



HOUSE OF COMMONS  
DEBATES

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FOURTH SESSION—FIRST PARLIAMENT  
34 VICTORIA

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VOLUME IV

COMPRISING THE PERIOD  
FROM THE FIFTEENTH DAY OF FEBRUARY, 1871  
TO THE FOURTEENTH DAY OF APRIL, 1871

SPEAKER: THE HON. JAMES COCKBURN

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## Foreword

In 1871 Joseph-Godéric Blanchet, an elected member of Canada's first Parliament and future Speaker of the House of Commons, rose in the House and moved that an official record of its deliberations be established. "Some very important debates have taken place since Confederation, and yet it would be a matter of the greatest difficulty to ascertain the views expressed by the leading minds of the country." His motion went down to defeat, and the House would not have an official record of its debates until 1875.

The eight years from 1867 to 1874 were an important period in the history of the young country, and there was much to debate. Manitoba, British Columbia and Prince Edward Island were entering Confederation; an evolving central government was grappling with the emerging issue of provincial rights; a railway to the west coast – as much a feat of politics as of engineering – was being built; efforts to promote immigration were raising uncomfortable questions; proposed tariff measures were putting strains on Canada's relationship with our neighbour south of the border; and, with the imminent departure of the last British garrison troops, there was a sense that Canada would now be on her own in the world.

In the 1960s, with the support of then House of Commons Speaker Roland Michener, the Library of Parliament began addressing this gap in Canada's historical parliamentary record. A detailed record of the earliest deliberations of the House was commissioned, and the project to prepare a balanced version of those debates, based primarily on the extensive newspaper reporting of the day, was begun.

Parliamentarians, academics and lovers of Canadian history will be encouraged to know that our current Parliamentary Librarian, William Young, continues to oversee this important project and that the Library is now publishing the reconstituted 1871 debates of the House of Commons in both official languages.

Many thanks are due the historians, librarians, translators, transcribers and editors who have very carefully consolidated Parliament's first deliberations and presented them here. I would also like to acknowledge the parliamentary staff involved in this project, whose characteristic dedication and persistence were instrumental in its success.

Hon. Peter Milliken, M.P.  
Speaker of the House of Commons  
Ottawa, 2009



## Preface

This is the fourth volume in the series of reconstituted debates of the House of Commons. Its publication continues the project initiated under my predecessor, former Parliamentary Librarian Erik Spicer, to reconstruct the parliamentary record from 1867 through 1874, before the official reporting of debates was established. The first volume was issued in 1967 to mark Canada's centennial year.

Prior to 1875 the only substantive record of speeches delivered in the House was to be found in the major newspapers of the day. At the time, the fledgling Library of Parliament clipped various press articles recounting debates in Parliament and pasted them into scrapbooks. These have become known as the "Scrapbook Debates," and have provided most of the source material used in producing this volume.

In reconstructing and publishing the early debates of Parliament, the Library has been fortunate to collaborate with distinguished scholars and academics. During the 1960s and 1970s, Dr. Peter Waite of Dalhousie University, a well-known historian of the Confederation period, edited three volumes of early debates. Dr. Norman Ward of the University of Saskatchewan – whose reputation as a teacher and lecturer approaches the legendary – originally undertook the editing of this fourth volume. Sadly, he passed away before he could finish, and Pamela Hardisty, former Assistant Parliamentary Librarian, carried on the project. Dr. Duncan McDowall of Carleton University has contributed the lively and comprehensive historical introduction.

As an historian, I believe there is significant and enduring value in recovering and preserving such important source material. With the publication of these reconstituted debates, the thoughts and deliberations of Canada's first parliamentarians will reach a larger audience, adding to our collective understanding of this country and its people. As Parliamentary Librarian, I feel proud to have played a role in bringing this publication to fruition, and fortunate to have done so during the tenure of House Speaker Peter Milliken, whose keen interest in all things parliamentary is exemplified in his support for this initiative.

I extend my sincere thanks to the many people who contributed to this project through its various stages. Naming them all would require a separate volume, but I must single out the following few for their extraordinary contributions: Michael Graham and Cynthia Hubbertz who, with the assistance of Teresa Ray, kept this project on course; and researchers Louis Brilliant, H el ene De Celles and the late Gary King, whose work was invaluable. Finally, I would like to acknowledge the fine team at the House of Commons Parliamentary Publications Service for their ongoing practical support and expert assistance, crucial to the successful completion of this undertaking.

William R. Young  
Parliamentary Librarian  
Ottawa, 2009



## Introduction

Late in the afternoon of 3 April 1871, Joseph-Godéric Blanchet, the member for Lévis and a stalwart of the Quebec wing of John A. Macdonald's ruling Liberal-Conservative Party, rose in the House of Commons to make a motion.<sup>1</sup> A doctor by vocation and one-time mayor of Notre-Dame-de-la-Victoire, Blanchet had first won election to the Assembly of the United Canadas in 1861. In 1867, he capitalized on the provision for dual representation in Canada's First Parliament, winning a seat in both Ottawa and the Quebec Assembly. Blanchet became the Speaker of the Assembly. He would in time – with his appointment as Speaker of the federal House in 1879 – become the only Canadian politician ever to act as Speaker in both the federal and provincial spheres. While in the Quebec Assembly, Blanchet chaired a committee that honed the Standing Orders of the House. This expertise in parliamentary procedure predisposed Blanchet to make his motion on that spring afternoon in 1871.

The Commons, Blanchet pointed out, was without an official record of its debates. Newspapers, he admitted, published renditions of the Commons debates, but these were inadequate. “Some very important debates had taken place since Confederation,” Blanchet reminded his colleagues, “and yet it would be a matter of the greatest difficulty to ascertain the views expressed by the leading minds of the country in those debates.” With categorical aplomb, Blanchet concluded: “This is the only Parliament in existence that had no official report, and the great questions that would have to be dealt with in the future necessitated the taking of immediate action.” That action should be the hiring of “stenographers for the publication of debates, and in both languages.”<sup>2</sup>

A testy debate ensued. Too costly, some asserted. Others claimed that the prospect of seeing their words in print would induce members into “endless” prolixity. But others backed Blanchet. This was “an age of progress,” one Nova Scotia member attested, and “the people should know from authentic sources what was going on in their legislative halls. Some of the best speeches of the best men in Nova Scotia had never been reported.” One French-speaking member welcomed the proposal because “under private enterprise their speeches were seldom reported.” Support for Blanchet's motion ranged across party lines. Liberal luminaries like Alexander Mackenzie and Edward Blake on the opposition benches joined Dr. Charles Tupper of the government to urge the taking of an official record of the debates. But, as Blake noted with prescience, the motion was a “trial of strength between the speaking and the silent members, and as the latter were in the majority, they might vote down the motion.” The motion was amended to stipulate that the cost of an official record be “paid out of personal indemnity of Members of Parliament.” Thus recast, Blanchet's motion predictably went down to defeat – Yeas 51, Nays 91 – later that evening. The “age of progress” in parliamentary reporting had once again passed Canada by.<sup>3</sup> The Canadian Parliament would not have an official record of its deliberations until 1875.

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1. The political affiliation and parliamentary career of all members of the House of Commons mentioned in this Introduction are available from the Library of Parliament's online reference site for “Senators and Members” on the parliamentary website. Full biographical treatment of prominent politicians active in the 1871 sitting of Canada's First Parliament is available from the *Dictionary of Canadian Biography Online* at [www.biographi.ca/index2.html](http://www.biographi.ca/index2.html).

2. *House of Commons Debates*, 3 April 1871. For Blanchet biography, see: Frances Caissie, “Blanchet, Joseph-Godéric,” *Dictionary of Canadian Biography*. Vol. XI, 1881 to 1890, pp. 85–86.

3. *House of Commons Debates*, 3 April 1871.

## The English and American Precedents

Blanchet's motion nonetheless caught the mood of the emerging democracies of western Europe and North America. The erosion of royal privilege and broadening democratic inclusion since the late eighteenth century had emboldened the English Commons and the American Congress to assert their rights. Each increasingly saw itself as a prism of national political sentiment and, as such, entitled to project its deliberations to the voters who sent their members to Westminster or Washington. Published, officially sanctioned records of their debates offered such a medium.

The English House of Commons had long guarded the sanctity of its deliberations. Wary of the King's pretensions, the Commons traditionally asserted its right to debate behind closed doors and "to exclude strangers" from its midst. Any attempt to convey the nature of its debates to wider audiences was seen as an indignity on the House's privileges.<sup>4</sup> But in the late eighteenth century that insistence began to weaken. Empowered by its success in asserting its privileges against King George III, the Commons saw purpose in spreading knowledge of its debates. If Britain was to have a more responsible government, parliamentary debate must be connected to public attitudes. In the first decade of the nineteenth century, newspaper reporters were allowed to sit in the Strangers Gallery, where they hastily scribbled down accounts of the debates below. These then surfaced in the press. The historian T.B. Macaulay would soon dub these early political journalists the "fourth estate," implying their active pens served the broader interests of democracy.

Reporting from the Strangers Gallery had distinct limits. Reporters had to vie with other spectators for seating. At moments of high political drama, the press was sometimes squeezed from the gallery by the crush; William Pitt's famous 1803 speech on war with France had to be pieced together from hearsay collected in the corridor. Sessions lasting as long as twelve hours strained the reporters' endurance; food was sent up from Bellamy's parliamentary eating house to sustain the Fourth Estate.<sup>5</sup> In 1803, an enterprising pamphleteer William Cobbett (1762–1835) attempted to provide a more reliable account of the debates when he started editing *Cobbett's Weekly Political Register*. For a shilling, readers were given a weekly compendium of what had taken place in the Commons. At the same time, Cobbett began publishing a 36-volume account of reconstructed parliamentary debates since the Conquest.

Always more of a polemicist than a publisher, Cobbett allowed publisher Thomas Curson Hansard (1776–1833) to assume the publication of his Weekly in 1809. Hansard had ink in his veins; his father Luke had served as printer to the Commons. Sensing the potential of having a reliable and regular rendering of their debates, the Commons anointed Hansard as its official reporter. The name stuck. To this day, the published debates on the English Commons are known as *Hansard*. Later in the nineteenth century, Her Majesty's Stationery Office took over Hansard's role and made the publication a fully public affair.

The young American democracy took another seventy years to emulate the English precedent. As early as 1789, shorthand renditions of Congressional debates began circulating. Newspapers

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4. See: J.P. Joseph Maingot, Q.C. *Parliamentary Privilege in Canada*. Montreal and Kingston: McGill-Queen's University Press, 2nd edition, 1997, pp. 40–41.

5. See: J.C. Trewin and E.M. King. *Printer to the House: the Story of Hansard*. London: Methuen, 1952, p. 80.



haphazardly reported the affairs of Capitol Hill.<sup>6</sup> By the 1830s, private publishers were producing volumes of reconstructed Congressional debates. The most consistent of these was the *Congressional Globe* published by Preston Blair and John Cook Rives. A Virginia-born admirer of Andrew Jackson, Blair championed public access to the political affairs of Washington. Initially the *Globe* was criticized for its partisanship, but by the late 1840s both the Senate and House of Representatives had accorded it official reporter status. Stenographers were trained and put to work. For the first time, the debates appeared in first person form rather than the old, detached third person style. In 1855, Congress agreed to finance the *Globe*'s work.

The years immediately after the Civil War were marked by a new assertiveness by Congress. Described by one historian as "the zenith of congressional power and initiative," these years saw Congress push back the power of the president.<sup>7</sup> One aspect of this ascendancy was the 1873 decision to bring the *Globe* under the purview of the Government Printing Office. The *Congressional Record* was born. Congress would have an assured line of communication to the voters who elected it.

### **Hansard comes to British North America (1851-1875 and after)**

Dr. Blanchet's contention in 1871 that the young Confederation's House of Commons was "the only Parliament in existence that had no official report" was not precisely accurate. Nonetheless, the parliamentary history of British North America tended to bear Blanchet out. The achievement of responsible government in the 1830s and 1840s had given British colonial politicians reason to broadcast their deliberations to the voters to whom they were now beholden. As elsewhere, newspapers often offered spotty and sometimes partisan coverage of debates in the colonial assemblies. But some legislatures soon felt the urge for a truer record. Nova Scotia led the way. After a decade of newspaper renditions, the Assembly voted in 1851 to finance an official rendering of its debates, the first colonial *Hansard*. Elsewhere in the Empire, the Australian colony of Queensland instituted an official *Hansard* in 1864, followed by New Zealand in 1867.

Not all colonies followed suit. Newfoundland, Vancouver Island and mainland British Columbia made no attempt to record their legislative debates. While Prince Edward Island did, New Brunswick only fitfully published its debates. The central Canadian colonies of Upper and Lower Canada, forced by an act of the British Parliament in 1841 into a legislative union, published only "journals" of their sessions, a factual record of reports and statistics submitted to the Legislative Assembly of the united province. Newspapers provided episodic coverage of the actual debates of the Assembly. In the wake of the Charlottetown Conference and the decision to engage in the Confederation project, the Assembly of the two Canadas broke with tradition and decided in the spring of 1865 to record its protracted debate on the terms of the Confederation pact. Some members objected to the putative high cost, but at an actual cost of \$14,490.65 the debates were published, in both English and French – all 1032 pages of a debate that, while it contained kernels of political wisdom, was largely a chronicle of long-windedness. Historian Peter B. Waite has suggested that the desire felt by every member to get on the record

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6. Interestingly, one of these freelance reporters was English pamphleteer William Cobbett, who spent eight years in the new American republic in the 1790s where he wrote under the pen name "Peter Porcupine" before eventually returning to England to take up the same role outside Westminster.

7. See: James L. Sundquist. *The Decline and Resurgence of Congress*. Washington: The Brookings Institution, 1981, p. 26.

on the momentous matter of a greater union “encouraged quantities of plain drivel . . . dressed up for public consumption.”<sup>8</sup>

Confederation in 1867 brought no decisive break with this patchwork tradition. The new House of Commons made no provision for recording its debates. By default, the task was left to journalists sitting in the Strangers Gallery. The reporters brought partisan dedication to their assignment. Mid-nineteenth-century newspapers reflected the rough sectarian world in which they lived; publishers courted readership by sporting their religious, ideological and ethnic sentiments. Circulation and advertising were not the only foundation of a paper’s commercial success; the spoils of power – government printing contracts, railway passes, inside information – came to publishers whose party had found the voters’ favour. As historian Paul Rutherford has noted of the nineteenth-century Canadian press:

Journalism and party seemed inextricably linked – by tradition and necessity. . . . The typical publisher or editor remained addicted to playing politics, for him a grand sport that added spice to life and gave significance to his calling. . . . The result of the game often gave him, or at least his newspaper, sustenance in the form of readers, subsidies, and patronage.<sup>9</sup>

The Toronto *Globe*, founded in 1844 by Scottish immigrant George Brown, perhaps best typified this partisanship; the paper habitually sounded clarion calls for the defence of the Grit cause and Toronto’s commercial ambitions. Brown’s bugbear of “French domination” was a constant editorial theme. But political coloration was not a nineteenth-century newspaper’s only tint. Editors assiduously curried the favour of particular business and religious agendas. The Montreal *Gazette*, partly owned in the 1870s by steamship mogul and railway promoter Hugh Allan, could be relied upon to pump any political platform that aligned with a railway platform.<sup>10</sup> Across the border in Ontario, Mackenzie Bowell used his proprietorship of the Belleville *Intelligencer* to trumpet the interests of the ultra-Protestant Orange Order.<sup>11</sup> As the nineteenth century drew to a close, Canadian newspapers slowly shifted their focus from the profits of partisanship to the more lucrative rewards of advertising, mass circulation and political independence. As late as 1891, however, 36 of Canada’s 101 daily newspapers still openly styled themselves as Conservative and another 35 flew Liberal colours. Only 30 declared their independence. Partisanship in Canadian journalism had a long sunset.<sup>12</sup>

To this motley and often self-interested crew of journalists fell the task of conveying the deliberations of Parliament in the years 1867 to 1874. As they had in England, reporters appeared in the Commons gallery, where they transcribed what they heard below them. These accounts were taken in the third person and were then hastily despatched, usually by telegram, to Toronto or Montreal newspapers. The *Globe* and the *Mail* were the most persistent Toronto observers, while the *Gazette* eavesdropped on the debates for its Montreal readers. The *Globe*,

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8. P.B. Waite, ed. *The Confederation Debates in the Province of Canada, 1865*. Toronto: McClelland and Stewart, 1963, p. ix.

9. Paul Rutherford. *A Victorian Authority: The Daily Press in Late Nineteenth-Century Canada*. Toronto: University of Toronto Press, 1982, p. 212.

10. See: Minko Sotiron. *From Politics to Profit: The Commercialization of Canadian Daily Newspapers, 1890–1920*. Montreal and Kingston: McGill-Queen’s University Press, 1997.

