very conclusive in favor of the tariff. The hon. gentleman treats with indifference the 30,000 people engaged in the important coal trade or in connection therewith. We started out with the idea that we should all give and take under the National Policy; that, while some provinces might feel that they were treated a little harshly in some instances, other provinces would be treated with equal harshness in others. We do not find that those who advocated the National Policy a few years ago are complaining now. All the complaints come from those who made up their minds in advance that it would not be a success. A good deal has been said about the products of one part of the Dominion being taxed. Nobody would like to be taxed, I suppose; but we must keep up a revenue in order to go on with our public works. We find, for instance, that the article of spirits, which is entirely produced in Ontario, is heavily taxed. The same may be said with reference to tobacco, malt, ale and many things of that kind. The hon. gentle-

man (Mr. Haythorne) says that the tax on coal is particularly burdensome on some portions of the people. Does not this tax on ale, spirits and tobacco bear heavily upon a portion of the people? Is it not a tax that a portion of the people do not share at all? Those who do not use those articles do not pay the tax, and those who do have to pay the piper. Of course, I admit that that is right. Since we put on the 50c. a ton on coal, it is a singular fact that it has been cheaper than ever before. It is a fact well known in Ontario, at all events.

Hon. Mr. HAYTHORNE—In explanation of my statement, I desire to say that I read from a paragraph in the petition which I presented in this House some ten days ago. It was to the effect that the foreign imports had decreased in value under the tariff, and then I said that, in consequence of this small importation, our vessels carrying cargoes of oats to Great Britain found difficulty in getting return freights.

Hon. Mr. MILLER—The remarks of the hon. gentleman who has just sat down would leave the impression on the House and on the minds of the people of this country, that our taxation has been increased from 19 to 26 per cent. by the change of tariff. Now, the premises on which he tried to found that conclusion do not at all warrant it. The hon. gentleman admits that the imports under a revenue tariff were a third greater than they have been under the present tariff. I understand by the petition that imports have fallen off one-third in Prince Edward Island since the new tariff has come into operation. Therefore, if the amounts of money actually paid into the treasury by the people of that Province were even less than what was paid under the old tariff, the percentage on the imports might be much larger, because they are one-third less than the imports of former years. That does not justify the assertion that the taxation of the people of Prince Edward Island has been increased 40 per cent. by the change of tariff; but it means that, in consequence of decreased importation, the rate per cent. on the imports is larger than on the importations under a revenue tariff. That is the meaning of the petition. But my hon.

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friend would send the impression abroad through the country that the people of Prince Edward Island are taxed 40 per cent. more in the amount of revenue raised in 1879 than they were under the old tariff. I think that impression is altogether inconsistent with the facts, and inconsistent with the premises from which he attempted to draw his conclusion.

Hon. Mr. HAYTHORNE—I think the hon. gentleman must have misunderstood my remarks.

Hon. Mr. McCLELLAN—My hon. friend from Belleville (Mr. Read) speaks of the tariff having been formed on a give-and-take policy. So far as New Brunswick is concerned, it appears to me that it is rather one-sided, and is all give and no take. So far as agriculturists are concerned, they are taxed considerably more, and they do not contribute greatly to the revenue of the country. They pay considerably more to the manufacturers, however, than they did formerly, while they get nothing in return. I think it is perfectly well understood that the lumbermen suffer by this tariff, that they are taxed very much more heavily for their pork and provisions and everything they require to consume in carrying on their operations, and it costs their men more to live than under the former arrangement. Therefore, so far as that interest is concerned, it is all "give and no take." Then so far as the fishing interest is concerned—and a very considerable portion of the people of New Brunswick is employed in that industry—no hon. gentlemen will undertake to shew that they are deriving any benefit under this protective system; but in every case it is a decidedly one-sided arrangement. I could go on further and speak of the ship-building interest. It is a little surprising, inasmuch as that is a sort of manufacturing industry, that it has not received some advantage, while other manufactories are obtaining from the hard-earned savings of the people of this country a considerable increase in their incomes. Our ship-building industry, which has done so much to elevate the position of this country in the eyes of the civilized world, in our enormously increasing tonnage, has received no encouragement, but rather discouragement.

There is an increase of taxation on food and clothing, put upon the laborers, of some 10 or 15 per cent., which necessarily raised, or ought to have raised, the wages of the *employés* in this branch of business. Then, again, we all know of the increased duties on materials entering into the construction of ships, and we know that the drawback which was to have been allowed, and which was to offset the increase of taxation, has only partially met the increase. Petitions, very numerous signed by gentlemen engaged in that branch of industry, have been presented claiming, instead of 50c. per ton, more than double that amount in order to meet the increased burdens imposed upon them. So far as New Brunswick is concerned, I cannot point to any industry which derives any considerable benefit from this tariff. On the other hand, while we are paying a very largely increased duty on the materials entering into the country for consumption, we are not paying so much into the treasury of the country as into the pockets of the manufacturers, who will come to be serviceable, I have no doubt, in future, in supporting the Government of the day, but who do not employ, to any great extent, more laborers than were employed before. The additional duty on coal, it is true, as some hon. gentlemen have said, may benefit certain wealthy individuals in the County of Cumberland, but it is only a small portion of the community even there who are the gainers, and I cannot see how it benefits even them, if a remark that was dropped by the hon. gentleman from Cumberland (Mr. Macfarlane), a few moments ago, that the price of coal has not increased, is correct. It may not have advanced the price, certainly, if the depressing influences of a vicious trade policy have retarded the return of prosperity. If we want to benefit the manufacturing industries of this country, is it by putting a duty on coal, which they use largely, that we are going to do it? Are there not manufacturing industries in the other provinces of the Dominion that employ laborers as well as those coal mining companies? Are there no other men who require employment besides coal miners? Why, then, oppress other industries? The duty upon coal is not

Hon. Mr. McClelan.

meeting the object which was evidently designed by the promoters of this protective tariff. It oppresses other industries, and falls heavily upon the whole people of the Dominion.

Hon. Mr. POWER—I wish to say a word or two in reference to the question of the hon. gentleman from Amherst, with regard to the duty on coal. My position is this: I am not a believer in protection at all, but if we are to have a protective tariff, and if the people of Nova Scotia are to pay an increased duty on their dry goods, groceries and bread-stuffs, we should, as some return, get a duty on coal that would be effectual. Notwithstanding the rather decided way in which the hon. gentleman from Wallace speaks, I venture to say that, so far, the duty has not been very effectual. The output of the collieries in Cape Breton was less last year than the year previous. There was a slight increase in the output of the Pictou collieries; and, while they may be enabled under the tariff to send coal as far west as Montreal, I am quite certain that the present duty will not allow Pictou or Cape Breton to supply coal to any point west of the Ottawa River. There is not the slightest probability that the additional duty of 10c. will materially affect the sale of coal in Ontario. In order that the duty should be effectual and secure the object for which it is imposed, the duty on coal should be \$1 per ton.

The Bill was read the second time.

OBSTRUCTION BY WRECKS REMOVAL BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (107) "To amend the laws respecting the removal of obstructions in navigable waters by wrecks." He said: In 1874 an Act was passed to provide that where a vessel was wrecked and the remains interfered with the navigation of any river within the jurisdiction of the Parliament of Canada, the wreck might be removed and sold, and the proceeds might be appropriated in the first place to paying the expenses of removal, and then any balance that remained was to go to the owner of the vessel. It has turned out that these obstructions are of frequent

occurrence, more particularly in the small rivers, and it happens sometimes that the cost of removing the wrecks is not met by the sale of them. This Bill enacts that, where a wreck is an obstruction, and it has to be removed, the proceeds of sale shall be divided in the way spoken of, but if it should be insufficient to pay the expense of removing it, the owner shall provide for the deficiency. I understand that it is principally in the smaller rivers these obstructions occur. A vessel gets old and rotten, and sinks, and the owner pays no further attention to it. The Government is obliged to remove the obstruction, and, unless the expense of doing so can be got out of the wreck, it is but fair that the owner should pay a portion of it.

Hon. Mr. HAYTHORNE—Is the Bill intended to apply to harbors?

Hon. Sir ALEX. CAMPBELL—I think it applies to all navigable waters.

Hon. Mr. HAYTHORNE—Does it apply to tidal streams?

Hon. Mr. MILLER—It would apply to harbors and other navigable waters.

Hon. Mr. HAYTHORNE—A case occurred in Charlottetown where a vessel had to be lifted at the expense of the owner. Besides the loss of the vessel, it would seem to be a very heavy tax on the unfortunate owner, unless it was a small river where the vessel grounded through carelessness or something of that kind, to compel him to pay for its removal.

Hon. Sir ALEX. CAMPBELL—In some cases the Act may apply harshly, but, as a general thing, if a man's vessel obstructs a harbor, he ought to remove it. If a person's carriage is wrecked on a public highway, and it obstructs it, he must clear it away and allow other people to pass. In the same way, the harbors and streams are for the benefit of the whole community. Everybody is entitled to have them free, as far as they can be made free, of obstruction, and if a man has a vessel wrecked from other causes than from his own carelessness, he ought to have it removed out of the way of his neighbors.

Hon. Mr. MILLER—The question is, whether the general operation of the Bill

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will be in the interest of the public. There is no doubt but it will. Then the next question that arises is: would a hardship growing out of the Bill be sufficient to counteract the general benefit to the public? If it would not, I do not see that the owner should not contribute towards taking the wreck of his vessel out of the way, if it impedes navigation.

Hon. Mr. PENNY—I quite agree with the hon. gentleman who has just sat down. A man loses his ship; that is his loss, and the public lose, by the same accident, the right of way. It is an accident to both parties, and I do not see why one party should suffer the whole of the accident.

Hon. Sir ALEX. CAMPBELL—He should take the obstruction out of the way.

Hon. Mr. PENNY—But if it is not his fault, why should one man be made to pay for the loss of both? There are two parties to the accident, and neither party is at fault, and it seems to me that it is a very unreasonable thing to make one party bear all the expense. Supposing it is an act of God for example?

Hon. Sir ALEX. CAMPBELL—Of course, if a man loses his ship, one is very sorry for it; but what distinction is there between that and a man wrecking his carriage on the highway? If they obstruct their neighbors, they must remove the obstruction. In some particular cases, a man's vessel may be lost through indifference because it has become useless, and if it is left because it is not worth while bothering about it, then it becomes an obstruction to others, and it is not reasonable that navigation should be impeded.

Hon. Mr. PENNY—I think the parallel between the ship and the carriage is not well drawn, because there is no comparison in value.

Hon. Mr. VIDAL—Substitute a railway train for a private carriage, and then how is it?

Hon. Mr. PENNY—The train is wrecked on the road of the company who use it, and would not interfere with a public highway.

Hon. Mr. VIDAL—Suppose it to be wrecked on a crossing?

Hon. Mr. McEELAN—Some owners will find this law to be very objectionable. A vessel might be sunk by collision, when it would be very hard indeed on the owner after losing his ship, and, perhaps, his insurance, to be compelled to remove the wreck. If it were made optional with the Government to sue, it might meet the difficulty.

Hon. Mr. WARK—There is another difficulty that may arise. I do not know how it will be with navigable rivers, but in our harbors on the sea coast, vessels that are cast away very often belong to foreigners, and how are you going to collect from the owners the cost of removing the wreck?

Hon. Mr. MILLER—With regard to the objection raised by the hon. gentleman opposite (Mr. Wark), he will find, on reading the Bill, that it is not imperative on the Government to proceed against the owners for these costs. It does not say that it shall be recovered, but that it shall be recoverable; it simply means that the Government shall have the power, if a case is presented in which it would be a hardship and injustice to proceed for the recovery of the money, they need not do so.

Hon. Mr. KAULBACH—I consider this Bill to be one of very great importance, from my own knowledge of Nova Scotia. I believe there is very often a great deal of carelessness in allowing abandoned old craft to fill with water and sink in the navigable channel of a river or harbor, to the inconvenience and danger of other vessels that may enter the port. It seems to me that all these obstructions of navigable highways should be removed, and the party who is the means of putting them there should be liable for the expenses of removing them. The hon. member from Richmond says it is in the discretion of the Government to say whether they shall make a charge upon the owners for removing the wreck, or not, but as a great deal of inconvenience and loss have been incurred in consequence of allowing those sunken hulks to lie in navigable channels, I consider that this discretionary power is a very wise one. I do not think the Bill is too harsh in its enactments as it leaves the discretionary power with the Government to exact the expenses connected

Hon. Mr. Vidal.

with the removal of such obstructions if they think it necessary. I will therefore give it my support.

Hon. Mr. RYAN—Take a case of a foreign vessel being sunk, and, perhaps, everyone on board lost. It may be in a place which impedes the entrance to a harbor, and is a great public injury. Who then will be obliged—if this law is passed in the way it is proposed—to remove the hulk? Those who are the natural conservators of the harbor will say the owner must be sued, and, in a pressing case, where the obstruction may be of very great injury to the harbor, instead of going to work at once to have it removed, there may be considerable delay if the owner has to be compelled to look after it.

Hon. Sir ALEX. CAMPBELL—The Government will at once set to work and will have an ultimate claim against the owner.

The Bill was read the second time.

AGENT RESIDENT IN THE UNITED KINGDOM BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (88) "An Act for the appointment of a Resident Representative Agent in the United Kingdom." He said: The subject of this Bill is, I am sure, familiar to hon. members generally. They all know what has been done in the matter, and that Sir Alexander Galt has gone to England, and may be appointed as Commissioner under this Bill, should it become law. The circumstances which suggested such a measure have been going on from year to year, accumulating in force, and it is felt that it will be of great advantage to Canada to be represented in England as this Bill proposes we shall be represented, in several respects, particularly with regard to emigration from Great Britain to Canada, which will be placed on a much better footing. It will be in the hands of a man of much greater and wider influence, who will be able to speak for the whole Dominion with an authority and advantage which we have not yet attained in that country. Another great advantage will be that, in all questions

of trade affecting Canada, we shall have a gentleman in England thoroughly familiar with all our interests, and altogether identified with us in interest as well as in feeling, ready to suggest at once and take an active part in all matters of trade and all treaties affecting the colonies which may be negotiated between Great Britain and other countries. There has been a tendency, of late years, in the Mother Country, to recognize the share that Canada and others of her colonies have in the treaties negotiated between Great Britain and other countries. Our status has been improving in that way, and we may confidently hope that, in the future, no treaty will be negotiated affecting Canada without the active assistance of some person representing the Dominion; that all our remonstrances and desires will be listened to, and we cannot hope to have them pressed with more force than by having a representative of our own in Great Britain. Another advantage will be the management, to a very great extent, of our financial affairs in that country. Canada has now, we think and believe, attained a position in the world that our financial arrangements may be made, I trust, with as much advantage without the assistance of the financial agents, that we have had representing us for so many years. I do not mean to say that will be positively the case; no doubt it has been of great advantage to us to have had in England, for so many years, as the financial representatives of the country, so to speak, the great houses who have, up to this moment, represented us in that country—Baring Brothers and Glynn, Mills & Co. I have no doubt their high standing and the active part they have taken in all loans negotiated for Canada have been very useful, but, perhaps, we have attained to the position in which we can stand on our own merits. If so, a very great saving can be effected, for we can only get the assistance of those financial agents by a very considerable expenditure in the way of commission. I notice that the Minister of Finance stated that, without reference to any large transactions for loans, the ordinary amount paid for commission in England on the payment of our interest amounts to \$45,000 or \$50,000. In saving that, an important

item of economy can be effected, and, whether or not we might successfully conduct our future loans when they become necessary, without the assistance of financial agents, will still remain a matter of surmise. It will not necessarily follow that if we have a High Commissioner there, we will not avail ourselves of agents in London who may be in a position to render assistance should it be thought necessary. I am quite confident, so far as any opinion can be formed by us now, that the financial agents will be the persons to whom we will resort in case we require other assistance than our own Commissioner. But in the future we will derive three advantages, to which I have referred: that of placing immigration on a better footing; that of being in a better position to look after our own interests in case of treaties made by Great Britain, and in looking after our financial affairs in London.

Hon. Mr. ALEXANDER—I am sure that this Bill will be sanctioned most cordially by the Senate, and that this appointment will be most acceptable to the people, from their long knowledge of Sir Alex. Galt as a public man. The time has arrived when, looking at the progress of the Dominion, we require a gentleman to represent us in London as a High Commissioner. We have passed the period when a mere immigration agent will suffice. There are matters not only relating to immigration and proposed treaties affecting our general interests, but also of a financial character, which require the presence of such a representative in England. This appointment bears testimony to the alertness of our Government, and, notwithstanding the insinuation of a member of this House that it will not result in economy, I will shew that it will by the following statement of commissions paid our London financial agent in 1878-79, a considerable part of which would have been saved if Sir Alex. Galt had been appointed a year ago:—

COMMISSIONS PAID IN 1878-79 TO LONDON AGENTS.

	£	s.	d.	\$	¢
1. Glynn, Mills & Co., Commissions.....	12,114	7	11	58,959	00
2. Baring Bros. & Co.....	15,012	3	11	73,059	00

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	£	s.	d.	\$	c.
3. Glynn, Mills, Currie & Co., and Baring Bros.	1,260	3	8	6,176	00
4. Bank of Eng- land	91	10	0	445	30
5. Morton, Rose & Co.	78	7	2	381	24
6. Crown Agent for Colonies...	285	14	4	1,390	48
7. Bank of Mon- treal	157	3	4	764	88
8. Sir John Rose	1,984	16	11	9,659	58
	£30,993	7	3	\$150,835	58

As I have said, it shews some practical judgment on the part of our Finance Minister and his colleagues, that they have fallen upon this plan of sending, as our representative to London, a gentleman who has been so long known in the Dominion. Against Sir Alex. Galt, who has been upwards of a quarter of a century in public life, there has never been any charge preferred. He possesses a combination of qualities which eminently fit him to fill this position. He is a gentleman of whom we may be justly proud. In addition to his financial and parliamentary experience, he is a brilliant debater. At a London public banquet or meeting he would be a creditable representative of this Dominion. He possesses the power to hold his own at any meeting of the statesmen of Europe. Behold how ably he managed to secure justice to the Dominion in the amount of the fishery award! I have the greatest possible pleasure, as a humble member of the Senate, in supporting the Bill, and in expressing the belief that the appointment will be sanctioned by Parliament and meet with the approval of the country.

Hon. Mr. DICKEY—I am afraid that my hon. friend is rather sanguine in anticipating that this enormous saving will be effected through this appointment; but we must all agree that the Government have made a wise selection in the appointment of their High Commissioner. I will not follow my hon. friend in desecrating upon his high qualities, which are well known to every member of this House. I rise to ask the Minister of Militia for some information as to this most important part of the duty of the High Commissioner in the second clause,—to take charge of, supervise and control

Hon. Mr. Alexander.

all the immigration offices and agencies in the United Kingdom. That has been adverted to, but we have had no explanation as to the extent of the supervision which is to be exercised by the High Commissioner. We have a very large establishment there at present, presided over by Mr. Annand. I should like to know how far he is to be superseded in the control of that department by the appointment of a High Commissioner, and what position he is to retain after the Commissioner takes possession of his office. My impression is, and has been for a very long time, that the Canadian Government are paying very dear for their whistle in these offices in London, and I shall be glad to hear that the result of the policy that is embodied in this Bill will be to very much diminish the expense of the Emigration Office in London, because I do not conceive that that is an expense commensurate with the results that we have obtained. It is well known that of late the tendency has been to discourage indiscriminate immigration into this country. Hence we are certainly not so much called upon to incur a large amount of expense with a view to encourage that branch of the public service. I ask for information with regard to this part of the Bill relating to immigration. What is expected to be the result as to expense of appointing the High Commissioner? With regard to the matter of expense, I think it will not result in the enormous saving which the hon. Senator from Woodstock has told the House that it will; still I think there is quite enough in the explanation offered by the hon. Minister of Militia to shew that really the appointment will not lead to any increase of expenses; but I hope it will also result in a very large diminution of the expenses in maintaining the relations that we desire to retain in London. Can my hon. friend give any information as to the probable result of this appointment in relation to the very interesting question of emigration from England?

Hon. Sir ALEX. CAMPBELL—I speak, of course, without having had the opportunity of deciding finally, and without a thorough knowledge of all the circumstances, as to the best course to be pursued, but, so far as we have been

able to decide, the plan which we propose to adopt is this: that Sir Alex. Galt shall take charge of the immigration in the place of Mr. Annand. All the other officers, including Mr. Annand, will be placed under Sir Alex. Galt, and the responsibility of the whole Immigration Department shall be his. Mr. Annand, it is thought, will be more useful, probably, in the financial office which Sir Alex. Galt will have to establish there. I understand that Mr. Annand is a gentleman of considerable attainments in the way of book-keeping and knowledge of financial matters, and it is proposed, so far as we have now decided, that his services shall be availed of more in that branch of the service to be conducted by Sir Alex. Galt, and less in that of immigration. That is the belief that we have now, and it is with that view that Sir Alex. Galt left this country and intended to act; but whether, after arriving there, he might recommend the adoption of some other course, I will not vouch, and I want to guard myself against that. With reference to the statement made by the hon. Senator from Woodstock (Mr. Alexander) as to the amount paid last year for commissions, etc., in London, no doubt that statement is correct, but I should be sorry if the House or the country should imagine that the Government anticipates saving any such large sum as that. I indicated more closely what I did believe could be saved—the commissions on interest paid in London, about \$50,000 a year. The commissions mentioned in the Public Accounts are commissions on large loans. Whether or not it might be found to the advantage of the country to employ anybody but the High Commissioner in negotiating these loans is a matter to be decided hereafter. Suppose, some years hence, a large loan were needed for this country: it might, if interest were low and nothing had occurred at that period to depreciate the credit of Canada, be that the Government would think that the loan could be negotiated as well by the High Commissioner as if we had obtained the assistance of financial agents; or, it might be that the High Commissioner would think it desirable, and would save enough in the price of the loan by getting gentlemen such as our present

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agents to assist him, and might find it to the interest of the country to employ some of those agents. In the one case, if the circumstances favored the negotiation of the loan by the High Commissioner individually, without the assistance of agents, he would effect a large saving; in the other case, it might be necessary to seek assistance, and the saving would be less. We cannot speak positively except as to the savings of commissions on the payments of interest. I hope and believe that the result will be advantageous to Canada. It seems to promise so now in every way in which one can form a judgment.

The Bill was read the second time.

PONTIAC AND PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. VIDAL, in the absence of Hon. Mr. SCOTT, moved the second reading of Bill (71) "An Act to incorporate the Pontiac and Pacific Junction Railway Company."

The motion was agreed to, and the Bill was read the second time.

BILLS INTRODUCED.

Bill (32) "An Act respecting the Montreal Assurance Company."—(Mr. Ryan.)

Bill (57) "An Act to amend and consolidate the several Acts relating to the North-West Territories."—(Sir Alex. Campbell.)

INLAND REVENUE BILL.

IN COMMITTEE.

The House resumed the consideration of Bill (7) "An Act to consolidate and amend the Acts respecting the Inland Revenue."

Hon. Mr. REESOR thought that thirty pounds of tobacco to each adult was too much. Those who used tobacco should be compelled to contribute to the revenue whether they used an imported article or cultivated it for themselves. It was a miserable, useless narcotic at best, and the use of it should not be encouraged. It should be treated in the same way as whiskey. A man was not allowed to distil liquor for his

family, and he should not be allowed to cultivate tobacco either. He moved that the amount be fixed at ten pounds, the same as it had always been before.

The motion was declared lost.

On the 11th clause,

Hon. Mr. DEVER said that he did not approve of the Excise Department. In New Brunswick there had been nothing of the kind prior to Confederation, yet the duties had been collected at very much less expense. When they wanted spirits they imported it, and got a good article. He thought that the country would be greatly benefited if we turned our attention to promoting a direct trade with France and other countries where such liquors were produced. It would give employment to our shipping and improve other industries of the Dominion.

The clause was adopted.

On the 17th section,

Hon. Mr. POWER said that this section related to compounding spirits, to which attention had been called by the hon. Senator from Ottawa (Mr. Scott) at the second reading.

Hon. Mr. AIKINS said that it had never existed on our Statute books before 1874. It had been introduced in the Senate by the hon. Senator from Ottawa himself. The "compounding" mentioned in the Act did not necessarily mean adulteration of liquors; such adulteration as had been referred to by the hon. Senator from Ottawa would bring the offender under the penalties provided by the Adulteration of Food Act.

The clause was adopted.

After the 39th clause,

Hon. Mr. AIKINS introduced the following new section:—

"Except for the necessary continuance of some process of manufacture previously commenced in the ordinary course of business, persons licensed under this Act shall not transact any business, nor perform any act, operation or process of manufacture during Sunday in the premises mentioned or referred to in the license held by him that will require, under any regulation then in force, the supervision or attendance of an officer of Inland Revenue

"1. No act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is

Hon. Mr. Reesor.

required by any regulation then in force, shall be done in any licensed premises before the hour of six o'clock in the morning, nor after six o'clock in the afternoon, except when permitted by departmental regulations.

"2. Whenever any business, act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required by any regulation then in force is carried on or done in any premises licensed under this Act, before eight o'clock in the morning, during the dinner hour, or after six o'clock in the afternoon, the person in whose premises the business, act, operation or process is carried on or done shall pay for the attendance of the officer or officers during the extra time they are so employed, at such rate as may be determined by departmental regulations in that behalf."

The clause was adopted.

On the 87th clause, relating to the refuse from tobacco factories,

Hon. Mr. HAYTHORNE suggested that, instead of burning the stems and sweepings, they should be utilized for manure.

Hon. Mr. AIKINS replied the difficulty was that there might be something more than stems and sweepings if that were allowed. The quantity of such refuse could not be large.

The clause was adopted.

The Committee rose and reported the Bill, with amendments, which were concurred in.

The House adjourned at six o'clock.

THE SENATE.

Tuesday, May 4th, 1880.

The Speaker took the chair at eleven o'clock a.m.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were read the third time and passed, without debate:—

Bill (71) "An Act to incorporate the Pontiac Pacific Junction Railway."
—(Mr. Vidal.)

Bill (106) "An Act further to amend an Act respecting the Harbor of Pictou, in Nova Scotia."—(Sir Alex. Campbell.)

Bill (117) "An Act to repeal the Act 42 Vict., cap. 5, for granting an

annual subsidy towards certain telegraphic communication.”—(Sir Alex. Campbell.)

Bill (109) “An Act to authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their tidal dock.”—(Sir Alex. Campbell.)

Bill (110) “An Act to enable the Harbor Commissioners of Montreal to pay a life annuity to the widow of the late Hon. John Young.”—(Sir Alex. Campbell.)

Bill (108) “An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.”—(Sir Alex. Campbell.)

Bill (84) “An Act to amend the General Inspection Act, 1874, and the Act amending it.”

Bill (102) “An Act to amend the Act 42 Vict., cap. 15, intituled ‘An Act to alter the duties of Customs and Excise.’” —(Sir Alex. Campbell.)

Bill (107) “An Act to amend the law respecting the removal of obstructions in navigable waters by wrecks.”—(Sir Alex. Campbell.)

Bill (88) “An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom.”—(Sir Alex. Campbell.)

Bill (7) “An Act to consolidate and amend the Acts respecting the Inland Revenue.”—(Sir Alex. Campbell.)

INTEREST ON MONEYS SECURED BY MORTGAGE OF REAL ESTATE BILL.

THIRD READING.

Hon. Mr. FLINT moved the third reading of Bill (11) “An Act relating to interest on moneys secured by mortgage of real estate.”

Hon. Mr. MILLER moved, in amendment, that the Bill be not now read the third time, but that it be further amended as follows :—

“Page 2, line 9.—After ‘Mortgage’ insert ‘Provided that this section shall apply only to mortgages mentioned in the 1st section of this Act, and to all loans by incorporated companies secured by mortgage in any manner whatsoever.’”

Hon. Sir ALEX. CAMPBELL suggested that some words should be added

Third Readings.

so as to include companies incorporated elsewhere than in Canada.

Hon. Mr. MILLER thought the language was so general that it would include companies incorporated anywhere.

Hon. Sir ALEX. CAMPBELL doubted very much if it would include Scotch companies. He would suggest that the words, “whether so incorporated under the laws of the Dominion or otherwise,” should be added after the words, “Incorporated Companies,” in the amendment.

Hon. Mr. ALLAN said that his objection to this amendment still remained; that there was an unnecessary and unreasonable restriction as to the time in which loans should be repaid, while the borrower could not be required to pay back the money at any time until the end of the term of the loan.

Hon. Mr. SMITH contended that private individuals should stand on the same footing as companies, otherwise private lenders would raise money from companies and loan it for fifteen or twenty years, place the securities in the hands of the companies, and have their commission out of the borrower.

Hon. Mr. DICKEY said the very object of the legislation was to restrict companies from certain practices in conducting their business, and not to interfere with private arrangements between man and man. He believed that the whole of this section was *ultra vires*; that this Legislature had no power to interfere with contracts between individuals.