11. See: P.B. Waite. “Bowell, Sir Mackenzie.” *Dictionary of Canadian Biography*. Vol. XIV, 1911–1920, pp. 120–124.

12. See: R. Louis Gentilcore *et al.* *Historical Atlas of Canada*, Vol. II: The Land Transformed, 1800–1891, Plate 28: “Politics and Parties, 1867–1896” and Plate 51: “The Printed Word,” Toronto: University of Toronto Press, 1993; and Brian P.N. Beaven, “Partnership, Patronage and the Press in Ontario, 1880–1914: Myths and Realities.” *Canadian Historical Review*, Vol. 64, No. 3 (September 1983), pp. 317–351.

for instance, often devoted as many as 14 densely printed columns a day to the previous day's proceedings. In Ottawa, the recently established *Times* reported the proceedings of the Commons and the Senate. Maritime newspapers and the francophone press, however, seldom posted reporters to Ottawa to cover Parliament. Proximity made the job of Ottawa newspapers like the *Times* easier, particularly when the Commons sat late into the evening and morning printing deadlines loomed.<sup>13</sup>

Each newspaper tended to apply its political bias to its coverage of the Commons debates. Toronto's pro-Liberal *Globe* tended to foreground Grit speakers and shortchange Tories. Conservative papers like the *Mail* and the *Times* gave prominence to the government of John A. Macdonald. Staff at the fledgling Library of Parliament collected these varied renditions and pasted them into scrapbooks in an attempt to reconstitute the debates in their entirety. In 1870, the enterprising editor of the Ottawa *Times*, James Cotton, produced a synthesized compendium of that year's debates. He repeated the process for the next two parliamentary sessions, but was never successful in securing official sanction or funding for his endeavour, although the House did vote in 1872 to buy six hundred copies of the previous two years' editions. The *Times* did not long survive this setback, going out of business in 1877.

While the "Scrapbook Debates" and "Cotton Debates" provide a precious historical record of Canadian parliamentary dialogue in these years, they also underscore the overall deficiency of relying on a partisan, free-enterprise press to transmit the deliberations of the nation's elected representatives. Newspaper circulation in these years was, for instance, tethered to narrow regions. Canada's largest paper, the *Globe*, had only 20,200 readers in 1872. So the dissemination of Parliament's affairs was restricted. There was also the problem of bias and accuracy. Grit papers shortchanged Tory speakers and vice versa. The newspaper renditions contained some worrisome traits. The reporters, for instance, showed no qualms in interjecting phrases such as "after some unimportant remarks from Mr. . . ." into their renditions of a debate. Many members also sometimes suspected the integrity of the reporters. James Cotton was, for instance, suspected of being a "ministerialist" sympathizer; he was, after all, trying to secure payment for his services from government coffers. In the 1871 session, Ontario Liberal David Mills categorically declared that "he would not accept any report made last year as a correct one." The French language completely defeated the reporters. Although francophone members appeared reluctant to debate in their mother tongue, when they did their remarks went unrecorded. On occasion, the newspaper debates noted that bilingual speakers like George-Étienne Cartier "repeated the above statement in French," but had no means of verifying exactly what then transpired.

Within months of its first sitting after the 1867 federal election, the Commons began debating the inadequacy of newspaper reporting of its affairs. The leading spirit in the agitation for some form of official *Hansard* was the Ontario Liberal Alexander Mackenzie, whose Clear Grit sensibilities predisposed him to any broadening of democratic privilege in the young nation. Mackenzie's biography in the *Dictionary of Canadian Biography* describes him as "a fierce defender of the supremacy of Parliament."<sup>14</sup> At Mackenzie's instigation, a joint committee of both houses was struck within a month of the opening of Canada's First Parliament. Mackenzie reminded the House that New Zealand already had such a system. Other members warmed to the idea. Nova Scotian Joseph Howe, although sitting in the House as an anti-confederate, liked

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13. For an excellent account of parliamentary reporting by the private press, see: David Farr, "Reconstituting the Early Debates of the Parliament of Canada," *Canadian Parliamentary Review*, Vol. 15, No. 1, Spring 1992, pp. 26–32.

14. Ben Forster. "Mackenzie, Sir Alexander". *Dictionary of Canadian Biography*. Vol. XII, 1891–1900, p. 650.

having “free competition” do the reporting but believed that “the Ottawa papers were not up to the task.” Prime Minister Macdonald was cagey; he would leave the “question in the hands of the House.” The House subsequently instructed the committee to prepare a “formal” plan for a Canadian *Hansard*.

The committee reported in March 1868 that an official record of Commons debates, in both French and English, could be had for \$12,000 a year. Any desire for better reporting was quickly overwhelmed by concern over its cost. Wild rumours circulated that the *Congressional Globe* in Washington cost the American taxpayer \$100,000 a year. Other members quipped that once MPs saw their words in print “they would be ashamed to say so much about so little.” When put to a vote, Mackenzie’s *Hansard* scheme was defeated by a margin of almost two to one, with the Prime Minister, sensing the mood of the House, voting “Nay.”

Like a terrier, Mackenzie would not let go of the idea. He doggedly kept the gist of his 1868 report in the consciousness of the House. His campaign acquired allies on both sides of the Commons. Perhaps most notably, Dr. Charles Tupper – Father of Confederation, Tory “lieutenant” for Nova Scotia and a member of Parliament from a province that had recorded its own debates since 1851 – stood shoulder-to-shoulder with his Grit adversary on this particular issue. “Private enterprise,” he argued, had failed to record the debates of Parliament so that “the future historian” could “put his hand on an authoritative narrative of the deliberations of the House.”<sup>15</sup> Francophone members of Parliament such as Dr. Blanchet embraced the idea; private enterprise had seldom reported their words in their own language. In the early 1870s, various attempts were made to tug the House away from its frugality on the issue. Some encouragement came from the Senate, where in 1871 a shorthand reporter was employed to record and prepare its debates for publication. The Commons, however, would go no further than buying copies of the privately produced “Cotton Debates.” It would take the fall of the Macdonald Conservatives in late 1873 to open the way for the decisive shift.

The Pacific Scandal of 1873 not only swept Macdonald out of office, it also brought the Mackenzie Liberals into office on a wave of virtuous indignation over the political morality of the young Confederation. Prime Minister Alexander Mackenzie was now securely positioned to act on his passion for egalitarian democracy. A secret ballot was quickly introduced; Canadians could now cast their vote solely according to their conscience. And the reporting of Commons debates was finally wrested from the press. On 4 February 1875, as soon as the Governor General, Lord Dufferin, had delivered the Speech from the Throne, the Prime Minister moved that “the Votes and Proceedings of the House be printed, being first perused by Mr. Speaker, and that he do appoint the printing thereof, and that no person but such as he shall presume to print the same.” Homework for the motion had been done by a Commons committee in the previous session; a bilingual, published *Hansard* was estimated to cost just under \$8,000. Some debate ensued over whether the official reporter should be placed in a special gallery above the House or allowed as a “stranger” to sit on the floor of the Commons. “As an experiment,” it was decided that a table would be placed on the floor near the Speaker to ensure the reporter the best possible vantage point. Mackenzie’s motion was subsequently passed and Canada’s House of Commons finally, almost a decade after Confederation, had *Hansard*.

But Dr. Tupper had been prophetic. Historians had been left with no “authoritative narrative” of the Commons for the years 1867 to 1874, nor of the Senate from 1867 to 1870. A very assiduous historian might have cobbled together an impression of Parliament in these years by combing through the “Scrapbook Debates” assembled by the Library of Parliament, and the

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15. *House of Commons Debates*. 3 March 1870.

“Cotton Debates.” But for all others, amnesia prevailed until the early 1960s when, perhaps prompted by the approaching centennial of Confederation, three men determined to rescue the parliamentary debates of our country’s first years from the margins of our political history.

In 1961, the noted University of Saskatchewan political scientist and leading historian of Parliament, Norman Ward, joined forces with House of Commons Speaker Roland Michener and Parliamentary Librarian Erik J. Spicer to initiate a project dedicated to reconstructing as accurate a rendition as possible of the missing early years of the Canadian parliamentary record out of the patchwork of the Scrapbook and Cotton Debates. Once funding was secured, the project was placed in the hands of Professor Peter B. Waite of Dalhousie University. Waite proved an apt appointee. He had already in 1962 published a lively account of the “life and times” of Confederation which drew heavily on contemporary newspaper reporting of the various colonial paths to or away from British North American union.<sup>16</sup> His edited version of the debates of the central Canadian colonies in their combined Legislative Assembly in 1865 on the terms of Confederation had appeared in 1963. Under Waite’s inspired editorship there would be published successively over the ten years from 1967 to 1976 three volumes each of reconstituted Debates for the Senate and for the House of Commons, recording the parliamentary sessions of 1867-1868, 1869, and 1870 respectively in both English and French.

### **The Parliamentary Session of 1871**

The fourth session of the Parliament first elected in August–September 1867 convened in Ottawa on 15 February 1871, and would sit until 14 April. These were typical parameters for an early Canadian Parliament. Politics was not a full-time vocation for most politicians; it was something to be fitted into an otherwise busy professional or commercial life. Distance and the relatively crude state of Canadian transportation also conspired against frequent sessions of Parliament, particularly for Nova Scotia and New Brunswick members. Parliament consequently met but once a year. Mid-winter to early spring offered the most convenient window for most – the rhythms of Canadian commerce and agriculture generally slowed in the winter. Once in session, the Commons established a steady but not onerous schedule. Daily sessions began at three in the afternoon and continued until the late afternoon. Sometimes, after a recess for dinner, the members sat into the evening. At times, a heated debate might push adjournment late into the evening and infrequently into the wee hours of the morning. In compensation for their labours, members received a sessional allowance of \$600 plus a stipend that covered their travel expenses. With a salary of \$5,000 a year, Cabinet ministers fared much better (largely because their obligation to the political affairs of the nation was considered a full-time commitment).

Attendance at the 1871 session reflected the original 181-member composition of the 1867 Commons; death, resignations and by-elections had altered the actual membership of the House. For these men, party politics existed in only a rudimentary manner. The election of 1867 had yielded John A. Macdonald a workable majority of 108 who loosely styled themselves as the Liberal-Conservative party, or the “government party.” This appellation reflected an attempt to preserve the expedient, pre-Confederation coalition of Ontario Conservatives, Quebec *bleus* and Ontario Reformers which had carried the union in Central Canada. The touch of party was light in the Maritimes with members styling themselves as “ministerialists,” prepared to support the

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16. P.B. Waite. *The Life and Times of Confederation, 1864–1867: Politics, Newspapers and the Union of British North America*. Toronto: University of Toronto Press, 1962.

Macdonald administration, or “antis,” those inclined to resist the blandishments of Confederation. Newly created Manitoba was in essence a pocket borough devoted to the railway policies of the government.

A Cabinet of 14, headed by Macdonald as Prime Minister, Minister of Justice and Attorney General, oversaw the formation of government policy. On the opposition benches, there was little cohesion. Ontario Reformers, or Liberals, who had fallen away from the 1867 coalition, sat under the tacit leadership of Ontario Grits such as Alexander Mackenzie and Edward Blake. Quebec *rouges*, or liberals bent on the separation of church and state, led by Antoine-Aimé Dorion aligned for tactical purposes with the Ontario Liberals but shared little else with them except a disdain for the government. On any particular issue, especially if it had a strong local flavour, members might break ranks and vote along expedient lines. These were “the shaky fellows,” “loose fish” or “waiters on Providence” who made the politics of Canada’s early Parliament volatile and unpredictable. For instance, the 1867 election had sent 18 “anti-confederate” members of Parliament to Ottawa from Nova Scotia. Over time, Macdonald had wooed them – especially their leader, Joseph Howe – into sympathy with, but not always automatic devotion to, the government’s cause.

In a political culture still rooted in open voting, powerful lingering local attachments and only the flimsiest sense of loyalty to the federal fact, it was a veritable miracle that Canada functioned at all as a political entity. Principle was often trumped by expediency. On many issues and days, only the application of generous dabs of patronage and the consummate personal skills of Macdonald and his senior acolytes, especially Cartier from Quebec, held the nation together.<sup>17</sup> Thus the House convened in the snowy Ottawa mid-winter of 1871. In his Speech from the Throne, the Governor General, Lord Lisgar, set what was to be the overriding theme of the session: fortifying and expanding the young Dominion. The year 1870 had witnessed a number of rude shocks administered to the fledgling nation. The first check to Confederation had come from the West where the Riel Rebellion in the winter of 1869–1870 had stymied Ottawa’s hope of a smooth assertion of federal power over the former territory of the Hudson’s Bay Company. Native and Metis resistance took the form of a provisional government created under the leadership of Montreal-educated Louis Riel in defiance of commissioners sent from Ottawa to take possession of the Red River. Bloodshed ensued. In March 1870, the provisional government executed an obstreperous Ontario land surveyor, and Orangeman, named Thomas Scott. The crisis struck at the heart of the delicate Anglo–French accord that underlay Macdonald’s administration of the nation. Ontario Protestant expansionism collided directly with French, Catholic particularism. Deft clerical diplomacy, the despatch of a militia expedition to the Red River, and the promise of a federal amnesty to Riel and his confreres cooled the situation. Manitoba thus entered Confederation in July 1870, not as a territory, but as a fully fledged province, one entitled to send four members of Parliament to Ottawa. Riel fled into exile. Despite Lord Lisgar’s roseate observation that Manitoba was “entering steadily upon a career of peace and prosperity,” the new province would generate an undertow of anxiety throughout the 1871 session.

If Manitoba required a healing touch, Lisgar also reminded the reconvened Parliament that other challenges of consolidating the union could not be put off. A railway from Central Canada to the Maritime provinces – a Charter right promised in 1867 – had to be surveyed and construction begun. Legislation to promote a “liberal land policy” had to be crafted to attract immigrants to

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17. See: Escott M. Reid. “The Rise of National Parties in Canada,” in Hugh G. Thorburn, ed., *Party Politics in Canada*, Scarborough: Prentice-Hall, 1967, pp. 13–19; and Jeffery Simpson, *Spoils of Power: The Politics of Patronage*, Don Mills: Collins, 1988.

Canada's newly acquired western territories. And, perhaps most daunting of all, the House would have to deal with the prospect of expanding Canada to the Pacific. An address from the legislature of still-autonomous British Columbia "praying for admission into the union" had to be debated. Would Canada be a coast-to-coast nation? Under what terms?

Lisgar's speech reminded the returning legislators of another trauma of 1870. Since the 1860s, marauding members of the Fenian Brotherhood had harassed British North America from safe havens in the United States, eager to apply Irish nationalist pressure on the "British" fact wherever they encountered it. However militarily inept the raids proved, they caused high anxiety in Canada. Two raids into Quebec by "lawless bands" of Fenians had once again alarmed Canadians in 1870. Although Canadians had "rallied at the first call to arms with praiseworthy alacrity" and had shored up the border, the raids triggered a broader sense of external menace in the young Confederation. American covert support for the Fenians was symptomatic of deeper problems with Canada's southern neighbour. Thus Lisgar reminded the House that the unresolved issue of control of the east coast fishery hovered over Ottawa's head, as did a series of thorny legacies of the American Civil War, most notably Washington's claim that Britain compensate it with Canadian territory for the predations of British-built Confederate raiders. Such issues not only obliged Canadians to define their relations with the United States but also provoked a finer tuning of the young Canada's relationship with Mother Britain. Thus, the parliamentary session of 1871 would be a mirror to a young nation grappling with its internal cohesion and expansion while at the same time coming to grips with the world beyond its shores.

The Manitoba issue exposed the rawest nerve of the young Confederation. On the surface, the House heard that preparations were underway for a "special federal election" that would see four members of Parliament elected in the new province. When that election was held on 2 March, the House of Commons grew for the first time since Confederation. The new Manitoban members of Parliament were a politically and racially variegated group. They included John Christian Schultz, a prominent member of the "Canadian party" that had been so instrumental in provoking the Metis resistance of 1870. Schultz had in fact been taken prisoner by the provisional government. Manitoba also elected Donald Smith, a Scottish-born fur trader who had brokered the agreement with Riel and now came to Ottawa to sit with Macdonald's Conservatives. The new member from Provencher, Pierre Delorme, gave the House its first Metis member of Parliament. A fur trader and farmer, Delorme had been a member of the Metis provisional government – in fact participating in the arrest of Scott – but had broken with it over the propriety of executing such prisoners.

The appearance of members of Parliament from Canada's newest province was but one legacy of the bitter events of 1870. Throughout the session, the government was assailed by Ontario Liberals over its settlement of the Manitoba imbroglio. There were cries that justice be brought to those responsible for "the wicked, unprovoked, damnable murder"<sup>18</sup> of Thomas Scott. Rumours of the whereabouts of the fugitive Riel further inflamed the debate. Perhaps most ardent on this front was William McDougall. A one-time Ontario Clear Grit, McDougall had joined the Conservatives at Confederation (hence his nickname "Wandering Willie") and had been despatched to the Red River as its putative Lieutenant Governor in 1869. His subsequent rebuffing by the Metis goaded him into paroxysms of Protestant Ontario indignation. As the member of Parliament for Lanark North, McDougall attacked the arrangements made for the new province as being too generous to the Catholic Metis. "They," he raged, "had the control of the

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18. Edward Blake. 10 April 1871.

Government, the Bishop of St. Boniface was the actual ruler of that Government, and his influence was supreme. (Cries of Oh! and No! No! from various members.)”<sup>19</sup>

The government, conscious that its power crucially depended on support from Catholic *bleus* from Quebec, did its best to parry these charges. Militia and Defence Minister George-Étienne Cartier, always careful to avoid the word “murder,” suggested that since Scott’s execution had taken place *before* Manitoba entered the union, the federal government had no retroactive jurisdiction over the sad incidents at the Red River. Furthermore, Riel was beyond its reach; the 1842 Webster–Ashburton Treaty with the United States did not permit extradition for cases of treason. Other Conservatives suggested the Manitoba issue was being fanned for reasons of pure Ontario parochialism. Mackenzie Bowell attacked Edward Blake (a Liberal who would, a year later, use his position as Liberal premier of Ontario to place a \$5,000 bounty on Riel’s head) for exploiting the situation: “The portals of the grave have been opened, and the dust of the martyred dead dragged forth to do the works of such politicians as the member for Durham. Crocodile tears have been copiously shed, and affected tears wiped from where none existed, in order to carry the Ontario elections.”<sup>20</sup> Such was the language of “race” in nineteenth-century Canadian politics.

The festering dispute over Manitoba and Riel showed just how close to the surface the old sectarian jealousies of pre-Confederation colonial life still lurked. Regional and religious jealousies not only threatened the bonding of the young country, but also tore at the cohesiveness of the nation’s political alliances. They kept Ontario Liberals from embracing Quebec *rouges* and constantly destabilized the precarious union of Anglo-Conservatives and Quebec *bleus* at the heart of Macdonald’s ruling party. Other issues in the 1871 session warmed this ever-present animosity. At Confederation, the accumulated debt of the legislative union of Ontario and Quebec had been apportioned between the two new provinces and Ottawa. The terms of the division pleased neither province; it was “unequal” and an “injustice” from each perspective. Some favoured legal arbitration, others a political settlement. The spirit of parochialism reared its head elsewhere. When an Ontario member of Parliament opposed a \$10,000 subsidy on the Halifax–Saint John steamer, Haligonian Charles Tupper complained of the “niggardly spirit” at work and remarked that “a similar spirit . . . had almost rent old Canada apart”<sup>21</sup> before 1867.

The mean sectarianism of the 1871 session thus provided evidence of an old set of British North American sensibilities wrestling with the spirit of a fragile new nationality. Only occasionally did a tone of higher purpose emerge. “We are now in Confederation for weal or for woe,” Toronto Tory Robert Harrison (a frequent complainer about Ontario’s share of the debt distribution) sanctimoniously pointed out. “The man who needlessly provokes sectional strife wickedly weakens the ties of Confederation, and knowingly strengthens the hands of our enemies.”<sup>22</sup>

If looking backward could excite differences among the members of the 1871 House, so too could looking forward. As Lord Lisgar had indicated in his Throne Speech, an address from the legislature of British Columbia invited Ottawa to engage in a negotiation for the entry of that distant colony into the new Confederation. Egged on by its shrewd Governor, Sir Anthony Musgrave, the Confederation cause in British Columbia coalesced around a clique of local

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19. 27 February 1871.

20. 12 April 1871.

21. 21 March 1871.

22. 13 March 1871.



professionals and merchants. Three *sine qua non* conditions lay embedded in British Columbia's approach to the potential union: federal assumption of the colony's debt, a generous per capita annual grant, and the connection of the Pacific to Central Canada by means of a transcontinental railway.<sup>23</sup>

On 28 March, British Columbia's address was placed in the form of a resolution before the House in Ottawa by Cartier. The government cast the prospect in terms of romantic and affordable inevitability. Cartier drew "the attention of the House to the fact that while our [American] neighbours had taken sixty years to extend their borders to the Pacific, the young Dominion would have accomplished it inside of ten years. . . . We need a seaboard on the Pacific if ever this Dominion was to be a powerful nation in the future. . . ." God and nature, Charles Tupper asserted, "had placed it in the power of this Parliament to take up this question." British Columbia, one Ontario Tory predicted, would give Canada "harbours like Venice and Amsterdam." Customs Minister Leonard Tilley warned that if the offer was not taken up "that Colony might yet be absorbed into the American Union." Finance Minister Francis Hincks rounded out the government's case by arguing that a Pacific railway might be undertaken by private enterprise aided by "a liberal land grant and liberal money subsidy." The whole commitment to British Columbia, Hincks assured the House, would only create "an annual charge of about \$100,000 upon Canada."<sup>24</sup>

The opposition Liberals demurred. In doing so, they were obliged to tread a very fine line between endorsing the higher goal of expanding the union and expressing a vigorous skepticism about the cost and practicability of linking the Pacific to the Atlantic under such hurriedly concocted terms. Richard Cartwright of Kingston suggested that the estimated cost of the Pacific railway reflected wishful thinking more than engineering reality. Alexander Mackenzie cautioned that survey work should be done before the young country was made liable for such a fiscal commitment. Even some Tories expressed their doubts. William McDougall – ever the "loose fish" – declared that he "was as anxious as any man to see this Confederation completed; but denied he was therefore bound to accept every absurd, extravagant scheme proposed professedly with that object, and not shown to be either necessary or practicable."<sup>25</sup> Others complained that the 80-cent per capita grant to British Columbians would be onerous and out of proportion to that paid to other provinces. Thus the Liberal opposition to the terms of British Columbia's entry into Confederation was deeply rooted in the frugal mid-nineteenth-century liberalism of Ontario. But the government persevered and by early April the die had been cast – on 6 April, the House endorsed the extension of the federal *Militia Act* to British Columbia. A bill to incorporate a Pacific railway followed. A British Columbia delegation soon set out for Ottawa to close the deal.

The fractiously debated expansion of Canada onto the western plain and to the Pacific was shadowed by another powerfully felt tension throughout the 1871 session – the unresolved issue of Canadian–American fishing rights. But this tension went largely undebated in the House. The most telling indicator of its simmering importance was the absence of Prime Minister Macdonald from the House through virtually all of the 1871 session. For all but two weeks of the session, the ruling party was a party without its leader. In Macdonald's stead, George-Étienne Cartier (known in the House as "the Lightning Striker" for his deft ability to wield

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23. See: Margaret A. Ormsby. *British Columbia: a History*, Toronto: Macmillan, 1958; and Jean Barman, *The West Beyond the West*, Toronto: University of Toronto Press, 1991.

24. All quotations: 28 March and 1 April 1871.

25. 30 March 1871.

political power) was Canada's de facto prime minister, ably captaining his party through the delicate debates over Manitoba and British Columbia.<sup>26</sup>

On 27 February, Macdonald left the capital for Washington, where he was to participate in a joint commission that was to delineate Canadian–American fishing rights and a cluster of other issues straining Anglo–American relations. The fisheries issue was long standing, tangled and freighted with national sentiment. In the wake of the War of 1812, Americans had been denied use of the inshore fishery off the east coast of British North America. The Reciprocity Treaty of 1854 had opened the fishery to American fishermen, but its cessation in 1866 once again closed it. Americans who obtained a licence might fish Canadian waters, but when increasing numbers of Americans chose simply to fish the Canadian inshore with impunity, Ottawa reacted by deploying inspectors to expel them. The ensuing conflict soured the young Dominion's relations with Washington, and pulled Canada into a tripartite Anglo–Canadian–American negotiation to resolve the issue and such attendant legalities as where exactly the inshore fishery boundary ran – from headland to headland or along a shore-hugging line. Macdonald was chosen as one of the five British commissioners.

The fishery issue excited Canada's nascent sense of national identity. Macdonald's biographer Donald Creighton would later note that the Canadian Prime Minister's presence in Washington was "a slightly embarrassing novelty . . . the first time that a British North American had ever participated on terms of equality in such a general imperial negotiation."<sup>27</sup> The fishery question aroused both Canada's traditional nervous regard for the United States and a newer suspicion that Britain was prepared to sell Canada short if it served her broader imperial needs. The year 1871 would see the departure of the last British garrison troops from Canada; there was a sense that Canada was now on her own in the world. Even Macdonald's ally Alexander Galt warned the House that an adverse outcome of the Washington negotiation would place Canada in "a position of subordination and inferiority." Alexander Mackenzie counselled that Macdonald must resist the "arrogant" American demand for assured access to the Canadian inshore. Given that there were rumours that the Americans might even demand that Britain cede Canadian territory, Mackenzie went on to express his doubt that "our interests would be safe in the hands of British negotiators."

Macdonald understood the high stakes in the fishery issue. Just days before his departure for the American capital, he confronted the challenge: "If this threatening cloud were removed – if the pending controversies were settled – we might calculate upon a long term of peace with the United States, with increased trade and prosperity, upon a vista of tranquility, progress and happiness."<sup>28</sup> On 27 February, the Prime Minister departed Ottawa and would not return until early May. In the interim, the House fell silent on the fisheries issue, but the outcome of the Washington talks hung like the sword of Damocles over Parliament.

Between the spikes of intense debate over the unresolved Manitoba, British Columbia and fisheries issues, the House got on with the more mundane business of nation formation. An Act was passed "assimilating" the currency of the new Dominion; the motley monetary system that the nation had inherited from colonial times was reformed and standardized. Henceforth, all coinage in the Dominion would be minted by the federal government while larger paper

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26. Later this same year, Cartier's health would deteriorate and the first signs of the Bright's Disease that would kill him in the spring of 1873 appeared. See: Alastair Sweeny. *George-Étienne Cartier: A Biography*. Toronto: McClelland and Stewart, 1976.

27. Donald G. Creighton. *John A. Macdonald: The Old Chieftain*. Toronto: Macmillan, 1955, p. 83.

28. All fisheries quotations: 16, 20 and 24 February 1871.

denominations above \$4 would be issued by the chartered banks against a standard national value.<sup>29</sup> The introduction of a national, decimalized currency was reinforced by an Act that regularized the issuance of bank charters and honed the corporate governance of banks.<sup>30</sup> Other Acts fine-tuned the activities of insurance companies, issued railway charters, appointed port wardens, and made provision for servicing the federal loan taken out to underwrite the 1869 purchase of the Hudson's Bay Company lands in the Northwest. Preparations were approved for the taking of Canada's first federal, decennial census. Indian treaties were discussed. Bills were paid: \$200,000, for instance, for "unavoidable expenditure" incurred in repelling the 1870 Fenian raids. The House even found time to regulate its own affairs; an Act was passed to secure the independence of Parliament by preventing members of Parliament from accepting any fee, allowance or emolument from the Government of Canada beyond their stipulated salary.<sup>31</sup> Cumulatively, these Acts constituted the process of what political scientists today call "state formation," the bolting together of a civil society by means of regulation and standardization. The Confederation was being made to function as a cohesive and coordinated whole, whether that entailed answering the questions of a census taker or taking out a policy with an insurance company.

When focused on these issues of nation building, the House worked with efficiency and camaraderie. There was even time for the occasional flash of humour. Cartier could, for instance, put aside the cloak of de facto government leader and deprecate himself: "... it was generally supposed that when lawyers once got up they never knew when to sit down . . ." <sup>32</sup> In response to a question concerning the impact of the tariff on flour in the Maritimes, Finance Minister Hincks promised "to make a statement soon." "To make a flowery statement," one-time Finance Minister Alexander Galt quipped.<sup>33</sup> At other times, members revealed their remarkable erudition, quoting the classics to bolster a point or, as Liberal Edward Blake was often wont to indulge, paring the fine points of constitutional law. At times like these, the House indeed seemed the prism of a young nation fast growing accustomed to its own diversity and beginning to display trust in its democratic deliberation. This mood was perhaps facilitated by announcement by Hincks that the young Dominion was running a budgetary surplus estimated at \$2.4 million. Fiscal security bred expansive nationalism.

All the while, the reporters in the Strangers Gallery scrambled to keep pace with the parliamentarians below. By early April, a mood of restlessness seemed to creep into the House's deliberations. Spring was here and parliamentarians' thoughts turned to family and constituents. Cartier hinted at an impending prorogation, but pleaded for a few more days to tie up the loose ends of the British Columbia resolution and the attempt to activate a Pacific railway. Finally, on 14 April, the House convened early, pushed through a last few items of supply, voted to ensure that their recently elected Manitoba colleagues be paid for the entire session, and then paraded to the Senate chamber to witness the Governor General give Royal Assent to the 57 Acts they had passed. The House was then prorogued. Called to return to Ottawa on 25 May, the members must have wasted little time scurrying to the train station for the journey home.<sup>34</sup> The unsettled

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29. 34 Vict. Cap. 4.

30. 34 Vict. Cap. 5.

31. 34 Vict. Cap. 19.

32. 8 March 1871.

33. 1 March 1871.

34. The call for members to return in May presents a mystery. The House would not in fact reconvene until 11 April 1872. The May 1871 date may have reflected the anticipated return of Macdonald from Washington and the necessity of some sort of approval process in Parliament for the agreement. Macdonald did in fact put his

fate of Riel, the British Columbia negotiation, and the fishery negotiation in Washington must have preyed on their minds as items sure to resurface when they next met. An election also loomed; it had been four years since Canadian electors had first been called upon to select a slate of federal legislators. But for the time being, their work in Ottawa was over. The fourth session of Canada's First Parliament was over, its deliberations captured for posterity in the columns of the nation's newspapers, and now recreated in this publication.

Duncan McDowall  
Department of History  
Carleton University  
Ottawa, 2004  
Revised 2010

# THE MINISTRY

## FIRST PARLIAMENT

FOURTH SESSION – FEB. 15, 1871 TO APRIL 14, 1871

Prime Minister, Minister of Justice and Attorney General .....	Hon. Sir John Alexander Macdonald
Minister of Militia and Defence .....	Hon. Sir George-Étienne Cartier
Minister of Customs .....	Hon. Samuel Leonard Tilley
Minister of Finance .....	Hon. Sir Francis Hincks
Minister of Public Works .....	Hon. Hector-Louis Langevin
Minister of Inland Revenue .....	Hon. Alexander Morris
Secretary of State for the Provinces .....	Hon. Joseph Howe
President of the Privy Council .....	Hon. Charles Tupper
Minister of Marine and Fisheries .....	Hon. Peter Mitchell
Postmaster General .....	Hon. Alexander Campbell
Minister of Agriculture .....	Hon. Christopher Dunkin
Secretary of State of Canada .....	Hon. James Cox Aikins
Receiver General .....	Hon. Jean-Charles Chapais
Superintendent-General of Indian Affairs ...	Hon. Joseph Howe



## NAMES OF MEMBERS IN ALPHABETICAL ORDER AND CONSTITUENCIES

Name of Member	Constituency
Abbott, Hon. John Joseph Caldwell .....	Argenteuil, Quebec
Anglin, Hon. Timothy Warren .....	Gloucester, New Brunswick
Archambault, Hon. Louis.....	L'Assomption, Quebec
Ault, Samuel .....	Stormont, Ontario
<sup>1</sup> Baker, George Barnard.....	Missisquoi, Quebec
<sup>2</sup> Barthe, Georges Isidore .....	Richelieu, Quebec
Beaty, James .....	Toronto East, Ontario
Beaubien, Hon. Joseph-Octave .....	Montmagny, Quebec
Béchar, François .....	Iberville, Quebec
Bellerose, Joseph-Hyacinthe.....	Laval, Quebec
Benoit, Pierre Basile .....	Chambly, Quebec
Bertrand, Charles-Frédéric-Adolphe .....	Témiscouata, Quebec
Blake, Edward .....	Durham West, Ontario
Blanchet, Joseph-Godéric .....	Lévis, Quebec
Bodwell, Ebenezer Vining .....	Oxford South, Ontario
Bolton, John .....	Charlotte, New Brunswick
Bourassa, François .....	Saint-Jean, Quebec
Bowell, Mackenzie .....	Hastings North, Ontario
Bowman, Isaac Erb .....	Waterloo North, Ontario
Bown, John Young .....	Brant North, Ontario
Brousseau, Jean-Docile .....	Portneuf, Quebec
Brown, James .....	Hastings West, Ontario
Burpee, Charles .....	Sunbury, New Brunswick
Burton, Francis Henry .....	Durham East, Ontario
Cameron, Hugh .....	Inverness, Nova Scotia
Cameron, Hon. John Hillyard .....	Peel, Ontario
Cameron, Malcolm Colin .....	Huron South, Ontario
Campbell, Hon. Stewart .....	Guysborough, Nova Scotia
Carling, Hon. John .....	London (City), Ontario
Carmichael, James William .....	Pictou, Nova Scotia
Caron, George.....	Maskinongé, Quebec
Cartier, Hon. Sir George-Étienne .....	Montréal-Est, Quebec
Cartwright, Richard John .....	Lennox, Ontario
Cayley, Michael .....	Beauharnois, Quebec
Chauveau, Hon. Pierre-Joseph-Oliver .....	Québec (Comté), Quebec
Cheval, Guillaume dit St-Jacques .....	Rouville, Quebec