Hon. Mr. KAULBACH was in favor of having private lenders brought under the same conditions as companies were subjected to, and believed that the borrower should be allowed to repay a loan at the end of five years, if he desired, by paying a penalty for doing so.

Hon. Mr. McCLELAN said that companies incorporated under charters had the advantage of special legislation, under which the evils complained of had grown up. There was a great difference in borrowing from private individuals and borrowing from loan companies, and he thought that the amendment proposed by the hon. member from Richmond

would make the Bill very much clearer and more consistent with the object for which it had been introduced.

Hon. Mr. GIBBS did not know whether the amendment would make the Bill more consistent with itself or not, but he did not consider that the charges brought against the loan societies, on the floor of this House, had been sustained during the debate. If the Senate were going to yield to the clamor that had been raised against those societies, why should they leave the gate open for the introduction and perpetuation of the very evils which this Bill was intended to remedy and remove, in the future, by placing private lenders in a different position from loan companies?

Hon. Mr. FLINT regretted that the hon. gentleman from Richmond had thought it necessary to bring in this amendment, as he feared it would be the means of destroying this Bill by making it a sort of class legislation. He did not see why private individuals should not be placed on the same footing as companies. If they commenced this sort of class legislation, it would only be the means of causing agitation through the country, and, in the end, they would have to amend the Act again. Therefore, he thought it was better to allow the Bill to stand as it was. Under the circumstances of the case it would be better to allow the constitutionality of the Act to be decided by the courts of law. He was satisfied that, if the Bill was amended in the way that the hon. gentleman from Richmond proposed, they would be legislating in favor of individuals or companies who wished to take advantage of a man's necessities.

Hon. Mr. DEVER would support the amendment, because he did not consider it was a fair battle at all. He felt that it was combinations against private individuals, as it was well known that loaning institutions were wealthy corporations. They had the advantage over private individuals; they had not only complete organizations, but they had large staffs of officers, with handsome salaries that were being paid out of moneys made out of the necessities of the people. Private individuals loaned money at certain rates of interest, and they could not impose fines or

penalties, and the borrower knew what he had to pay. He would give an instance of the manner in which those loan companies dealt with borrowers. He knew of an honest man who had borrowed some \$700 from a company, for which he promised to pay \$10 a month until the principal and interest would be paid up. After paying for eight or ten years at the rate of \$10 a month, he found, at the end of that time, that the principal was as much as ever. He believed it was quite clear that the instalment plan of paying back money was an expensive one to the borrower, and that those great combinations who loaned money would, if they were allowed to continue under the present law, monopolize all the means of the country. For this reason he felt bound to support the amendment.

Hon. Mr. SMITH contended that there was no system in the world so good for the borrower as paying by instalments, with interest on the unpaid capital yearly.

Hon. Mr. MACDONALD said that this Bill allowed more than that, it allowed the interest to be compounded, and he feared that the effect of it would be to raise a feeling of antagonism between the lender and borrower. Companies would take all the advantage of this Bill, whenever they could take it, but it would not cure any of the evils that were sought to be diminished. The only good clause in it was the one doing away with fines and penalties for the non-payment of interest, but the company could, otherwise, do, under this bill, whatever they had done before. So long as they wrote across the face of the mortgage a statement of the rate of interest it bore, they could charge whatever interest they liked, and compound it every month if they desired to do so.

Hon. Mr. READ said that the great object of the Bill was to let borrowers know the rate of interest they were required to pay. Under the instalment system, not one man in a hundred knew what the amount of his payments would be. According to his (Mr. Read's) calculations, on a loan of \$1,000 for twenty years, at $9\frac{1}{2}$ per cent. a man would pay, by the instalment system, \$5,564. That was a fact which people ought to

Hon. Mr. McClelan.

know, and which, he believed, they did not know at present.

Hon. Mr. HOPE said that, when this legislation was at first contemplated, the intention was to confine it entirely to building societies, but the other House had decided to apply it to all mortgages, and that was the shape in which the Bill had reached the Senate. If this amendment were accepted, it would draw a line of demarcation between the different classes of lenders, which, he considered, would be unfortunate, in view of the design of the Bill. If it could not go through without an amendment, he (Mr. Hope) should prefer to have the 5th section struck out altogether. The amendment which had been adopted at a former stage, requiring the calculations of interest to be made yearly, instead of half-yearly, was unfavorable to the borrower, because, when the interest was chargeable half-yearly, it left him less to pay, allowance being made for repayments.

Hon. Mr. HAYTHORNE opposed the amendment, because he believed that the interests of the public required to be protected just as much against the exorbitant demands on the part of private lenders as against companies. Private lenders who made moderate charges would not be at all affected by the Bill.

The Senate divided upon the amendment, which was adopted by the following vote :—

CONTENTS :

Hon. Messrs.

Archibald,	Girard,
Armand,	Grant,
Baillargeon,	McClelan, (<i>Hopewell</i>)
Botsford,	McLelan (<i>Londonderry</i>)
Boucherville, De,	MacDonald,
Bourinot,	Macfarlane,
Boyd,	Miller,
Brouse,	Montgomery,
Bureau,	Odell,
Chaffers,	Pâquet,
Chapais,	Pelletier,
Cormier,	Penny,
Dever,	Power,
Dickey,	Pozer,
Dickson,	Trudel,
Dumouchel,	Wark.—32.

NON-CONTENTS :

Hon. Messrs.

Aikins,	Allan,
Alexander,	Benson,

Hon. Mr. Read.

Campbell, Sir Alex.,	Kaulbach,
Cornwall,	Leonard,
Ferrier,	McMaster,
Flint,	Macpherson (<i>Speaker</i>)
Gibbs,	Read,
Glazier,	Reesor,
Haythorne,	Smith,
Hope,	Stevens,
Hamilton (<i>Kingston</i>)	Vidal—22.

Hon. Mr. ALLAN moved to strike out the 5th clause altogether.

The House divided on the amendment, which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Allan,	Leonard,
Benson,	McClelan (<i>Hopewell</i>),
Botsford,	McMaster,
Bourinot,	Macpherson (<i>Speaker</i>),
Cornwall,	Penny,
Dickson,	Power,
Ferrier,	Smith,
Gibbs,	Vidal,
Grant,	Wark—19.
Hope,	

NON-CONTENTS :

Hon. Messrs.

Aikins,	Hamilton (<i>Kingston</i>),
Alexander,	Haythorne,
Archibald,	Kaulbach,
Armand,	McClelan (<i>Londonderry</i>)
Baillargeon,	Macdonald,
Brouse,	Miller,
Bureau,	Montgomery,
Campbell, Sir Alex.,	Odell,
Chaffers,	Pâquet,
Chapais,	Pelletier,
Cormier,	Pozer,
Dever,	Read,
Dickson,	Reesor,
Dumouchel,	Stevens,
Flint,	Sutherland,
Girard,	Trudel—32.

Hon. Mr. GIBBS moved to substitute the following for the 6th clause of the Bill :—

“Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, at any time after the expiration of such five years, such mortgage may be determined by either party thereto giving six months' notice to the other of such intention, or on payment of six months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage.”

He said that some hon. gentlemen seemed to be anxious about the borrower. This

amendment would, in some respects, place him in a better position. The object of it was to put both parties to the contract on the same footing exactly. If the borrower, who had obtained a loan of money for 20 years, had a right at the end of 5 years to pay off his mortgage, the lender ought to have the right to call in his loan under the same conditions, and he could hardly bring himself to believe that the House would sanction legislation which would give one of the parties to the contract privileges which the other did not enjoy.

Hon. Mr. ALLAN suggested that, if it were wrong to interfere with contracts made between parties, by an arbitrary enactment of this kind, it could not make it any better to extend the same power to the lender. He admitted that it would be but fair play; but, at the same time, the House had expressed its opinion very unmistakably, and he thought it would be better if his hon friend (Mr. Gibbs) would not press his amendment.

Hon. Mr. GIBBS believed that he had the common sense of the House with him, no matter how they might vote. As he had a seconder for his amendment, he felt himself obliged to ask the House to divide upon it. He did not expect that it would carry; but he believed he would have the sympathy of the House with him at any rate.

Hon. Mr. MILLER was not at all surprised that the hon. Senator (Mr. Gibbs) should have little hope for the success of his amendment after the vote which had just been taken. The House could not, without stultifying itself, adopt an amendment the very reverse of the clause which they had just voted to sustain. He would remind hon. gentlemen that the lender and the borrower were not looked upon by the law as being in the same position. Parliament recognised the fact that legislation was required to protect the borrower against the superior skill, energy and adroitness of the lender. The whole object of the legislation was to protect the borrower.

Hon. Mr. GIBBS said if that were the design of the Bill, he would like to know why the hon. Senator from Richmond voted against the amendment to prevent private lenders from acting in the same manner as loan societies.

Hon. Mr. Gibbs.

Hon. Mr. MILLER replied that it was because he did not look upon private lenders as being at all in the same category as these societies.

Hon. Mr. READ said that the other House would not accept this clause, and the effect of its adoption by the Senate would be to destroy the Bill.

The Senate divided on the amendment, which was rejected on the following vote:—

CONTENTS :

Hon. Messrs.

Aikins,	Glasier,
Alexander,	Hamilton (<i>Kingston</i>),
Botsford,	Leonard,
Boyd,	McMaster,
Cornwall,	Penny,
Dickey,	Ryan,
Ferrier,	Smith,
Flint,	Vidal—17.
Gibbs,	

NON-CONTENTS :

Hon. Messrs.

Allan,	Hope,
Armand,	Kaulbach,
Baillargeon,	McLelan (<i>Londonderry</i>)
Bellerose,	Macdonald,
Benson,	Macfarlane,
Boucherville, De,	Miller,
Bourinot,	Montgomery,
Brouse,	Odell,
Bureau,	Pâquet,
Campbell, Sir Alex.,	Pelletier,
Chaffers,	Power,
Chapais,	Pozer,
Cormier,	Read,
Dever,	Reesor,
Dickson,	Simpson,
Dumouchel,	Stevens,
Girard,	Sutherland,
Grant,	Trudel,
Haythorne,	Wark—38.

Hon. Dr. BROUSE moved that the following be substituted as an additional clause:—

“No sale of lands made under power of sale contained in any mortgage shall be valid, unless two months' notice shall have been given of the intention to exercise such power of sale in some newspaper published in the county in which the mortgaged lands are situated, or, if no newspaper be published in such county, then the nearest newspaper in any other county, by one insertion each week; and if any person be living on the lands or in actual possession or cultivation of the same, or any part thereof, unless a copy of such notice be also delivered to such person two months before the day of such sale.”

He said that he had consulted with the promoter of the Bill in the other House,

who had expressed his approval of the amendment.

Hon. Mr. HOPE thought the amendment was unconstitutional. It was a matter with which the local authorities alone had power to deal, and, in fact, the Ontario Legislature had passed a law on the subject. The amendment would complicate titles, and, instead of benefiting the farming community, it would injure them. Even if this Parliament had the constitutional right to deal with this question, it would be very unfortunate to adopt such an amendment.

Hon. Sir ALEX. CAMPBELL said he favored the idea which the clause expressed, but believed, on reflection, that the matter should be dealt with by the local legislatures. There was a marked difference between this clause and the preceding sections, all of which referred to interest, and were those brought within the jurisdiction of this Parliament. The suggestion made by the hon. Senator from Prescott was eminently fair in itself, and, when it was first shewn to him (Sir Alex. Campbell), he had expressed his intention of supporting it.

Hon. Mr. MILLER admitted that there was a great deal of force in the argument of the hon. the Minister of Militia, but believed that, where this Parliament had control of any subject, they had also control of everything incidental to it, and that construction had been sustained by the courts in construing statutes passed by the Dominion Parliament. The amendment was admitted to be desirable, and, if introduced into the Bill, could do no harm if it were unconstitutional. It would, in that case, simply have no effect. He believed that the amendment could be framed in such a way as to bring it within the scope of this Parliament, and he, therefore, suggested that it be allowed to stand over another day.

Hon. Mr. DICKEY said that this discussion only shewed that the House was getting into still further entanglements, step by step, when they attempted to deal with this Bill in any other sense than that expressed by the hon. the Minister of Militia. The first four clauses of the Bill related to interest on mortgages, and only to interest, upon which

Hon. Mr. Brouse.

this Parliament had power to legislate; but the 5th clause dealt with principal as well as interest, and there was a doubt as to its constitutionality. But there was no doubt whatever that the proposed amendment was *ultra vires*, this Parliament having nothing to do with the power to sell under a mortgage. It was a proposition to regulate contracts between private parties, and, although a wise provision in itself, it was a matter which came under the jurisdiction of the local legislatures. Unless the hon. gentleman (Dr. Brouse) wished to defeat the Bill in another place, he had better withdraw the amendment.

Hon. Mr. REESOR said that his attention had been called to this clause, and he was satisfied, after reading it, that it would be *ultra vires* if adopted. He had prepared a clause, however, which he believed this Parliament had power to pass, as it related altogether to interest. It provided that no interest that might be in arrear at the time of the sale should be payable or recoverable unless at least two months had elapsed between the service of the notice of such intended sale and the sale. The effect would be that the mortgagee could not collect interest if he failed to give notice. It did not say that no sale should be valid.

Hon. Dr. BROUSE offered the following instead of the amendment which he had read:—

"No principal or interest shall be recoverable by sale of lands made under power of sale contained in any mortgage, unless two months notice shall have been given of the intention to exercise such power of sale in some newspaper published in the county in which the mortgaged lands are situated, or if no newspaper be published in such county, then the nearest newspaper in any other county, by one insertion each week; and if any person be living on the lands or in actual possession or cultivation of the same, or any part thereof, unless a copy of such notice be also delivered to such person two months before the day of such sale."

He believed that that modification would bring it within the jurisdiction of the House.

Hon. Mr. POWER hoped that the motion would not pass. He did not think that our constitution was of such a character that, by simply altering the wording of a resolution, it would either

make it *ultra vires* or within the jurisdiction of Parliament. The House would have to be guided by the substance of the amendment. They were undertaking to deal with a matter which was purely and strictly within the power of the local legislatures. The amendment, if adopted, would cause endless confusion and embarrass titles in almost all the provinces. If this change in the law were necessary, it could be made by the local legislatures. In Nova Scotia and New Brunswick it was altogether unnecessary, because, in those Provinces, there was no such thing as a sale of land without notice, and he understood it was the same in the Province of Quebec.

Hon. Mr. KAULBACH said he had grave doubts as to the power of this Parliament in this direction; but he would, nevertheless, support the amendment because he thought it was very important that land should not be sacrificed, as often happened, through insufficient notice, if this Parliament could prevent it.

Hon. Mr. MILLER said if there was any clause in the Bill recommending itself to the sense of justice of every member of the House, it was this one. There did not seem to be any difference of opinion on that point. The only doubt was as to the power of this Parliament to adopt it, and that view of it was urged in the interests of money-lenders by those who wished to defeat it.

The House divided on the amendment, which was adopted by the following vote:—

CONTENTS :

Hon. Messrs.

Alexander,	Hamilton (<i>Kingston</i>),
Archibald,	Haythorne,
Armand,	Kaulbach,
Baillargeon,	Leonard,
Bellerose,	McLelan, (<i>Londonderry</i>)
Benson,	Macfarlane,
Brouse,	Macpherson, (<i>Speaker</i>)
Chapais,	Miller,
Ormier,	Odell,
Corwall,	Pâquet,
Dever,	Pelletier,
Dickson,	Penny,
Dumouchel,	Pozer,
Ferrier,	Read,
Flint,	Simpson,
Girard,	Stevens,
Glasier,	Sutherland,
Guévremont,	Trudel.—36.

Hon. Mr. Power.

NON-CONTENTS :

Hon. Messrs.

Aikins,	McClelan, (<i>Hopewell</i>)
Allan,	McMaster,
Botsford,	Power,
Campbell, Sir Alex.	Reesor,
Dickey,	Smith,
Gibbs,	Vidal.—13.
Hope,	

The Bill was then read the third time, and passed.

SECOND READINGS.

The following Bills were read the second time.

Bill (32) "An Act to incorporate the Montreal Assurance Company."—(Mr. Ryan.)

Bill (57) "An Act to amend and consolidate the several Acts relating to the North-West Territories."—(Sir Alex. Campbell.)

The House adjourned at 1.40 p.m.

SECOND SITTING.

The Speaker took the chair at three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (M) "An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec."—(Sir Alex. Campbell.)

NORTH-WEST TERRITORIES LAWS
CONSOLIDATION BILL.

IN COMMITTEE.

The House went into Committee of the Whole on Bill (57) "An Act to amend and consolidate the several Acts relating to the North-West Territories."

Hon. Sir ALEX. CAMPBELL said the changes in the Bill were not very considerable. Many of them were merely formal, and those that were new related to two topics. In the first place, it was proposed to take the power to create several registration districts in the territories that had been found necessary, in consequence of the large influx of people who were settling in that country, and whose titles to their lands were insecure

so long as they were not on record. There were also provisions for the creation of coroners and stipendiary magistrates where the convenience of the population required them.

Hon. Mr. BUREAU (in French) expressed regret that this important subject had been brought up at such a late period of the session, when there was not sufficient time to examine its details carefully. He had looked through the Bill hastily, and had not observed in it the 11th clause of the Act 38 Vict., cap. 49, relating to separate schools.

Hon. Sir ALEX. CAMPBELL said that he was not aware of the omission. If the clause had been omitted, it could easily be inserted again.

Hon. Mr. POWER called attention to the fact that it was the 10th section in this Bill.

Hon. Mr. MILLER said even though the clause had been omitted, the British North America Act provided that, wherever the system of separate schools was established in the Dominion, it should continue in force for all time. He would do the hon. the Minister of Militia the justice to say that the 11th clause of the North-West Territories Act had been carried in the Senate through his (Sir Alex. Campbell's) active exertions.

Hon. Mr. GIRARD regretted that a Bill of such importance came before the Senate so late in the session. When the Government was established in the North-West Territories, it was considered by many to be premature, and he was of opinion that it was so still. The country could have been governed from Manitoba without any interest suffering. In view of the fact that the Government would soon have to extend the limits of Manitoba, westward, this measure was of very great importance. He thought it would have been time enough to have introduced this legislation after that extension had taken place. He would not oppose the measure, as it was simply a consolidation of existing laws; at the same time, he regretted that more time was not afforded for looking carefully into its details.

Hon. Sir ALEX. CAMPBELL said that there was nothing in the Bill that
Hon. Sir Alex. Campbell.

would interfere with the probable enlargement of Manitoba, and, when the Province was enlarged, it would only find the country so far prepared for government. The enlargement, if it should be found necessary to increase the area of Manitoba, would be to the west.

Hon. Mr. GIRARD contended that there would be a great saving in the expense in governing the North-West Territories if the Government would return to the old system.

Hon. Mr. POWER wished to call attention to the 15th and 19th sections, which, he thought, required some modification. He could understand that, at the time this Act was passed, in 1875, a district comprising 1,000 persons was not too small for an electoral division, but it seemed to him doubtful whether, at the present day, it should not be very much larger. The number of members in the Council or Legislative Assembly, as the case might be, was limited to twenty-one, and he was under the impression that that would only admit of a population of 21,000, and, unless he was under a misapprehension, the population of the territories was as much as that at the present time. So that a change should be made in the 19th section to provide that a second member should not be given to any district until it contained three or four thousand inhabitants.

Hon. Sir ALEX. CAMPBELL said it should be borne in mind that they were dealing with a country which would be sparsely settled for a long time to come, and this 1,000 people would occupy a very large area—at least a thousand square miles.

Hon. Mr. MILLER said that the number was stated in the Bill when it was enacted a few years ago, and, in the light of experience which had since been acquired by those who had the best reason to be familiar with the subject, it had not been thought fit to change it, and that was the best argument why the Bill should remain as it was.

Hon. Mr. CORNWALL said another fact that should be borne in mind was, the 1,000 people in the electoral district should be adults, and they would represent a much larger population.

On the 69th section,

Hon. Mr. POWER desired to call attention to the provisions respecting penalties for manufacturing, or having in possession, or selling spirituous liquors without permission. It provided that any person making, manufacturing, selling or bartering intoxicating liquors, except by special permission, or in whose possession intoxicating liquors should be found, would be liable to a penalty not exceeding \$200, nor less than \$50, one half of which fine should go to the informer. Conviction could be had on the evidence of the informer alone. He thought this was a dangerous clause, as whiskey informers, as a rule, were not of good character, and a great deal of injustice might be done, unless the information should be supported by other evidence than that of the informer. He moved an amendment, to the effect that no one should be convicted on such a charge, on the unsupported evidence of the informer.

Hon. Mr. MILLER said that this question had been before the House this Session in the debate on the Indian Laws Consolidation Bill, and had already been decided. It was not new legislation, for even in the Lower Provinces it was a usual thing for convictions for breaches of the License Law to take place on the evidence of one party without any further corroborative evidence being required. Even though the law was considered right and fair in connection with such licenses in the older provinces, there should be more latitude given in the new territories, where it might be impossible to get the additional testimony required by the amendment of the hon. gentleman from Halifax, and in nine cases out of ten where the parties were guilty they would escape for want of corroborative evidence. There was not the danger of injustice under this clause that might appear at the first blush in reference to those convictions. The accused party was brought before a stipendiary magistrate, who should, in the first place, be a man of legal training and good moral character, and who had no interest in doing injustice to anyone brought before him. They all knew that the disposition of such magistrates had always been to give the benefit of doubt to the accused, and instead of conviction on

Hon. Mr. Cornwall.

insufficient evidence, the probabilities were that, if the evidence were not clear, the parties would escape.

Hon. Mr. KAULBACH feared that this clause would be a temptation for parties to give information in order to obtain money. It was too arbitrary a law that, upon the evidence of an informer alone, a trader or other person, who might be in good standing, could be incarcerated for six months, and compelled to pay a heavy penalty. It seemed to him not to be in consonance with the genius of the legislation of the day. It was a different matter altogether from the provision with regard to selling intoxicants to Indians. The cases were not analogous, as, in dealing with the Indians, peculiar legislation was required, and, when information was laid against parties for selling liquor to Indians, it was generally done by men of good character, not with the object of deriving any pecuniary benefit from the conviction of the accused.

Hon. Sir ALEX. CAMPBELL apprehended no danger from this clause. The object of it was to suppress illicit liquor traffic, and it provided that parties having liquors in their possession at all, without permission, contravened the law. The party was accused on the evidence of a witness, and the fact of having liquor in his possession was corroborative evidence sufficient for a magistrate to convict upon.

The amendment was lost on a division.

Hon. Mr. POWER said that, before the Committee rose, he would like to ask the Minister of Militia if he thought it would not be wise to insert a section to provide that nothing in this Bill should contravene anything contained in the Indian Laws Consolidation Bill, passed this session.

Hon. Sir ALEX. CAMPBELL did not see on what point the two bills were likely to conflict.

Hon. Mr. POWER said, for instance, there were provisions in both Acts with reference to the sale of intoxicating liquors which were exactly similar.

Hon. Sir ALEX. CAMPBELL said that in the other Act it was confined al-

together to the sale of intoxicating liquor to Indians. The Bill had been carefully framed, and he did not think there was any danger of a conflict.

Hon. Mr. VIDAL, from the Committee, reported the Bill without any amendment.

Ordered for third reading to-morrow.

THE SENATE DEBATES.

FIRST REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. ALEXANDER, in rising to move the adoption of the report of the Debates Committee, observed that it recommended the renewal of the contract with the Messrs. Holland for the reporting and publication of the debates of next session. It had been suggested that the Committee should have advertised for tenders, but the majority of the Committee felt that there would be no result from such procedure. The majority of the Committee felt that the work during the present session had been very well done. They could not expect that everything would be perfectly done, either here or anywhere else. In the House of Commons, where the reporting cost \$19,000 per session, there had been a great deal of dissatisfaction as to the manner in which the work had been done, and they had found it necessary to change their system. The position of the Senate, in this respect, contrasted most favorably with that of the House of Commons, because he believed that it was the general feeling of the House that the Messrs. Holland had done the reporting most accurately, and had taken very great pains to do everybody justice. To illustrate the satisfaction which had been given to the country by the publication of these reports, he might mention that, only this morning, he had met a prominent citizen, who spoke of the debate on the Bill relating to the marriage with a deceased wife's sister, and expressed the opinion that nowhere had he seen that question so ably and fully debated as it had been in the Senate. It was very gratifying to members of this Chamber, when they had made elaborate statements upon great moral and political questions, to find that their debates went to the

Hon. Sir Alex. Campbell.

country in such a way as to shew that the Upper House was doing a good work. He was sure that he himself had no cause to complain of the manner in which the debates had been reported. Some hon. gentleman had been pleased to say that he (Mr. Alexander) utilized the Senate debates for his own glorification. He was fallible, like everyone else, and if there had been scenes in the House this session, no one had regretted more deeply than himself, and the occasions that had led to them. He hoped that there would be no more such scenes. Nothing could be more distasteful to him, and he was sure that they were equally distasteful to the whole Chamber. He considered it is duty to refer to the very grave charges which had been preferred against the reporters—

Hon. Mr. MILLER said that the hon. gentleman would only excite hostility to the motion if he made any further reference to that subject. For his (Mr. Miller's) own part, he had come into collision with the reporters in a most unpleasant manner. He had his own opinion upon that subject; but he had no desire to be considered as having any personal hostility to them, and, therefore, he did not think that this was an occasion to bring up a matter of that kind.

Hon. Mr. RYAN asked how much the reporting would cost.

Hon. Mr. ALEXANDER—\$4,500.

Hon. Mr. RYAN thought this was a large amount to pay for the reports of this House, and that greater economy should be practised in this direction, particularly at the present time. It appeared to him that a short summary of what took place in the House would be better than elaborate reports of the speeches delivered by hon. gentlemen in this Chamber. The country looked rather for what the Senate did than for what the senators said. If the measures that were passed reflected credit upon the House, they would render the Senate more acceptable in the eyes of the public than long speeches which, for his own part, he believed very few people read outside of this House. They were published in the *Ottawa Citizen*, *in extenso*, and, beyond that, except the very short summary which the contractors furnished

to the associated press, he fancied that very little of what was said in the Senate was known in the country. Hon. gentlemen perhaps, supposed that their oratory made a great impression abroad, but, for his own part, after making a speech which he, of course, considered very eloquent, he found, on returning to Montreal, that nobody had read it, and that all his eloquence had been wasted on the walls of this Chamber. Besides, eloquence might be carried a little too far, and doing, instead of talking, should be encouraged. This had been forcibly called to his observation in reading a book containing an account of Bismarck's visit to France at the time that the German army made its entry into Paris. It was contained in a memoir of Bismarck's journey by a person who travelled with him and had been very careful to give his sayings and doings in a very interesting and amusing way. Amongst other things, the following conversation held by him at Versailles was worthy of consideration:—

“The gift of oratory has ruined much in parliamentary life; time is wasted, because, everyone who feels ability in that line must have his word, even if he has no new point to bring forward. Speaking is too much in the air and too little to the point. Everything is already settled in Committees: a man speaks at length, therefore, only for the public, to whom he wishes to shew off as much as possible, and still more for the newspapers who are to praise him. Oratory will, one day, come to be looked upon as a generally harmful quality, and a man will be punished who allows himself to be guilty of a long speech. We have one body which attempts no oratory, and has yet done more for the German cause than almost any other: the Council of the Confederation.”

Hon. Mr. MILLER—That is the opinion of a man who is not remarkable as an orator.

Hon. Mr. RYAN—Bismarck can do, and his doings are on record, and will outshine the speeches of many an orator.

Hon. Mr. TRUDEL—What about the reporter who recorded the details of this conversation? The hon. gentleman (Mr. Ryan) thinks the report of the conversation worthy of being quoted, and yet he is adverse to the reporting of the debates of the Senate!

Hon. Mr. RYAN thought that an effort should be made to economize in the

cost of reporting the debates and proceedings of the Senate, and he was sorry that the Committee, for whose appointment he had voted last year, had not been able to effect a reduction in the cost of this service. He thought that, with due attention to the matter, the debates might be reported less *in extenso*, and at a smaller cost to the Senate.

Hon. Mr. READ said it was only the previous day that he had had the pleasure and honor of conversing with a member of the British Parliament, recently elected, who had come to this country from New York just to see this place. He had no other object but simply curiosity, and he felt delighted with the great progress that this new country was making. That gentleman had inquired particularly where he could get a full report of the debates that had taken place in this House on the Bill to legalize marriage with a deceased wife's sister, that he desired to have every word that had been said upon it, as it was a subject in which he took a deep interest. He (Mr. Read) thought there was no money so well expended by the Senate as this which was paid for a faithful and full report of its debates and proceedings. It was well enough for a dictator like Bismarck, who would not allow the press of Germany to publish anything except what he produced himself or authorized, to prevent free discussion, but it was a different matter in a country like this, where there was freedom of speech. The public of Canada wished to know, and should know, when they were willing to pay for it, what took place in Parliament, and he, for one, would vote for the motion before the House.