<sup>1</sup> Elected in by-election, June 20, 1870

<sup>2</sup> Elected in by-election, November 18, 1870

Name of Member	Constituency
<sup>3</sup> Chipman, Leverett de Veber .....	Kings, Nova Scotia
Cimon, Simon-Xavier .....	Charlevoix, Quebec
Cockburn, Hon. James .....	Northumberland West, Ontario
Coffin, Thomas .....	Shelburne, Nova Scotia
Colby, Charles Carroll .....	Stanstead, Quebec
Connell, Hon. Charles .....	Carleton, New Brunswick
Costigan, John .....	Victoria, New Brunswick
Coupal dit La Reine, Sixte .....	Napierville, Quebec
Crawford, James .....	Brockville (Town), Ontario
Crawford, John Willoughby .....	Leeds South, Ontario
Currier, Joseph Merrill .....	Ottawa (City), Ontario
Daoust, Jean-Baptiste .....	Deux-Montagnes, Quebec
<sup>4</sup> Delorme, Louis .....	Saint-Hyacinthe, Quebec
<sup>5</sup> Delorme, Pierre .....	Provencher, Manitoba
Dobbie, Thomas William .....	Elgin East, Ontario
Dorion, Hon. Antoine-Aimé .....	Hochelaga, Quebec
Drew, George Alexander .....	Wellington North, Ontario
Dufresne, Joseph .....	Montcalm, Quebec
Dunkin, Hon. Christopher .....	Brome, Quebec
Ferguson, Thomas Roberts .....	Cardwell, Ontario
Ferris, John .....	Queen's, New Brunswick
Forbes, James Fraser .....	Queens, Nova Scotia
Fortier, Moïse.....	Yamaska, Quebec
Fortin, Pierre .....	Gaspé, Quebec
<sup>6</sup> Fournier, Téléphore .....	Bellechasse, Quebec
Galt, Hon. Sir Alexander Tilloch .....	Sherbrooke (Ville), Quebec
Gaucher, Guillaume Gamelin .....	Jacques-Cartier, Quebec
Gaudet, Joseph .....	Nicolet, Quebec
Gendron, Pierre-Samuel .....	Bagot, Quebec
Geoffrion, Félix .....	Verchères, Quebec
Gibbs, Thomas Nicholson .....	Ontario South, Ontario
Godin, François Benjamin .....	Joliette, Quebec
Grant, James Alexander .....	Russell, Ontario
Gray, Hon. John Hamilton .....	St. John (City & County), New Brunswick
Grover, Peregrine Maitland .....	Peterborough East, Ontario

<sup>3</sup> Elected in by-election, June 23, 1870

<sup>4</sup> Elected in by-election, September 1, 1870

<sup>5</sup> Elected in Manitoba federal election, March 3, 1871

<sup>6</sup> Elected in by-election, August 15, 1870



Name of Member	Constituency
Hagar, Albert .....	Prescott, Ontario
Harrison, Robert Alexander .....	West Toronto, Ontario
Heath, Edmund .....	Pontiac, Quebec
Hincks, Hon. Sir Francis .....	Renfrew North, Ontario
Holton, Hon. Luther Hamilton .....	Châteauguay, Quebec
Howe, Hon. Joseph .....	Hants, Nova Scotia
Huntington, Hon. Lucius Seth .....	Shefford, Quebec
Hurdon, Francis .....	Bruce South, Ontario
Hutchison, Hon. Richard .....	Northumberland, New Brunswick
Irvine, Hon. George .....	Mégantic, Quebec
Jackson, George .....	Grey South, Ontario
Joly, Henri-Gustave .....	Lotbinière, Quebec
Jones, Alfred Gilpin .....	Halifax, Nova Scotia
Jones, Francis .....	Leeds North and Grenville North, Ontario
Keeler, Joseph .....	Northumberland East, Ontario
Kempt, George .....	Victoria South, Ontario
Killam, Frank .....	Yarmouth, Nova Scotia
<sup>7</sup> Kirkpatrick, George Airey .....	Frontenac, Ontario
Lacerte, Elie .....	Saint-Maurice, Quebec
Langevin, Hon. Hector-Louis .....	Dorchester, Quebec
Langlois, Jean .....	Montmorency, Quebec
Lapum, James N. ....	Addington, Ontario
Lawson, Peter .....	Norfolk South, Ontario
Le Vesconte, Hon. Isaac .....	Richmond, Nova Scotia
Little, William Carruthers .....	Simcoe South, Ontario
<sup>8</sup> Lynch, James S. ....	Marquette, Manitoba
McCallum, Lachlan .....	Monck, Ontario
McConkey, Thomas David .....	Simcoe North, Ontario
McDonald, Angus Peter .....	Middlesex West, Ontario
Macdonald, Donald Alexander .....	Glengarry, Ontario
McDonald, Edmund Mortimer .....	Lunenburg, Nova Scotia
McDonald, Hugh .....	Antigonish, Nova Scotia
Macdonald, Hon. Sir. John Alexander, K.C.B. ....	Kingston, Ontario
Macdonald, Hon. John Sandfield .....	Cornwall (Town), Ontario

<sup>7</sup> Elected in by-election, April 27, 1870

<sup>8</sup> Elected in Manitoba federal election, March 2, 1871

Name of Member	Constituency
McDougall, John Lorn .....	Renfrew South, Ontario
McDougall William .....	Trois-Rivières (Ville), Quebec
McDougall, Hon. William, C.B. ....	Lanark North, Ontario
MacFarlane, Robert .....	Perth South, Ontario
McGreevy, Hon. Thomas .....	Québec-Ouest, Quebec
<sup>9</sup> McKay, Angus .....	Marquette, Manitoba
McKeagney, Hon. James Charles .....	Cape Breton, Nova Scotia
Mackenzie, Alexander .....	Lambton, Ontario
McMillan, Donald .....	Vaudreuil, Quebec
McMonies, James .....	Wentworth North, Ontario
Magill, Charles .....	Hamilton (City), Ontario
Masson, Louis-François-Rodrigue .....	Terrebonne, Quebec
Masson, Luc-Hyacinthe .....	Soulanges, Quebec
Merritt, Thomas Rodman .....	Lincoln, Ontario
Metcalf, James .....	York East, Ontario
Mills, David .....	Bothwell, Ontario
<sup>10</sup> Moffatt, George .....	Restigouche, New Brunswick
Morison, John .....	Victoria North, Ontario
Morris, Hon. Alexander .....	Lanark South, Ontario
Morrison, Angus .....	Niagara (Town), Ontario
Munroe, John H. ....	Elgin West, Ontario
O'Connor, John .....	Essex, Ontario
Oliver, Thomas .....	Oxford North, Ontario
Pâquet, Anselme-Homère .....	Berthier, Quebec
Pearson, Frederick M. ....	Colchester, Nova Scotia
Pelletier, Charles-Alphonse-Pantaléon .....	Kamouraska, Quebec
Perry, Charles .....	Peterborough West, Ontario
Pickard, John .....	York, New Brunswick
Pinsonneault, Alfred .....	Laprairie, Quebec
Pope, John Henry .....	Compton, Quebec
Pouliot, Barthélemy .....	L'Islet, Quebec
Power, Patrick .....	Halifax, Nova Scotia
Pozer, Christian Henry .....	Beauce, Quebec
Ray, William Hallett .....	Annapolis, Nova Scotia
Read, Hon. Robert .....	Hastings East, Ontario
Redford, James .....	Perth North, Ontario
Renaud, Auguste .....	Kent, New Brunswick
Robitaille, Théodore .....	Bonaventure, Quebec

<sup>9</sup> Elected in Manitoba federal election, March 2, 1871

<sup>10</sup> Elected in by-election, November 29, 1870

Name of Member	Constituency
Ross, James .....	Wellington Centre, Ontario
Ross, Hon. John Jones .....	Champlain, Quebec
Ross, John Sylvester .....	Dundas, Ontario
Ross, Walter .....	Prince Edward, Ontario
Ross, William .....	Victoria, Nova Scotia
Ryan, George .....	King's, New Brunswick
Ryan, Michael Patrick .....	Montréal-Ouest, Quebec
Rymal, Joseph .....	Wentworth South, Ontario
Savary, Alfred William .....	Digby, Nova Scotia
Scatcherd, Thomas .....	Middlesex North, Ontario
<sup>11</sup> Schultz, John Christian .....	Lisgar, Manitoba
Scriver, Julius .....	Huntingdon, Quebec
Sénécal, Louis-Adélarde .....	Drummond—Arthabaska, Quebec
Shanly, Walter .....	Grenville South, Ontario
Simard, Georges-Honoré .....	Quebec Centre, Quebec
Simpson, Wemyss Mackenzie .....	Algoma (The Provisional Juridical District of), Ontario
Smith, Hon. Albert James .....	Westmorland, New Brunswick
<sup>12</sup> Smith, Donald Alexander .....	Selkirk, Manitoba
Snider, George .....	Grey North, Ontario
Sproat, Alexander .....	Bruce North, Ontario
Stephenson, Rufus .....	Kent, Ontario
Stirton, David .....	Wellington South, Ontario
Street, Thomas Clark .....	Welland, Ontario
Sylvain, George .....	Rimouski, Quebec
Thompson, David .....	Haldimand, Ontario
Thompson, John Hall .....	Ontario North, Ontario
Tilley, Hon. Samuel Leonard, C.B. ....	St. John (City), New Brunswick
<sup>13</sup> Tourangeau, Adolphe Guillet dit .....	Québec-Est, Quebec
Tremblay, Pierre-Alexis .....	Chicoutimi—Saguenay, Quebec
Tupper, Hon. Charles, C.B. ....	Cumberland, Nova Scotia
Wallace, John .....	Albert, New Brunswick
Walsh, Aquila .....	Norfolk North, Ontario
Webb, William Hoste .....	Richmond—Wolfe, Quebec
Wells, James Pearson .....	York North, Ontario
White, John .....	Halton, Ontario

<sup>11</sup> Elected in Manitoba federal election, March 2, 1871

<sup>12</sup> Elected in Manitoba federal election, March 2, 1871

<sup>13</sup> Elected in by-election, July 18, 1870

Name of Member	Constituency
<sup>14</sup> White, John .....	Hastings East, Ontario
Whitehead, Joseph .....	Huron North, Ontario
Willson, Crowell .....	Middlesex East, Ontario
Wood, Hon. Edmund Burke .....	Brant South, Ontario
Workman, Thomas .....	Montréal-Centre, Quebec
Wright, Alonzo .....	Ottawa (Comté), Quebec
Wright, Amos .....	York West, Ontario
Young, James .....	Waterloo South, Ontario

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<sup>14</sup> Elected in by-election, March 20, 1871

CONSTITUENCIES BY PROVINCE WITH  
NAMES OF MEMBERS ELECTED

PROVINCE OF MANITOBA

Lisgar .....	<sup>1</sup> John Christian Schultz
Marquette .....	<sup>2</sup> James S. Lynch
Marquette .....	<sup>3</sup> Angus McKay
Provencher .....	<sup>4</sup> Pierre Delorme
Selkirk .....	<sup>5</sup> Donald Alexander Smith

PROVINCE OF NEW BRUNSWICK

Albert .....	John Wallace
Carleton .....	Hon. Charles Connell
Charlotte .....	John Bolton
Gloucester .....	Hon. Timothy Warren Anglin
Kent .....	Auguste Renaud
King's .....	George Ryan
Northumberland .....	Hon. Richard Hutchison
Queen's .....	John Ferris
Restigouche .....	<sup>6</sup> George Moffatt
St. John (City) .....	Hon. Samuel Leonard Tilley
St. John (City & County) .....	Hon. John Hamilton Gray
Sunbury .....	Charles Burpee
Victoria .....	John Costigan
Westmorland .....	Hon. Albert James Smith
York .....	John Pickard

PROVINCE OF NOVA SCOTIA

Annapolis .....	William Hallett Ray
Antigonish .....	Hugh McDonald
Cape Breton .....	Hon. James Charles McKeagney
Colchester .....	Frederick M. Pearson
Cumberland .....	Hon. Charles Tupper
Digby .....	Alfred William Savary
Guysborough .....	Hon. Stewart Campbell
Halifax .....	Alfred Gilpin Jones
Halifax .....	Patrick Power
Hants .....	Hon. Joseph Howe

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<sup>1</sup> Elected in Manitoba federal election, March 2, 1871

<sup>2</sup> Elected in Manitoba federal election, March 2, 1871

<sup>3</sup> Elected in Manitoba federal election, March 2, 1871

<sup>4</sup> Elected in Manitoba federal election, March 3, 1871

<sup>5</sup> Elected in Manitoba federal election, March 2, 1871

<sup>6</sup> Elected in by-election, November 29, 1870

PROVINCE OF NOVA SCOTIA (cont'd)

Inverness .....	Hugh Cameron
Kings .....	<sup>7</sup> Leverett de Veber Chipman
Lunenburg .....	Edmund Mortimer McDonald
Pictou .....	James William Carmichael
Queens .....	James Fraser Forbes
Richmond .....	Hon. Isaac Le Vesconte
Shelburne .....	Thomas Coffin
Victoria .....	William Ross
Yarmouth .....	Frank Killam

PROVINCE OF ONTARIO

Addington .....	James N. Lapum
Algoma (The Provisional Judicial District of) .....	Wemyss Mackenzie Simpson
Bothwell .....	David Mills
Brant North .....	John Young Bown
Brant South .....	Hon. Edmund Burke Wood
Brockville (Town), with the Township of Elizabethtown thereto attached .....	James Crawford
Bruce North .....	Alexander Sproat
Bruce South .....	Francis Hurdon
Cardwell .....	Thomas Roberts Ferguson
Carleton .....	John Holmes
Cornwall (Town), with the Township of Cornwall thereto attached .....	Hon. John Sandfield Macdonald
Dundas .....	John Sylvester Ross
Durham East .....	Francis Henry Burton
Durham West .....	Edward Blake
Elgin East .....	Thomas William Dobbie
Elgin West .....	John H. Munroe
Essex .....	John O'Connor
Frontenac .....	<sup>8</sup> George Airey Kirkpatrick
Glengarry .....	Donald Alexander Macdonald
Grenville South .....	Walter Shanly
Grey North .....	George Snider
Grey South .....	George Jackson
Haldimand .....	David Thompson
Halton .....	John White
Hamilton (City) .....	Charles Magill
Hastings East .....	Hon. Robert Read
Hastings East .....	<sup>9</sup> John White

<sup>7</sup> Elected in by-election, June 23, 1870

<sup>8</sup> Elected in by-election, April 27, 1870

<sup>9</sup> Elected in by-election, March 20, 1871

PROVINCE OF ONTARIO (cont'd)

Hastings North .....	Mackenzie Bowell
Hastings West .....	James Brown
Huron North .....	Joseph Whitehead
Huron South .....	Malcolm Colin Cameron
Kent .....	Rufus Stephenson
Kingston .....	Hon. Sir John Alexander Macdonald
Lambton .....	Alexander Mackenzie
Lanark North .....	Hon. William McDougall
Lanark South .....	Hon. Alexander Morris
Leeds North and Grenville North .....	Francis Jones
Leeds South .....	John Willoughby Crawford
Lennox .....	Richard John Cartwright
Lincoln .....	Thomas Rodman Merritt
London (City) .....	Hon. John Carling
Middlesex East .....	Crowell Willson
Middlesex North .....	Thomas Scatcherd
Middlesex West .....	Angus Peter McDonald
Monck .....	Lachlan McCallum
Niagara (Town), with Township of Niagara thereto attached .....	Angus Morrison
Norfolk North .....	Aquila Walsh
Norfolk South .....	Peter Lawson
Northumberland East .....	Joseph Keeler
Northumberland West, excepting therefrom the Township of South Monaghan .....	Hon. James Cockburn
Ontario North .....	John Hall Thompson
Ontario South .....	Thomas Nicholson Gibbs
Ottawa (City) .....	Joseph Merrill Currier
Oxford North .....	Thomas Oliver
Oxford South .....	Ebenezer Vining Bodwell
Peel .....	Hon. John Hillyard Cameron
Perth North .....	James Redford
Perth South .....	Robert MacFarlane
Peterborough East .....	Peregrine Maitland Grover
Peterborough West .....	Charles Perry
Prescott .....	Albert Hagar
Prince Edward .....	Walter Ross
Renfrew North .....	Hon. Sir Francis Hincks
Renfrew South .....	John Lorn McDougall
Russell .....	James Alexander Grant
Simcoe North .....	Thomas David McConkey
Simcoe South .....	William Carruthers Little
Stormont .....	Samuel Ault
Toronto East .....	James Beaty
Victoria North .....	John Morison

PROVINCE OF ONTARIO (cont'd)

Victoria South .....	George Kempt
Waterloo North .....	Isaac Erb Bowman
Waterloo South .....	James Young
Welland .....	Thomas Clark Street
Wellington Centre .....	James Ross
Wellington North .....	George Alexander Drew
Wellington South .....	David Stirton
Wentworth North .....	James McMonies
Wentworth South .....	Joseph Rymal
West Toronto .....	Robert Alexander Harrison
York East .....	James Metcalfe
York North .....	James Pearson Wells
York West .....	Amos Wright

PROVINCE OF QUEBEC

Argenteuil .....	Hon. John Joseph Caldwell Abbott
Bagot .....	Pierre-Samuel Gendron
Beauce .....	Christian Henry Pozer
Beaucharnois .....	Michael Cayley
Bellechasse .....	<sup>10</sup> Télesphore Fournier
Berthier .....	Anselme-Homère Pâquet
Bonaventure .....	Théodore Robitaille
Brome .....	Hon. Christopher Dunkin
Chambly .....	Pierre Basile Benoit
Champlain .....	Hon. John Jones Ross
Charlevoix .....	Simon-Xavier Cimon
Châteauguay .....	Hon. Luther Hamilton Holton
Chicoutimi—Saguenay .....	Pierre-Alexis Tremblay
Compton .....	John Henry Pope
Deux-Montagnes .....	Jean-Baptiste Daoust
Dorchester .....	Hon. Hector-Louis Langevin
Drummond—Arthabaska .....	Louis-Adélarde Sénécal
Gaspé .....	Pierre Fortin
Hochelaga .....	Hon. Antoine-Aimé Dorion
Huntingdon .....	Julius Sriver
Iberville .....	François Béchard
Jacques-Cartier .....	Guillaume Gamelin Gaucher
Joliette .....	François Benjamin Godin
Kamouraska .....	Charles-Alphonse-Pantaléon Pelletier
Laprairie .....	Alfred Pinsonneault
L'Assomption .....	Hon. Louis Archambault