Hon. Mr. FLINT said, in reply to the hon. Senator from Victoria, that the reason why his (Mr. Ryan's) speeches were not read in Montreal, was, perhaps, because the hon. gentleman's eloquence was well known in that city, and the papers were afraid that the reports might not do him justice. He (Mr. Flint) believed it was the duty of the Senate to give its debates to the public. It was true that the only newspaper which published them in full was the *Ottawa Citizen*; but, while others did not see fit to reprint them *in extenso*, they selected such portions of them as were interest-

ing to their readers. No country paper had sufficient space to publish the whole of the reports, but debates on local subjects were reproduced in the press of the particular localities interested. He (Mr. Flint) had first entered the Legislative Council of Canada in 1862, and he had been a member of that body up to time of Confederation, and, since Confederation, of the Senate. Before the official reporting was commenced, there had been a general desire to know what took place in the Upper House, and, since the publication of the official reports, the country papers were glad to get and re-print for their readers, the speeches of their local representatives. The people felt very much interested in the speeches made in the Senate. They desired to know why it was that the Upper House often differed from the House of Commons on public measures; why the Senate thought fit to amend certain bills and throw out others. Under all the circumstances, he did not think it would be advisable to condense the reports. Sometimes hon. gentlemen made very long speeches in which there was very little worth publishing; but, as a rule, the members of the Senate evinced a desire to keep their remarks within reasonable bounds. The hon. Senator from Victoria (Mr. Ryan) expressed a desire to economise the expenditures of the Senate in this direction. He (Mr. Flint) thought it would be better to try that in some other quarter. It was beginning at the wrong end to economise by impairing the efficiency of the reporting service. He (Mr. Flint) regretted that the hon. Senator from Woodstock had been stopped when addressing the House upon the subject of the charges made against the reporters some weeks ago. It did seem hard that the reporters should have to lie under those charges, when they had discharged their duties so faithfully and impartially. He trusted that the Committee which had been appointed to investigate the matter would report the result to the House before the close of the session, and that, if the contractors had been guilty of any wrong doing, they would receive the condemnation of the House, and, if they had not, that they would be relieved from the odium which had been cast upon them.

Hon. Mr. Flint.

Hon. Mr. TRUDEL said that he would have no objection to seeing the question of the reporting of the Debates re-opened, provided that the rights of the French minority were taken into consideration. The House would readily understand the disadvantage under which those who spoke in French, or could only speak in that language, labored. Every member naturally felt that his own utterances were of some value to the country, and that they should be recorded. If there was any willingness to adopt some new system of reporting, he hoped that the claims of the French-speaking members, who had as good a right to be reported in their own language as the English-speaking members, would be considered by the Senate. For his own part, he did not insist upon this right, because he felt perfectly satisfied with the present arrangement, and would prefer the present full and accurate report in English to having an incomplete and unsatisfactory report in both languages. While there might be occasions when the reports were too voluminous, there were other occasions when it was very important that they should be published *in extenso*. The hon. Senator from Victoria had expressed the opinion that the people of the country were more anxious to see what the Senate did than hear what they said. He (Mr. Trudel) could not conceive of any mode of giving them that information except by reports of the proceedings of the Senate. It was unjust to this House to say that they were too talkative, because a body which usually sat no longer than two or three hours every day, and transacted so much business, could not be open to such a charge. The hon. gentleman (Mr. Ryan) had read with great gusto Bismarck's opinion of parliamentary eloquence. If the report of a mere conversation afforded him so much pleasure the House could readily imagine the delight with which the public would read the eloquent speeches of the hon. Senator himself. The country was interested in knowing the reasons which influenced the action of the Senate; and therefore, it was important that the debates should be fully reported and published. If the reports should be dis-

continued, the people would come to the conclusion that the Senate did nothing at all, and was only an incumbrance. He would sustain the report of the Committee.

Hon. Mr. McLELAN said that the remarks of the Chairman of the Committee would lead the House to suppose that they had unanimously agreed that the present system of reporting was the very best that could be devised.

Hon. Mr. ALEXANDER—I said that was the opinion of the majority of the Committee.

Hon. Mr. McLELAN hardly understood that to be the opinion even of the majority, but as there was very little time to consider the matter at this late period of the session, it was thought advisable to continue the present contract for another year, and see the result of the new system adopted by the House of Commons. He knew that the Senate would not be satisfied without a report of everything of any value that was said in debate. If any senator had anything to say, bearing upon the questions coming before the House, he should say it, and it should be reported in such a manner that it would be read throughout the country. A complaint had been made, this year, that the reports were too full; perhaps that was due to the system of paying so much per page, and perhaps it might be better to devise some plan of paying not so much for the number of words reported as according to the value of what was said. If they could take the wheat and leave out the chaff, and pay for the wheat only, it would be better for the Senate and for the country.

Hon. Mr. RYAN thought, from some of the remarks which had fallen from the hon. gentleman opposite (Mr. Trudel), and his hon. friend behind him (Mr. Flint), that he (Mr. Ryan) had been misunderstood. He had suggested economy and the curtailing of the reports of the debates, and he was very glad to hear from his hon. friend opposite (Mr. McLelan) that the Committee contemplated some change of that kind, although they had not yet arrived at a conclusion. He believed that that was what the House of Commons, after several years' experience, were aiming at, and what
Hon. Mr. Trudel.

this House also desired to attain. What he (Mr. Ryan) desired was both to save money and to have the reports condensed, because they would be more readable if they were put into a smaller compass.

Hon. Mr. DEVER said that he was well pleased with the present system and the present contractors. If the reporters were allowed to condense speeches, they would, perhaps, give their own ideas to the country. That might be all right, but, to his mind, it was very important that every Senator should be held responsible for his own views on every public question. For thirteen years he (Mr. Dever) had been a member of the Senate, and he knew that the reporting had never been more satisfactory than this year and during the last three sessions. The present contractor had given general satisfaction, and there was no feeling in the House that injustice had been done to any hon. gentleman.

Hon. Mr. MILLER—I deny that.

Hon. Mr. DEVER said that, unfortunately, there had been one objection raised, but he trusted that, before the prorogation of Parliament, the difficulty which had arisen would be explained.

Hon. Mr. MILLER rose to a question of order. The hon. gentleman had no right to refer to a former debate.

Hon. Mr. DEVER said that he had no intention of referring to any former debate, but merely desired to express the hope that the only difficulty which had arisen in connection with the reporting during the four years that the present reporters had held the contract would be satisfactorily explained.

The motion was agreed to.

The House adjourned at 4.45 p.m.

THE SENATE.

Wednesday, May 5th, 1880.

The Speaker took the chair at eleven o'clock a.m.

Prayers and routine proceedings.

MONTREAL ASSURANCE CO.'S BILL.

THIRD READING.

Bill (32) "An Act respecting the Montreal Assurance Company."—(Mr.

Ryan) was reported from Committee, read the third time, and passed.

THE NORTH SHORE AND INTERCOLONIAL RAILWAYS.

INQUIRY.

Hon. Mr. POWER inquired of the Minister of Militia whether any arrangements had been made with the Department of Railways and Canals for ticketing passengers and billing freight over the Quebec, Montreal and Occidental Railway, so as to connect with the Intercolonial Railway; and, if not, whether any such arrangement is contemplated?

Hon. Sir ALEX. CAMPBELL said that no such arrangements had been made, nor was it contemplated to make any.

Hon. Mr. MILLER was very sorry to hear the announcement of the leader of the House, as he thought it was a matter of very great interest to the Maritime Provinces, and especially to those of them who had to come to Ottawa, if some arrangements were made whereby through tickets could be obtained over the Intercolonial and North Shore Railways.

Hon. Sir ALEX. CAMPBELL said the arrangements should be made between the managers of the roads, and not by the Government. There was another route to Ottawa, over the Grand Trunk, and it was for the passenger to choose for himself which route he should take. The Government desired to hold an even hand in the matter.

Hon. Mr. MILLER said at the present time a passenger could go into any of the Government railway offices in Halifax and purchase a through ticket over the Intercolonial and Grand Trunk, and why not extend the same privilege to the North Shore roads?

Hon. Sir ALEX. CAMPBELL could see no reason why they should not be on the same footing.

Hon. Mr. MACFARLANE had understood that some arrangements were being made between the officers of the Intercolonial and the North Shore Railways, by which through tickets by that

Hon. Mr. Dever.

route would be issued. Heretofore, the difficulty had been the want of facilities for transferring passengers across the river at Quebec.

Hon. Sir ALEX. CAMPBELL said he might have been wrong in stating that nothing had been done, as Mr. Pottinger, the manager of the Intercolonial, had the power to make such an arrangement if he saw fit.

Hon. Mr. DICKEY thought it was well that the attention of the Ministry should be called to the matter. If the arrangement suggested could be made, it would be a great convenience to the people of the Maritime Provinces, who were obliged to come to Montreal or other points further west. Under the present arrangement, travellers were obliged to travel by night, whereas, if the North Shore route could be availed of, the traveller, on arriving at Quebec from Halifax, could stop in that city over night and come on next day, and be at Ottawa as soon as if he had travelled all night by the Grand Trunk Railway.

Hon. Mr. BELLEROSE considered that this arrangement should not be left to the will of the Superintendent; it was the duty of the Government to look after it, as it was a matter of great importance to Quebec as well as to the Maritime Provinces. He hoped that the Government would see to this matter as soon as possible.

The subject then dropped.

THIRD READING.

Bill (57) "An Act to amend and consolidate the several Acts relating to the North-West Territories," was read the third time and passed, without debate.

THE PRINTING OF PARLIAMENT.

THIRTEENTH REPORT.

Hon. Mr. SIMPSON moved the adoption of the thirteenth report of the Joint Committee of the Senate and House of Commons on the Printing of Parliament.

The motion was agreed to.

CONTINGENT ACCOUNTS OF THE
SENATE.

FOURTH REPORT.

The Order of the Day having been read for the consideration of the fourth report of the Select Committee appointed to examine and report upon the Contingent Accounts of the Senate,

Hon. Mr. MILLER said: Before moving the adoption of the report, I should like to ask my hon. friend from Amherst whether he intends to move a reconsideration of it in the manner in which he has given notice?

Hon. Mr. DICKEY—There is a notice on the paper, given by myself, that the report be referred back to Committee for the purpose of striking out one clause relating to an increase in the salary of one of the *employés* of the Senate. I gave that notice with very great regret, because the person whom it affects is a gentleman coming from my own Province, and, of course, it must be said I was disinterested in giving that notice, having always stood up for giving the people of the Maritime Provinces a fair consideration in the employment of officers of this House. At the same time, I considered that, if any officer in that class to which he belongs is entitled to consideration, he certainly deserves it better than any other, as he is eminently qualified for the position, and has proved it by many acts of service. My object in giving this notice and making this motion was for the purpose of preventing any increases, from time to time, in the salaries of our *employés*. That is a point on which I may or may not be right, but, at all events, I insist upon acting on that principle. I may say that the increase, \$100, is the smallest possible amount that can be named as an increase, and I think, even with it, he will be placed in a position very little above some of the messengers of the House as regards salary, though he is a man of education and capacity, and well qualified to fill the situation which he occupies. If I can get any assurance that this is not to be made a precedent for other increases, I will not press my motion.

Hon. Mr. MILLER—I have no hesitation, so far as I am concerned myself, as Chairman of the Committee, in giving

Hon. Mr. Simpson.

my hon. friend all the assurance I can give him that this increase is not to be made a precedent. At the same time, when the Committee agreed, by a majority of one, to increase the salary of this officer (I am quite unacquainted with the individual myself, and have no special reason for advocating his claim), it was represented to me by several gentlemen, not on the same side of politics as those gentlemen who placed that clerk in his present position, that he was a meritorious public officer, and that his salary was exceptionally small in comparison to those of other officers of the House. I think, myself, that that statement was correct, and I did what I would not have done under any other circumstances, because I allowed the increase of salary to be carried by my own vote as Chairman, which is not, I admit, a very usual thing for the Chairman of the Contingent Committee to do. I was not aware, and I am not aware now, that the officer alluded to is a Nova Scotian. I was under the impression, and am still, that we have no Nova Scotian in the service of this House.

Hon. Mr. DICKEY—I understood that Mr. Soutter last came from Nova Scotia.

Hon. Mr. MILLER—That may be, but our Province is not represented in the service of this House at all, and in that respect we are not any worse off than in the other branches of the public service at the seat of Government. Ours is the only province, for instance, of the four old provinces of the Dominion, that has not a deputy minister in the public service. The other three provinces monopolize all those and other positions in the Civil Service. Owing, perhaps, to the unfortunate circumstances attending the initiation of Confederation, Nova Scotia has never received a fair representation in the Civil Service. The report which I am about to ask the House to adopt contains two clauses.

Hon. Mr. DICKEY—I might, perhaps, best consult the feelings of the House, at this stage, by not pressing the amendment of which I have given notice.

Hon. Mr. MILLER—The first clause proposes an increase to Mr. Soutter's salary, and will meet the approval of the

House. The second clause is one of more importance, and refers to a subject which has excited a good deal of discussion in this House, as will be in the recollection of hon. gentlemen who listen to me. I mean the question of some members' indemnity. The Contingent Committee, to which the matter was referred, thought the most advisable way to deal with the subject was to refer it to a sub-committee, consisting of some of the most experienced and leading members of the Contingent Committee, of whom the late Speaker, the Hon. Mr. Botsford, was Chairman, who made a report, which was unanimously adopted. It was as follows:—

"The Clerk of the Senate having, in compliance with the instruction given to him by your honorable House, on the 14th of April last, prepared for the use of your Committee, and laid before your Committee, a full statement of all sums paid to members of your honorable House for sessional indemnity and mileage since 1867, inclusive, your Committee have investigated the same, and find that the practice of the Senate is for the Clerk to make up a statement of the attendance of and indemnity payable to each member; that, in preparing these statements, the Clerk has always included Saturdays, Sundays, Easter and other holidays occurring after the member's first attendance; that in several cases these days have made up a sessional attendance, from which absent sitting-days are deducted, and the indemnity calculated accordingly; that this is the mode of reckoning prescribed by the Indemnity Act, and has been pursued ever since Confederation in both Houses of Parliament, under the direction of the several successive Speakers thereof, and is supported by the opinion of the Deputy Minister of Justice; and that no member of the Senate has received more than the law strictly entitled him to receive."

I wish to offer no comments just now upon this report. I presume it will be adopted without any further discussion, as the matter has been very fully debated already. I shall, therefore, simply move that the report be adopted.

Hon. Mr. ALLAN—On the several occasions when the matter referred to in the report which has just been submitted was brought before the House by the hon. Senator from Woodstock (Mr. Alexander), I refrained from saying anything, although it was very evident that, while the hon. the Minister of Militia was the real object of the hon. Senator's attack, he (Sir Alexander Campbell) was to be hit over

Hon. Mr. Miller.

my shoulders; and, therefore, I was aimed at, though not actually named, in the notices of motion which the hon. gentleman placed, or, rather, endeavored to have placed, from time to time, on the Minutes of the House. I did not think it worth while, however, to take any notice, either of the hon. gentleman's speeches, or of his resolutions. The explanations given by the Minister of Militia, which will be fresh in the minds of the House, in his speech in moving for the reference on which the Committee have now reported, had shewn how unfounded the hon. gentleman's charges were, and I scarcely consider it necessary now, as the report really speaks for itself, to say anything on the subject. It may be as well, however, in order to prevent erroneous impressions that may be sought to be created outside of the House, to briefly recapitulate the circumstances in connection with this matter, which have been already alluded to by the hon. the Minister of Militia. I came down at the beginning of the session of 1877 to attend to my parliamentary duties as usual, intending to remain here for the session, when, in the beginning of March, I received a cable message from Italy, informing me of the very alarming illness of a member of my family. I left Ottawa immediately, and sailed shortly afterwards for Europe, and did not return to this country until the following autumn. At the close of the session, the Minister of Militia, acting on my behalf, received from the Clerk of the Senate my indemnity, according to the statement furnished by that officer, in the usual way. This, hon. gentlemen will remember, was in 1877. The first time I ever heard of the statement being questioned in any way was just at the close of last session of Parliament, when I was informed by a member of the Contingencies Committee that attention had been called to the indemnity paid to certain members in 1877, and that my name had also been alluded to, the gentlemen more immediately aimed at being on the Opposition side of the House—one of them, a gentleman whom, I deeply regret to say, we shall probably never see in his place again. I was not a little surprised at this information, but, having had no

thing to do with the settlement of that particular year, I naturally went at once to my friend, the hon. Minister of Militia, who had been kind enough to act for me, and, in reply to my question, he informed me that he had settled with the Clerk in the usual manner on the statement furnished by that officer, but as he (Sir Alex. Campbell) was not acting for himself, he had taken the precaution to satisfy himself that that statement was strictly in accordance with the practice of both Houses and the opinions of the respective Speakers given at various times for the guidance of the Clerk, and with the opinion of the Law Clerk of the Commons, which also had been had, and that all these opinions were filed in the Clerk's office, and could be seen by anyone who desired to examine them. Of course, on receiving this information, I gave myself no further concern on the matter, nor did I hear anything more about the matter until now, in 1880, I find myself singled out from the whole House, by the hon. gentleman from Woodstock, and made the subject of his persistent attacks for an indemnity paid to me three years ago, strictly in accordance with the practice of both Houses and the Statute under which the indemnity is paid. The House is now fully aware of all the circumstances of the case, and the report of the Committee, as it has been submitted, is as clear and complete as can be. The course pursued in my case in 1877 was precisely the same as that followed in every other case, under the same circumstances, since Confederation—I believe some thirty or forty instances in all—and, therefore, I think I shall have the entire concurrence of hon. gentlemen when I say that there has been nothing to justify the offensive attacks which the hon. Senator from Woodstock has thought fit to make both on me and on the hon. the Minister of Militia in connection with this matter.

Hon. Mr. PELLETIER—As a rule, I am not in favor of increasing salaries, but this is a question of justice. I do not know the gentleman whose name is mentioned in the first clause of this report, but I am told that he is a very efficient officer, and, if his services are required at all, he ought to have a good salary. Nine hundred dollars a year is only a very

Hon. Mr. Allan.

small salary for an educated man holding that position.

Hon. Mr. FLINT—I see, by the report that is now before me, that it was unanimous on the part of the Committee. Notwithstanding all that, I must beg leave, to a certain extent, to differ from it. I am aware that the practice has been carried on in both Houses, of taking the full amount of indemnity, less the days the parties were absent from the House in the fore part of the session; and, therefore, the first notice I had of this matter was last session, when I went to the Committee, as hon. gentlemen are well aware, and spoke in reference to it. I was then told, by the hon. gentleman who is now the mover of this report that, it was according to law. He sent for the Statutes, and read the law, and interpreted it; but that did not satisfy me. I felt inclined to differ, and I still feel inclined to differ from him in reference to that matter. I am not going fully into the question now, but I may say that I do consider it is wrong that members should receive indemnity for work that they have not done; consequently, I shall have to dissent from this report. I cannot consent to allow it to go out to the country that it was adopted unanimously. I think that I am taking the proper ground in order to sustain the opinion that I have always held in reference to this matter—an opinion which I have not yet, notwithstanding all that has been said as to the legality of the Act, and to the course that has been pursued—that it is not right. I do trust that the Government will take it upon themselves, during the recess, to prepare a measure so to amend the Act of Indemnity at the next session that there can be no mistake in reference to it. As it stands at present, it leaves a doubt with many. Of course, with all due regard and deference to the opinions of legal gentlemen on both sides of the House, we, who are not lawyers, have the liberty of thinking and speaking for ourselves; and I do not, for one, feel inclined to have it go out to the country that we have sanctioned this report in the position in which it now stands.

Hon. Mr. ALEXANDER said that, after the violent discussions which this subject had called forth, it would be un-

wise to say anything further than that he dissented emphatically from the report of the Committee. They would take the responsibility of their course of action, while he took the responsibility of his. The hon. member from Amherst (Mr. Dickey) had withdrawn his motion, which had been put on the notice paper, objecting to grant one hundred dollars additional to a clerk's salary. Such a motion would have come very consistently, upon grounds of patriotic economy, from the Senator from Amherst, who, as a member of the Contingent Committee, had approved, sanctioned and endorsed the construction of the Indemnity Law, allowing members to take six or seven hundred dollars for twelve days' attendance. The hon. Senator was a gentleman of high, consistent and patriotic sentiments and principles. He looked at such questions from the lawyer's standpoint, and he was to be congratulated upon the high principle which governed his course.

Hon. Mr. TRUDEL—It is, perhaps, unnecessary to reply to the remarks of the hon. gentleman to convince the House that this report should be adopted; but we cannot forget that his utterances will go to the public, and they should be accompanied by some words in explanation of them. For my own part, I never could conceive how there could be a doubt as to the interpretation of the law as it stands, whatever differences of opinion there might be as to the propriety of amending it. It was impossible for the Minister of Militia to have interpreted the Act in any other way, or the Committee to have arrived at any other conclusion than their report contained. The hon. gentleman (Mr. Alexander) has fallen into error through a mistaken notion that our services here should be computed as so many days' work. The character and social position of members of this House, and the services rendered by them, are certainly equal, if not superior, to the position and duties of the judiciary, yet who would dream of treating judges in that way? It often happens, in remote districts, that there is not a case, civil or criminal, before a judge in a term. What would the public think, or the judges say, if we should propose to reduce their salaries because they do not sit a certain number

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of days? Members of the Senate are not to be treated as if they were common laborers. Their indemnity is a very small one in view of the important services that they render to the country. We have to take the law as it stands, but I contend that, even as a matter of equity, there would be no impropriety in paying the full indemnity to a member who has sat but a few days during the session, because one man may render more important services at one sitting of the House than another could during his whole life. Viewed in this light, there is no injustice done under the law, and I think it is a pity that reflections have been cast upon members of this House and statements sent abroad leading the public to believe that Senators have received money for services which they did not render.

Hon. Mr. HAYTHORNE—I always desire, if possible, to concur in the reports of select committees of this House, because we may fairly assume that the members who form those committees have given their most careful attention to the subjects referred to them, but I must say that the report of the Select Committee upon this matter does not satisfy me. It does not touch so fully upon this subject as it should have done. I am not disposed to cast blame upon any member; in fact, I go so far as to say that I acquit any member of blame or responsibility for accepting the amount of indemnity handed to him by the Clerk, who alone is responsible for the manner in which the accounts are kept. But I do think that, under the circumstances which have been laid before this Committee, it was incumbent upon them, if they did not already possess the power, to come before the Senate for increased powers to enable them to make some recommendation to meet the difficulties which have been so frequently alluded to during the present session of Parliament. I would just point to some of the incongruities which may arise under the present law. For instance, a case has been referred to of a gentleman who served eight or ten days at the beginning of the session and received \$600 at the end of it, while other members, who had been detained in their own Province by the meeting of the Local Legislature, until the session of this Parliament was somewhat

advanced, but who came in time to bear the heat and burden of the day, received only \$10 per diem for every day that they attended. Such an incongruity could never have been contemplated by the framers of the law, and it affords good grounds for amending the Act. I hope that another session will not be allowed to pass without action being taken to remove those incongruities.

Hon. Mr. VIDAL—I recognize the weight of the statement that has just been made by the hon. Senator from Prince Edward Island, but I cannot see how it can interfere in any way with the adoption of the report, which simply makes known to us certain things that have actually occurred. Unless we are prepared to say that the facts submitted in this report do not exist and never did occur, I do not see how we can, with any propriety, refuse to accept it. If it contained anything distasteful to us, I could understand why it should be rejected. I can understand that it should have contained a recommendation if the Committee had been instructed to make one. It is quite clear to me, from the report of the Committee, and from what has been said in this House, that there was nothing done to justify the very serious charges which have been made in this House, and outside of it, against the character of a member of this body. He was accused of “stealing.”

Hon. Mr. ALEXANDER—Order! order!

Hon. Mr. VIDAL—The word “stealing” was used by the hon. Senator from Woodstock, and applied to an hon. gentleman who received this indemnity. Unquestionably, such a charge was made, and I say that when the report of the Committee tells us clearly and distinctly the whole process by which this matter has been managed, ever since Confederation and prior to 1867; when it says that no Senator has ever received more than the law strictly entitled him to receive, I do contend that it should be unanimously adopted by the Senate. I fully concur in the opinion that the law has operated unjustly—that it is not right that a member who attends during the last three or four weeks of the session, when most of the business of the Senate is transacted, should re-

ceive less than a man who only comes for two or three days at the beginning of the session; but that is in the law, and not in the administration of it. The Clerk of this House and the hon. gentlemen who have made up these accounts are perfectly justified in acting as they have done, and no man can point at them the finger of scorn and say that they have been guilty of any impropriety. Whether it is a matter that the Government should take hold of, I cannot say, but any member of Parliament who considered the law oppressive could introduce an amendment to it.

Hon. Sir ALEX. CAMPBELL—Not in this Chamber.

Hon. Mr. VIDAL—That would not be imposing taxes; it would be relieving the people of taxation. But, if the hon. gentleman cannot introduce a bill, he can, by resolution, bring the matter before Parliament. I sympathize with those who desire to have the law changed, and, if they had acted in the way I have suggested, I should have supported them, but to heap all the blame on innocent shoulders is something that I cannot sanction by my vote.

Hon. Sir ALEX. CAMPBELL—I cannot refrain from saying a few words upon the occasion of the presenting of this report. I think that something more and different should have fallen from the hon. Senator from Woodstock, than an expression that he protested against the report. We should have had from him, I think, some expression of regret for the language which he has used on several occasions, when we thought he was ill-informed on the law and the usage in this and the other House in reference to this subject. The Senate will remember that from time to time when this question has been up, not only were the hon. gentleman from York and myself assailed, in language which I will not repeat, but towards all the members of this House who had acted under the law, and who had taken no more than the Indemnity Act authorized them to receive, was applied the language to which attention has just been drawn by the hon. Senator from Sarnia (Mr. Vidal). After addressing such language to members of this House, and after an investigation has been held, and it is simply

established that not only was the explanation which I gave the other day perfectly correct, but that there are as many as thirty or forty cases since Confederation, in this House alone, of the application of the undoubted rule of law—the hon. gentleman offers no apology for his vile attacks upon members of this House—but protests against the report of the Committee, and, in effect, repeats his original, untrue and injurious accusations.

Hon. Mr. MILLER—There is a misapprehension with regard to that. A number of cases included in the thirty or forty referred to are made up in this way—for instance, supposing the House to sit forty days, and a member to have attended the full forty days from the opening to the close of the House, he may or may not have made his thirty or thirty-one sitting days, there may be only twenty-nine sitting days, but he receives his indemnity. The law is clear with regard to such cases.

Hon. Sir. ALEX. CAMPBELL—It includes those cases, but there are many others affecting members on both sides of this House. It was with reference to a member of this House whose illness we now deeply deplore, that the hon. Senator first used this language, and it is within my knowledge, and of friends who have told me, that newspapers have been constantly brought to the bedside of that hon. gentleman, and within human probability that these attacks of the Senator from Woodstock have increased the pain of his illness; and not only has he spoken thus of the hon. gentleman to whom I refer, and of the hon. member for Rigaud, not now in his place, but with reference to all those referred to in the report under consideration, some thirty or forty who acted on the principle which the report under consideration declares to be correct, and legal, and of invariable use in both Houses. The statement which the Clerk makes out is in the due and proper exercise of his functions, which he is obliged to make out under the law, and has been universally acted upon in both Houses, and because thirty or forty members of this House have acted under the law and adopted the returns made out for them by the Clerk and accepted the in-

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demnity they were entitled to, they and our colleague who is ill have been stigmatized in this offensive manner, and the hon. Senator from Woodstock, now that, even to his comprehension, all is made clear, instead of telling us that he is sorry, and regretting the error into which he had fallen, reiterates his accusations. He should hide his head as a slanderer.

Hon. Mr. ALEXANDER—I rise to a point of order. The hon. gentleman is using unparliamentary language.

Hon. Sir ALEX. CAMPBELL—Who can apply parliamentary language to conduct such as that of the hon. gentleman, who has almost put himself outside the pale of propriety of language! But I will endeavor not to overstep its bounds. We have been told that, in the corridors of the House and on the streets, the hon. gentleman has been repeating the slanders which he had the assurance to make in the House.

Hon. Mr. ALEXANDER—I rise to a point of order. The hon. gentleman has no right to refer to rumors outside of this Parliament that he cannot prove.

Hon. Mr. MILLER—He has a perfect right.

The SPEAKER—The hon. gentleman has a perfect right to refer to rumors that he has heard.

Hon. Sir ALEX. CAMPBELL—These stories were told in the lobbies of this House, and in the Russell House, and to everybody in the streets whom the hon. gentleman could get to listen to him. He has gone about making it his business to revile me and those hon. gentlemen in this House who have done nothing except comply with the law. It is well known, and I have heard it mentioned by members on both sides of me, that the story has been reiterated again and again, to members of this House and to everybody who could be “buttoned-holed” by the hon. member to listen to them, and an unceasing attempt has been made to persuade them that some great wrong and offence has been done with reference to indemnities. When this very report was brought in, saying in concise and plain language, that nobody has done anything improper or illegal, what did we hear? Those hon. gentle-

men who sit near me, and who are annoyed by the neighborhood of the hon. Senator from Woodstock, heard him state that it was a "whitewashing report."

Hon. Mr. ALEXANDER—Hear, hear.

Hon. Sir ALEX. CAMPBELL—Is that language that should be held here by a member when a report such as this is brought in? when, if he had any right feeling, the hon. member would have taken the first occasion to express his regret, and have said "I am sorry; I have misinterpreted the law and said, inside and outside of the House, injurious things of my colleagues which I will say no more." This was the language that he should have used, instead of pursuing the slanderous course which he has taken during the session, making, as the House knows he has done, this House uncomfortable, and himself a nuisance.

Hon. Mr. ALEXANDER—I rise to a point of order. I ask that the words of the hon. gentleman be taken down. He says that a member of this House is a nuisance when acting in the discharge of his duty.

Hon. Sir ALEX. CAMPBELL—My words need not be taken down; I retract them. Instead of saying "a nuisance," I will say making himself exceedingly disagreeable. That is parliamentary enough. His course has been not only disagreeable, but it has been silly from the very beginning of the session. What have we seen here from day to day? The very first measure which came up this session was the Militia Bill, the object of which was to give to the guard of honor which attends the representative of our Sovereign the legal powers necessary to preserve order in case of any difficulty. What did the hon. gentleman do? Opposed the Bill and characterized it—in his poverty of language and poverty of thought—as "such a bill!" He was unable to find any objection.

Hon. Mr. ALEXANDER—I rise to a point of order. The hon. gentlemen is not speaking to the question: he is dragging in outside issues.

Hon. Sir ALEX. CAMPBELL—I am describing the course that the hon.

gentleman has pursued from the beginning of the session. When his attention was drawn to the object of the Bill by the hon. Senator from Amherst, he even then seemed incapable of understanding it, and came in with explanations which were foolish and inappropriate, as his explanations always are. The next occasion was the resolution acceding to the request of the House of Commons for a return of the indemnities paid to members for the year 1879, taking the very words of the request just as the House of Commons made it. What did the hon. gentleman do but rise and say that he took "the responsibility of opposing the course pursued by the Minister of Militia." He take the responsibility! What is his responsibility, mentally or any other way? He opposed what? He opposed our sending down to the House of Commons the very information which he has been dragging up again and again to the annoyance and discomfort of every member of the House; that is what he took the responsibility of opposing. What did we next hear? With reference to the reporting of our debates, when the hon. Senator from Richmond drew attention to the manner in which they were reported, and I said something in furtherance of his wish that they should be more condensed, the hon. gentleman (Mr. Alexander) comes in and, in his blatant way, roars at me: "Has the hon. gentleman anything to conceal?" What could I have to conceal with reference to the debates or anything else? God knows if the hon. member was as free from having anything to conceal as I am, he would be exceedingly well off! And so it has been from the beginning of the session until now. He talks of indemnity not having been earned by members. What in heaven has he ever done for his indemnity? Has he ever uttered in this House a sensible idea or a suggestion of value—anything that anybody has profited by? Hon. gentlemen have served on committees with him; does anybody know that he has ever been anything on a Committee but an annoyance and a drawback to the proceedings? Did he ever make a suggestion that was worthy of adoption? He has been as useless in committees as he has been in the House,

and, as the hon. Senator opposite (Mr. Trudel) remarked, a member may serve here from hour to hour and day to day for his whole lifetime and his services would not be worth his indemnity. Such is the case with the hon. Senator. And so it has been from the beginning of the hon. gentleman's career in Parliament. He told us the other day that he had been twenty-two years in public life. He should have said minus the six or seven years during which he was not in Parliament. He first came here in 1873. That he is here now to vex and annoy the House he owes to me more than anybody. Do I not recollect the Assembly at Quebec when it was left to Mr. Brown—the gentleman he has been attacking now, and whom he said last session, he "would kill" with reference to this very indemnity.

Hon. Mr. ALEXANDER—I rise to a point of order—let the hon. gentleman prove his statement.

Hon. Sir ALEX. CAMPBELL—I heard it last session; let the hon. gentleman deny it if he dare!

Hon. Mr. ALEXANDER—I do deny it. Let the hon. gentleman verify his statement or withdraw it.

Hon. Sir ALEX. CAMPBELL—I was told that he said so, and I believe that he did, and I think I could readily establish it. I remember the name of the hon. gentleman coming up. It was left to Mr. Brown, leading one side, Sir John A. Macdonald leading the other, and myself as representing the Legislative Council at the time, to select the members of the Council who should be appointed to the Senate.

Hon. Mr. ALEXANDER—I rise to a point of order. What has this to do with the question before the House? I ask the Speaker to decide whether my appointment to this Chamber has anything to do with the question before the Senate?

Hon. Mr. MILLER—I rise to a question of order also. The hon. gentleman has a right to raise a question of order, but if the Chair rules against him, as it has already done during this discussion, it ought to be a sufficient intimation to him that his points of order are not well taken.

Hon. Sir Alex. Campbell.

Hon. Mr. ALEXANDER—I call upon the Speaker to decide!

Hon. Mr. BOTSFORD—The hon. gentleman should point out the rule that has been violated.

Hon. Mr. ALEXANDER—The hon. gentleman has no right to refer to the manner in which I was appointed to this Chamber. The Government, of which he was a member, ejected me from it, and they had no right to do so.

Hon. Sir ALEX. CAMPBELL—I propose to go on with my remarks until I have rebuked the hon. member as far as it may be in my power. His name, because it begins with "A," stood at the head of the list. It was incontinently placed at the bottom of it by common consent, and he was left out at Confederation. It was simply because I had sat here in the Legislative Council some years with him that I asked my colleagues to be allowed to write letters to him and others who were in a similar position, to assure them that we would give them seats in the House as soon as opportunities presented themselves. It was out of good feeling, and because I had sat with him before, that I wrote to him.

Hon. Mr. ALEXANDER—Thank you.

Hon. Sir ALEX. CAMPBELL—He says "thank you!" and he ought to say it. One reason which he gave me why he was exceedingly anxious to come back to the House was, I remember well, that he might have more influence with certain classes of persons, but particularly with railway managers, and, will the House believe it? be able to procure railway passes from them! This was the exalted ambition with which the hon. member desired to enter the Senate.

Hon. Mr. ALEXANDER—I rise to a question of order. Is this House to be disgraced by the leader of the Government? He is dragging private conversations into this debate, and inventing statements besides. It is disgraceful!

Hon. Sir ALEX. CAMPBELL—The House knows that I have shewn every forbearance since the beginning of the session; that if I erred, it has been on the side of forbearance, that again and

again I have sat silently here when the hon. member was attacking me in the vilest and most insulting manner. He did urge these reasons upon me when he was asking me, as he did scores of times, to have him appointed to the Senate.

Hon. Mr. ALEXANDER—I call the hon. gentleman to order! I call upon the Speaker to do his duty. He is not doing his duty, and I will take the sense of the House whether he is or not.

The SPEAKER—Will the hon. gentleman state the point of order?

Hon. Mr. ALEXANDER—The point of order is that the hon. gentleman is speaking outside of the question altogether. What right has he to drag private conversations into this discussion?

Hon. Mr. MONTGOMERY—I do not think that the hon. gentleman (Mr. Alexander) has a right to accuse the Speaker of not doing his duty. His words should be taken down and the doors should be closed.

Hon. Mr. ALEXANDER—I ask the Speaker to decide whether the leader of the House is in order or not.

The SPEAKER—It is the hon. gentleman from Woodstock who is out of order.

Hon. Mr. ALEXANDER—Will the Speaker decide whether the leader of the Government is in order or not? I will take the sense of the House. There is no fair play!

Hon. Mr. MILLER—Order! The hon. gentleman says, alluding to the chair, that there is no fair play. I move that his words be taken down. The House should punish such conduct.

Hon. Mr. ALEXANDER—The Minister of Militia causes all the scenes.

Hon. Sir ALEX. CAMPBELL—Could anything be more untrue?

Hon. Mr. ALEXANDER—He has, ever since the beginning of the session.

Hon. Sir ALEX. CAMPBELL—The House knows that what the hon. gentleman says is untrue.

Hon. Sir Alex. Campbell.

The SPEAKER—The Hon. Mr. Alexander says 'there is no fair play,' alluding to the Speaker of this House.

Hon. Mr. MILLER—It is a very unpleasant position to be placed in towards a member of the Senate, to require that his words be taken down, and to ask that the action of the House be taken upon it; but I fully agree with the hon. gentleman from Prince Edward Island (Mr. Montgomery) that, previous to the last remarks, the hon. Senator from Woodstock was grossly insulting to the Chair. I need not remind the House that one of the first requisites to order is respect for the Chair, and one of the characteristics which distinguish, more than anything else, an assemblage of legislators under the British constitution, is the respect which is manifested towards the presiding officer. The hon. Senator from Woodstock has, on two occasions, used language towards the Chair which calls for the censure of the House. On the first he was rebuked by the hon. Senator from Prince Edward Island, but he has repeated the offence, and remarked that there was no fair play from the Chair.

Hon. Mr. ALEXANDER—The House will allow me to explain that I appealed to the Speaker whether the leader of the House was out of order.

Hon. Mr. MILLER—I rise to a question of order. The hon. gentleman has no right to refer to anything but the question of order.

Hon. Mr. ALEXANDER—I am explaining why I said there was no fair play. Is the House to be governed by the hon. Senator from Richmond? He is eternally trampling upon the rights and privileges of members, and speaking to them in the most abusive and insulting manner.

Hon. Mr. MILLER—I rise to a question of order. The hon. gentleman's language is not in order.

The SPEAKER—The hon. gentleman is, of course, out of order. He should confine himself to the subject before the House.

Hon. Mr. ALEXANDER—I proceed to state why I said there was no fair play. I appealed to the Speaker of this

House to declare from the Chair whether the leader of the Government was in order or not, in discussing the manner in which I was appointed to this House. In my judgment it had nothing to do with the question. The Speaker does not decide that point, but rules that I am out of order. I did not say that there was no fair play from the Speaker ; but I said that there was no fair play. The member from Richmond has no right to state that I referred to the Speaker, and he shews a bias in his mind when he attaches to those words " the Chair." I said there was no fair play to an humble member of this House. The hon. gentleman knows he is doing me a wrong in adding those words.

Hon. Mr. DICKEY—I would say to the hon. member who has just sat down that he magnifies the point, probably from the excitement under which he labors. The hon. member, in interrupting the Minister of Militia, was not satisfied with that, and rising to a point of order, but he persisted in using unparliamentary expressions. Then, when he was ruled out of order, he committed a breach of the rules, and, when called to order again, he used these expressions, that he could get no fair play. We are anticipating a little in this Chamber. It is open now to the hon. member for Woodstock, who has been pronounced out of order, and whose words have been taken down, to retract those words, or apologize for them. If he does not do so, my hon. friend will be justified in moving the censure of the House upon him, and I think he would deserve the censure of the House for such a grave offence.

Hon. Mr. ALEXANDER—I have too often in this House submitted to the two hon. gentlemen opposite (Mr. Dickey and Mr. Miller), as if they were the Senate. Now, if the House thinks that I should retract, I will cheerfully do so ; but I will not submit to the dictation of those two hon. gentlemen opposite, who are always against me. If I am wrong, I will retract at once, as a gentleman. If I have used unparliamentary language, I retract it cheerfully, and I have a pride in doing so.

Hon. Sir ALEX. CAMPBELL—I have but little more to add. I have

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already expressed very fully my opinions on this matter. When I was interrupted, I was telling the House the circumstances under which the hon. gentleman came back to the Senate ; and, as I have told him, he owes it very much to me that he is here now to vex and annoy us by his malignant folly ; he owes to me too—whom he has been slandering during the whole session, without cause, untruthfully, and without provocation—that he was made the Postmaster of the town in which he lives.

Hon. Mr. ALEXANDER—I rise again to a question of order. Is the Speaker of the House to allow a member to go on transgressing the rules of the Senate ? I call upon the Speaker to decide the question.

Hon. Sir ALEX. CAMPBELL—The question of order has already been decided.

Hon. Mr. ALEXANDER—Is this transgression of the rules of Parliament to be allowed ?

The SPEAKER—What is the point ?

Hon. Mr. ALEXANDER—He is travelling outside the record.

The SPEAKER—The question before the House is one relating to the indemnity of members, and it affords very great scope to members taking part in the debate ; and furthermore, great scope and forbearance are extended to all members of the House who are called upon to address it, particularly upon personal questions.

Hon. Sir ALEX. CAMPBELL—I should never have troubled the House if the hon. Senator had offered any expression of regret for the language he used on a former occasion, and which anyone of good feeling could not have refrained from doing when this most clear report, unanimously adopted by the Committee on Contingencies, was presented to the House. I repeat that the hon. gentleman is much indebted to me for his seat in this House and in the other respect to which I have alluded, and has repaid me, as hon. gentlemen have witnessed, by slanders in-doors and out of doors. Many members will suppose, from the persistent and insulting attacks he has made upon me from the beginning of the ses-

sion up to this time, that some ill-will had arisen between us before Parliament met. I have taxed my memory to find if anything had occurred to cause it, and I declare to this House, and everyone who hears me, I am sure, will be surprised to know, that nothing unpleasant has ever occurred between us, much less a quarrel. When the hon. gentleman came down to Parliament this year I met him, just as in former sessions, without the slightest dream of the existence of any ill-feeling. I am perfectly at a loss to understand his animosity, and what has he done ever since the beginning of the session but attack me, in season and out of season? Up to this moment I have never replied to him, not a single word; and yet he says, most untruthfully, that I have been the cause of scenes; to this moment I have said not a word. If any member of this House is free from such an accusation I am. It is wholly foreign to my disposition and habits of thought and action to create scenes. It has always been my endeavor, as far as lay in my power, to promote good and kindly feeling in the House, and to endeavor to get on with the business of the country without any departure to irritating side issues, and without discussing anything but the business before the House. Every member of the House knows that I have never attacked a single member of it; it is habitual with me to avoid giving offence, and I am happy to think, and I believe I justly may, that if I left Parliament to-morrow, I should leave without the enmity of a single member, on either side of politics, in this House or the other, except this poor man, whom I have never wronged, nor ever provoked.

Hon. Mr. ALEXANDER—I rise to a point of order. The hon. gentleman has lost his self-respect completely.

Hon. Sir ALEX. CAMPBELL—"This hon. member," I should have said; but one, in the heat of debate, sometimes forgets himself.

Hon. Mr. HAYTHORNE—If I understand the rules of this House, it is incumbent on members to avoid sharp and taxing speeches, and I call upon you, Mr. Speaker, to decide whether the language used by the hon. the Minister of Militia is sharp and taxing.

Hon. Sir Alex. Campbell.

Hon. Sir ALEX. CAMPBELL—I dare say it was sharp and taxing. I hope it was, but I retract the expression as it is out of order.

Hon. Mr. HAYTHORNE—I rise to a point of order. The hon. gentleman, in his explanation, has stated that he hoped it was a taxing speech.

Hon. Sir ALEX. CAMPBELL—Yes, and I retract it. The fact is, hon. gentlemen, the House gives me great latitude, because the hon. Senator I am replying to has abused its patience again and again, by his malignant attacks upon me ever since the session began—the language which he has held out of doors and behind my back—but I say again, that, after many years spent in the front ranks of parliamentary life (in office and in Opposition), save himself, I do not think I have the enmity or ill-will of any gentleman in this or the other House, on either side of politics. There are hon. gentlemen all around me who have known me for ten, twenty, and some thirty years, and they can say whether I have ever been open to the insolent and vile attacks made upon me by the hon. Senator from Woodstock; but I leave him now. His course, in regard to this matter, was spoken of in this House a few weeks ago by an hon. friend opposite in language at once forcible and true. I adopt and re-affirm what was then said, and pronounce the Senator from Woodstock to be a slanderer.

Hon. Mr. ALEXANDER said that the House would not refuse him the right to reply—which he would do very briefly—to such a speech as, he was sure, was never before delivered upon the floor of any Parliament, by a Minister of the Crown. The Minister of Militia appeared to be unduly excited, and had used language to brand him (Mr. Alexander), a humble member of this House, because he endeavored to discharge a duty to the country. It was not very creditable to this House to have a perpetuation of such scenes as the conduct of the Minister of Militia had given rise to. The position was this: the hon. gentleman and one or two of his friends had done sad things, and he thought, by throwing the mud at him (Mr. Alexander), in the discreditable manner he had done, the public mind would be

diverted from the misdeeds of the Minister of Militia and his friends. The best reply that he (Mr. Alexander) could make to the hon. gentleman was, that he felt pity for him that he should destroy the respect which the House was disposed to pay him, by such a discreditable and violent tirade of personal abuse because he had endeavored to stop ignoble acts. Such language as the hon. gentleman had used was unparliamentary, and such an attack as he had just made upon him (Mr. Alexander) was senseless. The country would judge of the position of the two parties. He (Mr. Alexander) retracted not one single word he had used during a former debate to characterize such acts as the Minister of Militia and one or two of his friends had been guilty of. But his moral sense seemed to be gone, as he justified members of this House taking six or seven hundred dollars for twelve days' work.

Hon. Mr. MILLER—I rise to a question of order. If the hon. gentleman would simply content himself with answering any portion of the speech of the Minister of Militia that requires an answer, I should not object, but if he is going to open up the main question, I object, because he has already addressed the House on that subject.

The SPEAKER—The hon. gentleman from Woodstock has already addressed the House upon the question. At the same time, on the personal question, I am sure that the House will extend great forbearance.

Hon. Mr. ALEXANDER desired to refer to the statement of the Minister of Militia, that he had to thank him (Sir Alex. Campbell) that he had now a seat in the Senate.

Hon. Sir ALEX. CAMPBELL—Yes; very much.

Hon. Mr. ALEXANDER said the hon. gentleman seemed to think it seemly that he should cast up to members any supposed past favors that he had been instrumental in securing to them. But there was a slight difference of opinion upon the subject of such favors. The hon. gentleman appeared to be oblivious of the injustice and wrong done him (Mr. Alexander) by Sir John Macdonald's Government, at the time of the

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Union, in omitting him from the first Senate roll. It was a grave wrong, and one that was strongly resented by the district which he had represented in the old Parliament for so many years before the Union. It was a wrong dwelt upon with force by the members of both Houses. It amounted to an outrage—a gross outrage. But, perhaps, it would gratify the Minister of Militia if he (Mr. Alexander) should accord him thanks for his great kindness. Then the hon. gentleman boasted that he had secured for him (Mr. Alexander) an appointment of a post-office, which was given to him at a moment when he was reduced to slender means through a conspiracy of dishonest men of high position, whom he ought now to name, but would not name on the floor of this Parliament, who were living on the means of widows and orphans and poor families—shareholders of a certain bank—whose whole capital was thus plundered. If it would gratify the hon. gentleman that he should accord to him thanks for that favor, he would now do so. With regard to the hon. gentleman's own conduct, he had been the cause of all the scenes that have taken place in this House, and for which he (Mr. Alexander) was to be denounced as "a nuisance." The hon. gentleman's moral sense was gone. The hon. gentleman was chiefly chargeable with this wrong-doing, for he inspired the Clerk of the House to make such undue payments.

Hon. Sir ALEX. CAMPBELL—I object to that.

Hon. Mr. BOTSFORD—The hon. gentleman is entirely out of order, and he has repeated it over and over again. When he addressed the House on the motion before the chair, he had an opportunity of saying all that he could with propriety say with regard to it, and, therefore, he is out of order in referring to it again. The only explanation which the hon. gentleman is in order to make is the explanation with respect to the speech of the Minister of Militia, made before him, but he cannot go into the motion and repeat arguments which he has used before.

Hon. Mr. ALEXANDER—I have only just to add that the House must have been shocked at the dreadful speech

which has been delivered by the leader of the House to-day. It is very sad to think of it.

Hon. Mr. KAULBACH—I cannot let this report go by without feeling that I am compromising myself with respect to my views as to the interpretation of the Indemnity Act. I am still of the opinion that it may be strictly law, but there is so much incongruity in it and in its working that it is not either the spirit or the intention of the law. I hope the Government will take an early opportunity to have the law considered, and revise it. I, for one, should move in this House in the matter, but I do not believe that we can take any action, either by bill or motion, to alter the Indemnity Act. I think it becomes the Government to meet the matter at an early day, and make the law common sense, so that a man who sits here for one hour in the early part of the session shall not receive more money than a man who has attended in his place the whole of the latter half of the session. Such is the incongruity that exists. I am sure it is not common sense, and the law should be amended next session.

Hon. Mr. PENNY—As one of the members of the Sub-Committee who reported to the Contingencies Committee, I did not consider myself—and I think I am speaking for my colleagues also—called upon to report as to the policy of the law, or the wisdom of it, in any shape whatever. What we had to consider was, whether the gentlemen who had received money without sitting the full number of days of the session had drawn more than they were entitled to under the law. After going over the subject with great care, we arrived at the conclusion set forth in the report, that no charge of that sort could be established against anybody. I am very sorry indeed that so much personalities have been imported into this question. As for the hon. gentleman whose name has been mentioned here, I may say for myself, that few of us will believe that he would do anything dishonorable, but he was not the only one; everybody had to act upon the same law, and, I believe, if I had been in the same place, I should have

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acted upon the same law myself. I know that in the House of Commons that is the way they act there, but I may add that they have the good sense there not to stir up these things before the public. At the same time, I am bound to say that, if any change of the law were proposed here or anywhere else, I should be disposed to vote for the change. I think the Act was unfortunately conceived, and if the hon. gentleman for Woodstock had raised the question in that shape, he would have had my very earnest support.

Hon. Mr. READ—I think I am somewhat responsible, in the first place, for this question having arisen, because, last year, I thought it my duty, as one of the Sub-Committee of the Contingencies Committee, to examine the Clerk's accounts, and I brought this matter up before the Committee. I may say that, while I regret the unpleasantness that has arisen, I do not regret that the matter has been brought before the attention of the Government and of the country, because I hold in my hand a return that speaks volumes, and, if I spoke from that return, I should not be out of order. It is necessary that the law should be changed, because I see it stated here that, for five sitting days, one gentleman takes \$664, and, for five sitting days, another gentleman takes \$592.

Hon. Mr. MILLER—If you name cases, name the men.

Hon. Mr. READ—I shall take my own course. I am not going to name the men, nor will I have it dragged out of me unless I have a mind to. I take my own course, as the hon. gentleman takes his, and I am not going to shirk my responsibility in the matter. On looking over the accounts, I found that there was great incongruity in the manner in which the indemnity was paid. I believed it to be unfair, and, believing so, I brought it before the Committee. However, the matter was dropped there, and I never took any more notice of it in a public manner, but, when we see another case in which, for only eighteen days attendance, in two sessions, a gentleman takes away \$1,280, it is a state of affairs that, I think should be remedied. I have no doubt that it will be remedied. It is the

duty of the Government to bring in a measure in this direction, and though I regret the personal feature of the question, I have taken it on general grounds, that if the interpretation of the law is correct as the lawyers have given it, there is an incongruity to be removed. Thinking so, I made it my business to bring it before the Committee, and there I left it.

Hon. Mr. POWER—I did not say a word on this subject on a former occasion when it was before the House, or to-day, but I wish to make a few remarks now. I think it is to be regretted that so much time has been lost in discussing the indemnity of members, and it is still further to be regretted that those discussions have not taken place with closed doors. It seems to me to be peculiarly a domestic matter that affects the members of the Senate almost alone, and it is one that should have been discussed by ourselves, without the presence of strangers. But, as the public have been admitted and the reporters are present, and their reports are to go to the country, I think that there is one point on which enough stress has not been laid, and that is the possible impression left on the country that this practice is confined to the Senate. The fact is that the very same practice obtains in the House of Commons, only the House of Commons have had wisdom enough not to talk of it in public. Then there is another fact to be borne in mind, that it is not in the power of the Senate to change the law. I do not know whether the hon. gentleman who leads the Government made the statement in his place in this House or not, but I am aware that he did all that he could do; he brought the matter before the leader of the Government on a former occasion, with a view of having a Bill introduced in the Commons for the purpose of remedying this evil, and I have understood that the Commons were not willing that the measure should be adopted.

Hon. Sir ALEX. CAMPBELL—I stated that on several occasions I had prepared bills, and on two occasions I have had them printed with a view of making the change.

Hon. Mr. Read.

Hon. Mr. POWER—Then the hon. gentleman from Woodstock must see that, instead of the leader of this House being to blame, he has done all that that hon. gentleman could have done himself, had he been in his place.

Hon. Mr. ALEXANDER—No!

Hon. Mr. POWER—This House has not the power to introduce a measure of the kind contemplated by the member from Woodstock. I quite agree with the hon. gentleman from Quinté, who has just sat down, in thinking that a change should be made, and I trust now that the attention of the House and of the country has been so directly called to the matter, that the Government will take steps next session to introduce a bill that will put a proper construction upon the Statute, because, while the construction now put upon it by the leader of the Government is the legal and correct one, beyond doubt, it is a construction which will not meet with the approval of the public, and it is evidently not the construction that was intended when the Act was passed.

Hon. Mr. MILLER—I only desire to make one or two observations as Chairman of the Committee on Contingencies. We have submitted this report to the House, but on one branch of the observations I intended to make I have been forestalled by the gentleman who has preceded me. It is the vindication of the Committee to whom this subject was referred. The hon. gentleman from Prince Edward Island is wrong in supposing that we had power to go beyond what we did; we had power simply to inquire into indemnity paid to members, and not to amend the law; therefore, my hon. friend (Mr. Haythorne) is altogether wrong in endeavoring to attach any blame to the Committee for not going any further. With regard to the character of the report, hon. gentlemen will perceive that, no matter what their opinions may be with regard to this indemnity, and I think a very general sentiment prevails in the House that if the law is not in a satisfactory condition at present it is advisable to alter it, there can be no hesitation on the part of any member, who believes the facts of the report to be correct, in voting for it. It only states a

series of facts that cannot be questioned, supported by evidence of the most incontrovertible character since Confederation, which fully bear out the statement made by the Minister of Militia at the time the subject was brought before the House.

Hon. Mr. HAYTHORNE—My statement was, that I considered that, if the Committee on Contingencies had not sufficient power to recommend a remedy for the existing state of the law, in my opinion, they should have come to the House for an increase of their powers.

The House divided on the motion for the adoption of the report, which was carried by the following vote:—

CONTENTS :

Hon. Messrs.

Aikins,	Hamilton (<i>Kingston</i>),
Allan,	Hope,
Archibald,	Kaulbach,
Armand,	Leonard,
Baillargeon,	McLelan, (<i>Londonderry</i>)
Benson,	McMaster,
Botsford,	Macdonald,
Boucherville, De,	Macfarlane,
Boyd,	Macpherson, (<i>Speaker</i>)
Brouse,	Miller,
Bureau,	Montgomery,
Campbell, Sir Alex.,	Odell,
Chaffers,	Pâquet,
Chapais,	Pelletier,
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Cochrane,	Power,
Cormier,	Pozer,
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Dickey,	Ryan,
Dickson,	Simpson,
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Glasier,	Wark.—55.
Guévremont,	

NON-CONTENTS :

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Flint,	

BILLS INTRODUCED.

Bill (113) "An Act authorizing the making of certain investigations under oath."—(Sir Alex. Campbell.)

Bill (119) "An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and

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the Dominion of Canada."—(Sir Alex. Campbell.)

Bill (114) "An Act further to amend the Act respecting Dominion Notes."—(Sir Alex. Campbell.)

Bill (83) "An Act further to amend the Act respecting cruelty to animals."—(Sir Alex. Campbell.)

Bill (120) "An Act to amend the law of evidence in criminal cases, as respects the taking and use of the depositions of persons who may be unable to attend at trial."—(Sir Alex. Campbell.)

Bill (K) "An Act to explain and further amend the Canada Temperance Act, 1878."—(Sir Alex. Campbell.)

SAVINGS BANKS IN ONTARIO AND QUEBEC BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (M) "An Act respecting certain savings banks in the Provinces of Ontario and Quebec."

Hon. Mr. PENNY—Does it do any more than simply extend the charters ?

Hon. Sir ALEX. CAMPBELL—Yes ; it provides that hereafter they may take provincial securities as well as Dominion securities.

Hon. Mr. RYAN—There is a very important matter affecting savings banks. Are they to have permission to advance upon bank stocks, a privilege which has just been taken away, by the Bill now before Parliament, from the regular chartered banks ?

Hon. Sir ALEX. CAMPBELL—There is nothing in this Bill on that point.

The Bill was read the second time.
The House adjourned at 1.05 p.m.

SECOND SITTING.

The Speaker took the chair at three o'clock.

Routine proceedings.

THE PRINTING OF PARLIAMENT.

TWELFTH AND FOURTEENTH REPORTS.