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<sup>10</sup> Elected in by-election, August 15, 1870



PROVINCE OF QUEBEC (cont'd)

Laval .....	Joseph-Hyacinthe Bellerose
Lévis .....	Joseph-Godéric Blanchet
L'Islet .....	Barthélemy Pouliot
Lotbinière .....	Henri-Gustave Joly
Maskinongé .....	George Caron
Mégantic .....	Hon. George Irvine
Missisquoi .....	<sup>11</sup> George Barnard Baker
Montcalm .....	Joseph Dufresne
Montmagny .....	Hon. Joseph-Octave Beaubien
Montmorency .....	Jean Langlois
Montréal Centre .....	Thomas Workman
Montréal-Est .....	Hon. Sir George-Étienne Cartier
Montréal-Ouest .....	Michael Patrick Ryan
Napierville .....	Sixte Coupal dit la Reine
Nicolet .....	Joseph Gaudet
Ottawa (Comté) .....	Alonzo Wright
Pontiac .....	Edmund Heath
Portneuf .....	Jean-Docile Brousseau
Québec Centre .....	Georges-Honoré Simard
Québec-Est .....	<sup>12</sup> Adolphe Guillet dit Tourangeau
Québec-Ouest .....	Hon. Thomas McGreevy
Québec (Comté) .....	Hon. Pierre-Joseph-Olivier Chauveau
Richelieu .....	<sup>13</sup> Georges Isodore Barthe
Richmond—Wolfe .....	William Hoste Webb
Rimouski .....	George Sylvain
Rouville .....	Guillaume Cheval, dit St-Jacques
Saint-Hyacinthe .....	<sup>14</sup> Louis Delorme
Saint-Jean .....	François Bourassa
Saint-Maurice .....	Elie Lacerte
Shefford .....	Hon. Lucius Seth Huntington
Sherbrooke (Ville) .....	Hon. Sir Alexander Tilloch Galt
Soulanges .....	Luc-Hyacinthe Masson
Stanstead .....	Charles Carroll Colby
Témiscouata .....	Charles-Frédéric-Adolphe Bertrand
Terrebonne .....	Louis-François-Rodrigue Masson
Trois-Rivières (Ville) .....	William McDougall
Vaudreuil .....	Donald McMillan
Verchères .....	Félix Geoffrion
Yamaska .....	Moïse Fortier

<sup>11</sup> Elected in by-election, June 10, 1870

<sup>12</sup> Elected in by-election, July 18, 1870

<sup>13</sup> Elected in by-election, November 18, 1870

<sup>14</sup> Elected in by-election, September 1, 1870



## Readers Note

This is the fourth volume in a series begun in the 1960s to reconstitute the early debates of the House of Commons. The editorial approach followed here is set out in P.B. Waite's Introduction to the first volume, which presents the debates of 1867-1868.

These debates are a reconstruction from newspaper accounts and are in no way considered official records of the House of Commons. Numbers and figures misquoted in original newspaper reports have been corrected where required. The exact names of bills, votes, etc., sourced from the *Journals* of the House, occasionally replace the more dubious titles found in unofficial records of the day. Professional designations have been suppressed in favour of the official names of individuals. These were exhaustively researched using parliamentary guides, the Dictionary of Canadian Biography, and the Library of Parliament's own PARLINFO database, where readers may consult the political biographies of Canada's first parliamentarians. The names of electoral districts have been verified and made consistent, but readers should note that other place names, which may have changed since the 1800s, have been left "as reported" here.

There has been no attempt to clean up awkward or incomplete sentences. The reader must adopt the mindset of a reporter in the late 1800s, writing furiously in a noisy, bustling environment. Likewise, the language of debate is rooted in the times, with the appearance of archaic words and turns of phrase and liberal references to the classics of the day. Those with a keen eye will note some creative spelling and variations in the capitalization of parliamentary terms, a lack of consistency that honours the flavour of the times.



February 15, 1871

## HOUSE OF COMMONS

Wednesday, February 15, 1871

The **SPEAKER** took the chair at 3.00 p.m.

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Prayers

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A **MESSAGE** was brought by *René Kimber*, Esquire, Gentleman Usher of the Black Rod:—

The **SPEAKER**,

His Excellency, the Governor General desires the immediate attendance of this Honorable House in the Senate Chamber.

Accordingly, Mr. Speaker, with the House, went to the Senate Chamber:—And being returned:

Mr. Speaker informed the House, that during the Recess, he had received the following notifications of vacancies which had occurred in the representation of the electoral districts of *Missisquoi*, *Quebec* (City) East, *Cumberland*, (*Nova Scotia*) *Bellechasse*, *Saint-Hyacinthe*, *Colchester*, (N.S.), *Richelieu* and *Restigouche*; and that he had issued his Warrants to the Clerk of the Crown in Chancery to make out new Writs for the Election of Members to serve in this present Parliament for the said Electoral Districts:

*Adolphe Tourangeau*, Esquire, Member for the Electoral District of Quebec East; *Louis Delorme*, Esquire, Member for the Electoral District of Saint-Hyacinthe; *George Moffatt*, Esquire, Member for the Electoral District of Restigouche (New Brunswick); *Leverett de Veber Chipman*, Esquire, Member for the Electoral District of Kings; *Georges Isidore Barthe*, Esquire, Member for the Electoral District of Richelieu; and the Honorable *Charles Tupper*, C.B., Member for the Electoral District of Cumberland, having previously taken the Oath, according to Law, and subscribed before the Commissioners the Roll containing the same, took their seats in the House.

*Ordered*, That the *Hon. Sir John A. Macdonald* have leave to bring in a Bill respecting the administration of Oaths of Office.

He accordingly presented the said Bill to the House, and the same was received and read the first time.

Mr. Speaker reported, That when the House did attend His Excellency the Governor General this day, in the Senate Chamber, His Excellency was pleased to make a Speech to both Houses of

Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy which he read to the House, as followeth:—

*Honorable Gentlemen of the Senate, Gentlemen of the House of Commons*,—

I have much satisfaction in meeting you at this, the usual and most convenient season of the year, and under the present auspicious circumstances of the Country.

The hope I was sanguine enough to express at the close of the last session that no further attempt would be made to disturb our frontier, was doomed to early disappointment. The Session had scarcely closed when lawless bands assembled within the *United States* in great numbers, and renewed the menace of invasion. They ventured to cross the border at two points, but were promptly met and repelled. So complete and humiliating was the repulse, that the invaders lost heart and hope, threw away quantities of arms, and fell back to encumber the villages in their rear, with their starving and demoralized masses. Our Militia rallied at the first call to arms with praiseworthy alacrity, and the spirit which pervades the country, swelled their numbers with volunteers from all quarters. The gallantry displayed and the success achieved, have been duly recognized by the highest Military authority, and honored in gratifying terms of appreciation, by Her Most Gracious Majesty. In maintaining the Militia on active duty, the Government incurred an outlay to a considerable amount beyond what was provided by the votes of last Session. The accounts of the entire expenditure for the defence of the frontier will be laid before you, and I feel confident that you will pass a bill to indemnify the Government.

My anticipations of success in regard to the Act passed for the Government of *Manitoba*, and the North West Territories, and in regard to the Military Expedition, which it was necessary to despatch, have been fortunately realized. The troops surmounted the difficulties of the long and toilsome route with endurance and intelligence. They encountered no armed opposition, and their arrival at the *Red River* was cordially welcomed by the inhabitants. The people of the new Province have, under the Constitution accorded to them last year, assumed all the duties of self-government, and every appearance warrants the hope that they are entering steadily upon a career of peace and prosperity.

The Legislature of *British Columbia* has passed an Address to Her Majesty, praying for admission into the union, on the terms and conditions therein stated. All the papers on this important subject will be submitted, and your earnest attention is invited to them. I hope you will think that the terms are so fair as to justify you in passing a similar Address, so that the boundaries of *Canada*, may,

at an early day, be extended from the shores of the *Atlantic Ocean* on the one side, to the shores of the *Pacific* on the other.

Should such an Address be adopted, it will be necessary for you to take steps to secure the early exploration and survey of a route for an Interoceanic Railway, with a view to its construction in accordance with the terms of Union.

The acquisition of the North West Territories throws upon the Government and Parliament of the Dominion the duty of promoting their early settlement by the encouragement of immigration. This duty can be best discharged by a liberal land policy, and by opening up communications through our own country to *Manitoba*. The means proposed for accomplishing these purposes will be submitted for your consideration.

Her Majesty's Government has decided upon referring the Fishery question, along with other questions pending between the two countries, to a joint commission to be named by Her Majesty's Government and the Government of the *United States*. On this commission *Canada* will be represented. This mode of dealing with the various matters in controversy will, I trust, lead to their satisfactory adjustment. *Canada* urges no demand beyond those to which she is plainly entitled by Treaty and the law of Nations. She has pushed no claim to an extreme assertion, and only sought to maintain the rights of her own people fairly and firmly, but in a friendly and considerate spirit and with all due respect to foreign powers and international obligations. The thanks of the country are due to the Admiral on the Station and those under his command, for the valuable and efficient aid which they rendered to our cruisers during the past season in maintaining order and protecting the inshore fisheries from encroachment.

The prospect of the adoption of an international currency seems, in the present state of *Europe*, to be so remote, that I recommend you to consider the propriety of assimilating the currency of the Dominion without further delay.

The extension to *Manitoba* of the militia and other laws of the Dominion, and their adaptation to the present circumstances of that young Province, will require your attention.

The decennial Census will be taken on the third day of April next, and it is believed that a more thorough and accurate system has been adopted than any that has hitherto obtained. It may be necessary to amend the Act of last session in some particulars.

Among other measures, Bills will be presented to you relating to Parliamentary Elections, Weights and Measures, Insurance Companies, Savings Banks, and for the Consolidation and Amendment of the Inspection Laws.

*Gentlemen of the House of Commons,—*

I have given directions that the Public Accounts shall be laid before you. You will learn with satisfaction that the Revenue for the past year was in excess of what was estimated, and that the prospects for the current year are so encouraging that,

notwithstanding the extensive public improvements which are contemplated, you will probably be able to diminish the taxation of the Country.

The Estimates for the ensuing year will be submitted to you, and I feel assured that you will be of opinion that the supplies which you will be asked to vote can be granted without inconvenience to the people.

*Hon. Gentlemen of the Senate, Gentlemen of the House of Commons,—*

I lay these various and weighty matters before you, in full confidence that they will engage your mature attention, and I pray that the result of your deliberations may, with the Divine Blessing, prove conducive in all respects to the advancement and happiness of the country.

**Hon. Sir JOHN A. MACDONALD** moved that His Excellency's speech be taken into consideration tomorrow.

The House resolved to establish the usual Standing Committees, and adjournment was moved by Hon. Sir John A. Macdonald, seconded by Hon. Sir George-É. Cartier.

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#### THE FISHERIES

On the motion for adjournment, **Mr. MACKENZIE** asked if it was the intention of the Government to bring down any correspondence regarding the fisheries before the discussion on the address of His Excellency tomorrow. It was desirable on so important a matter, if there was any correspondence relative to the appointment of the Joint High Commission that the House should have it before them, as it was quite impossible for them to avoid discussing it during the debate tomorrow. It was a matter of far too much importance to this country, looking at it simply as one respecting our national rights, that the House should pass dumbly over this portion of His Excellency's speech without discussing, to some extent, at least, the questions that everyone could see were involved in it. The Commission, for anything they might know to the contrary, might adopt some course that this Parliament might not think consistent with the national interests in this Dominion; and it was desirable that, at the earliest possible moment some expression of the opinion of public men in the country should be had on it. He took it for granted that the correspondence would be brought down.

**Hon. Sir JOHN A. MACDONALD** said it was not the intention of the government to bring down any correspondence or any papers of any kind before the answer to the address was carried. It was an unusual course and an exceedingly inconvenient one that the hon. member proposed. Care would be taken that the address to be moved should not commit any member of this House to the approval of the policy of the government on that or any other question. The government would, so soon as the House should address itself to business, bring down such portions of the

February 15, 1871

correspondence relating to the fisheries as could be so produced without injury to the public interests. His hon. friend must know that it was a subject, under the present circumstances, to be very carefully handled, and he had no doubt that on a matter of so great importance the government would receive every consideration at the hands of the hon. members opposite. They would, as they had done on other similar occasions, aid the government, and avoid any course which might by any possibility prejudice the interests of the country, so soon as the address was answered, the papers asked for would be brought down.

**Mr. MACKENZIE** was aware that the general usage was as stated by his hon. friend, but there had been exceptions to it, and on very important questions like this, a departure from the custom might be admitted. He thought it unnecessary for the Hon. Premier to call on his supporters to aid him.

**Hon. Sir JOHN A. MACDONALD** said he appealed to his hon. friend opposite, and not to his supporters. He said that on a matter of national interest we might expect a favourable consideration from the hon. members opposite.

**Mr. MACKENZIE** said he must have misunderstood his hon. friend, and he would not make the remarks that he had intended. The Government could always count on the patriotic assistance of the Opposition on matters of such importance.

**Hon. Sir A.T. GALT** said that the returns on this question brought down last year, were very short and he would be glad that his hon. friend would see that the returns this year were more complete—as much so as was compatible with the public interests.

The House then adjourned at 4.05.





February 16, 1871

## HOUSE OF COMMONS

Thursday, February 16, 1871

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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**Mr. MAGILL** presented the first report of this Hochelaga Election Committee.

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### NEW MEMBER

**Mr. FOURNIER** the new member for Bellechasse, was introduced by **Hon. Mr. DORION** and **Mr. GEOFFRION**, and took his seat. **Mr. BAKER**, the member for Missisquoi, having taken the oath, also took his seat.

\* \* \*

### THE MANITOBA REPRESENTATIVES

**Mr. MACKENZIE** asked for information regarding the representation from the Province of Manitoba. By the Act of last session four members were to be elected as representatives of that province to seats in the House. No information had been received concerning the issue of the writs for those elections, or whether the elections had taken place, or whether that province was to remain unrepresented during the present session. It had been agreed that the Bill as passed in that relation was wholly unconstitutional, and opposed to the Federal system, under which we politically exist, and if he recollected aright, the Hon. Premier admitted last session that it might be necessary to apply to the Imperial Parliament to execute the provisions of that Bill—in other words to give them legal force as the law of the land. He (Mr. Mackenzie) thought the House was entitled to know what steps had been taken as regarded this matter, for it was generally admitted by gentlemen well informed on the subject, that the House had exceeded its powers.

**Hon. Sir JOHN A. MACDONALD** quite recognized the right of the hon. gentleman to ask the question, and he would try to answer it, although it might have been more satisfactory to have waited the submission of the papers on the subject. Perhaps the papers would have answered the question themselves. The first duty imposed upon the Lieutenant-Governor of the new Province of Manitoba was the completion of a census of the people with all convenient speed. That census was undertaken and finished in a manner which the papers would show was satisfactory and above all suspicion of error. The moment the census was taken, the Lieutenant-Governor reported to His Excellency the Governor General the result of the census and the divisions into which, for

electoral purposes, the new province had been made. On the receipt of that despatch, without further delay, writs had been issued and sent up to Manitoba, and the Government expected to hear every moment the result of those elections, *quoad* the members returned to this House.

As regards the question of the legality of the seats of those gentlemen, or of the representative system provided into the Manitoba Act of last session, the question was, he thought, first raised by the hon. member for Halton. In his (Hon. Sir John A. Macdonald's) reply to that question, he stated there was in his opinion a doubt as to the appointments to the Senate, and perhaps as to some other clauses of the Bill, and that they would be carefully considered; and that if it was thought on mature consideration there was any doubt as to the constitutionality of those provisions, steps would be taken to secure their "constitutionalization," if he could use such a word, by an Act of the Imperial Parliament. On his return to Ottawa, after an absence of some months, he examined the case carefully, and made a report upon it, which was made the basis of an order in Council, which was transmitted by His Excellency to the Secretary of State in England. They had received in return the draft of a Bill for the purpose of confirming that Act and all the proceedings under it, and also making all provision for the future, with which he would not now trouble the House. As regarded the other provisions, they might be dealt with so as to settle once for all the affairs of the province. He trusted the settlement or arrangements effected could be transmitted to England by the next mail, with the object of submission to the Imperial Parliament.

**Mr. MACKENZIE** asked if it was the intention of the Government not to nominate the Senators for Manitoba till this Bill passed the Imperial Parliament.

**Hon. Sir JOHN A. MACDONALD** said his hon. friend ought to give notice of that question.

**Mr. MACKENZIE** thought not. The people were represented in the other House as well as in this, and it was certainly the duty of the Government to inform the House whether the people of Manitoba were to remain for the present unrepresented in the Senate. Had the Government appointed the Manitoba Senators?

**Hon. Sir JOHN A. MACDONALD** said it was the intention of the Government that Manitoba should be represented in both branches of the Legislature during the present session. It would be an anomaly to have the people represented in one House and not in another. Perhaps by concert with the hon. gentlemen opposite it might be arranged, so that without raising any question of constitutionality the representatives of Manitoba might be allowed to take their places in the other House also, pending the receipt of the Bill from England.