The twelfth and fourteenth reports of the Joint Committee of the Senate and House of Commons on the Printing of Parliament were adopted without debate.

INVESTIGATIONS UNDER OATH BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (113) "An Act to authorize the making of certain investigations under oath." He said that circumstances had brought under the notice of the Government the fact that it was desirable to have evidence taken under oath in investigations by the departments. The power already existed in the Post Office and Inland Revenue Departments, and when an inspector was sent to investigate a charge of dereliction of duty, he had the power to administer oaths. This Bill proposed to extend that provision, which had been found to be very convenient, to other departments.

Hon. Mr. DE BOUCHERVILLE asked if the provisions of this Bill extended to the departments of the local governments?

Hon. Sir ALEX. CAMPBELL said it did not; the local governments could take the same power to themselves, through the local legislatures.

Hon. Mr. HAYTHORNE would be sorry if anything in this Bill should supersede the courts of the country, and establish a sort of "Star Chamber" in its stead.

Hon. Sir ALEX. CAMPBELL said that it did not at all interfere with the courts; it was merely for the guidance of the ministers in arriving at the facts when charges were made against officials for dereliction of duty that demanded investigation.

The Bill was read the second time.

THE INTERCOLONIAL AND NORTH SHORE RAILWAYS.

AN EXPLANATION.

Hon. Sir ALEX. CAMPBELL said that, before taking up the next Order of the Day, he would reply to the question put by the hon. member from Halifax (Mr. Power) at a previous sitting. At that time he had seen, not the Minister of Railways, but an officer of the Department, from whom he had understood that nothing had been done or was in contemplation in the way of an arrangement for through traffic on the North Shore and

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Intercolonial Railways. Since then he had seen the Minister of Railways, and had ascertained that it was quite correct that nothing had been done, but he had informed him that arrangements would be made for a close connection, and that it would depend upon something being done at Quebec. The Minister of Railways had himself given instructions to an officer of the Department, who had gone down to see that an arrangement was made.

CRIMINAL JUSTICE IN THE DISPUTED TERRITORIES BILL.

THIRD READING.

Hon. Sir ALEX. CAMPBELL moved the third reading of Bill (119) "An Act respecting the administration of justice in the territories in dispute between the Government of the Province of Ontario and the Dominion Government." He said: There is a certain section of country between Lake Superior and an undecided point west of that, which is in dispute, so to speak, between the Dominion and Ontario Governments. The Government of the Dominion claim that the true boundary line is a line running northerly from the conflux of the Ohio and Mississippi Rivers to the southerly boundary of Rupert's Land; and they also claim that, if that line were run due north, the boundary would be about Fort William. The Ontario Government claim that the boundary line runs considerably west of that. This Bill is to provide, pending the settlement of that point, for the administration of criminal justice in the disputed territory.

Hon. Mr. SCOTT—Has any understanding been arrived at with the Ontario Government? They claim the territory for a considerable distance west of the line alluded to.

Hon. Sir ALEX. CAMPBELL—No; I am sorry to say that no understanding has been arrived at.

Hon. Mr. SCOTT—Does this Bill contemplate to begin the extreme eastern line at Thunder Bay?

Hon. Sir ALEX. CAMPBELL—Yes; from a line taken due north from the junction of the Ohio and Mississippi Rivers. It is impossible to say anything

definite about the disputed boundary. We merely say there is a disputed territory there, and, until the line is determined, the administration of justice shall go on under this Bill.

Hon. Mr. SCOTT—Is there any correspondence with the Ontario Government with a view to re-opening the question?

Hon. Sir ALEX. CAMPBELL—We have not yet been enabled to arrive at any approximation of the point. The opinion held by the present Government is that the reference to the gentlemen who decided the question on a late occasion was intended to have been a reference for a decision of the legal boundary, and those gentlemen decided, not in respect to the legal boundary, but in regard to what they thought would be a convenient boundary.

Hon. Mr. MILLER—Then the award is in excess of the authority of the reference.

Hon. Sir ALEX. CAMPBELL—It is so thought by us.

Hon. Mr. DICKEY—If I understand the Bill, it is to provide for the administration of criminal justice in that territory, whether it rightly belongs to the Dominion or Ontario. Therefore, I do not think the question of boundary, one way or the other, except incidentally, comes under the consideration of the House.

Hon. Mr. MILLER—Whether the territory belongs to Canada or to Ontario, it is the right of this Parliament to make laws in relation to the administration of criminal justice. Therefore, the making of such regulations will not interfere with the question of the disputed rights of the Dominion as against the Province of Ontario.

Hon. Mr. SCOTT—I do not quite agree with my hon. friend. Unless there is harmony in the legislation, it is quite apparent there will be a conflict of authority. The Ontario Government assume that they have the right to appoint justices of the peace and stipendiary magistrates there. The Government of the Dominion dispute that right, and, of course, a conflict arises at once.

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Hon. Mr. MACFARLANE—As I understand it, the Act passed by the Ontario Legislature has not been sanctioned.

Hon. Mr. SCOTT—Many years ago, their notion of the true boundary was considerably west of that, and, if my hon. friend will consult the old statutes passed in Ontario, he will find that, at that time, the western boundary of Ontario was believed to be the height of land west of Thunder Bay, and not a line drawn due north from the junction of the Ohio and Mississippi Rivers to the boundary of Rupert's Land.

Hon. Sir ALEX. CAMPBELL—There may be some foundation for the hon. gentleman's position in some of the old statutes referring to Indians, but I can say positively, with reference to myself and other members of the Government, we have never entertained the opinion that the true line between Ontario and the Dominion was upon the height of land. The Indian title happened to be acquired up as far west as the height of land, and that may have given rise to the impression that my hon. friend alludes to, but, so far as I know, and without having consulted with any member of the Government, particularly the head of the Government. His opinion and mine have always been that the boundary line is the line drawn due north from the conflux of the Ohio and Mississippi Rivers to the boundary of Rupert's Land.

Hon. Mr. SCOTT—Taking the line due north from the junction of the Ohio and Mississippi Rivers, it will strike east of Prince Arthur's Landing, and there is no difficulty in shewing that the Government of Canada did sell, as the Government of Canada, land west of that.

Hon. Sir ALEX. CAMPBELL—I believe we did.

Hon. Mr. WARK—There is a view of this question which has not been adverted to, so far as I have known. It is this: The disputed land is so poor and inhospitable that it never can support any population that will be sufficiently large for a separate government. On this ground I think that if Ontario were to get it, they would be able to take care of it at their own expense,

as it cannot be organized under a separate government, it must go either to Ontario or Manitoba. Now, if we are going to increase the Province of Manitoba, it would be better to extend it west, and give them a district which is capable of supporting considerable of a population; but, if we add this poor territory to such a small province, it will be such an expense to Manitoba that it must be accompanied with a considerable subsidy to enable that Province to look after it. I think the best thing the Government could do would be to hand it over to Ontario, who will be able to bear the expense connected with governing it. We should hope, then, that that Province would pay for the Fort Frances Lock that we have heard so much about. They are able to pay for it, and could probably use it to some advantage.

Hon. Sir ALEX. CAMPBELL—If anyone capable of speaking for Ontario, with authority, were to propose a thing of that kind, Parliament would, probably be ready to assent to it. I should be very glad to see Ontario get this section of country. Under any circumstances, it would not be added to the Province of Manitoba, but to Keewatin.

Hon. Dr. BROUSE—It is well known in this section of the country that a large number of people have settled in from Thunder Bay to Port Savanne, a distance of two or three hundred miles, and there are no means by which justice can be administered in that district. There are two sets of officers, and one of them, Mr. Delisle, has undertaken on the part of Ontario, to exercise authority; but that authority has been denied by the Dominion Government. As large contracts are going on there at the present time, and as there is a great influx of immigrants, and as manufacturing establishments are being started at the foot of Lake of the Woods there should be some authority, and the Dominion Government should exercise some control in the absence of any local government. I am very glad to see that this Bill has been brought in by the Ministry.

The motion was agreed to.

The Bill was read the second time, and ordered for the third reading at the next sitting of the House.

Hon. Mr. Wark.

DOMINION NOTES BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (114) "An Act further to amend the Acts respecting Dominion Notes." He said: The present law of the Dominion enables Dominion notes to be issued up to the extent of \$12,000,000, and the provision with reference to gold to be held as security for this issue is as follows: That, up to \$9,000,000, 20 per cent. is to be held; and between \$9,000,000 and \$12,000,000, 50 per cent. is to be held; above \$12,000,000 there is no provision, and dollar for dollar must be held. This law has been in force, with very great convenience to the community, for some years—since 1870, I think—with amendments in 1874 and 1875, extending the provisions somewhat. The present Bill proposes to fix the limit at \$20,000,000, and to say, with reference to that, that Dominion notes should be issued, but against the liability of the country there shall be held 25 per cent., of which 15 shall be in gold and 10 per cent. in Dominion bonds guaranteed by the Imperial Government. That would give 25 per cent. in these two items of security for the \$20,000,000. So that, if the Bill should become law, the position of this matter in the future would be that Dominion notes, to the extent of \$20,000,000, might be issued, and, against this \$20,000,000, 25 per cent. would be held, as already stated, as security. I have seen some questions raised as to the second item, concerning the guaranteed bonds, and the criticism is: "Well, you are issuing notes against 10 per cent. of your own liability." The reply is that these are debentures, not of the Government of Canada alone, but Dominion bonds, guaranteed by the Imperial Government, and available at once, so long as the Imperial Government retains its credit in the world, and that, I hope and believe, will be the case for all future time. So that I do not think that the measure is open to that criticism. The advantage to this country would be that those Dominion bonds, so guaranteed by the Imperial Government, would be in the treasury, and no interest would be paid upon them, and they would be as available in that way, in all respects, *quo*

ad, in regard to the notes issued under this Act, as gold. With reference to the security for the other 75 per cent., the security would be the ordinary Dominion debentures. In order to make up one's mind whether that is a safe security or not, the Minister of Finance has examined the history of the banks of the country for some years past, and has obtained an approximate statement of the liabilities and assets in gold. We all know that the banks have held their positions very consistently and to the entire satisfaction of everyone, and that nothing has occurred in any way to indicate to the public mind that an undue deficiency has ever occurred in the amount of gold held by the banks during the past few years. The calculation put in my hand is this:—

Circulation.....	\$21,000,000
Private deposits.....	70,000,000
Government deposits.....	11,000,000

Making an aggregate of.....\$102,000,000

Against which the banks have held, in gold, \$6,500,000, and in Dominion notes \$9,500,000, making altogether \$16,000,000, against \$102,000,000 liabilities, or about 16 per cent. The present proposition, so far as the Government is concerned, is that there should be held against the liability 25 per cent. in guaranteed debentures, so that the Dominion notes will, so far as security goes, stand in the stronger position, as respects gold and securities held for them, than for the circulation of private or incorporated banks during the past few years. It is thought, and, I think, with some justice, that the country should have the benefit of some of the circulation. The right to coin money is a governmental right, and the right to issue a circulating medium, should, as a corollary, obtain in the same way. A good deal of these notes will go into circulation in the west in connection with the public works being carried on there, and considerable advantage will accrue to the Dominion therefrom. I do not know that I should say any more in connection with this subject after the ample explanations that have been given in another place, and after the interest taken in it by members of that House.

Hon. Mr. SCOTT—I do not propose to offer any opposition to the measure,

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but simply to observe that it is, I suppose, the first wedge for the introduction of irredeemable currency. As to the 25 per cent. that will now be held, I do not take any exception to the fact that part of that security is to be represented by guaranteed Dominion bonds, because I consider them myself as good as gold; but what I do take exception to is, that it is a very great risk to issue such a considerable sum—75 cent—without having any security at all. It is practically a forced loan. The Government availing itself of its credit to place at least \$8,000,000 on the market without any security whatever.

Hon. Sir ALEX. CAMPBELL—I ought to have said that the provision is that \$4,000,000 shall be issued at one time and \$4,000,000 at another, according to the requirements of the country.

Hon. Mr. SCOTT—Of course, I understand the injury is minimized in that way. It is the most convenient way for the Government to obtain a loan from their own people without having to pay interest or giving security for it, and without having to obtain a loan elsewhere. There is only 25 per cent. of it represented at all in the vaults of the Government. If my memory serves me rightly, my impression is that the Government would not have to increase either their gold or other security at the present moment, while the amount now held would be at least equivalent to the increase in notes. If the increased issue is only 25 per cent. annually, for four years a considerable amount of gold would be released. If I understand the matter correctly, the Finance Minister was only authorized, under the former Statute, to issue those notes when he had security in gold to represent them, to the extent of 50 per cent., but that the operation of this law will authorize the Government to increase the issue to \$20,000,000, and will also release a considerable amount of gold.

Hon. Sir ALEX. CAMPBELL—It would release a certain amount.

Hon. Mr. SCOTT—We are giving the Government the right to issue an irredeemable currency, because, un-

less the Government uses its credit elsewhere to obtain gold, we would not be in a position to redeem this currency. I do not think that the analogy with regard to the banks is a sound one, because the banks have other securities to meet the liabilities incurred to the public. They restrict their circulation and call in their loans, and they have a variety of ways of meeting any run upon them that the Government, if placed in straitened circumstances, could not avail themselves of. Of course, the Government could, at any time, buy gold, but, in assuming to issue \$8,000,000 of irredeemable paper, with only 25 per cent. security in gold to represent it, we are adopting an unwise policy. If it is limited to \$20,000,000, probably no great harm will ensue. It was thought, a few years ago, when Sir Richard Cartwright proposed to increase the amount, that it was rather stretching the credit of the country; but the jump on that occasion was not nearly as great as what is now proposed. If it is not repeated, and due consideration is given to the restraining of it within the \$20,000,000, and that neither the present nor any future Finance Minister may be induced to exceed it, I do not presume any great harm will be done, as I think that amount is still within the control of the Government. It is the admission of a principle into our system which may be availed of at some future time to a very dangerous extent. If the Government have the right to issue \$20,000,000 of their money, with only 25 per cent. security, then they have also the right to issue \$40,000,000, with only 20 per cent. security—increasing the liability and decreasing the security. That is a dangerous principle to inaugurate, but I suppose it is the only means by which the Finance Minister feels it convenient to raise money without having to resort to the English market or pay interest upon it.

Hon. Mr. ALEXANDER—Like the hon. gentleman who has just taken his seat, I have no disposition to oppose this Bill. It simply amounts to this: that it enables the Government to issue \$8,000,000 to meet public engagements instead of going to the London market to borrow the money. With regard to the remark that has fallen from the leader of the Government in this House, I do

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not think the Senate will agree with him that a paper issued by the Government is at all safer than the paper issued by the banks, as they now stand.

Hon. Sir ALEX. CAMPBELL—I did not say it was safer; I said it was safe.

Hon. Mr. ALEXANDER—No one will dispute that point. But I think I understood the ex-Secretary of State to say that he hoped that this was not the entering wedge for the issue of an irredeemable currency. We know that this country is now entering upon large public engagements. We know that the extent of these engagements is not in harmony with the views of the great body of the people. I say it without fear of contradiction. If we take the commercial portion of the people, or the intelligent agricultural portion of the community, we find that they are almost all of the opinion that we are going on too rapidly with public expenditure. We know that the Government has borrowed from all the trust funds in their hands. They are borrowing from the savings banks, and are now issuing paper giving them possession of \$8,000,000. All this, in addition to the public liability, will amount to \$180,000,000. There is a danger in this policy we are entering upon, and I endorse the statement of the ex-Secretary of State, because we do not agree with those who advocate an irredeemable currency. It was all very well for the Americans, when entering upon a civil war, to have adopted that policy, and, with their extraordinary astuteness, to work out that problem without the evils that were expected from it, and reduce their national debt. I hope this House will raise its voice against the Government rushing too rapidly into public improvements. We should go on temperately and moderately, and keep in view that we should not put any unnecessary burdens on the people.

Hon. Mr. HOPE—I have heard the observations of the hon. member for Woodstock and of the ex-Secretary of State, and I must say that, so far as I understand it, I do not see any cause to apprehend an issue of currency by the Government that will not be redeemed. If there was the slightest appearance of

entering upon a system of irredeemable paper money, I would raise my voice against it. I do not think that any greater calamity could fall upon the country, than the issue of irredeemable notes; but I do not think that anything of that kind is proposed by the Government. They provide that 25 per cent. shall be held in gold and guaranteed security. That is a very large proportion of the issue, and the balance is to be secured by Dominion debentures. I do not think there can be any better security than that. I look upon the debentures of the Dominion as equal to gold any day—I do not care what administration may be in power. I think the banking institutions of the country have been slighted with regard to the issue of those Dominion notes; but provision has been made for them, to hold a certain proportion of those notes as a reserve in their bank, to meet their own gold obligations, and I think it must be a very great convenience for any banking institution to be able to use such money in the way of reserve instead of gold. I think it is much more convenient for circulation, and I think it is a very important accommodation for the banks as well as the country. The small notes that have been in circulation for a number of years have been very much approved of by the people at large, although they are secured no better than the notes issued by the chartered bank. The Government have taken into their hands the issue of ones and twos, and the other banks are not to be allowed to issue a smaller denomination than fives. Hence the community will be entirely dependent upon the Government for the issue of that description of paper. Sometimes we have forgeries upon those notes, and, if no steps are taken by the Government to put a stop to such forgeries, a great injury will be suffered by the community at large. If the banks had the issue of those notes, and one of them allowed a forgery to be perpetrated upon them, then the other banks would take its place by supplying paper money that there would be no doubt about, and I would suggest, whenever it comes to the ears of the Finance Minister that a forgery has been committed on any of the plates, that he pro-

Hon. Mr. Hope.

ceed at once to call in that denomination and supply its place with another issue. Then the contest would be between the people who committed the forgery and the Government, which is better able to enter upon a conflict of that kind against the forgers than private individuals. It is a very expensive piece of business to get up plates for printing notes, and the forgers who make them work with a halter about their necks, and are at a great disadvantage; so that, if they knew that the moment a forgery was committed the Government would proceed to call in the issue which was counterfeited, there would be little trouble from counterfeiters. Great care is taken by the Bank of England to prevent forgeries on their notes, and I hope the Government will take this into consideration. It is the duty of the Government to protect the people against counterfeit money. I approve of the Bill, and will be very glad to support it.

The Bill was read the second time.

CRUELTY TO ANIMALS BILL.

SECOND READING.

Hon. Sir ALEX. CAMPBELL moved the second reading of Bill (83) "An Act further to amend the Act respecting cruelty to animals." He said that the object of the Bill was to enlarge the scope of the clause in the original Act, 32-3 Vict., which it repealed.

Hon. Mr. HAYTHORNE—Does the Act refer to the practice of vivisection?

Hon. Sir ALEX. CAMPBELL—This Bill does not, nor does the original Act.

The Bill was read the second time.

SAVINGS BANKS OF ONTARIO AND QUEBEC BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (M) "An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec."

Hon. Sir ALEX. CAMPBELL explained that it was proposed to continue, for a period of ten years, from April next, the charters of the existing Savings Banks in Ontario and Quebec. It might seem like taking time a little by the

forelock, bringing in such a Bill this session, but those who were more immediately concerned in the management of those banks had asked very earnestly that their charters might be renewed this year, for fear of some difficulty occurring at the next session of Parliament which would prevent the passage of the Bill before the month of April, the time when their charters would expire. There did not seem to be any reason for not renewing them now. The only new provision in this Bill was in the last clause, in which it was enacted that savings banks might hold provincial securities. Hitherto they had been obliged to hold Dominion securities only.

Hon. Mr. RYAN said it appeared to him that this was a sort of omnibus bill, taking up all the savings banks in the country and carrying them on for ten years hence, without giving the House an opportunity of examining into their charters to see what they might be.

Hon. Sir ALEX. CAMPBELL said that they were all under the same Act, which had been in existence for some years.

Hon. Mr. RYAN said that was quite true, and so had the General Banking Act been in existence for a number of years, yet it had been found necessary to amend the latter to prevent chartered banks making any advances upon bank stocks. He would just mention what he had said upon that occasion, which explained exactly the position that he (Mr. Ryan) took now. The following would be found at page 128 of the Debates of last session:—

“We are making a law here to restrict the ordinary chartered banks in certain directions. The argument in favor of such legislation is a specious one. It is, no doubt, desirable that there should not be a quantity of stock in the market, which has really never been *bona fide* paid up in cash, but is kept afloat by advances and speculation. To prevent a continuance of such evils, it is quite clear that we should not apply our measure to the ordinary chartered banks alone, but should prevent other institutions from engaging in the same thing which the banks have hitherto been engaged in. Why not bring the savings banks, which advance on stock to such a large extent, under the same rule as the ordinary banks, and prevent them also from advancing on bank stocks? I have spoken to my hon. friend (Mr. Campbell) on the subject, and I believe he is not averse to considering the

Hon. Sir Alex. Campbell.

question. If a provision to this effect is one which cannot be introduced into the present Bill, it is very easy to frame a measure amending the Act relating to savings banks in such a manner as to prevent them in future from advancing on bank stocks. The fact is, that savings banks, which are the custodians of the earnings and gains of the poor, should be guarded and watched with even greater care than regular banking institutions. I sincerely hope that my hon. friend will introduce a measure to that effect, which will put the savings banks on the same footing with regard to advances on stocks as that of the other chartered banks.”

And the Minister of Militia said, in reply:—

“I concur in the principle contained in the remarks of my hon. friend from Victoria, that it is desirable to prevent savings banks from embarking in any speculation that would risk in any way the interests of the depositors. The merits of the proposition he has made to the House, and which I am personally disposed to concur in, I shall take an early opportunity to lay before the Minister of Finance, and I am quite sure that he and the Government will be ready to adopt any suggestions which, in our judgment, have the effect of securing the object which my hon. friend desires, and in which we entirely sympathize with him.”

He (Mr. Ryan) had hoped from the declaration on the first appearance of the Bill last session, in the Senate, that this savings banks would have been included in it, or that the Act regulating savings banks would have been amended in that direction, but it had not been done for some reason that he was not aware of. The Bill now before the Senate had been brought down very late in the session, without any notice whatever. He could easily conceive the anxiety of the directors of companies who had got very valuable charters which might contain objectionable features coming down and asking the Government to pass this measure, but a very slight amendment to the Bill might remove its objectionable feature, and satisfy the directors without committing the House to renewing charters for so long a time as ten years. He moved to amend the Bill by striking out the words “ten years” and inserting in lieu of them “six months.” That would give ample time to take up this question next session, and deal with it in a proper manner.

Hon. Mr. WARK asked if the Maritime Bank of New Brunswick was one of those affected by this Bill?

Hon. Mr. RYAN said that it would reach all the savings banks. He knew instances in which some of those institutions had dealt largely in speculative stocks, and also made advances on stocks of banks which were quite as low in the market as the Maritime Bank.

Hon. Mr. SMITH contended that savings banks stood in a somewhat different position from other chartered banks. They received deposits from the poorer classes of the people, and might at any time be called upon to repay them. They could not, therefore, lend out that money for long periods on the security of mortgages. They were allowed to lend money on call at very short dates, on good bank securities, with sufficient margin to keep themselves on the safe side, and he thought it would be unwise to prevent them from doing so. It would wipe those savings banks out of existence, because they could not then receive the deposits of the poorer classes of the people. These institutions were doing a great deal of good in the country, and he trusted that the amendment of the hon. Senator from Victoria would not be adopted.

Hon. Mr. GIBBS thought that the proposition before the House was not the propriety of savings banks lending money on the security of bank stocks, but whether, at this late period of the session, the Bill should be passed to extend their charters for ten years. He thought that the objection which had been raised by the hon. Senator from Victoria was a reasonable one, and that the amendment should pass. This Bill was not like the measure affecting the chartered banks of the country; that Bill had been discussed in the press for months, and had been before Parliament for some time, but the Bill which was now before the House had been introduced without notice, and there was no urgent necessity for passing it in its present shape. He (Mr. Gibbs) had no objection whatever to seconding the amendment, but suggested that the time should be extended to the 1st of July, 1881, when the charters of all the banks would expire.

Hon. Mr. DICKEY said it might be very well to admit that the situation of savings banks was very different from

Hon. Mr. Wark.

that of other banks, but, after all, the principal question was the protection to depositors, and, from that point of view, the question raised incidentally about the power to speculate in bank stocks might be very appropriate, but the House had not as yet come to that point. The question now was simply as to the extension of those charters, and whether that extension should be limited to some time in 1881. He called the attention of the Minister of Militia to the course that had been taken when the charters of these banks were extended in 1871. On that occasion the Bill had originated on resolutions in Committee of the Whole in the House of Commons. He assumed that there had been some good reason for that. He suggested that this Bill should not be passed during the present session, unless some urgent necessity could be shewn for it. He did not like this hasty legislation. The House could not tell what the effects of this Bill, which had been sprung upon them, might be, and they should remember that it affected the rights of parties who were not able to protect themselves. He thought, under the circumstances, that it would be better to postpone any action upon the matter until the beginning of the next session, when the House would be in a position to legislate upon it intelligently.

Hon. Sir ALEX. CAMPBELL explained that the reason why the Act of 1871 had originated on resolutions in Committee of the Whole House was that, at that time, it was intended to bring these savings banks under a new system, which was afterwards adopted.

Hon. Mr. PENNY thought it was unfortunate that such a measure as this should be sprung upon the House with so little notice. The Savings Bank in Montreal had been, for a number of years, managed with a good deal of care and success, but he was afraid that that had not been so much the case of late. He did not suppose that the bank was not perfectly safe nor that the care that was bestowed upon it now was not such as to protect all interests; at the same time, there were circumstances known to all business men in Montreal which made it desirable that even more care and greater prudence should be secured

before Parliament legislated so as to extend the charter to so long a period as ten years. There could be no doubt that money had been loaned, and this money was principally the deposits of poor people, on securities that had turned out to be insufficient. He would not go into details, because he had no desire to say anything against the bank, but what he had stated made him think it was unfortunate that this legislation should be attempted without more notice. He could not, however, agree with the other proposition of the hon. Senator from Victoria (Mr. Ryan), because it would be thought to be a mistake to prevent the savings banks from loaning on the security of bank stocks. Their position was different from that of other banks. In the first place, their capital was so small that the mischief they could do by such loans, if any, must be very slight. During the inflation of a few years ago, the other banks loaned money upon the security of the stock of other banks, and, in that way, ran up the value of the article that they were all dealing in. That had proved very unfortunate for themselves and for the public. There was very little probability that the savings banks would or could do anything of that kind, and it was desirable that there should be some institutions where money could be obtained for legitimate purposes on the security of a moderate amount of bank stock. He concurred in the opinion that these charters should be extended for only a short time, because it was necessary to throw some restrictions around them. For example, this very Bill contained a clause allowing savings banks to hold a certain amount of provincial debentures as part of their reserve. Now, there were some provincial debentures that he understood were held at considerable discount in New York, and if these were held as part of the reserve it would evidently lower the reserve below the true value which the legislature ought to prescribe.

Hon. Sir ALEX. CAMPBELL admitted that there was a great deal of weight in the objection which had been raised against proceeding with a bill introduced at this late period of the session. He had no reason, except the one that he had stated, for pressing the Bill now.

Hon. Mr. Penny.

The anxiety of the banking institutions might, perhaps, be justifiable in points that the House did not now think of, as, for instance, this: They might apprehend some withdrawal of confidence through a suspicion getting abroad amongst the depositors that the charters were about expiring. It was difficult to limit the danger from the credulity of depositors in savings banks. It was admitted by all that, during the next session of Parliament, the legislation would naturally take place which this Bill now contemplated, and, as the proposed amendment would prolong the charters of the savings banks until after next session, he was willing to accept it.

Hon. Mr. PENNY suggested that the words, "to the end of the next session of Parliament," should be substituted for "six months" in the amendment.

The suggestion was complied with, and the amendment was adopted.

On the 2nd clause,

Hon. Mr. PENNY suggested that the following proviso should be struck out:—

"Provided always, that every such savings bank shall always hold at least twenty per cent. of the moneys deposited with it in Dominion or Provincial Government securities, or deposits in chartered Banks on call."

Hon. Mr. DEBOUCHERVILLE did not see why it should be omitted. The provincial securities were as good as any that the savings banks held.

Hon. Mr. RYAN thought that the Government were not looking after the interests of the savings banks in making that provision. There was nothing to prevent them from investing in provincial securities now if they wished to do so.

Hon. Mr. DEBOUCHERVILLE thought it would be found that, in the existing law, they were required to hold Dominion but not provincial securities. This Bill merely gave them the option of taking either. There might be some advantage in giving them that option.

Hon. Sir ALEX. CAMPBELL said it would give a market, of course, for these provincial securities. If it was the wish of the Committee to let the clause remain in the Bill, there could not be anything wrong in it.

Hon. Mr. DICKEY—It is far better to confine the Bill to extending the charters.

The 2nd clause was struck out.

Hon. Mr. READ, from the Committee, reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time and passed.

CANADA TEMPERANCE ACT, 1878,
AMENDMENT BILL.

COMMONS AMENDMENT REJECTED.

The Order of the Day having been read for the consideration of the amendment made by the House of Commons to Bill (K) "An Act to remove doubts as to the true intent and meaning of subsection 9 of the Canada Temperance Act, 1878, and to further amend the said Act."

Hon. Mr. VIDAL said :—I feel, hon. gentlemen, that you will, like myself, be impressed with the conviction that it would be exceedingly unwise, at this late period of the session, to re-open the debate upon the great question of temperance and prohibitory legislation. In order to do full justice to the amendment which is now submitted to our consideration, it would require, I have no doubt, an address, on my part, of several hours' duration, to be followed by addresses of equal length by other gentlemen equally interested in this great question, and thus I do not propose to touch at all upon the merits of the amendment submitted to us, but I shall content myself by moving that the consideration of this amendment shall be postponed until Tuesday next. That, of course, amounts to throwing out the Bill. My reasons for doing so are simply these: In 1878 this identical question was very fully and very ably discussed in this body, and a deliberate verdict of the House was given and embodied in the Act as it now stands. Since that legislation was granted—granted, I may observe, at the request of hundreds of thousands of our citizens—we have had no opportunity of testing the merits of the Act, and I will call hon. gentlemen's attention to the fact that no person has asked for the alteration that is here proposed

to be made. No address, no single petition, has come to either branch of the Legislature complaining of the injustice of the provision that is now sought to be struck out. We all know how the opposition to it has originated. We all know what private individuals can accomplish by the introduction of amendments of this kind at a late period of the session, with a view of carrying them through in a thin House. On these grounds, and on these grounds alone, without touching on the merits of the case, I ask the Secretary of State to support the view which I take, that it is very inexpedient that, at this late period of the session, that a matter of such importance should be hastily brought before us and hastily disposed of.

Hon. Mr. BOTSFORD—The effect of that will be to throw the Bill out altogether. I think we had better deal with it in the usual way—either to reject the amendment, or concur in it, and send the Bill back with that message.

Hon. Mr. ALEXANDER—I happen to come from a district where the Dunkin Act and the Scott Act have, I think, been thoroughly tested. I come from the County of Oxford, and I think I am pretty well posted as to the sentiment of that and the adjoining Counties of Middlesex, Brant and Waterloo, on this question. I am not a total abstainer, but there is no man who has taken a deeper interest, in his own county, in the efforts to abolish the drinking habits of the classes who are destroying themselves with intoxicating liquors than I have. In the County of Oxford we have a large number of advocates of the temperance cause. We have, almost every week, large public meetings upon the subject. The Dunkin Act had been fairly put before the people and had been carried by the county, but it was afterwards repealed, and no effort has since been made by the advocates of the temperance cause to have the Act again submitted to the constituency. Can there be any stronger evidence of the fact that it is considered unwise to force this measure upon the people of the country? The population of my county very largely consists of Highland and Lowland Scotch, English and Germans, a highly moral, industrious and intelligent people; and if there is any constituency in Canada

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that can really be looked upon as an exponent of the principles of this measure, it is the constituency which I have the honor to represent.

Hon. Mr. VIDAL—Then give them a chance to test it.

Hon. Mr. ALEXANDER—I can say, on behalf of these people, that they have been harrassed by attempts to force this law upon them. I have been on the platform with temperance men, and I have addressed meetings on the temperance cause, and, although I take wine when I find it necessary for the benefit of my health, I do not use it to excess, and no law will prevent me from using it when I require it. We do not care to be harrassed, even in a good cause, by what is, in many cases, fanaticism. I do not refer to the hon. Senator from Belleville, because I believe that if there is any man who works honestly and conscientiously for the temperance cause it is that hon. gentleman, and I regret to have to differ from him on this occasion. I am frequently told by warm advocates of temperance that there is no use in trying to force this measure upon the people. We may, by moral suasion and example, educate the young men of the country into habits of temperance, but we cannot force them to be temperate by legislation. If a farmer comes in to market after the hard work of his harvest is over and wishes to indulge in a glass of ale, why should he be prevented from having it? They do not undertake in Scotland, the most moral country in the world, to force temperance upon the people, and are we in Canada to set an example to the Mother Country in trying to force virtue upon the community? We have tried the Scott Act and the Dunkin Act, and they have both failed. They have been a dead letter, because they have been brought in merely for political effect, and not because they have been demanded by the great mass of the people. The amendment made to this Bill by the House of Commons is made in accordance with public sentiment, and we should accept it as such. I give the hon. gentleman from Sarnia credit for the sincerity of his motives, and for his enthusiasm in the cause, but I believe that he is mis-

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taken, and that he does not represent the common sense of the temperance community.

Hon. Mr. DICKEY—The hon. gentleman will recollect that all the experiments that have been made in Ontario to introduce the Scott Act have been made at the expense of the Dominion, and, consequently, at the expense of the other provinces where they have not thought proper to ask for the enforcement of that measure. I must confess that I heard with unfeigned surprise the announcement of the hon. gentleman from Sarnia, that he intended to strangle what may be called his own child; that, after taking up the time of this House in asking for amendments to the Temperance Act which he considered important, he now prefers to risk the defeat of the Bill altogether rather than accept the amendment made to it by the House of Commons. My hon. friend, I think, cannot persuade this House that we can escape the consideration of that amendment by any side wind such as he recommends. The effect of that amendment will be that, instead of that Act being put in force by the vote of the majority who may cast their votes, it must have a majority of the electors of the district. The hon. gentleman says that that principle was rejected by this House two years ago. My hon friend is entirely mistaken. It is quite true that it was not in the Bill, but he will recollect that, when the hon. gentleman from York suggested and moved an amendment, requiring the assent of the majority of the ratepayers of the district to put the Act in operation, it was only from strong pressure, from it being urged that, by that means, he would kill the Bill, he consented to allow it to go by, and I have not the slightest doubt, had that amendment been moved before the third reading of the Bill, it would have been assented to by this House, because such was the feeling that was generated by the discussion of this subject that, whereas all the amendments were rejected by an overwhelming majority, yet, when it came to a final vote, it was only carried by a majority of one. I look upon this as a decided change in public sentiment with regard to the operation of this Act, and the question is whether we will give our assent to that expression or not. It

is a question that must be dealt with, and cannot be shirked. I hold that the effect of the operation of this Act is to enable the minority to rule the majority. It is a false principle—a principle that has never been contended for, even in so democratic a country as the United States. There they have never gone further than to provide that the majority should rule the minority. My hon. friend from Sarnia may say that the majority have the opportunity, if they think proper, to go to the polls and express their opinion, but the hon. gentleman knows very well what is the practical result; he knows that the aggressive party are the active party; that they are the parties who make use of all the influences they can to get their friends up to the polls, and, unless the other party are aroused from their indifference, they are overruled by the action of one-third or one fourth of the whole constituency. It is no wonder that, after witnessing its practical operation in Ontario, it is the deliberate judgment of the representatives of the people that that clause ought to be amended, and that the assent of at least the majority of the electors should be required before it goes into operation in any district. That is the narrow issue before us, and, with regard to it, let me call my hon. friend's attention to this fact: we have had reference made in times past as to the course taken in England. My hon. friend surely knows enough of the temperance feeling and temperance movement in England—because there it is a temperance movement, and not an abolition movement, as it is in this country—to be aware that the men who have charge of that movement are sincere, honest, earnest reformers in the cause of temperance, just as much so as any person in this country, and the hon. gentleman must bear in mind that they have never gone beyond asking that two-thirds of the ratepayers of any district should have the power to interdict the sale of spirituous liquors. Nobody ever proposed before that the minority should, by their active agitation and active organization, have the power to obtain a proclamation to stop the sale of spirituous liquors in any district. No one has ever suggested that such a proposition should have been entertained for a moment in England; such is the narrow

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issue before us, and we must either accept or reject this amendment. My view is decidedly to accept the amendment, and to enable the Act to go into operation upon the only proper basis that it can be advocated: the principle of the majority ruling the minority.

Hon. Mr. CORNWALL—I have always been opposed to a law which has seemed to me not only thoroughly unpractical and ill-digested, but also oppressive and one-sided in its provisions, and I was very glad when I found that the House of Commons had awakened to a sense of its responsibilities, and had made the amendments to the Bill which we are now asked by the hon. member (Mr. Vidal) to disregard. All that it is necessary to say on the question has been said by the hon. member from Amherst, and it appears hardly necessary to trouble the House with a repetition of his arguments, but I do hope we shall almost unanimously reject the proposal now made, and duly concur in the amendments.

Hon. Mr. FLINT—My hon. friend from Woodstock has put me in mind of the first starting of the temperance cause in Belleville. There was an old gentleman who came forward, at that time, and joined the cause, on the understanding that a person, when ill, could use stimulants. Shortly afterwards, his wife said to me that she thought the temperance cause was doing a great deal of injury to the country, for her husband had signed the pledge, and he had been ill ever since. Now, my hon. friend tells us that he is a temperance man; if he is a temperance man, he does not shew a very temperate spirit; at times, at all events, he shows rather a belligerent spirit. I am inclined to think that, if I went out of the House every half hour or so, I should not be very temperate myself. I do not wish to say anything that would be injurious to the character of the hon. gentleman, but I am afraid that the part of the country from which he comes, if he is the professed exponent of its temperance principles, is going further and further from the temperance question, and further and further from prohibition. That is the view I take of his case, and I would not like, if I were to go on a committee

on temperance, or to speak on the subject on a platform, to have the hon. gentleman on that committee or on that platform along with me, for I am quite sure he would do more injury than good to the cause. I am opposed to everything but total prohibition, and I want it so understood. If I had been in the House when the Temperance Act was introduced, I would have voted against it. I do not believe in having anything whatever to do with the liquor traffic, and I should certainly have voted to throw out the Bill. I believe it would have been in the interest of the people to have thrown it out, but, if the House thinks the Act should be tried, let it have a fair trial. We have had no opportunity, until lately, to find out, through the Supreme Court, that Parliament was justified in passing that Act, and it has not yet had a fair trial in any part of the Dominion. The hon. gentleman from Woodstock says it has been tried in his County, but I say it has not been tried in Ontario.

Hon. Mr. VIDAL—It is not in force in a single place in Ontario.

Hon. Mr. FLINT—When it passed in Nova Scotia, it was appealed against, and it is only a few days since that the appeal was set aside, with costs. As to the Dunkin Act, it never worked well. It was not an Act which was calculated to command the confidence of the people, or even of the temperance men themselves, and I know in the county in which I live I have never felt inclined to advocate it. I believed it was better to have prohibition, pure and simple, or not at all—either to do away with the liquor traffic altogether, or let it stand as it is until it wears itself out. Although the opponents of prohibition say “you must not thrust your principles down my throat,” I say I have no desire to do so, nor would I allow any man to thrust his principles down my throat, particularly if they were liquor principles. I am happy to say I have been fifty-three years a cold water man, and I would rather die than depart from the total abstinence principle.

Hon. Dr. BROUSE—There is one view that ought to be taken with regard to the Bill before the House. As I understand it, a majority of the electoral

Hon. Mr. Flint.

vote of a district must be recorded, in order that the law can be enforced. Now, if hon. gentlemen will take up the returns for any parliamentary election, they will see how very unfair this method will be towards the temperance people of the country. Take one of the adjoining counties, for instance, and you will find that, out of 3,000 qualified electors, not over 2,200 votes will be recorded. Take the election returns in the *Parliamentary Companion*, and you will find that only from 65 to 72 per cent. of the votes belonging to a county are recorded in an exciting political election. Therefore, in no instance can we expect that more than fifty per cent. of the votes will be given in an election held under the Temperance Act, so that to accept this amendment is, practically, to render the Act inoperative. Hon. gentlemen are not true to the principles of temperance when they demand that such a large percentage of votes should be recorded. I am not a teetotalter myself; but I believe the people, who have left it with their representatives to be the arbiters in this case, should be given an opportunity of fairly testing the law as it at present exists. It has only recently been decided in the Courts that the Temperance Act is constitutional, and, until that decision was had, the law could not receive a fair trial.

Hon. Mr. ALLAN—It is perfectly true, as stated by the hon. gentleman from Amherst, that I did in 1878 move a resolution to the effect that the petition should only be adopted upon receiving the support of a majority of the whole electoral vote. I pressed that view very strongly and expressed my conviction that it was really the only proper way in which the opinion of the people should be ascertained. I was assured by the hon. member from Ottawa (Mr. Scott) and the hon. member from Sarnia (Mr. Vidal) that the effect of that amendment would simply be to make the law wholly inoperative.

Hon. Mr. VIDAL—I say so still.

Hon. Mr. ALLAN—I see in the Senate Debates that I then stated, on their assurance, that I did not desire to make the Bill a dead letter, that I was perfectly willing that it should have a trial if the people wished to adopt it, and that I would not take the re-

sponsibility of doing anything to render the Bill inoperative. Upon that ground I withdrew the resolution, and, upon that very same ground, I should not feel disposed to vote for the amendment if that was the question before the House. I confess I do not quite understand the mode in which the hon. gentleman has brought this matter before the House; he drives us into this corner, that we must either accept the amendment or reject the Bill.

Hon. Mr. VIDAL—That is the meaning of it.

Hon. Mr. ALLAN—I cannot see the wisdom of that course, and I would be at a loss to know how to vote upon it.

Hon. Mr. BOTSFORD—I beg to move that the amendment of the House of Commons be concurred in.

Hon. Mr. AIKINS—I introduced the Bill, as hon. gentlemen will recollect, for the purpose of correcting some irregularities and some difficulties that occur in what is known as the Scott Act. The Bill did not deal with the principle of that Act. at all, but merely with some of its details. That Bill received the endorsement of this House, and it went down to the Commons, where an amendment was introduced into it that, from my point of view, not only destroys this Bill, but seriously affects the Canada Temperance Act itself. I have no hesitation in saying that if this amendment is adopted, the Canada Temperance Act will be inoperative. Under these circumstances, when the Bill was returned, I could not move concurrence in the amendment—in fact, I could not support it in any way, and hence I refused to take it up. That is my position. The hon. gentleman from Sarnia thought that the Bill should be dealt with in some way, and so he has taken the course which he has proposed to the House. To shew in what an absurd way this law would work, if the amendment is adopted, we will take the City of Toronto as a constituency. In that city there are seven wards, and you must have a majority of all the votes on the electoral list in order to enforce the Act. John Smith, an elector, may be a wealthy man, owning property in each ward. Although his name appears seven

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times on the electoral list, he can only record one vote in the constituency in favor of the Act, while his votes in the lists of the six remaining wards are counted as against the law. In the same way, a farmer may have three or four farms in as many townships in an electoral district; he can only give one vote in favor of the Act, and the other three are counted against it. In fact, every time a man's name is recorded on the voters' list under such circumstances, it is a vote against the Act, although the man himself has voted for it.

Hon. Mr. VIDAL—I was in hopes that the simple reason which I offered to the House, that the amendment should not be considered this session, was sufficient to warrant its postponement. We are here very apt to say (and generally it is our desire) that we carry out the well understood wishes of the people. This body has always stood as the friend and protector of the public, and now hon. gentlemen are asked to take a step in the opposite direction. I undertake to say that the legislation which we gave to the country in 1878 has met with the approval of hundreds of thousands of the people of Canada, and I venture to assert, without the least fear of contradiction that, if the Senate should approve of such a clause as this by which the legislation that was granted in response to their prayers is to be stripped from the Statute book, this House will cease to be regarded as the protector of the public. All eyes will be attracted to the Senate. The eyes of all those good and charitable men who have for years been laboring at their own cost, expending their time and strength and money to promote the happiness of their fellow men, will be directed to the Senate to see whether we will now stand, as we have stood in the past, as the guardians of the people's rights, to protect them from being injured by those who live luxuriously on money obtained by the sale and manufacture of that which is producing misery, crime and death in the country. The hon. Secretary of State has very clearly brought before you the improper mode suggested here for ascertaining the mind of the community. I am able, from an actual knowledge of the facts, to state what the effect on the voters' lists would be of fol-

lowing the plan that has been suggested. The town in which I live is divided into three wards, and many people own property in all three, and their names are on the three voters' lists. In order that we might ascertain the actual number of voters in Sarnia, I went over those lists, striking from them the names of those who were dead, or had left the place, &c, and, to the best of my recollection, there were some 250 names of such persons, and names that were duplicated and triplicated—about thirty per cent. altogether. Now, observe what the effect of this legislation would be in Sarnia, and I suppose it would be the same in other towns. The votes of a large number of persons who actually supported the Act would be counted against it. One man having, on account of his possessions in different parts of a town, his name on the voters' lists in six places would cast one vote for the Act, and the other five would be counted against it. "Absurd," is the only proper word to describe that mode of taking the vote of the people. The majority of the votes cast is the only result on which to rely. The poll is open to all voters, and I know, as a matter of fact, that parties engaged in the liquor traffic have the money and energy, and bring out every vote that can be polled to sustain their side; while I know, to my cost and sorrow, that my associates in the temperance work are more disposed to stay at home and take no active part in the contest. And because a large majority of those who believe in the Temperance Act do not go to the polls, you propose to count their votes against the Act; that is practically the effect of this amendment. This matter was decided in 1878, and yet we are now asked, without complaint against the existing law, to declare that our decision of two years ago was all wrong before the Act has had a trial at all. The hon. Senator from Woodstock says that it has been tried; I say that it has not been tested yet. The Dunkin Act was found to be unsuitable, and was superseded by the Scott Act, which has only been adopted in one county in Ontario, and, even there, has not yet taken effect. Notwithstanding that fact, we are asked to go back on our record, and the hon. Senator from Woodstock, who is so

Hon. Mr. Vidal.

jealous of the dignity of the Senate, and so desirous of maintaining its supremacy and influence in the Dominion, tells us that because the amendment was adopted in the House of Commons, we should bow to the decision of that body, as an expression of the will of the people. He does not speak in that way when it suits his purpose to oppose the majority in the Commons; then he stands on the dignity of the Senate.

Hon. Mr. ALEXANDER — Yes; when we are right.

Hon. Mr. VIDAL—The legislation of 1878 was considered a fair settlement of this question, and was so accepted by both sides in Parliament, and we must not tamper with that Act until has had a fair trial. I contend that if you afford the people an opportunity to express their opinion on this proposed legislation, they will condemn it.

Hon. Mr. ALEXANDER—It has been approved by the House of Commons, who have been elected by the people.

Hon. Mr. VIDAL—The question was considered and settled in 1878, and it is utter nonsense to talk about its having been a test question in the last election. I contend that on this question the House of Commons does not represent the people. Give the people a chance to speak, and see if, by next session, you will not have petitions by the thousand, signed by hundreds of thousands of our citizens, asking you for the sake of all that is good, not to mutilate the Act, but to give them a chance to alleviate the misery caused by intemperance. I speak earnestly, because I know the importance of this matter. I would appeal to the Senate in the interest of those who are looking to us for protection, and I trust that we shall give them reason for saying now, as in times past, "Thank God we have a Senate!"

Hon. Mr. SCOTT—I do not desire to go into the merits of the question. I rise simply to give my views of the anomalous position in which the adoption of this amendment would place us. Two years ago Parliament passed the Canada Temperance Act, and the belief generally in this Chamber, and throughout the country, was that the legislation

was in the right direction. So far as that Act has been tested, it has been regarded as satisfactory. This year, the hon. Secretary of State, finding there were some technical difficulties in the way of carrying out that Act in remote parts of the country, introduced some slight amendments to remedy those difficulties. That Bill passed this House late in the session, and was sent to the House of Commons when that body was not in the deliberative mood that it usually is in the early part of the session. It was there amended in a House where the will of the people was not represented, because a majority of the House did not pronounce upon it. Looking round at the number of empty benches, I ask if it is quite consistent with our recognized mode of legislating, that we should avail ourselves of the casual opportunity presented by the unimportant Bill originally passed, to entirely alter and change the force and effect of a law which was put on our Statute book two years ago? Is it a straightforward way of legislating, without any appeal from the people in the shape of a single petition, with nothing more than a catch vote, and that vote not commanding a majority of the House, but simply a majority of those present at the time? I ask whether it is proper, under these circumstances to make this serious change in such an important law? Should we risk voting upon the amendment of the House of Commons and sending the Bill back to them without it? The House of Commons will be thinner to-morrow than it was when the amendment was adopted, and there will not be an expression of the will of the people on a question of this kind. Therefore, without going into a discussion of the general question at all, but simply because I think it extremely unwise and injudicious, and a line that is rarely taken, I think we should adopt the motion of my hon. friend from Sarnia. I speak with all due respect to those who differ in opinion from me, but I do say that this important amendment, introduced in an unimportant measure at the close of the session, is not the sort of legislation that usually marks deliberative bodies.

Hon. Mr. BOTSFORD—Notwithstanding the strong appeal of the hon. *Hon. Mr. Scott.*

Senator from Sarnia, and the solemn speech of the originator of this Bill, I consider myself in the same position now that I was when this question was before the Senate in 1878. I was decidedly of the opinion then, and I so expressed myself, that this legislation, in order to be efficacious, should have the approval of a majority of any constituency where it was to be enforced. Therefore, in making this motion, I am doing what I consider every member of this House has a right to do—I am endeavoring to carry out what I consider is best in the public interest. If the Temperance Act receives the sanction of a majority of the people where it is to be enforced, it will have the effect that its friends desire, but not otherwise.

Hon. Mr. PENNY—I was surprised to hear my hon. friend opposite (Mr. Vidal) assert that the House of Commons does not represent the will of the people.

Hon. Mr. VIDAL—I said that it did not on this question.

Hon. Mr. PENNY—If he had said that the last House of Commons did not represent the country, I could have understood him; but that this House of Commons, so largely composed of his political friends, who also formed the majority in favor of this amendment, does not express the will of the people, is a statement which, coming from the hon. Senator from Sarnia, will surprise the House. I observed, also, that a gentleman, well known in my own city as a very strong supporter of the Government, and a strict teetotaler, spoke warmly in favor of this amendment. He said that while he had endeavored to spread the cause of temperance by his own practice, he was of opinion that sumptuary laws were out of date. That is my own opinion, and although I have the reputation of being something more than a Liberal, still there are some questions on which I am conservative, and this is one of them. The other day, when the Senate voted on a clause legalizing breach of contracts, I stood up for the sacredness of contracts. The only difficulty that I have on this occasion is that my vote will be, to a certain extent, in an opposite direction to the vote I recorded

in 1878. The only excuse that I can offer to the House for my backsliding is that, on the former occasion, my hon. friend opposite (Mr. Vidal) was so excessively anxious to have this temperance legislation that I yielded to him, not having the majority of the House of Commons, representing the will of the people, against me. But I shewed that I was opposed to this restriction upon the right of every man to judge for himself what he should drink. Considering the zeal of the hon. gentleman opposite (Mr. Vidal) and the active benevolence with which he credits the teetotallers (of whom he is one of the most distinguished members) I am astonished that he apprehends any difficulty in getting the necessary vote to put the Act in force. If they are the majority, it certainly behoves them to come out and give a few hours' time to save the people from the despair and misery which he supposes will come upon them unless this Act is brought into operation. If the vote is not sufficient to put the law in force, these gentlemen are not so numerous as my hon. friend supposes they are, or else their zeal is as weak as their beverage.

Hon. Mr. VIDAL—I did not express any fear about the actual majority of the vote. I protested against the votes of temperance men being counted against the Act which they desired to put in force.

Hon. Mr. PENNY—It operates both ways.

Hon. Mr. VIDAL—No ; all the votes not cast for the Act are counted against it.

Hon. Mr. KAULBACH—I think, before we deprive dealers in and manufacturers of liquors of their vested rights, a clear majority of the electorate should place their views on record in favor of the Act before such an arbitrary power is exercised. I am warmly in sympathy with those who advocate temperance by moral suasion, but I cannot approve of sumptuary laws, or of legislative enactments which would empower a minority to rule a majority. It is well known that the temperance people are thoroughly organized ; that they have their societies throughout the country, and that, through their organization, they are able

Hon. Mr. Penny.

to bring every voter on their side to the polls. Through their zeal, energy and co-operation, they are generally able, though in the minority, to carry their views. On the other hand, those who are really temperate—those who believe in moderation in drinking as in everything else, and who rely upon moral suasion and the influence of religion to prevent the excessive use of intoxicating drinks, are over-ridden by—I will not say fanatics—the enthusiasts who insist upon forcing their views upon the public through legislative enactments. They insist that people shall drink water when they prefer some other beverage. Before you destroy vested rights you should have the clearly and unmistakably expressed sense of the majority of the people in favor of the Act, where it is desired to enforce it, and you can only get that when a majority of the electors record their votes in support of it.

Hon. Mr. WARK—The hon. Senator from Amherst says that this question had been tested in two or three counties in New Brunswick ; the Act has been carried in nine constituencies. He talks of the temperance people being aggressive. We know where the aggressive party is to be found. It was not merely the liquor dealers and manufacturers in the city who organized to resist the Act, but money came from a distance to assist them in the contest, and when the Act was carried despite their opposition, the contest was renewed in the courts. In the city of Fredericton, and in the populous counties of York, Carleton, Charlotte, Kings, Queens and Albert, the Act has been carried. It was carried in Westmoreland, but we are waiting for the decision of the Supreme Court before it can be enforced. Through some informality, the vote was not taken in Victoria, and, in Northumberland, they are only awaiting the decision of the Supreme Court. It is proposed to introduce a new principle unknown in the institutions of this country ; we have heard hon. gentlemen say that to have a majority you must have a two-third vote. In corporations, where they vote by shares, on a change of by-law, they may require two-thirds, but it is two-thirds of the votes cast, and not that proportion of those who are entitled to vote. If this amendment

merely required that two-thirds of those who record their votes shall be necessary, there would be some reason in it, but it is absurd to say that you must have a majority of the names on the voters' lists in support of the Act before it can be put in force. In my own Province, many of the best temperance people are away at sea, and their votes would be counted, in their absence, against the Act. I am astonished that anybody in this House should advocate such a principle

Hon. Mr. GIBBS—I do not feel at liberty to give a silent vote on this occasion. I rise with a good deal of reluctance, not wishing to delay the business before the House. It appears to me that the hon. gentlemen who have had charge of this measure press their views too far. After the amendment passed in the other House, and the conclusion arrived at there, I do not think it comes very temperately from the promoters of this Bill to say that they will either have this Bill exactly as it passed this House, or not at all. Let us for a moment consider what the effect will be if this House concurs in the amendment which has been made to the Bill in the House of Commons: just simply that this House passes the Bill without doing any injury, because it does not postpone the action of the advocates of the temperance cause throughout the country.

Hon. Mr. SCOTT—You are changing the law as it stands.

Hon. Mr. GIBBS—If so, then, next year, the hon. gentlemen who favor this legislation can come down with a new measure. But the hon. Senator from Sarnia says that if this House does not agree with the other, the effect will be to throw the Bill out for the present session. I do not want to do that. I would rather pass the Bill as it has been returned to us from the other House than not at all, and if, next year, we find that evils have resulted from the change, then we can return to the original measure, and, perhaps, induce the House of Commons to do the same. I state it as my deliberate conviction—and my view is sustained by the view of a total abstainer in the other House—that the advocates of prohibition ought to have

Hon. Mr. Wark.

sufficient strength in any constituency to carry this Act by a clear majority of all the electors.

Hon. Mr. VIDAL—So they would if only the actual votes were counted.

Hon. Mr. GIBBS—Why should you, in one county, prevent the sale of liquor altogether, when those who desire to obtain it have only to cross the concession line into a county where the Act is not in force and obtain all they want? Why not take the sense of the whole province upon it, and, if it can then be adopted by a clear majority, the sale of intoxicating drinks can be prevented? I admit that there is some force in the argument of the hon. Senator from Sarnia and the hon. the Secretary of State, that, where one person's name appears more than once on the assessment roll, it should not be counted as more than one vote. It is a fair objection to the amendment, and I admit, if a man's name appears on the voters' lists in seven different places, and he votes for the Act at one place, that the other six should not count against it. But, on the other hand, if the Act should be passed by a minority, and perhaps a small minority, in the county, it would be of no practical benefit. I should be sorry to give a vote which would be construed into opposition to the Temperance Act. I know how strong are the feelings of hon. gentlemen who advocate the temperance cause, but they do not always discuss matters temperately. I admit the evils of intemperance; no hon. gentlemen will deny their existence; but, after all, you cannot always legislate in the direction that you desire at all times. We would all like very much to see intemperance diminished in the country; but, when it is sought by the advocates of this measure to enforce their views in an arbitrary manner, and, perhaps, by a minority of a community, they do not, in my opinion, further the cause which they have at heart.

The Senate divided on the amendment of Hon. Mr. Botsford, which was rejected on the following vote:—

CONTENTS :

Hon. Messrs.

Alexander,
Baillargeon,

Botsford,
Boucherville, De

Boyd,	Haythorne,
Cornwall,	Kaulbach,
Dever,	Macfarlane,
Dickey,	Macpherson (<i>Speaker</i>)
Dickson,	Miller,
Fabre,	Montgomery,
Gibbs,	Pâquet,
Glasier,	Penny,
Hamilton (<i>Kingston</i>),	Smith.—22.