**Mr. MACKENZIE** said that would be a matter for consideration.

\* \* \*

### THE FISHERIES QUESTION

**Hon. Sir A.T. GALT** wished to know if the Government proposed to proceed with the debate on the address at once. He had given special consideration to the American question referred to in His Excellency's speech, and holding the opinion he did on the subject, it might be his duty to move for some expression of the House concerning it. The time was so short between the present moment, and that when the Commission would sit, that if any expression of the opinion of this House could have effect upon the action of the Commission, he thought it was necessary that it should be given at an early day. He did not see how it could be done at any other time than during the debate on the address. It was quite true that there would be an embarrassment felt in the absence of the correspondence asked for yesterday by the hon. member opposite, but he trusted that that embarrassment would be greatly relieved by the explanations which, he had no doubt, the hon. gentlemen in the Government would make. He might say with regard to one branch of that correspondence, he thought the Government were in a position to give it to the House before going on with the debates. He referred to that which had taken place before last year. On the 9th of March last year, copies of correspondence relating to the protection of the fisheries were asked for. On the 9th of May, he found, on the reference to the journals of the House, the Hon. Minister of Militia had brought down a short despatch from Earl Granville to the effect that a portion of the fleet in the North American waters would be detailed for the purposes of protecting the fisheries and preserving order. The despatch was very short—only some four lines. The House was told that there was other correspondence which would be brought down without delay. It was not laid before the House, however, and had not appeared during the recess. Now, he thought if that correspondence were laid before the House it would put them in possession of the facts, at any rate up to the period previous to the recent apparent change of policy on the part of the Imperial Government on this question. He hoped that the Government would see that the House was placed in possession of the correspondence, believing, as he did, that it was his duty to call attention more particularly to the circumstances attending the appointment of the Joint Commission which had been announced. The question involved in the debate was of such gravity, and was related so closely to the most important interests of this country, that he thought it would be very improper, he might say, to permit almost the only chance the House would have to express their opinion on the subject to pass without giving full consideration to it. He thought that there was no particular object in detaining the House at this moment, as the House did not know what would be the language contained in its reply to the Address.

**Hon. Sir JOHN A. MACDONALD** said with regard to the copies of the Address, they would be laid before the House in a very short time. He would repeat to his hon. friend from Sherbrooke what he had said yesterday, that the reply would be so framed that this House would not be asked to commit themselves to the policy

of the Government. Of course they were in the hands of the House with respect to going on with the debate today or having it postponed. The discussion on the Address had now become merely formal in England, and an amendment was never moved except in the way of a vote of want of confidence. In fact, no matter what information the House might obtain by papers being laid on the table, they and the country at large would receive from the discussion expressions altogether unsatisfactory. While the Government were thankful to the hon. gentleman for Sherbrooke for his kind notice as to his intentions with respect to this matter, it was a question whether his motion would not receive more justice at the hands of the House and at his own hands if it were a substantial motion on the Orders of the Day. Those papers that the Government could with any propriety, and without decided injury to the public interests, furnish, would be laid on the table without delay, and then, of course, his hon. friend could have every opportunity to discuss the matter. If the House wished to postpone the debate till tomorrow the Government would do so.

**Mr. MACKENZIE** quite concurred in the desire expressed by the hon. member for Sherbrooke respecting the correspondence relative to the fisheries. He (Mr. Mackenzie) asked for it yesterday, believing that in a matter of such grave importance to our natural existence, it was exceedingly desirous, almost necessary he might say, that the House should, who had been elected, had been introduced, discuss the debate on the speech of His Excellency. The Government refused his request, though why he did not see, for the Hon. Premier intimated his intention to bring it down after the debate on the Address. If anything should constitute an exception, this case should. With regard to the general question of proceeding with the debate, he would say that unless the correspondence asked for were brought down there was no necessity for delay.

**Hon. Mr. HOLTON** believed that this House should follow as closely as possible the practice of the Imperial House of Commons. In that body the debate on the Queen's speech lately took place on the same day that it was delivered. If he were disposed to find any fault with the Government it would be because they did not proceed with the debate on His Excellency's address yesterday. Seeing that the Hon. Minister of Justice refused to bring down the papers in advance of the discussion, there could be no good reason why the discussion should not proceed at once.

*(Applause.)*

**Hon. Sir A.T. GALT** said that if he was to understand the Premier would afford him an opportunity after the papers were brought down, of obtaining the opinion of this House on the points he desired to bring before it, he would not stand in the way of the address.

**Hon. Sir JOHN A. MACDONALD:** Certainly.

**Hon. Sir A. T. GALT** reminded the hon. gentleman there was always a difficulty in making a substantive motion; sometimes it was got rid of by moving the previous question. He did not intend his motion should be so disposed of. He was perfectly prepared to let the matter stand over; but there were considerations higher than mere parliamentary convenience, and among them was the

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obtainment of the opinion of this House in reference to the important matters to be dealt with by the approaching International Commission. The Hon. Premier was soon to leave for Washington. No discussion of the fishery or other questions, to come before the Commission, would be of the slightest advantage if it were to follow the departure of the leader of the Government. He thought it was their bounden duty to strengthen the hands of their representative on that Commission by every means in their power. He proposed to do so by a resolution. If the Government promised him an early opportunity of doing so—say Monday or Tuesday, he would not stand in the way of the immediate passage of the address.

**Hon. Sir JOHN A. MACDONALD** promised the early opportunity solicited. He quite recognised the importance of these subjects, and the propriety of the discussion before he left for Washington.

**Hon. Sir A.T. GALT** said he was satisfied with that statement, as he believed fair play would be given him.

The matter then dropped.

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#### THE DEBATE ON THE ADDRESS

**Mr. LACERTE** rose to propose the address in reply to His Excellency's Speech from the Throne. Taking up the various paragraphs, he spoke briefly on each, as usual, expressing concurrence in the different views therein set forth, and complimenting the Government on its administrative policy. He referred particularly to the Fenian enterprise of last spring, and the wise and vigorous efforts put forth for its overthrow. He hoped the House would fully sustain the Administration in this matter by voting the additional expenditure it was compelled to incur. He was glad at the prospect of the settlement of the fishery dispute, and believed everything would be done to protect Canada's interests. Fortunately the Red River trouble was ended, thanks to the judicious and conciliatory action of the Government, and to the exertions and bravery of the Volunteers. The Dominion was in a prosperous condition, largely owing to the wisdom of Ministers, who deserved the confidence of Parliament and the people. He had much pleasure in moving the Address.

**Mr. KIRKPATRICK** rose to second the motion. The topics of the speech well deserved the compliments paid them. Scarcely had the Parliament been prorogued last summer when hordes of miscreants from the United States suddenly assembled on our frontier to pillage and ravage our land. To add to the infamy and offensiveness of this outrage, those marauders chose for the time of their unwarranted operations, the day above all, dear to loyal British subjects, the Queen's birthday. The hostile movement was, thanks to the bravery and loyalty of our volunteers and the troops of the Queen, hurled back in disgrace from our border. He hoped and doubted not the House would cheerfully vote the extra expenses entailed by this attempted Fenian invasion.

The next subject of the Speech was the Fisheries, and it was but truth to say that the action of the Canadian Government in regard to

them had met with the approbation of the whole country. The reference of General Grant to the action of Canada exhibited both ignorance and prejudice. The Dominion had but acted within its right, and it was certain The next subject in the speech was that of Manitoba. No better Governor could have been chosen than him who is now *de facto*, if not *de jure* in power. The improvements already witnessed in Manitoba prove the judiciousness of the efforts made to suppress disorder and rebellion, and set up the authority of Canada. The brave Volunteers who had been instrumental in securing those happy results, deserved the thanks of the country. When disbanded he believed they were entitled to grants of land in Manitoba. No better settlers could be chosen, and in justice to them, and in the interests of the Province, everything should be done to retain them in the North West.

The proposed admission of British Columbia and Vancouver Island was a subject of satisfaction to us all. The great scheme of Confederation was being rapidly consummated. Those great territories, so rich in natural resources, would be a great acquisition to Canada, and everything possible should be done to unite them to her by a Pacific Railway, grants of land, and, if possible, pecuniary contributions, should be made in aid of such enterprises.

There is little doubt that in this way they could be achieved. Immigrants were necessary to development of the great resources of the Pacific colonies, and good, rapid communications were indispensable to the attraction of immigration. The next subject of the Speech was the Fisheries, and it was but truth to say that the action of the Canadian Government in regard to them had met with the approbation of the whole country. The reference of General Grant to the action of Canada exhibited both ignorance and prejudice. The Dominion had but acted within its right, and it was certain that action was justified by the approval of the Government of England also. However, a Joint Commission had been appointed to consider the Fishery question and that relating to events connected with the last war, and from it he thought Canada had nothing to fear. He hoped, however, that the injury done to Canada by repeated Fenian raids would form one of the subjects discussed, and that indemnity for our losses thereby would be as rigorously required as was indemnity for the losses from the *Alabama*.

The improvement of our coinage system and other proposals of the speech would be cordially received. The interests of the country demanded such ameliorations. The general administration of the affairs of the Dominion had been beneficial, as its progress and prosperity amply testified. He could but concur in the closing aspiration of the Speech from the Throne, upon which the future happiness and advancement of Canada would largely depend.

**Mr. MACKENZIE** said that it was important in opening the grant inquest of the nation, that they should review the administration of affairs and foreign events, while abstaining from unusual criticism. Tremendous events had taken place since the last session, including those of a gigantic and disastrous war. It was but right he should express his sympathy with the sacrifices and sufferings of that great nation, being the friend and ally of England. He did hope that France would not suffer much either in feeling or

interest in the forthcoming treaty of peace. (*Hear, hear.*) Coming to the position of Canada, it was but right her relations towards the United States should receive attention. President Grant had spoken of it as a semi-independent position and there was truth in this view of it. Doubtless it was on this account that we had been continually and systematically subjected to offensive remarks and ill judged acts of administration from the people of the United States. The inhabitants of this country had reason for complaint on this head, but were not willing to submit to ill will or aversion with the object of forcing them from their present constitutional position. That policy he for one repudiated in the strongest possible terms, and he announced his strongest opposition to yielding any of our rights to an arrogant demand from them. (*Hear, hear.*) If we were to maintain an independent position on this continent we must cultivate that natural love of liberty which prevailed in our midst, and maintain our natural rights intact.

It was for this reason he desired to have the correspondence relating to this question brought down. He desired to know whether an attempt had been made by the Imperial Government to force negotiations upon us, with an object naturally hostile to our rights. The hon. member who seconded the address expressed a hope that the matter of the Fenian movement would be brought down before the Joint Commission. If it were to be discussed by them, he saw no indication of it. He had read all the information he could find relating to it, and no mention of our claims appeared in it. If it were so, the British Minister at Washington was much to blame. Nothing could be more arrogant and ridiculous than the claims put forward by the President of the United States to the free navigation of the St. Lawrence. The instances referred to by the President were all cases which were settled by treaty. He (Mr. Mackenzie) was disposed to giving all facilities to the commerce of our neighbours, but he was not disposed to concede to them as a right what was manifestly an unjust claim.

With regard to the fishery question, he believed that it was an unwise concession to give up for a moment our claim to the headland boundary line. He was not able to congratulate the House on the condition of affairs in Manitoba. If he were asked to congratulate them that the men who had rebelled against the Government of Canada were the very ones who had received offices and held power, that loyal men had been rigorously excluded from places of trust, and that the murderers of poor Scott were still at large, he might congratulate the House. He was not in favour of punishing the poor dupes of a few designing men, but he believed that the men who had been guilty of stirring up rebellion and executing an innocent man should not be allowed to go free of punishment. He would simply recall the past to say that these men should receive the punishment they deserved, and to say that the men who had been loyal to Canada should not be excluded from places of honour and trust.

He would now refer to the recent additions which had been made to the Cabinet. The hon. member for Cumberland had gone before his constituents and made some remarkable statements to them. He (Mr. Mackenzie) held in his hand a copy of the speech referred to, and he would just read a portion of it to the House. It would be noticed that the hon. gentleman with characteristic modesty had

spoken of his own great services to the Government, and to the country at large. (Here Mr. Mackenzie read an extract from the speech, commenting on it humorously amid the laughter of the House.) The hon. member for Cumberland had boasted that he had secured an increase of his following. That he brought with him fifteen members to the support of the Government. He congratulated the hon. member on his increasing influence. He was pleased also to notice the friendship which had grown up between his hon. friend and the hon. member for Hants. Times had changed since the two hon. members were opposed to each other. He (Mr. Mackenzie) made these statements in order that the speech of the hon. member from Cumberland should receive the publicity it deserved. The Ministerial journals seemed to have slighted the hon. member in this matter. None of them published it. It was true the *Ottawa Times* in a short paragraph had remarked that it was too important to be passed over without notice. The speech, it was evident, was never intended to circulate outside of Cumberland.

After referring to the course which the Government pursued towards the hon. member for North Lanark, Mr. Mackenzie spoke at some length on the subject of the Intercolonial Railway, and the causes which led to the ultimate choice of the Northern Route. The hon. member for North Lanark had given a very full explanation in his pamphlet, recently published, of this matter. (Here Mr. Mackenzie read an extract from the pamphlet referring to it). While he (Mr. Mackenzie) looked with regret at the great loss to the country caused by the choice of the Northern Route, he was not sure that the Dominion had not derived some gain since certain members of the Government had been induced to acquiesce in the acquisition of the North-West Territory. He spoke at some length of the Fenian raid of last spring. He could not believe that the United States Government had exercised all their influence to prevent that raid. During last year, in Utah the Mormons organized a militia force and commenced to drill them openly. They were at once put down by the State authorities. Now, he contended that the municipal authorities on the frontier, if they had been disposed to deal with Canada in a friendly spirit, might have treated the Fenians in a similar manner. If they possessed the power in the one case, they certainly did in the other. The Government at Washington had certainly acted in the most prompt and friendly manner as soon as representations were made to them by the Canadian authorities.

In conclusion he would say that every member should recognize constituted authority and, in everything that related to the welfare of the country, the Government should have the earnest and cordial support of the Opposition. On the other hand, he should lose no opportunity, as he was bound to do in his position in the House, to point out the grievous results of the present administration on the interests of the country.

(*Cheers.*)

**Hon. Sir JOHN A. MACDONALD** said the hon. member for Lambton in his anxiety to fill up his half hour speech, as Leader of the Opposition found it necessary to take up the election speech of the hon. member for Cumberland and criticize it. If the hon. gentleman had had anything in his mind that he thought he could bring out against the Government, he would have done so; but the

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hon. gentleman was as mild as he possibly could be, and although the administrative policy of the Government was so disastrous, and although it was the duty of the hon. member to protest against that disastrous policy, yet he had not condescended to notice the facts he condemned, but he told them exactly that there had been a series of extraordinary statements made by the hon. member for Cumberland, and that to secure his return to this House, the hon. member had been obliged to bring up these statements. The Government considered this and he (Hon. Sir John A. Macdonald) accepted it as the judgment of his hon. friend in favour of the Government. (*Laughter.*) He could not as a consistent member of the Opposition approve of their course, and he could not condemn them, and so was silent. (*Renewed Laughter.*)

The hon. member admitted that the House had met in a season of prosperity, and under prosperous circumstances. It was true, the hon. gentleman remarked that it was so, but then, it was owing to the exertions of the people themselves, and in no degree attributable to the administration of the Government. He (Hon. Sir John A. Macdonald) would admit that it was so, and the Government congratulated themselves that Providence smiled on them while they were in power, and that they had a comfortable majority of the people's representatives with them. He agreed with the hon. member that we all should feel sympathy for the ancient ally of England in her troubles; but he could not agree with the hon. member that this was the day of her greatest humiliation. There never was a time in the history of France when her future appeared brighter. She would rise renovated by her great trial to her old place, and be one of the first powers of Europe, if she had ever ceased to occupy that position; and he had no doubt that England and France would again and again act in concert as the foremost nations of modern civilization. (*Hear, hear.*)

With reference to the remarks of the hon. member respecting the fishery question, he would inform him that the Government were fully aware of their responsibility, and they were pleased to observe that their course in recent events had met with general approval throughout the country; and he would tell the hon. member that he need be under no apprehension, although he had expressed it, that England, our old Mother Land, would ever act the part the hon. member apprehended—to sacrifice our interests for the sake of any advantage to herself, or any desire to settle any question between the United States and herself. That was not the course that Mother England and the people of England would pursue. If any Government in England could sacrifice our interests for their own advantage, the people of England would reject them with scorn. He could assure his hon. friend that he would find that England was now, as she had always been, a fostering mother, careful of our interests and rights, and ready as she had always shown herself in the past, to protect us with all her force and might and power.

(*Applause.*)

He would not make any remarks respecting the observations of his hon. friend on the Fenian invasion, and about the claims which Canada of right had in consequence of the outrages upon our border, and the losses and expenses brought upon our people by those invasions. The hon. member would find that in this, too, the

Canadian Government had taken every step necessary to press our claims to a conclusion. He could only assure his hon. friend that if they were not settled it would not be the fault of this Government. He would not enter into a discussion of the matter just at present, as they had already arranged on the papers that this subject should be taken up hereafter.