NON-CONTENTS :

Hon. Messrs.

Aikins,	Grant,
Allan,	Guévrémont,
Archibald,	Hope,
Armand,	Leonard,
Bellerose,	McClelan (<i>Hopewell</i>),
Benson,	McLelan (<i>Londonderry</i>)
Brouse,	McMaster,
Bureau,	Pozer,
Chaffers,	Reesor,
Chapais,	Scott,
Christie,	Simpson,
Cormier,	Stevens,
Dunouchel,	Trudel,
Ferrier,	Vidal,
Flint,	Wark—31.
Girard,	

The motion of Hon. Mr. Vidal, to postpone the second reading until Wednesday next, was carried on a division.

EXTRA SITTINGS.

MOTION.

Hon. Mr. AIKINS moved "That, when the House adjourns at this sitting, it do stand adjourned until this evening at eight o'clock, and that such sitting shall be considered a distinct sitting, and that Government business shall have precedence."

The motion was agreed to.

BILL INTRODUCED.

"An Act to amend the Act respecting inspection of petroleum."—(Mr. Aikins.)
The House adjourned at 6.10 p.m.

EVENING SITTING.

The Speaker took the chair at eight o'clock.

THIRD READINGS.

The following Bills were read the third time and passed :—

Bill (113) "An Act to authorize making certain investigations under oath."—(Sir Alex. Campbell.)

Hon. Mr. Gibbs.

Bill (119) "An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and the Dominion of Canada."—(Sir Alex. Campbell.)

Bill (114) "An Act further to amend the Acts respecting Dominion Notes."—(Sir Alex. Campbell.)

Bill (83) "An Act further to amend the Act respecting cruelty to animals."—(Sir Alex. Campbell.)

Bill (120) "An Act to amend the law of evidence in criminal cases as respects the taking and use of depositions of persons who may be unable to attend at the trial."—(Sir Alex. Campbell.)

PETROLEUM INSPECTION BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (123) "An Act to amend the Act respecting the inspection of petroleum." He said: This is a measure to which public attention has been addressed during the recess, and experts have been at work testing petroleum in order to ascertain what the difference is, so far as the "flash test" is concerned, between American and Canadian oils. It also deals with inspection of oils, and provides that the Inspector's mark shall be merely a guarantee of quality, and not as to quantity of the oil in the barrel. The distinction is also drawn between petroleum used for ordinary lighting purposes, and the lighter products of petroleum, such as naphtha, etc.

The Bill was read the second time.

The House then went into Committee of the Whole on the Bill.

Hon. Mr. WARK reported it from Committee without amendment, and it was read the third time and passed.

THE PRINTING OF PARLIAMENT.

TWELFTH REPORT.

Hon. Mr. SIMPSON moved that the twelfth report of the Joint Committee on Printing, as amended by the fourteenth report, be adopted.

The motion was agreed to.

The House adjourned at 8.45 p.m.

THE SENATE.

Friday, May 7th, 1880.

The Speaker took the chair at 11 o'clock a.m.

Prayers and routine proceedings.

DISTRESS IN IRELAND.

A MESSAGE.

A message was received from the Governor-General, transmitting a copy of a despatch from the Right Honorable the Secretary of State for the Colonies, conveying the thanks of Her Majesty's Government to the Parliament of Canada for the grant of one hundred thousand dollars in aid of the great distress in Ireland, and enclosing copies of a correspondence which had passed relative to the application of the fund.

HARBOR COMMISSIONERS' ACTS
AMENDMENT BILL.

THIRD READING.

Bill (124) "An Act to amend the Acts respecting the Trinity House and Harbor Commissioners of Montreal," was introduced and read the first time.

Hon. Sir ALEX. CAMPBELL said that, under the existing law, the entire Board of Harbor Commissioners, consisting of eight or nine members, must be present to try pilots charged with violating the laws regulating them. It was sometimes difficult to get the whole of them together. This Bill provided that a quorum of three should have the power to try them.

The Bill received the second and third readings, and was passed under a suspension of the rules.

NAVIGATION OF CANADIAN WATERS
BILL.

THIRD READING.

Bill (121) "An Act to make better provision respecting the navigation of Canadian Waters," was introduced and read the first time.

Hon. Sir ALEX. CAMPBELL explained that, within the last two or three years, the rules which established upon which side steamers should pass, what lights they should show, etc., had been altered very much, and the new regulations would be enforced by all civilized

Hon. Mr. Simpson.

nations this year. It was proposed by this Bill to substitute the English rules for our own. The Act would take effect from the 1st of September next, and due notice of them would be given.

The Bill passed its final stages, under a suspension of the rules.

ESQUIMALT GRAVING DOCK BILL.

THIRD READING.

Bill (125) "An Act to confirm a certain Order of the Governor in Council, respecting the graving dock at Esquimalt," was introduced, and read the first time.

Hon. Sir ALEX. CAMPBELL moved that the rule be suspended, and that the Bill be read the second time, presently. He said: By the terms of union with British Columbia, the Government of the Dominion was obliged to give certain assistance towards the construction of a graving dock at Esquimalt. That aid was not in a shape which was likely to be attended with a successful result, and the Government of British Columbia have asked that the arrangement be changed, and that, as the construction of the graving dock proceeds, advances be made from time to time by the Dominion towards its completion, and that the £50,000 which was to be contributed by the Imperial Government be paid ultimately to the Dominion. The Government of the Dominion really run no additional risk of any kind. They merely advance \$250,000, which is to be recouped by money from the Imperial Government.

Hon. Mr. SCOTT—I am afraid that my hon. friend has not explained the extent of the liability which the Government will incur by this arrangement. The proposition is really to lend British Columbia \$250,000. Under the terms of union, Canada undertook to guarantee payment of interest on £100,000 sterling for ten years. It was not intended to be a charge on the exchequer of this country.

Hon. Sir ALEX. CAMPBELL—The interest was.

Hon. Mr. SCOTT—It was whatever the word "guarantee" means. When the Imperial Government guarantees our bonds, we pay the interest on them;

they do not. I apprehend that the legal meaning of the word "guarantee" will be interpreted much in the same way in our relation to British Columbia. Before the change of Ministry in 1873, the then Government proposed, instead of guaranteeing the interest, to make an advance of \$250,000, which, if my memory serves me, was to be repaid, ultimately, out of the amounts payable to British Columbia as a subsidy. A dispute arose as to whether this was to be a free gift or repayable. In 1874, an Act was passed putting it on its true footing as a loan to be repayable by British Columbia. It is now proposed to give \$250,000 absolutely towards that work as it progresses. The Imperial Government proposes to give £50,000, and, if we take up the work and finish it, we shall receive that £50,000. Although I do not concur in the propriety of the gift, still, if it is to end with the \$250,000, I do not take exception to it; but, if Canada is to pay any more ultimately, I do object. I believe that the estimated cost of the graving dock is \$800,000.

Hon. Mr. AIKINS—\$400,000.

Hon. Mr. SCOTT—I think the amount I have mentioned is nearer the cost. It will be found, I am sure, that our contributions will largely go to pay for the iron and other material yet unpaid for.

Hon. Mr. MACDONALD—This amount is for future expenses.

Hon. Mr. SCOTT—Then it is better than I supposed it was.

Hon. Mr. PENNY—I should like to record my vote against this Bill. I ask for the yeas and nays.

Hon. Mr. MILLER—I think the hon. Senator from Ottawa is correct in his statement that it was to be guaranteed by the Dominion—equal to £5,000 per annum for ten years, making the whole liability £50,000. I think, on the whole, that, when my hon. friend proceeded further with the history of the transaction, he entered upon debatable ground. It is contended, and I think the weight of evidence is in that direction, that the Government of which my hon. friend (Mr. Scott) was a member in 1874, clearly undertook to capitalize the sum of £50,000, and pay

Hon. Mr. Scott.

it over as a free grant towards the Province of British Columbia for the construction of this work. I shall not go into the evidence on one side or the other on that question, but I followed the discussion very closely in the House of Commons, and I may say that the impression was made on my mind that the facts clearly sustain the statement that the late Government took the first step in the course that the present Ministry is now following. We have had many causes of difference with British Columbia, and both Governments have been called upon to make compromises in settling the claims of that Province. The members of both Governments have shewn—when they have been in power at any rate—a disposition to adopt a conciliatory policy towards British Columbia in order that harmony might prevail, and British Columbia, which we all regard as an important portion of the Dominion, should have no cause of complaint. I should be very sorry if a division should take place on this question. My hon. friend from Montreal (Mr. Penny) is quite right to record his vote, but, in view of the conduct of his friends when they were in power, with reference to this question, I think it would be unwise for this House to reject the Bill, especially on an occasion like this, when any vote that could be taken would not reflect the sense of the Senate. It would cause irritation in British Columbia, thwart the views of the House of Commons, and produce serious consequences.

Hon. Mr. DICKEY—This conversation proves one thing, at all events: the necessity of having time to discuss this matter and consider it carefully. That leads up to the remark that it is most unfortunate that we are called upon to deal with so important a question as voting away \$250,000, under the present circumstances, with barely a quorum in the House. While upon that subject, I wish to call the attention of the Senate to the very serious inconvenience produced by the manner in which these important measures have been presented to us. We had one, to-day, of very great importance, because it concerns the entire principles on which navigation is to be conducted in the future, in this country; and another, to which I have

already referred, and other measures, dealing, perhaps, with even larger interests than those, are to come before us yet, and we are to dispose of all these in less than an hour. What opportunity is there for discussion, or for deliberately considering measures? With regard to this particular Bill, we have had some light thrown upon it, but I do not know that, even yet, the Minister of Militia and the leader of the Opposition are quite in accord in their views on the subject, and we have had another version given by the hon. Senator from Richmond. Assuming that version to be correct, and that we are bound by the acts of the late Government to carry out those arrangements, I must say, from my own view of the case, it is the only ground upon which I can support the measure. If we have been committed to it by the act of the late Government, we are in duty bound to British Columbia to carry out that arrangement, but I do think there is a great deal of reason in the protest that has been made against converting a guarantee of mere interest upon a given sum for a limited period of years into an arrangement by which we contribute one-half of that amount of principle and interest for ever to this undertaking. I should not have risen to make any remarks upon the question itself, but I thought it was due to the Senate and to the country that some protest should be made, before we separate, as to the serious inconvenience that we all are put to in having the most important business rushed upon us at this period of the session. While I am not disposed to interpose any difficulty in the passage of this Bill, I trust that, in future, we shall not be called upon to deal with such important questions in the way that we are to-day.

Hon. Mr. ALEXANDER—During former sessions, we have had to complain of the evil to which the hon. Senator from Amherst has just referred. In former years, bills of the utmost importance have been brought to the notice of this House within a very short period of prorogation, but never have we known, on any previous occasion, bills of such importance, involving large sums of money, to be submitted to us within five or six hours of the time fixed for the prorogation of Parliament.

Hon. Mr. Dickey.

If ever there was a moment when the people of this Dominion looked to the Senate to put a check upon the other Chamber, and to guide the Government in the expenditure of the public money, it is now. We know the liabilities of the Dominion are swelling to an alarming extent; we are entering upon a public work which we have not had even an opportunity to consider; we are entering upon the construction of a railway in British Columbia, upon which subject I do not wish to express any opinion just now, and I say that it is not decorous or paying proper respect to this Chamber, on the part of the Government, that bills involving large amounts, and the Supply Bill, for which, of all others, this Chamber shares responsibility with the other branch of the Legislature—a Bill involving an expenditure of millions of dollars—should be laid before us at the very last hour of the session. The Government seem to treat this Chamber with contempt; there could not possibly be any course which they could pursue to belittle the Senate more completely in the eyes of the Dominion, and these two members of the Government sit here silently, and seem to think there is no responsibility resting upon them. What will the tax-paying people of the Dominion say when they know that the Senate, which costs \$140,000 a year, is not giving even eight hours to consider important measures, involving enormous expenditures. We cannot say anything too strong in denouncing the Government for the course that they are pursuing? What can be their object? Could they not have brought this Bill and the Supply Bill before us two or three days ago? I do not charge the Government with doing this intentionally or purposely, but I repeat that they are not treating this House decorously. The country will condemn, or ought to condemn, them for rendering this branch of Parliament utterly useless. We have spent three months transacting business of little importance, and now, at the last day of the session, we are asked to pass a number of exceedingly important measures in an hour or two. It reminds me of a remark that I heard the member for my own county make at a meeting in the Township of Blenheim,

where there were five thousand people gathered. The speaker, on that occasion, remarked: "To shew you how totally useless the Senate is, I will give you an illustration. The old gentlemen in the Senate meet every day, sit there, say their prayers, and adjourn at the end of twenty minutes. For some months this is the rule, and generally, within twelve hours of the end of the session, it seems as if a cart horse brought to the door of the Senate a cart load of bills and carted them through the Senate, where they received no consideration." Is not that a truthful representation of the way things are being done by the present Government? It is no fault of ours. We have come here and given three months of our time, and we are willing to give another month to the public business, if necessary. I hope every member of the House will express his indignation, because, if this sort of thing is allowed to go on, the Senate will be utterly useless.

Hon. Mr. MILLER—My hon. friend from Ottawa (Mr. Scott) is wrong in supposing that the 2nd clause has anything to do with the Esquimalt Graving Dock. The first clause provides for the capitalization of the grant of £50,000, and makes the interest a charge upon the Consolidated Revenue Fund of Canada. The 2nd clause has no reference whatever to that grant, but specifically, as shewn more clearly in the marginal note, excludes from its operation the grant to the graving dock. After that, the Government of Mr. Mackenzie undertook to do the very thing that the present Government are now undertaking to do.

Hon. Mr. SCOTT—We were content to go this far: to give them the \$250,000 and charge it against the debt that British Columbia was allowed to come into the Union with. The Province was allowed to come into the Union with a larger debt than it really owed, for which Canada was responsible, and we were paying them six per cent. on that debt, and it was to be charged against that particular fund.

Hon. Sir ALEX. CAMPBELL—I think that, between the present Government and the late Government, we are committed to this debt. With reference to what has been said by my hon. friend

Hon. Mr. Alexander.

from Amherst, I join with him in the regret which he feels, that more time is not given for the consideration of important measures at the end of the session. It is not, however, the fault of the members of the Government in this House, nor is it the fault of the members of the Government in the other House, that it is so; but it is rather a result of our system of parliamentary government, and it occurs in England and all countries where the same system of government prevails. I have, on several occasions, endeavored to get some remedy for it, but it is very difficult to do so. The House of Commons discuss those measures at great length, and it always happens that important bills are delayed until the end of the session, when we sometimes have either to pass them without proper consideration, or reject them altogether. I can only say that I should be very happy to bring measures here at the earliest possible moment, but hon. gentlemen know how difficult it is to do so.

Hon. Mr. PENNY—If no other member of the House but myself calls for yeas and nays on this Bill, of course a vote cannot be taken. But, if what the hon member from Richmond has said is correct, this Bill is unnecessary, because we are to understand that what we are asked to do now, the Government and Parliament have already done. With regard to the bringing down of important measures at this late hour, the great trouble has been that we were several weeks without bills at all in the early part of the session.

Hon. Mr. FLINT—I do think it would be well if the Government, during the recess, would endeavor to see if there is not some way by which we could change the system of legislation in this House, as well as the other, so as to distribute the work more evenly over the session. It strikes me that all private bills should come down the first day of the session, and that would give an opportunity to have them disposed of more quickly. If the Government could be prepared with their measures so as to lay them on the table ten days after the opening of Parliament, I think it would be a step in the right direction, as it would give the members of both Houses

time to consider them. Circumstances might arise during the course of the session that bills would have to be introduced on some particular subjects, but that would be very easily managed if all other bills were brought down the first week after the House met. I think the hon. the Minister of Militia will recollect that, the first session after Confederation, there were several bills brought down the very last day but one before prorogation. I then spoke in reference to it, and, as there was a strong feeling at the time on the matter, the bills were withdrawn for that session. A better division of the labor might be made between the two Houses if two more of the ministers were added to the Senate and one-half of the Government measures were introduced in this Chamber. Bills would then receive more careful deliberation than they can possibly have under the present system, when they have to be rushed through at such a late period of the session. I do not altogether blame the Government in this matter; I think the Opposition in the other House has a great deal to do with it; but there is a great fault somewhere, and I trust that the remarks which have been made on the floor of the Senate today will have the effect of expediting business when the House meets next session.

Hon. Sir ALEX. CAMPBELL—Fully one-half of all the Government measures submitted to Parliament this session have been introduced in the Senate. The Bill under discussion is a money Bill, which cannot be introduced in this House.

Hon. Mr. POWER—If the hon. gentleman from Alma wishes a seconder to ask for the yeas and nays, I shall be very glad to second it. I agree with everything said by the hon. gentleman from Belleville, except the remark which he made just at the close, in which he charged the Opposition, in the other House, with being responsible for the delay of business. I think that charge is unfair to the Opposition. I do not suppose that there ever 'was a session in which the business of Parliament was so little delayed by the Opposition as during the present one. The only long discussion was on the tariff, and it is now some time since that discussion terminat-

Hon. Mr. Flint.

ed. The fact is, that very important Government measures were not introduced in the other House until just at the close of the session. With reference to the grant for the Esquimalt Graving Dock, I think the substance of the change proposed by this Bill is to transform the guarantee, or advance, into an absolute gift. I do not think the country has money in such abundance as to give to the Province of British Columbia, where millions of dollars are being expended on public works, a present of another quarter of a million. While the Government are so very generous in dealing with British Columbia, they have manifested a totally different spirit in dealing with the Province from which I come. There were some gentlemen here from Halifax this session, representing contractors in England, who were most anxious to get a small guarantee from the Government to enable them to construct a graving dock in that city, but the Government would not even give them a guarantee of \$20,000 a year.

The House divided on the motion, which was carried on the following voté:—

CONTENTS :

Hon. Messrs.

Aikins,	Flint,
Allan,	Gibbs,
Archibald,	Girard,
Botsford,	Macdonald,
Boucherville, De	Macfarlane,
Brouse,	Macpherson, (<i>Speaker</i>)
Campbell, Sir Alex.,	Miller,
Cornwall,	Read,
Dickey,	Ryan,
Dumouchel,	Vidal.—20.

NON-CONTENTS :

Hon. Messrs.

Bureau,	Penny,
Chaffers,	Power,
Hope,	Scott.—7.
McMaster,	

The Bill was then read the third time and passed.

CANADA CENTRAL RAILWAY COMPANY'S BILL.

SECOND AND THIRD READINGS.

Hon. Sir ALEX. CAMPBELL introduced Bill (122) "An Act to ratify and confirm a certain agreement therein

mentioned between the Government of Canada and the Canada Central Railway Company." He said: By the Act passed in 1874, providing for the extension of the Canada Central Railway westward to the point to be selected by the Government as the terminus of the Pacific Railway, the Company were to receive a bonus of twelve thousand dollars per mile for that portion of their line, or they had the option of substituting the payment by the Government of the interest, or part of the interest, on bonds of the Company, running over such terms of years as might be approved by the Governor in Council, in lieu of the mileage subsidy. The Company think it is much more desirable to have the guarantee of interest than the mileage, as it will enable them to sell their bonds, and this Bill is to authorize such an arrangement to be made.

The Bill was read the second and third time and passed.

BANKING ACT AMENDMENT BILL.

THIRD READING.

Bill (115) "An Act to amend an Act with respect to banks and banking, and to continue, for a limited time, the charters of certain banks" was introduced and read the first time.

Hon. Sir ALEX. CAMPBELL moved the second reading of the Bill. He said: The charters of the banks that are acting under the General Banking Act expire in 1881. This Bill proposes to continue them for ten years, with certain changes, which are mentioned in the body of this Bill. In the first place, the Bill makes the circulation the first lien upon the assets of the bank, so as to give it perfect security. Then it proposes that, in future, notes to be issued by banks shall be \$5, or multiples of five. It also provides that when a person goes to a bank and demands money, he is entitled to receive \$50 in Dominion notes. Then it is proposed that proxies held by shareholders are only to remain valid for three years, and shall then be renewed. These are the provisions which affect banks at large. The returns which banks are called upon to furnish are made more minute, to meet circumstances which have occurred, and which shew that the present returns are incomplete and do

not give all the information to which the public is entitled. Various clauses, which have been enacted from time to time during the last ten or twelve years in this country, respecting advances made by banks on warehouse receipts, have been embodied in this Bill. The principle which runs through this clause is this: that a person giving a receipt shall be a bailee of the goods.

Hon. Mr. MILLER—I do not rise to discuss the Bill, because I think that a discussion of it at this period of the session, when we have only one hour longer to sit, would be out of place; but I rise for the purpose of adding my protest to that of hon. gentlemen on both sides of the House who have spoken of the manner in which we are called upon to pass most important measures at the very last period of the session. I think it is incumbent, especially upon gentlemen who support the Government, and who cannot be supposed to speak from any hostile motives to the Ministry, as they value the position and influence of the House before the country, to impress upon those having charge of public affairs the necessity of devising some means whereby this state of things shall not recur from year to year. I think it is of the highest importance that we should, at least, give an appearance of deliberation to measures involving important principles, large expenditures of public money and consequences to the country of the most serious character. A Bill passed the House, a few moments ago, with reference to the Canada Central Railway. I venture to say—perhaps I venture too far, but I speak for myself, and I do not allow a Bill to go through this House without reading it, if reasonable time is given me for that purpose—that there are not two members of this House who understand the details of that measure. It has been suggested that there is a doubt whether the hon. gentleman who moved it understands it himself.

Hon. Sir ALEX. CAMPBELL—Oh, yes; I understand it, and the Secretary of State understands it also.

Hon. Mr. MILLER—I doubt if anyone else does. I really think that it is due to ourselves, without regard to party considerations, to insist that measures be submitted to us in time, in order that we

may give them proper consideration ; and, if we can effect a change in no other way, we must bring the Government to its senses by rejecting any important measure which is sent to us at a time when it cannot receive proper consideration. Here is this Banking Bill, a measure of the most important character, and one which ought to attract special attention in this House, where there is a number of hon. gentlemen who are connected with banking institutions, who might be supposed to be able to give it as intelligent a consideration as the other branch of the Legislature. This measure is brought before us on the very last day of the session. It has been before the House of Commons for some time, it is true, but it should have been introduced there much sooner, and I cannot comprehend why it was not any more than I can understand why other measures were not introduced in the early part of the session. I do hope that the earnest protests of the friends of the Government will have due effect. I do not blame this Government more than any other for its treatment of the Senate in this respect. I think the House has had reason to complain of every Government with regard to this question, and, therefore, it should not be made a party question.

Hon. Mr. READ—When I first entered Parliament, some eighteen or nineteen years ago, I was amazed at the manner in which bills were passed. I knew that the Macdonald-Cartier Government had been defeated on the Militia Law, and that a new Government had taken the reins of power and appealed to the people. The new Government, as was their duty, brought in a totally different Militia Bill. When I saw that measure come to the Upper House,—this was my first experience in Parliament—pass through all its stages and receive the Royal assent in one day, I thought it a very singular mode of legislating. I have seen that state of things continue ever since, and have occasionally protested against it. No measure could be more important than the one which is now before us. I have had something to do with business in this country, and know something of these warehouse receipts, and how they affect business men, but there is no time now to say anything

Hon. Mr. Miller.

about it. The Bill is not even printed, and we have to take the explanations the Minister of Militia has given, and swallow the measure. I agree with those who have urged that there should be a remedy for this state things.

Hon. Sir ALEX. CAMPBELL—There is no doubt that it is an evil, and I quite agree in the remarks made so justly and forcibly by the hon. Senator from Richmond, and also with the statement of the hon. Senator from Quinté, that this state of things should be remedied. The difficulty is to find the remedy. I will reveal a secret to the House with reference to the two measures to which the hon. Senator from Richmond has drawn attention. He wonders (and it is a just subject for wonder) why this important measure was not introduced in the other branch of the Legislature earlier in the session. There were two important measures proceeding from the Finance Minister, one with reference to the tariff, and the other to the banking institutions of the country. It was important to get both through this session, and deputations without number waited upon the Minister of Finance and the Government from day to day. After consultation, it was thought most convenient for the public to take hold of the tariff first, and see all the deputations who waited upon us in reference to it, and to introduce that measure as soon as possible, and then take up the Banking Bill. That was really the cause of this measure coming before us so late in the session. It is not the fault of the Government. Deputations came from day to day, and the subject was engrossing the whole attention of the Government for a time, and had to be got through with before anything else could be taken up. That is the secret, which I confide to the House with the greatest confidence. You cannot force the other House to take up these measures earlier and get through with them sooner. Suppose we should take the course suggested by the hon. Senator from Richmond, and throw out this measure ; that would accomplish no good, though it would draw a good deal of attention to the subject. We might establish a rule that this House would not adjourn for two or three days after the other House got through. That

would give us time to discuss these questions at our leisure, but the members would be unwilling to remain, and our action would be commented upon unpleasantly. Suppose, for instance, that we were to say that prorogation should not take place for two or three days, but that we should remain here and discuss these measures; is it likely that we could keep the House together? The only remedy that I can see, is to endeavor, as far as possible, to get measures on in the Lower House as rapidly as possible, and that, of course, every Government is anxious to do; and I am sure no one has been more anxious in that respect than the Minister of Finance, whose Bill is now under discussion.

Hon. Mr. ALLAN—Hon. gentlemen will see at once that it is impossible to get the House to sit longer, unless notice is given, because half of the hon. gentlemen have already left; but I think it would not be unwise to test the sincerity of hon. gentlemen who complain that they had no opportunity of giving proper consideration to these matters. Notice might be given that, in future, the House would sit for two or three days after the other House got through.

Hon. Mr. RYAN—Another difficulty occurs. It is this: after the other House gets through with its business, it might interfere with the arrangements of the Governor-General for dismissing Parliament. Unless a quorum of the other House still remains sitting, if we made amendments to any of their bills, it would practically defeat them.

Hon. Mr. MILLER—A quorum of the other House, and, in fact, the whole House, would have to remain, unless they wished to subject themselves to contingencies that we all understand.

The Bill was read the second time and referred to a Committee of the Whole House.

Hon. Mr. CORNWALL, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

INDIAN LAWS CONSOLIDATION BILL COMMONS AMENDMENTS.

A message was received from the House of Commons, returning Bill (C)

Hon. Sir Alex. Campbell.

“An Act to amend and consolidate the Laws respecting Indians,” with certain amendments.

Hon. Sir ALEX. CAMPBELL moved that the amendments be concurred in.

Hon. Mr. CORNWALL—I do not intend to occupy the time of the House for five minutes, or to say anything that should lead to a discussion, but I wish to draw the attention of the House to two or three interesting circumstances connected with the Indians of British Columbia. It happened that, yesterday, I took up the report of the Minister of the Interior for 1879, without any intention of adopting the course I am now taking, and, one thing leading to another, began to make some calculations with regard to the expenses attendant on the management of Indian affairs in British Columbia. It will be remembered that, when this Bill was before the House at a prior stage, the hon. gentleman from DeLormier (Mr. Bureau) complained very bitterly of the expense connected with the Indians of that Province, and it is with reference to that I wish to say a few words. In looking through this report, I found that the total expense connected with the Indians of British Columbia for the past year was \$48,531.56. Of this expense, the greater part has been incurred by the Indian Reserve Commission, which is now sitting. The expense of that Commission for the past year was \$27,019. On the Indians themselves, I find that there has been the sum of \$12,519 expended for school purposes for providing medicines, for supplying agricultural implements and seed, and for assistance to the aged and infirm, while, for the salaries and travelling and office expenses of the two agents in British Columbia there was paid the sum of \$8,993. From these calculations it appears that the sum actually expended for the Indians themselves was only \$21,500. I was able to make some interesting comparisons between the expenses incurred by the Dominion for the Indians in British Columbia and for the Indians in other provinces, such as New Brunswick, Nova Scotia, and Prince Edward Island. I do not know that I should have been able to compare the expenditures for the Indians of British Columbia with

those for the Indians of Ontario and Quebec, because the reports as to these two Provinces are made in a different way, and it would have taken a long time to have figured them out, but, as far as the Maritime Provinces go, the comparison stands as below. The following are the reported numbers of Indians in four provinces :—

British Columbia.....	35,000
New Brunswick.....	1,429
Nova Scotia.....	1,155
Prince Edward Island.....	266

The expenditure upon those Indians last year was as follows :—

British Columbia.....	\$21,512
New Brunswick	4,500
Nova Scotia	4,500
Prince Edward Island.....	2,000
	\$32,512

Now, if we divide this outlay in the different provinces by the number of Indians, we find the cost per head to be in the following proportion :—

British Columbia, per Indian..	\$0.61½
New Brunswick, over.....	3.00
Nova Scotia, nearly	4.00
Prince Edward Island, over....	7.50

So that hon. gentlemen will see, by looking at the matter in that light, we cannot say that the Dominion is peculiarly extravagant with regard to the Indians of British Columbia. I can go further than this : I am able to shew that the Indians of my Province, instead of being an expense to the Dominion, are a source of revenue, for on page 295 of part one of the report of the Minister of the Interior I find a return giving agricultural and industrial statistics connected with the Indians. In this case the returns are given in such a way that we can compare the Indians of the great Province of Ontario with the Indians of British Columbia, and, on moneying out such items as we can compare, such as horses, cattle and other stock, agricultural produce, and the value of furs, fish, &c., I find that the sum total in favor of the Indians of British Columbia amounts to \$401,233 as the result of their industry, while in Ontario we find that the result of the industry of the Indians of that Province amounts only to \$95,000, giving a balance in favor of British Columbia Indians of \$5,366 on the year's earnings.