His hon. friend had said that he would not join in the congratulations on the state of peace existing in Manitoba. He (Hon. Sir John A. Macdonald) thought that it was a matter of congratulation to every well-ordered mind to see peace, quiet, rule and law brought into a country where all these had been absent. He thought it was a greater matter of congratulation that the accession of that country to the Dominion of Canada had not been made at the sacrifice of a single drop of blood; that the march of the soldiers, both regular and militia, was a peaceable one; that the only difficulties were those offered by the wildness of the country through which they proceeded; and that they were received, as the House had hoped they would be, as friends, brothers, fellow citizens, persons whose advent would be welcomed, and not persons to be feared. It was a matter of great consolation that there had been no blood shed in the acquisition of the North West, and that although mistakes had been made, yet those errors led to no serious consequence, except, perhaps, the expenditure of a little money. The Union had been finally accomplished, and ere long the representatives from Manitoba would take their seats in this House. Granting all that had been said as to the mismanagement of the Canadian Government in consummating the union, to be correct, still it was a matter of congratulation that the union had taken place in harmony and peace, without the loss of one single life in the attempt to effect that union. The hon. member had remarked that he could not enter into congratulations that the murderers of a Canadian subject should have escaped justice. The hon. member was not asked for such congratulations. The Red River country was a British country at the time the crime was committed, although British law was for the time suspended. But British law and institutions existed there, and by the consent and voice of the people of Canada and their Parliament the people of the North West had now got a legislature and Government of their own, on whom were thrown the responsibility of the administration of the laws, and on whom was also thrown the establishment of courts of civil and criminal jurisdiction, and the protection of the life, liberty and property of the people, and the punishment of offenders against them.

He would ask his hon. friend why he had introduced this subject, or why he spoke of it all? Would he point out in what mode the Government of Canada, or the tribunals, or the constituted authorities of Canada could in any way have prevented the act? The hon. member knew that until the 15th of July last, when the act of Union was consummated, the North West was in no way connected with Canada except as a portion of the British Empire. Canada could no more have interfered in Manitoba than in any other colony of Great Britain. Canada had no control, no power, no authority. It was simply this, so long as that colony had its own Government, they were responsible for the protection of life and property, and for the administration of justice; and when that power was overthrown

it was for Her Majesty only, in her Imperial capacity and with the Imperial authority in the tribunals of Great Britain, to bring any offenders to justice. The moment that the Province became united with the Dominion it had a local Government of its own, and on that local Government, by the act of this Parliament, was thrown the obligation of punishing offenders. The people of Manitoba must be left as free people to manage their own institutions and protect their own people. He did not see that his hon. friend was at all justified in obtruding this discussion on the House during this debate. It was their duty, instead of trying to arouse man against man, and to keep alive such matters, to throw oil in the troubled waters and suppress hostile feelings, which were natural enough, but much to be deplored. He believed the laws would be fairly administered in Manitoba, and that life and property would be held just as sacred and safe there as they were in the older and larger province of Ontario.

His hon. friend had spoken of the Intercolonial Railway, and promised that at an early day he would bring up that subject. Having promised so much, he (Hon. Sir John A. Macdonald) would promise another. He would promise that his hon. friends' statements, whatever they might be, if they were against the action of the Government or any subordinate engaged on the line, that there would be a full, complete and satisfactory answer—if not satisfactory to his hon. friend, at least satisfactory to this House and to the country. (*Hear, hear.*)

He would make no reply to the remarks of his hon. friend, respecting the hon. member for Lanark. At the proper time, there would be a frank and free discussion of all that he had alluded to. He must protect against the course of the hon. member for Lambton with respect to a friend of his in this House. The hon. gentleman had mentioned a rumor reflecting on that gentleman. It was easy to get up a rumor. It might be done by inserting a paragraph in a newspaper, and many had been so created in order to give an hon. member an opportunity to say he saw such and such in a certain paper. There should be no quotation of rumors in this House, respecting the character or conduct of persons in public life. The British system should be followed—that no member of Parliament shall make statements that he cannot verify or does not honestly believe to be strictly true.

The House rose for recess at 6.10 p.m.

## AFTER RECESS

The debate on the address was resumed.

**Mr. BOWN** said that the Government deserved censure for the manner in which affairs had been managed in Manitoba since the organization of that Province. Loyal men had been allowed to go unrewarded, while those who had imprisoned and shot loyal men had been appointed to places of honour and trust. The conciliation policy pursued by the Lieutenant Governor was favourable to men who had acted in opposition to law, and compassion to such men

was the greatest cruelty that could be inflicted on those who had stood up for Canada in her time of need. The Lieutenant-Governor had early shown where his sympathies lay by going to reside in the Hudson's Bay Company's fort and receiving hospitality there. It was evident from the manner in which he had acted in the matter of Scott's death and in other circumstances, that his mind had been biased in favour of the late rebel party.

Dr. Bown criticised the conduct of the authorities in Manitoba in the inquiry respecting the death of Depoti, which was held with closed doors, the principal object seeming to be to fasten his death on the Canadians. The arrest of Riel had not been effected though he had been in the territory after the arrival of the Lieutenant-Governor. There was some secret cause for this, and it was evident that the Lieutenant-Governor's mind had been biased. As to the elections which had been held in the new Province, seven or eight of the candidates who had been elected had been introduced from the Quebec Province. It might be said that Lieutenant-Governor Archibald had nothing to do with this, but, if so, why did he permit three of these men, not qualified by the Act, to take places in his cabinet? As to the murder of Mr. Scott, it would be far better to let it rest than that there should be a mere mockery of a trial. He hoped the Government would open up a way of communications to the North West without delay, for the present route would not be available for two years. He hoped the Government would make up the losses which loyal men had incurred in the new Province during the late rebellion.

**Mr. MASSON (Terrebonne)** agreed with the Hon. Premier that the Government had no jurisdiction in the matter of the murder of Mr. Scott. It should not be forgotten, however, that no less than six counties in Manitoba had offered to return Riel as their representative. Why did Mr. Bown attack the Government now, when he supported the Manitoba Bill last year?

**Mr. BOWN** said he did not know things would have turned out as they did.

**Mr. MASSON (Terrebonne)** said this was no excuse. As to Riel, it had been asserted that he had been in Manitoba since the entry of our troops, but he (Mr. Masson) had good authority for saying this was not a fact.

He referred to the relations existing between the Mother Country and the colonies, and said there was an uncertainty in the minds of the people, since the withdrawal of the troops, whether Britain proposed to sever the connection with Canada or not. Some even supposed that she would look to the colonies for help in time of trouble, instead of the latter looking to the former under circumstances of difficulty. We should learn from the Government whether the withdrawal of the troops indicates England's desire to get rid of us, and whether, since we have formed a confederation, we shall be expected to help her in the time of her need. The Minister of Militia ought to enlighten the House on this important subject before the Militia estimates are brought down. There was discussion going on about independence, but would it not be better to know at once the intention of the Imperial Government, or to adopt such a position as in plain language would only cause us to

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fight in our own quarrels. In our present position the feeling in favour of independence was spreading.

**Hon. Sir FRANCIS HINCKS** [excitedly]: No, no.

**Mr. MASSON (Terrebonne)**: Yes, yes. The feeling was spreading. He appealed to the Government if they wished to continue the connection with England, as he did to enlighten the House on the intention of the Imperial Government, for Mr. Cardwell, a member of that Government; had recently delivered a speech the argument of which was that the colonies should in future act for the defence of England, or be feeders and not suckers.

**Mr. MILLS** said the Federal system made it necessary that each Province should have an independent governmental existence. Such could not be given to any Province by this Parliament. He had called attention to this fact last year, and was glad the Minister of Justice had changed his views in this respect. (*Hear, hear.*) As to the murder of Scott, it was still competent for the Government of Canada to authorize the trial and punishment of Riel. The Minister of Justice had said that this Government had no power to cause the arrest of the murderers of Scott. This was not so. The Hudson's Bay Company were bound by the Imperial Government to transfer to Canada, for trial and punishment, persons guilty of higher crimes than misdemeanour. It was still competent for the Government of Canada to authorize the trial and punishment of Riel, and it was

also competent for the Lieutenant-Governor of Manitoba to ask for extradition.

The second paragraph of the address was agreed to.

**Hon. Mr. DORION** on the proposal of the adoption of the paragraph relating to the admission of British Columbia, protested that he knew nothing of the merits of the terms of this admission, and declared his unwillingness to express blindfold any concurrence in the Government's Pacific Railway scheme. If it was to be one of the character of the Intercolonial Railway, he would give it his strenuous opposition. He could not approve of the wording of the paragraph.

**Hon. Sir JOHN A. MACDONALD** consented to a verbal alteration to meet the objection of the last speaker. The change was of a non-committal character, and thus modified, the clause was adopted.

The remaining paragraphs were read and concurred in without debate, and the address, being read a second time, was agreed to.

After the usual formal resolutions in regard to the address and its presentation, **Hon. Sir JOHN A. MACDONALD** gave notice of an address of congratulation to Lord Lisgar on the distinguished honour recently conferred upon him by Her Majesty.

The House adjourned at a quarter past nine.





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## HOUSE OF COMMONS

Friday, February 17, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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Several petitions and motions were presented.

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### LACHINE CANAL BRIDGE

**Hon. Mr. HOLTON** asked if the Grand Trunk Railway had asked permission to erect an additional bridge on or near the Lachine Canal, at the Wellington Bridge, Montreal, and if so, when the permission was applied for and when granted.

**Hon. Mr. LANGEVIN** said the Railway company was allowed to cross the canal with a swing bridge at Wellington Street, to be built at the place and in the stead of the existing bridge, and subject to the conditions he would lay before the House.

**Hon. Mr. HOLTON:** When was the permission applied for, and when granted?

**Hon. Mr. LANGEVIN:** Applied for on 17th January, 1871, and granted 28th January.

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### GRAND TRUNK RETURNS

**Mr. MACKENZIE** moved for returns of statements, showing the gross earnings of the Grand Trunk Railway during certain years.—Carried.

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### NORTH WEST INSTRUCTIONS

**Mr. MACKENZIE** moved an address for copies of all instructions to Lieutenant-Governor Archibald, also copies of all reports and official correspondence between the Lieutenant-Governor and the Dominion Government from the date of his appointment.

**Hon. Sir JOHN A. MACDONALD** said that while no objection would be urged to furnishing the returns asked for, it would be as well to mention exactly the papers which were wanted. There was a very large amount of correspondence continually passing between

the Local Government and the Dominion Government, only a portion of which could be of any service to the hon. member.

**Mr. MACKENZIE** said he only wished to obtain that portion relative to the new system of Government, the division of the Province into electoral districts, and everything, in fact, connected with the new order of things. He did not want the formal correspondence.

**Hon. Sir GEORGE-É. CARTIER** called the attention of the hon. member to the fact that Lieutenant-Governor Archibald was the Governor of the North West Territory as well as of Manitoba, and correspondence relevant to both capacities should be included.

The motion was amended in accordance with the suggestion, and carried.

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### PUBLIC ACCOUNTS

**Hon. Sir FRANCIS HINCKS** submitted the public accounts for the year.

*(Applause.)*

**Mr. MACKENZIE:** It will save us a great deal of trouble.

**Hon. Sir FRANCIS HINCKS** also laid on the table details of expenditure for the defence of the country.

**Mr. MACKENZIE:** Perhaps the hon. member will give us details of all the expenditure from the fund for unforeseen expenses.

**Hon. Sir FRANCIS HINCKS** said they would be submitted in a few days.

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### BRITISH COLUMBIA CORRESPONDENCE

#### MOTIONS

**Mr. MACKENZIE** moved for an address for copies of all correspondence between the Government and British Columbia, its delegates, or the Imperial Government relative to the admission of such colony into the Dominion; also copies of all orders in council or other documents relating to such negotiation.—Carried.

**Hon. Sir JOHN A. MACDONALD** said all correspondence would be brought down by message, and the motion was unnecessary.

**INTERCOLONIAL TENDERS**

**Mr. MACKENZIE** moved for an order of the House for copies of all Tenders for Works on the Intercolonial Railway since the last return, and in the same form; also copies of advertisements calling for such Tenders, the names of the newspapers in which such advertisements were inserted, and amount paid for same; also copies of Tenders received for locomotives or other rolling stock, and for rails with the same information regarding advertisements; also a statement showing the number of engineers, and engineers' assistants, pay-masters and other employees in each District and Section on the 1st day of July 1870, and also the number of men employed in each Contract Section on that day; also copies of all reports of Engineers, Commissioners or others regarding the change made from the route selected by Major Robinson between Bathurst and the Miramichi River; also copies of all correspondence between the Railway Commissioners and the Government, relative to contracts and all orders in Council relative to such correspondence of contracts.—Carried.

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**IMPERIAL CORRESPONDENCE ON NORTH WEST**

**Mr. MACKENZIE** moved for an address to His Excellency the Governor General for copies of all correspondence between the Dominion Government and the Imperial Government concerning the North West Territories since November 1st, 1869 with copies of all orders in Council or other documents relative thereto; also copies of all correspondence with the Commander-in-Chief and the Commanding Officer of the Expedition, and copies of all orders in Council or other documents relating to the expedition; also a statement in detail of all expenses incurred in connection with sending the Military expedition giving the names of parties receiving money, and stating the nature of the service and whether by contract or otherwise.—Carried.

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**LEASING GOVERNMENT LAND**

**Hon. Mr. HOLTON** moved an address for copies of all correspondence, reports of engineers, or other documents, relating to the leasing by the Government to the Montreal Warehousing Company of a lot of land bordering on the Lachine Canal. He said he feared the Government had committed a serious error in regard to this matter. Five or six years ago a lot of land on the Lachine Canal had been purchased by the Government for the extension of harbor facilities in Montreal. It was allowed to lie fallow, so to speak, a long time, but during last summer or autumn was leased to a private company, the Montreal Warehousing Company, for a long term of years, as he was informed, at a rental considerably less than the interest on the cost of the lot. The Government were mistaken in leasing, or lending this lot at all to private parties. But admitting they were right in diverting it from public to private uses, it should have been put up to public competition.

**Hon. Mr. LANGEVIN** thought no opinion should have been given in this matter till the papers were laid before the House. A

discussion would then be in order. He had no doubt those papers would satisfy the House the Government had acted right in this matter.

The motion was carried.

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**AMERICAN SILVER**

**Hon. Mr. HOLTON** then moved for a statement of the amount of American silver withdrawn from circulation and the details of the expenses, and so forth, thereby incurred; and also a statement showing the total amount of the new issue of silver coin, the cost of coinage and the profit of the Government resulting from the issue.

**Hon. Sir FRANCIS HINCKS** said there could be no objection to giving this information. But he thought he would only do right in taking the earliest opportunity of stating what the action of the Government had been with respect to the removal of this coin. He would not enlarge at present on the very great loss and inconvenience to the country, resulting from the circulation of this American silver. On his acceptance of office, he found that the subject engaged the very serious consideration of the House during the previous session. He found that during that session a large special committee had been appointed, of which the hon. member for North Oxford was the chairman, for the purpose of investigating the matter. They reported a number of resolutions, and recommended that the plan adopted by Government in 1868, by which silver to the amount of one million was purchased and exported, be again tried, or that the Government should in some way withdraw silver to the amount of five millions from the circulation of the country.

The last resolution was not adopted by the House, and it seemed to him that the plan adopted by his predecessor did not meet with their approval. From the best information that he (Hon. Sir Francis Hincks) could obtain—and he might say that the result had rather confirmed his impression—the estimated amount of silver in the country which had been in circulation for a period of about five years past, was something about \$10,000,000. Under the operations of Mr. Wier, it cost a good deal to remove the silver from circulation. When the Government took up this matter, they were of opinion that it was exceedingly desirable that the public should be put to as little cost as possible. He believed that a scheme could have been devised for removing the silver, by which the country would incur no expense, but it would have been opposed. It would be remembered that the coin was received in the first place at four per cent, afterwards it was increased to five and then to six per cent, at which it stopped, and, he might say, after all the coin had been received. If it had been put down to six per cent at first, it would have paid all the expenses of removal.

He would like, before sitting down, to call the attention of the House to the enormous loss which the public sustained by the circulation of this silver. They knew that nine millions of dollars were exported, and it was estimated that between one and a quarter and one and a half millions of dollars remained in circulation in the

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country. Therefore, there was upwards of ten millions in circulation. Now, from the best information he could obtain, six millions of this amount changed hands every month, which would give for the twelve months of the year, a circulation of \$72,000,000. He saw his hon. friends (Hon. Mr. Holton and Mr. Mackenzie) smiling, but he would tell them that estimate had been carefully prepared. On this \$72,000,000 at the broker's rate 14 per cent commission, there was an actual loss of \$180,000 per year, which would give for the five years a loss of \$900,000. But that was not the whole loss. There was besides a loss of four per cent which might be fairly calculated, making a total loss during the five years of between fourteen and fifteen millions of dollars. The hon. gentlemen opposite smiled, and no doubt would argue that if one class of persons lost another gained this money. He would not deny the fact, but there was an actual loss on the six millions of dollars in circulation, nevertheless. It displaced six millions of bank notes, and thereby diminished the actual amount of the capital of the country by six millions. If it was an advantage to the country to employ the paper to take the place of gold, it must be so.

**Mr. MILLS:** Is not silver capital?

**Hon. Sir GEORGE-É. CARTIER:** It was depreciated capital.

**Hon. Sir FRANCIS HINCKS:** It was clear that six millions in bank notes could not be employed, owing to the circulation in the country of foreign silver.

**Mr. MACKENZIE:** That is, it reduced the profits of the banks on that amount.

**Hon. Sir FRANCIS HINCKS:** It was a loss to the country at large, and he therefore entered into communication with Mr. Wier, of Montreal, whose name had been brought into discussion last year, to see whether the silver could be removed without any risk whatever to the public, on the same terms and at the same cost as in his previous operation on one million dollars, the accounts of which had been laid before the House, and had been considered unobjectionable by the Committee. He had the satisfaction of knowing that although the cost of removing \$4,800,000 under this operation was very nearly the same as in the other case, still the difference was slightly in favor of the last. Of course, a great deal of this silver was sold at a loss in New York, upon the price paid for it here, in consequence of the pressure on the New York market having reduced the price. In anticipation of the papers coming down, he would not say anything further on this matter on the present occasion.