Hon. Mr. Cornwall.

Hon. Mr. MILLER—They have no need of assistance.

Hon. Mr. CORNWALL—They do not get it. I find that the product of the industry of the Indians of my Province is really of great monetary value to the Dominion. For instance, the value of furs caught by them and exported last year was \$244,744.

Hon. Mr. BOTSFORD—Not all by Indians ?

Hon. Mr. CORNWALL—Yes ; all the product of Indian labor. According to the return, other industries are put down in a lump sum as \$108,000. I suppose it means wages received for labor which they undertake. These large sums of money—\$350,000, in round numbers—which the Indians thus obtain, is almost entirely expended for goods which have passed the Custom House, and they thereby contribute their share to the revenue of the Dominion, so that, looking at it in that light, it cannot be said that they are a charge on the revenue of the country. I have not made any comparison between the Indians of British Columbia and those of Manitoba and the North-West, because it would be altogether out of place. In the latter countries, owing to exceptional circumstances, which, it is to be hoped, will be put an end to in a few years, the expenses are very heavy. We find that the Indians of the North-West cost us \$30 or \$40 per head per annum. I think, however, that an investigation of these returns will shew that the Indians of British Columbia, though in a comparatively wild state as yet—a great number of them being totally uncivilized—are progressing satisfactorily, and the result of their year's industry goes far to shew what we may expect from them in the future, when their latent energies are developed by training and education.

Hon. Mr. SCOTT—If my hon. friend had given me notice of what he was going to do, I would have been very glad to discuss this question with him. Figures can be made to prove almost anything, and his figures prove what, in my judgment, is open to debate. He compares the case of the Indians in British Columbia with that of the Indians in other portions of the Dominion.

Speaking of Ontario, the Government of Canada acquired very valuable property from the Indians—their whole territory—in consideration of the payment of an annuity, and a considerable reserve was made for them in addition. Some of those reserves were subsequently sold, and the proceeds have been applied for the benefit of the Indians. Those lands are of very great value to-day. When British Columbia came into the Union, it was not contemplated in the smallest degree that the Indians of that Province would be the slightest charge on this country. We did not undertake, in the terms of Union, to pay the Indians anything. The Government of Canada were to be trustees for the lands which British Columbia had allotted as reserves to those Indians. Those lands have not, even up to the present time, been ceded to the Dominion of Canada by the Local Government, and Canada has had to pay a considerable sum towards the Indians of British Columbia. The hon. gentleman puts the sum at \$28,000. I think I referred to the Public Accounts on a former occasion to shew that the amount paid was \$48,000 for the Indians of that Province. Of that amount, the Indians got only \$12,000. The rest went to agents, surveyors, and to parties who are laying out the reserves. Those reserves were assumed to have been laid off a quarter of a century ago, and, therefore, the expenditure of that \$48,000 was wholly unexpected. It was never contemplated to be a charge on the revenue of this country. For the first few years after British Columbia came into the Union we had no charge for Indians; it was only when they began to see that British Columbia had broken faith with them, and that the allotment of land which they had assumed for each Indian was not carried out, that the Indians became dissatisfied. It is within the knowledge of this House that, when Lord Dufferin went out to that Province, the Indians waited on him, as he was practically the trustee for the Indians, as all Governors-General are, to see that they are treated fairly and justly by the Government of the country. Lord Dufferin's views were, I think, put in the form of a despatch. I had occasion to ask whether that despatch had ever seen the light. I

Hon. Mr. Scott.

think it is very important that it should, as it would throw very considerable light on this subject, if it is not of a confidential character.

Hon. Sir ALEX. CAMPBELL—I have not seen it.

Hon. Mr. SCOTT—There was a despatch from Lord Dufferin, and Earl Carnarvon's reply, which would satisfy the people of British Columbia that they had not pursued that just and honest policy towards the Indians that they were bound to do, both under the terms of Union and under the agreements that were supposed to exist between British Columbia and the Indians themselves. The subject is too large to discuss it now, but I could satisfy my hon. friend that this charge of nearly fifty thousand dollars, which has been a serious expense to this country the last two years, was never contemplated, and I am informed from other sources that very little progress has been made by this Commission; that an angry controversy still exists, and I understand that Mr. Sproat was so disgusted, and felt that so little progress was made that he threw up the Commission and declined to go on any longer with it.

Hon. Mr. CORNWALL—I tried to avoid saying anything that would induce my hon. friend from getting on his legs. It was the hon. gentleman from De Lorimier who made the objection as to the expense, and I tried to shew that the greater part of the grant was expended on the Indian Reserve Commission. I will only detain the House for a moment while I read an extract from a British Columbia paper that only arrived to-day, commenting on the debate which took place in this House lately on this question:—

“THE INDIANS OF BRITISH COLUMBIA.

“In a recent debate which took place in the Senate at Ottawa, Hon. Mr. Scott expressed himself in strong and, we are inclined to think, unnecessary language, respecting the treatment of the Indians in this Province. He demurred at the heavy expenditure necessary for the purposes of the department in British Columbia, and attributed the heavy outlay to the dishonest policy pursued in respect of the Indians by the Colonial Government, previous to Confederation. Nay, he boldly stated that the Indians had been ‘robbed,’ and he declared himself ready to prove it. We need hardly say that Mr. Scott is laboring under a

wrong impression; that, so far from the Indians having been robbed, they were treated with the greatest kindness and consideration by the Colonial Government, and the best evidence of this is to be found in their perfect contentment during that period, their perfect obedience to the laws, and the readiness with which they adapted themselves to the habits and pursuits of the whites. We can well remember, during our wanderings in the interior, in the early days of the Colonial Government, that, so far from there being any evidences of dissatisfaction amongst them, or any tendency to avail themselves of the constantly recurring opportunities which would have tempted any other people, they actually made the very best police we had in the interior, and could be entirely depended upon. Many a poor white man, returning 'strapped' from the mines, has been the thankful recipient of their hospitalities, as they were always glad to give him a meal of salmon and potatoes, and, amongst the more industrious of them, much superior entertainment. It was not until after Confederation that anything in the shape of dissatisfaction appeared amongst them. We are not prepared to say by whom that dissatisfaction was engendered; it may very possibly have originated from injudicious remarks of persons who led them to understand that the treatment of the Indians in the Eastern Provinces was in some way different from that they were in the habit of receiving from the Government of this Province, but without conveying the matter in a clearly intelligible manner to them. But, even with all the incitements to discontent created in this way, it required considerable industry on the part of writers to shew that anything like discontent prevailed. There were some few instances in which the whites, by persevering industry, turned portions of the country to account, hitherto entirely neglected by the Indians, where these latter endeavored to establish claims in order to profit by the labor of their white neighbors. In some cases, lands have been taken from the white men, after money and labor had been expended upon them, and given to the Indians; these latter, under the old régime, would never have deemed they had any right to make a claim. Such proceedings are highly injudicious, because the Indians, being uneducated, never trouble themselves with the right or wrong of such expropriations; they can only understand that, by creating a claim, they can very often secure property that in no way belongs to them, and, when they are unsuccessful in this way, they feel aggrieved, but are unable to say in what way. Mr. Scott's idea in relation to the extinguishment of Indian claims by purchase, was very properly characterised by Senator Cornwall as mean, inasmuch as the paltry sums given by the Dominion Government for the magnificent territory they have acquired in this way from the Indians are not instances of their generosity to boast of, or such as to hold up to the rest of the world as worthy of imitation. Their success in this way has, no doubt, been remarkable,

but we think ours will bear favorable comparison. We have not endeavored to act, as it is said some of the first adventurers on this coast did in what is now the neighboring republic, inducing the Indians to barter their gold for worthless trinkets or draughts of 'fire water.' We made bargains for their land until it became evident that they were prepared to sell it all, in order to have the white men to live amongst them, and the Government wisely stepped in to prevent such wholesale alienation. The choicest portions of the country were set apart for them, and which they were not allowed to sell. Many of these reservations have never since been occupied, because the Indians preferred being employed by the white men for wages. They caught salmon during the fishing season, which they stored in trees (these stores always respected by white men); thus, with the product of their potatoes, they were always sure of food for the winter. During the summer they acted as farm hands, firemen on steamers, packers, herders, &c. All was peace and good will. Now they have, or are said to have, unlimited ideas of what they are entitled to from somebody, not always well defined, and are always ready to meet a commissioner or superintendent with a long catalogue of grievances. That they had grievances, and that it was necessary to adjust and define the boundaries of their reserves, no one will deny, and that the recent work of the commissioners has, under the circumstances, done much good, and prevented serious disputes, there can be no doubt. But we insist that the Federal servants have done much to lead the Indians to think they had been unjustly treated, and that the Indians are at this moment in blissful ignorance of how the injustice arose, we think, must be conceded. If the expenditure has been heavy (which we deny, having in this Province about as many Indians as there are in all the rest of the Dominion), it is entirely owing to the way in which the Federal Government insist upon treating them. Like everything else connected with this Province, they persist in applying treatment only suited to the Eastern Provinces."

The amendments were concurred in.

MORTGAGES OF REAL ESTATE BILL.

COMMONS AMENDMENTS.

A message was received from the Commons, returning Bill (11) "An Act relating to interest on moneys secured by mortgage of real estate," and stating that they had disagreed to two amendments; the first to clause 5, and the second to clause A.

Hon. Sir ALEX. CAMPBELL—
We need say very little more about the amendments to which the House of Commons have agreed, but, with reference to

the two to which they have dissented, it rests with this Chamber to say what course shall be adopted. The amendments to which they have dissented are the one proposed by the hon. gentleman from Richmond, the proviso to clause 5, and the amendment of the hon. gentleman from Prescott, clause A.

Hon. Mr. MILLER said there were four amendments, to two of which the Commons had disagreed. They had struck out the proviso in the 5th clause, and they had assented to the amendment which was based on that proviso.

Hon. Mr. DICKEY said he had objected strongly to clause "A," on the ground that it was unconstitutional, and the Commons had also entertained that view of the case. If the other Chamber had been logically consistent, they ought to have accepted the amendment of his hon. friend from Richmond to the 5th clause.

Hon. Mr. MILLER did not think there was any inconsistency in the position taken by the other House in reference to these two amendments. They had rejected the first amendment—that was the one he had proposed to the 5th clause—not on the ground of its unconstitutionality, but on the ground of its inexpediency. It was clear that that was the only course they could have adopted, because the effect of this proviso would be to limit the application of the 5th clause, and if it were constitutional to give the larger power in that clause, as it came before the House, certainly there could be nothing unconstitutional in limiting that power in the proviso. With regard to the amendment of his hon. friend from Prescott (Dr. Brouse), the House would recollect how it was moved. His hon. friend had not had time to frame the amendment properly, though, if the suggestion which was thrown out at the time had been adopted, it would have made the amendment perfectly constitutional. The difficulty was that the word "principal" had been introduced where the word "interest" only should have appeared. He (Mr. Miller) had had the authority of the Minister of Justice on the point that, if it had been made conditional that no interest could be recoverable under a mortgage where the power of sale was

reserved unless notice of sale were given for two months, it would have been perfectly constitutional. He had had a conversation yesterday with the Minister of Justice, who had taken objection to the word "principal" being introduced. He (Mr. Miller) had not changed his mind in the slightest degree as to the power of the House to make the amendment in the form that he had suggested; and the only regret that he had was that, in the hurried framing of the amendment, there had not been time to word it properly.

Hon. Mr. DICKEY thought his hon. friend was mistaken. Clause "A" had been rejected on the ground that it professed to deal with the principal, and that was an objection which he (Mr. Dickey) considered valid. The House of Commons had placed themselves in this position: they had objected to the amendment to the 5th clause, and, having rejected that proviso, which would have confined its operation to cases in the 1st section—that was to say, to cases of interest on sinking fund—they allowed the last amendment, based upon that proviso, to remain. Therefore, with all submission to his hon. friend, he contended that the inconsistency still remained.

Hon. Mr. BOTSFORD—I move that the Senate insist upon the amendment to the 5th clause.

Hon. Sir ALEX. CAMPBELL.—I doubt whether that is desirable, unless we wish to throw out the Bill altogether. Is it not better to have the Bill as it stands, with these two amendments, than to drop it? The amendment of the hon. Senator from Richmond is one which would probably be introduced in another session, and the other might also be framed in such language—I do not say that I am of that opinion—as would render it constitutional and unobjectionable. Then there would follow the curious anomaly, which is that, the last amendment referring to the proviso, struck out of the 5th clause, would remain. Still it would do no harm. It would be odd and absurd, it is true, but it would not interfere with the Bill. Whether that would not be better than rejecting the Bill altogether is for the House to say.

Hon. Sir Alex. Campbell.

Hon. Dr. BROUSE—The whole history of the Bill has been an anomaly. In the first place, there were certain abuses to be corrected. Amendments were introduced in the Bill in this House, and the measure was then sent down to the House of Commons, where it was rejected; and a Bill has been sent up to us, the object of which, originally, was to limit the rate of interest to seven per cent., but, into this Bill, have been introduced all the clauses of our Bill, which they threw out. This measure which is now before us, however, corrects certain abuses, and it strikes me that, if we cannot get all that we want, we should take what we can get—half a loaf is better than no bread; and, therefore, I am willing to accept what the House of Commons has given us.

Hon. Mr. AIKINS—In order that the Senate may not be misled, I may state that this is not the legislation which was introduced in this House. This Bill had its second reading in the latter part of the month of February, and it went to committee and was reported with those clauses, to which my hon. friend refers, before he gave notice of his in this House.

Hon. Mr. GIBBS—I think, in the interest of the banks, and more particularly of those on whose behalf this legislation is sought, it would be far better that this Bill should drop. The Government could, during recess, prepare a message, which they might introduce in the early part of next session, and then we can legislate in the right direction. I, for one, shall offer no opposition to such a measure if it should be introduced next year. I think the House should not place a law upon the Statute book which is not well digested. This measure is crude and incoherent. Some of the best legal minds in this House disagree as to its effect. One hon. gentleman says that it is innocuous; another takes the opposite view, and I think, therefore, it is better to let it drop.

Hon. Mr. DICKEY—I do not see how the House, with any regard for itself or with any consistency, can submit to the rejection of those amendments, or, at the same time, accept the Bill as it stands, because, as the hon. Minister of Militia has explained, the amendment to

the last clause is utterly inconsistent with the rejection of the amendment in the 5th clause. If we could amend the Bill, that difficulty might be removed, but it is too late in the session to do that, and, under the circumstances, I cannot see any alternative but to throw out the Bill.

Hon. Mr. CORNWALL—It would be much better to let the Bill drop. It is so peculiar in its phraseology that it would only lead to difficulty. I confess I cannot make it out, and I am sure that ordinary readers will never be able to understand it.

Hon. Mr. HOPE—I wish to know, from the leader of the Government, if he considers the clauses 1, 2, 3, 4 and 5 will be inoperative in consequence of the amendments made by the House of Commons to clause 6.

Hon. Sir ALEX. CAMPBELL—No.

Hon. Mr. HOPE—If so, that is all we want, and I press concurrence in the amendments.

Hon. Mr. MILLER—We have not got all we want.

Hon. Mr. HOPE—The first four clauses are precisely the same as those which this House unanimously agreed to introduce in the Bill which we sent down to the House of Commons. We are getting this legislation and clause 5, which the hon. Senator from Prescott originally proposed to insert in our Bill, but which he afterwards withdrew. So that, really, we are getting what we want.

Hon. Mr. READ—A good deal has been said about the crude character of this Bill. If we are correctly informed, it was framed by two of the best lawyers in the country, and the result of their labors is the production of something nobody can understand.

The Senate divided on the motion, which was rejected by the following vote:—

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Hon. Messrs.

Botsford
Cornwall,
Dever,
Dickey,
Gibbs,

Macdonald,
Macpherson (*Speaker*),
Miller,
Penny,
Power—10.

Hon. Sir Alex. Campbell.

NON-CONTENTS :

Hon. Messrs.

Aikins,	Flint,
Aisan,	Girard,
Archibald,	Glazier,
Armand,	Hope,
Boucherville, De	McMaster,
Brouse,	Read,
Campbell, Sir Alex.	Scott—15.
Dumouchel,	

A message was sent to the House of Commons to acquaint that House that the Senate did not insist upon the amendments rejected by that Chamber.

THE SUPPLY BILL.

Bill (126) "For granting to Her Majesty certain sums of money to defray certain expenses for the financial years ending 30th June, 1880, and the 30th June, 1881, and for other purposes relating to the public service," was introduced and read the first time.

Hon. Sir ALEX. CAMPBELL—I move that the Bill be read the second time. I do not propose to go into a discussion on the tariff, or the general questions which so often come up on this Bill. I congratulate myself—if my hon. friend (Mr. Macpherson) will allow me to say so—that he is in the chair, and that his colleagues on this side of the House may be spared the discussion which he is in the habit of originating on this question. I do not know that we can make anything by discussing this measure. I only wish that the supplies required for Her Majesty were not so large as the Bill indicates they are. The Government proposes to do its best to exercise such economy as is compatible with the efficiency of the public service.

Hon. Mr. SCOTT—There are some observations which I should make on the second reading of the Supply Bill, but, considering the position we are now in, I think I had better defer, to a future occasion, some remarks that I should like to have made in reference to this subject. I shall only say that the sum appropriated on the present occasion is very much in excess of any amount that was ever asked for before for carrying on the government of this country.

Hon. Mr. PENNY—I think the Government are to be congratulated that the

Hon. Mr. Read.

hon. gentleman who so earnestly advocated economy on former occasions is now in the chair. I am sure that, if he were not, we should have heard from him on this occasion. I expected that, when he had an opportunity of putting in his pruning knife, he would have reduced the public expenditure very largely, and I feel certain that, next year, we shall have a very much smaller amount appropriated. If we have not, I shall endeavor to shew how much multiplicity of evil counsellors is capable of overslaughing the best intentions.

Hon. Mr. RYAN—A good deal has been said to-day upon the subject of hurried legislation, in which I entirely concur, and I also agree with those who urge the necessity of applying a remedy to it. I venture to give the House an illustration of the effects of hurried legislation, which comes to our doors to-day. I have just received a telegram with respect to the Harbor Commissioners' Bill, which, it appears, was introduced in the other House by the Government, with a very important clause, empowering the Commissioners to reduce the rates of towage on our great water highway, the River St. Lawrence. That clause, which was the most important one in the Bill, and which the Harbor Commissioners were very anxious to have passed, is left out altogether.

Hon. Sir ALEX. CAMPBELL—By accident or by design?

Hon. Mr. RYAN—By intention, I suppose. It was in the hands of the Government in the other House, and, I believe, in the hands of the Government here. A similar Bill was introduced in the other House last year and delayed until near the close of the session, when it came up, without the knowledge of the Harbor Commissioners, mutilated and deprived of a clause similar to the one to which I have referred; and this year, again, a similar omission occurs. The following is the telegram from the Chairman of the Board:—

"See that the Harbor Bill, No. 124, as originally introduced in the House of Commons, is the one introduced in the Senate. The Bill now sent to the Senate is of no use, as the most important clause is left out."

The Harbor Commissioners had no notification that that clause was to be left out. There seems to be some power be-

hind the throne which can influence these things. What that power is I do not know; but, if our legislation had moved a little more slowly, I might have had an opportunity of pressing the re-introduction of that clause.

Hon. Sir ALEX. CAMPBELL—If the clause was in the Bill originally, the House of Commons probably discussed it and struck it out. It does not follow, because the Harbor Commissioners desire it, that the House would pass it.

Hon. Mr. RYAN—I am afraid that the other House had it under consideration in the hurried way that we had it.

Hon. Mr. MILLER—The clause was one regulating towage; could we have introduced such a clause here?

Hon. Mr. RYAN—It was not increasing taxation, it was giving the Harbor Commissioners power to take steps to reduce the rates, and to enable them to make private contracts with individual towers.

Hon. Dr. BROUSE—This towage is done by a private company at Kingston.

Hon. Mr. RYAN—This is for another service altogether; it is for the lower St. Lawrence.

Hon. Mr. PENNY—Last year, a Bill was introduced by the Government with this towage clause in it, and I understand that the measure came to this House exactly as it was passed by the House of Commons, and was changed here.

Hon. Mr. RYAN—That shews plainly that this House has the right to deal with the question.

Hon. Mr. PENNY—There is no doubt about that at all. My hon. friend (Mr. Ryan) and myself, who were very anxious about this matter, were exceedingly surprised to find, at the close of last session, that one of the most important clauses in the Bill had been eliminated, and this session it has disappeared in a most mysterious manner again.

Hon. Mr. BELLEROSE—I cannot let this Supply Bill pass without congratulating the present Government on having begun to do justice to the Pro-

Hon. Mr. Ryan.

vince of Quebec. Looking over the Estimates and the Public Accounts for four or five years past, I find that the public money has been given away to other Provinces; that, while Quebec has been receiving shillings, hundreds of thousands of dollars have been expended on public works in other provinces of the Dominion. As a representative from the Province of Quebec, I cannot help, under the circumstances, congratulating the Government on having thought fit to give to our Province a comparatively fair share of the public money. I congratulate, especially, the Minister of Public Works on this change. It shews the advantage there is of having in the Government members representing the several provinces of the Dominion. Since the Department of Public Works has been presided over by a representative from Quebec, our Province has been treated better, and received from the present Government a fair share of the public money for expenditure on public works.

The motion was agreed to, and the Bill was read the second and third times and passed.

THE PRINTING OF PARLIAMENT.

Hon. Dr. BROUSE, in the absence of Hon. Mr. SIMPSON, presented the sixteenth report of the Joint Committee of both Houses on the Printing of Parliament, and moved that it be adopted.

Hon. Mr. SCOTT objected to the reception of the report. He said that the House was likely to get into great confusion by adopting it under the circumstances. It was quite impossible for him (Mr. Scott) to comprehend it without having time to read it, and he objected to its reception without due notice.

Hon. Mr. AIKINS rose to explain the nature of the report.

Hon. Mr. SCOTT said he did not care what the circumstances were. He had submitted to enough. He had taken no exception to the legislation of this House; but he did not think that the Senate should swallow everything. He was not prepared either to look into the subject or to discuss it.

Hon. Mr. AIKINS said that he merely wished to explain to the House the position in which Parliament would be placed unless this report were adopted.

Hon. Mr. SCOTT.—It involves a debate of the whole question, and I object to any discussion upon it.

Hon. Mr. AIKINS explained that the 14th report of the Printing Committee having been adopted, the contract for the public printing was cancelled, and no provision whatever was made for making a new one. This sixteenth report was to provide for a new contract.

Hon. Mr. MILLER said that the Government would have to get the work done, and ask Parliament to sanction their action.

Hon. Sir ALEX. CAMPBELL said the hon. Senator from Ottawa (Mr. Scott) must take the responsibility of his action.

The matter then dropped.

Hon. Sir ALEX. CAMPBELL moved the adoption of the fifteenth report of the Joint Committee on Printing.

The motion was agreed to.

The House adjourned at 1.30 p.m.

THE PROROGATION.

This day, at four o'clock p.m., His Excellency the Governor-General proceeded in state to the Senate Chamber, 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, viz:—

An Act to amend the Act intituled "An Act respecting offences against the person," and to repeal the Act intituled "An Act to provide that persons charged with common assault shall be competent as witnesses."

An Act respecting the Credit Valley Railway Company.

Hon. Mr. Scott.

An Act to extend the powers of the Manitoba South-Western Colonization Railway Company, and to further amend the Act incorporating the said Company.

An Act respecting the Ontario Reformatory for Boys.

An Act to repeal the Act extending "The Dominion Lands Acts" to British Columbia, and to make other provision with respect to certain Public Lands in that Province.

An Act for the relief of Permanent Building Societies and Loan Companies.

An Act to provide for the winding up of "La Banque Ville-Marie."

An Act to incorporate "The Great North-Western Telegraph Company of Canada."

An Act to authorize the Corporation of the Town of Emerson to construct a Free Passenger and Traffic Bridge over the Red River in the Province of Manitoba.

An Act to amend the Acts respecting the Montreal Telegraph Company.

An Act to incorporate the "Pontiac Pacific Junction Railway Company."

An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom.

An Act to amend the Act forty-second Victoria, chapter fifteen, intituled "An Act to alter the Duties of Customs and Excise."

An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.

An Act to enable the Harbor Commissioners of Montreal to pay a life annuity to the Widow of the late Honorable John Young.

An Act to authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their Tidal Dock.

An Act to repeal the Act forty-second Victoria, chapter five, for granting an annual subsidy towards certain telegraphic communication.

An Act further to amend "An Act respecting the Harbor of Pictou, in Nova Scotia."

An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island.

An Act respecting "The Industrial Refuge for Girls" of Ontario.

An Act to amend the Acts respecting the Canada Central Railway Company.

An Act to authorize and provide for the winding up of the Consolidated Bank of Canada.

An Act to incorporate the Assiniboine Bridge Company.

An Act to incorporate the South Saskatchewan Valley Railway Company.

An Act to incorporate the Souris and Rocky Mountain Railway Company.

An Act to amend and consolidate the several Acts relating to the North-West Territories.

An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada.

An Act further to amend the Acts respecting Dominion Notes.

An Act to authorize making certain investigations under oath.

An Act to amend the law of Evidence in Criminal Cases, as respects the taking and use of depositions of persons who may be unable to attend at the trial.

An Act further to amend the Act respecting Cruelty to Animals.

An Act to incorporate the Nelson Valley Railway and Transportation Company.

An Act to amend "The General Inspection Act, 1874," and the Act amending it.

An Act to amend the law respecting the removal of obstructions in navigable waters by wrecks.

An Act respecting the Montreal Assurance Company.

An Act further to amend "The Supreme and Exchequer Court Act."

An Act to incorporate "The Winnipeg and Hudson Bay Railway and Steamship Company."

An Act to amend the Dominion Lands Act, 1879.

An Act to consolidate and amend the Acts respecting the Inland Revenue.

Bills Assented to.

An Act to amend the Act respecting the Inspection of Petroleum.

An Act to amend the Acts respecting the Trinity House and Harbor Commissioners of Montreal.

An Act to make better provision respecting the navigation of Canadian waters.

An Act to confirm a certain Order of the Governor in Council, respecting the Graving Dock at Esquimalt.

An Act to ratify and confirm a certain agreement therein mentioned, between the Government of Canada and the Canada Central Railway Company.

An Act to amend "An Act relating to Banks and Banking," and to continue for a limited time the charters of certain Banks to which the said Act applies.

An Act relating to Interest on moneys secured by Mortgage of Real Estate.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

An Act to amend and consolidate the laws respecting Indians.

Then 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, 1880, and the 30th June, 1881, 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 SECOND SESSION of the FOURTH PARLIAMENT of the DOMINION with the following

S P E E C H.

"Honorable Gentlemen of the Senate ;

"Gentlemen of the House of Commons :

"In relieving you from your attendance in Parliament, I desire to offer my thanks for the care and assiduity with which you have applied yourselves to the performance of your important duties.

"The evidences of a recovery from the long-continued state of depression to which I alluded at the opening of the session^s are, I am glad to believe, steadily accumulating, and we may, I trust, look forward with some confidence to a prosperous year.

"The measures relating to Banking and the Currency, and to the amendment of the Tariff, with the other laws passed this session will, I hope, aid in the promotion of the anticipated prosperity.

"The expectations of a large immigration of valuable settlers into the North-West, in which I then ventured to indulge, appear, from the latest information, to be fully realized.

"The laws for the better organization of the North-West Territories, for the amendment of the Dominion Lands Act, and for the more

efficient management of Indian affairs, must tend greatly to the advantage of that vast and interesting region.

"The measure for the consolidation of the laws concerning the Inland Revenue and the other important Acts relating to the public interests seem well adapted to promote those interests.

"Gentlemen of the House of Commons :

"I thank you, in Her Majesty's name, for the supplies you have so liberally voted.

"I trust that the vigorous efforts made to settle the Indian bands of the North-West on their Reserves will diminish, in the future, the calls made on the public Treasury for aid to save them from starvation.

"Honorable Gentlemen of the Senate ;

"Gentlemen of the House of Commons :

"The appropriations made will enable my Government steadily to prosecute the construction of the Canadian Pacific Railway and to hasten the completion of our Canal system.

"In bidding you farewell, I desire to express my earnest desire for your happiness and prosperity in your several homes."

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