With reference to the new coinage, he would remark that steps were taken, at the earliest moment, to have it issued to exactly the same value as the previous money issued under an order in Council. He might say with regard to the composition of the coin, that it was standard silver, which was made of something like twelve and a fraction part of pure silver, with an alloy of one part of copper. It was bought by the mint at the rate of 5s. and 2d. per ounce, which would be 62 shillings per pound standard silver. The mint coined it and issued it at an advance of six per cent. The amount coined for this country was \$750,000. Of course, there were various charges on it, but he was happy to say there was a profit on the operation of

something like \$14,000, and he would remark here, that if any one would carry out the calculation, he would perceive that if Canadian coin to the amount of \$4,500,000 (the amount of foreign silver exported) had been brought into the country, they would have cleared all expenses. But there were reasons why this was not advisable. It would, if carried out, have resulted in depreciating the silver in value.

As far as his information went, he heard from time to time that when the banks wanted to pay out silver, people asked them for fractional notes instead. The public seemed not to be so entirely displeased with the notes as the hon. member for Lambton was. Still, the Government has shown no disposition to force this fractional currency into circulation. On the contrary, he was sure there would be no trouble in largely increasing circulation; but he quite agreed with the hon. member opposite that nothing could have a worse effect than to have the supply in excess of the demand. They were received at the banks and were not allowed to go out again into circulation when it could possibly be avoided.

**Hon. Mr. HOLTON** had no desire, in asking for those returns, to find fault with the Hon. Finance Minister. It was a desirable object to export the foreign silver from the country, and some of the steps taken by the hon. gentleman, while not being exactly what he would have approved of himself, were good. The question arose, though, that if the hon. gentleman had done so well this year, why it was that the other hon. gentlemen on the treasury benches did not do so long ago, and prevent such loss to the country. The hon. gentlemen could not escape the responsibility of having inflicted on the country all this loss and inconvenience.

With reference to that part of his motion relating to the fineness of the new silver, his object was to show the amount of base metal the Government were authorizing into circulation as the legal tender of the country. There could be no difficulty in arriving at this knowledge, for he took it for granted that the Order in Council authorizing the issue must show the percentage of alloy used in the coin and he thought the House was entitled to know precisely that percentage. By the first part of the motion, he simply wished to ascertain what amount of American silver had been withdrawn and at what cost.

**Hon. Sir FRANCIS HINCKS** said, with regard to the attack made on the Government for not having taken this measure sooner, he thought if the hon. gentleman would only reflect a little, he would see that it was only last year the Government were in a position to do it. If he (Hon. Sir Francis Hincks) had to take the same course his predecessor had been compelled to do—to go into the market and sell bonds at a discount of two per cent—he would have shrunk from doing so. The reason why he (Hon. Sir Francis Hincks) had undertaken it was because the Government had greater means at their command, and were better able to carry out the scheme. Mr. Wier could not carry it on without borrowing money at a large percent of interest from the banks, and it was for that reason that he had not succeeded.

**Mr. DUFRESNE** thought the removal of the American silver had an excellent effect upon the trade of the country. The need of its

withdrawal was pressing, and the mode adopted had admirably answered the purpose in view. The country generally was satisfied with the results achieved, whatever the brokers may think.

**Hon. Sir A.T. GALT** thought the Finance Minister had reason to congratulate himself on the success of his scheme for the removal of the silver. That hon. gentleman had undertaken his (Hon. Sir A.T. Galt's) defence. Now he did not think he required any defence of his conduct while Finance Minister. He had only been in office two years from 1862, and should not be charged with the whole blame of the state of the currency up to the removal of the depreciated silver.

The motion was then carried.

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### THE FISHERIES QUESTION

**Hon. Sir A.T. GALT** asked for copies of all correspondence between the Governments of the Dominion and England since 12th February 1870 on the subject of the fisheries, and of the proposed Imperial and United States Joint Commission, with the minutes of Council relating to the same. He said there was not as correct an idea prevalent with regard to the submission of correspondence as there ought to be. The fault committed here was one of reticence. All correspondence with the English Cabinet not marked by it "private and confidential" should be brought down. In this case there was a great need of as much frankness as possible. There was a feeling of uneasiness abroad in regard to the fisheries. If the Government had confidence on the subject, it could only spring from the contents of the correspondence that had taken place with the Imperial authorities. It was quite as important that the country at large should be put in possession of it, so that it should experience similar confidence. Indeed it was even more important. Publicity was essential to responsible Government, and the English practice was to bring down correspondence far more fully than we had done usually. As to the most important questions with which the British Government had recently been engaged, it had not waited the assembling of Parliament, but has made public its correspondence through the medium of the press. He need but cite the recent communications with Prince Gortschakoff and the American secretary of state, the one on the Eastern and the other on the questions between the States and England. He would like, in particular, to see the despatch or order in council of March 23rd, 1866.

**Hon. Sir JOHN A. MACDONALD** admitted it had been the practice of late, in England, to be very free in the matter of the publication of correspondence. He himself thought the practice proper and beneficial. His own customary phrase on such occasions—"all papers that could be brought down without detriment to the public service"—was not prompted by any desire to withhold from Parliament or the country information to which they were entitled, and which could with any prudence be asked. The phrase was more one of form than of anything else, and with regard to the present papers meant nothing unbecoming the importance of this question or the rights of the legislature. He had

no objection to send down all the documents which the public interests warranted. He thought there would be no difficulty about this despatch.

**Mr. MACKENZIE** said he observed a statement in a recent pamphlet by a gentleman lately a colleague of hon. gentlemen on the treasury benches, to the effect that it had been a practice of theirs to keep back or mutilate papers demanded by members. There was no denying the impression prevalent in this House that papers had been withheld that should not have been. Anyone who looked over the Imperial blue-books could see that papers usually refused Canadian members could be had a month or two afterwards through those compilations. Last year he moved for correspondence concerning the defence of the country, which we were told could not be brought down. Constant reiteration seemed necessary to success. Papers should be available as soon as the circumstances of the country justified their production.

**Hon. Sir JOHN A. MACDONALD** said as to the recent pamphlet by a former colleague, who he could be he had no curiosity to know, but he was satisfied that no former colleague of his would have possibly submitted to any mutilation of papers while in office, and that if any mutilation had since been effected, he could know nothing about it.

*(Laughter and applause.)*

**Mr. MACKENZIE:** As to that he had no knowledge; nor was it any of his business.

*(Laughter.)*

The motion was dropped on the understanding that the Government would bring down the correspondence.

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### THE DEFENCE QUESTION

**Hon. Sir A.T. GALT** moved for all correspondence, orders in council, and other papers relating to the mission of the Hon. Alex Campbell to England, and his report thereon. He said he wished for explanations regarding the important subjects covered by the papers asked for here. He was not aware that when the House was prorogued last session the question of defence stood in any different position from that of 1865, the year of the mission to England on this subject. The agreement we then entered into was that Canada should maintain a sufficient militia force, and undertake the erection of fortifications at places west of Quebec and elsewhere. England assumed the fortification of Quebec and the armament of all the defences. There was a general assurance given that on Canada's devoting to the defence of the country all her resources in men and money, England would help here with all the forces at her command. A plan of defence embracing land and naval preparations was also agreed upon. In conformity with that agreement Canada passed an act providing for fortifications. No action thereon had been taken, nor had the Government declared what it intended.

From the omission of the subject from the speech he presumed it was not the intention of Ministers to bring the matter before

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Parliament. Up to the close of last session no statement was made as to any change in the relations between England and Canada on the subject of her defence. Immediately after the country was startled by the removal of the troops. No one would desire their retention here for the mere purposes of the colonies. If kept, they ought to be strictly kept for Imperial purposes. For local purposes we should supply the whole means of defence. But the circumstances which justified the proposal to remove the greater part of the troops were suddenly altered by the recurrence of the Fenian raid, in the repulsion of which the troops were extremely valuable as coadjutors of our Militia. The order for their withdrawal within a few hours after the repulse of the Fenians certainly excited a strong feeling of uneasiness throughout the country. He believed that the Government, perceiving the existence of this uneasiness, desired to have explanations respecting the recall of the troops from the Imperial Government—at least the papers so stated—and hence the mission of Mr. Campbell to England.

He (Hon. Sir A.T. Galt) desired to know Mr. Campbell's instructions, and the result of his mission. His return was followed by steps in direct contravention of the agreement made in 1865 with the Imperial Government. A transfer of the forts and military material was made to the Colonial Government. Guns and other war-like necessaries were shipped to England in violation of the agreement that the armament for our fortifications should be provided at her expense. The defence of the country was, of course, rendered more difficult by the removal of those materials. We have not ourselves large military stores in our possession; nor was it expected we should have. Their renewal materially affected the ability of this country to defend itself. He thought there must have been explanations required and given with regard to the causes that lead to the adoption of that policy. However, notwithstanding the many reasons for the stationing of a military force for a time at Red River, within a few days after the arrival of the expedition there, it was withdrawn. Was it with the recommendation of the Canadian Government?

The article in *Blackwood* on this expedition has received a good deal of attention from its supposed origin with the distinguished commander of that force. He (Hon. Sir A.T. Galt) would not have noticed it but for this circumstance, and the gross injustice therein done the public men and people of Canada. Its language was a malicious slander upon them, as none could fairly say that a colonial politician was a synonym for a corrupt individual. He could not believe the commander of the expedition guilty of such an insult and slander unless confronted by the clearest proof. The correspondence he asked for should show why this change of policy had taken place; why the troops had been withdrawn, and were we expected to complete these fortifications, and generally why the engagement of 1865, that all the resources of the Empire would be employed in our defence, should have been modified. If the government possessed this information they were bound to give it to the public, that everyone might know whether, hereafter, as some in high places in England alleged, the defence of this country was to be confined to naval efforts. This was the statement attributed to the Chancellor of the Exchequer.

He (Hon. Sir A.T. Galt) was sorry to say he thought the course taken towards these colonies indicated that that was the policy of the Imperial Government, and could not believe our Ministers ignorant of what it intended doing in this respect; and, if so informed, he asked the papers for the purpose of relieving the minds of the people on the subject. If, on the other hand, the Imperial Government did not entertain such a policy for the defence of Canada, we were entitled to know it at the earliest possible day.

**Hon. Sir GEORGE-É. CARTIER** thought it was well that the motion included a reference to the defence of Canada, as that formed a part of the mission of the Hon. Mr. Campbell to England. He would take this opportunity to make a few remarks on the question of defence, and the position of the Imperial Government thereon. The agreement between the Imperial Government and Canada, as laid down in the despatch of the 17th of June, 1865, still existed, and was in force. That despatch did not touch the question of the number of troops left in this country. Since it was sent, in furtherance of the policy of the Imperial Government to concentrate the army, the troops had been withdrawn from Canada. The despatches from the Imperial Government would be brought down, in which the Imperial Government gave the assurance that the policy of withdrawal of the troops was intended for times of peace, and that in case of war England would continue to regard it as her duty to defend Canada as a portion of the British Empire.

**Mr. JONES (Leeds North and Grenville North)** said that all the recent acts of Great Britain—her whole policy, in fact—showed there was no disposition whatever to abandon her responsibility for the defence of Canada. This discussion was therefore quite irrelevant, it being calculated to throw injurious doubts on Britain's intentions and immemorial policy.

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#### STANDING COMMITTEES

On motion of **Hon. Sir JOHN A. MACDONALD**, a special committee was appointed to prepare and report lists of members to comprise the select standing committees ordered by the House. The committee was with few exceptions the same as that of last year.

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#### MESSAGE FROM THE GOVERNOR GENERAL

A message was read from His Excellency, announcing the appointment of Hon. Mr. Howe in the room of Hon. Mr. McDougall, to act with Mr. Speaker as Commissioner under the provisions of the Act respecting the internal economy of the House.

The House adjourned at 5 o'clock, till Monday next.



February 20, 1871

## HOUSE OF COMMONS

Monday, February 20, 1871

The **SPEAKER** took the chair at 3.00 p.m.

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*Prayers*

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Several petitions were received, and one was denied.

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### BANKING

**Mr. CRAWFORD (Leeds South)** in the absence of Hon. Mr. Abbott, introduced a Bill to amend the Acts respecting Banks and Banking. It was given first reading.

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### CREDIT FONCIER

**Mr. DUFRESNE** introduced a Bill to facilitate the incorporation of the institution *Credit Foncier*. It was given first reading.

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### BANK OF UPPER CANADA, AND ROYAL CANADIAN BANK

**Hon. Sir FRANCIS HINCKS** presented a statement of the proceedings of the Bank of Upper Canada under the Act of last session, also the charter of the Royal Canadian Bank.

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### STANDING COMMITTEES

**Hon. Sir JOHN A. MACDONALD** presented the report of the committee appointed to strike the standing committees for the session.

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### PROTECTION OF RIVERS

**Mr. CARTWRIGHT** introduced a Bill for the better protection of navigable streams and rivers.

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### DUAL REPRESENTATION

**Mr. MILLS** introduced a Bill to render the members of the Legislative Council and Assembly of the local legislatures ineligible to seats in this House. It was given first reading.

### EXTRADITION

**Mr. MILLS** introduced a Bill for the extradition of persons charged with crimes in the United States and other foreign countries. It was given first reading.

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### HOCHELAGA CONTESTED ELECTION

**Hon. Mr. IRVINE** presented the final report of the Hochelaga election committee, with their unanimous decision that the sitting member, Hon. Mr. Dorion, is a duly elected member, and that the objection taken by the petitioner to his election before the committee and the petition against the sitting member's qualification is frivolous and vexatious.

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### CONTROVERTED ELECTIONS

**Mr. BLAKE** asked whether it is in the intention of the Government to introduce this session a measure for the trial by judges of controverted elections.

**Hon. Sir JOHN A. MACDONALD** said it was not the intention of the Government to introduce such a measure.

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### SUPREME COURT

**Mr. BLAKE** asked whether it is the intention of the Government to introduce this session a measure for the creation of a supreme court.

**Hon. Sir JOHN A. MACDONALD** asked that the question be left over till another day.

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### THE RED RIVER EXPEDITION

**Mr. STEPHENSON** asked whether any portion of the Volunteer force at present stationed in the Province of Manitoba has been or is likely soon to be recalled from there, and if so, what battalion is to be reduced, and to what extent; and if both are to be reduced in what proportion is the reduction to be made; also whether in the announced land policy any portion of the public lands in Manitoba

will probably be allotted to the Volunteers now in that Province, and if so, what probable quantity per man, and under what conditions such allotments will be made?

**Hon. Sir GEORGE-É. CARTIER** replied that as early as the beginning of January last the Government considered the expedience of maintaining the two battalions. They decided all but two companies should be discharged on the 1st of May, the two remaining to have 40 men, and a captain and two lieutenants.

**Hon. Mr. ANGLIN:** What about a chaplain?

**Hon. Sir GEORGE-É. CARTIER:** Who has uttered the word chaplain? (*Laughter.*) I want to know.

**Mr. MACKENZIE:** The Minister of Militia had better give notice of this question. (*Renewed laughter.*)

**Hon. Sir GEORGE-É. CARTIER:** You will hear of this chaplain question more than you think before the end of this session. The question is out of the way, and I understand it came from the hon. member for Gloucester (Hon. Mr. Anglin). (*Laughter.*) He (Hon. Sir George-É. Cartier) supposed that this member would join in spreading the hue and cry made very unnecessarily and very absurdly on the appointment of a chaplain. That was the reason why he wanted to make sure who was his interrupter. He was going to say that the two regiments would remain there for six months, and if the Government should require further service they would be bound to remain for six months longer. Respecting the question of land, the Government was determined, as it always had been determined, to give a free grant of land to these brave Volunteers, and so the commanding officer had already been instructed to enquire what number of men of these two regiments intended to remain in the Province. Those who intended to remain would be entitled to a free grant. With regard to the extent of the grant the Government could not give an answer. The grants, however, would be free and unconditional, because the men deserved it. (*Hear, hear.*) With regard to those Volunteers who did not wish to remain, they had been told they would be carried, free of expense, to their places in Upper or Lower Canada.

**Mr. MACKENZIE** said that on one point he desired a little more information. It was this. A number of Volunteers had obtained their discharge by personal application since the 1st of January. Would these men be entitled to the same grant of land as the others?

**Hon. Sir GEORGE-É. CARTIER** said the same Volunteers had applied for a discharge and obtained it. They were there on the spot, and would be entitled to a grant of land if they remained in the country. The men forming a part of the two depot companies, one in Thunder Bay and one in the Island of St. Helen, if they wished to go to Manitoba, would have free grants also.

At the suggestion of **Mr. MASSON (Soulanges)**, Hon. Sir George-É. Cartier repeated the above statement in French. The subject then dropped.

### DUTY ON COAL

**Mr. MAGILL** asked whether it is the intention of the Government, during the present Session of Parliament, to make any alteration in the Tariff, by which the consumers of coal imported from the United States, may be relieved from the present burthensome duty, levied upon that article.

**Hon. Sir FRANCIS HINCKS** said he was quite certain the hon. gentleman was too experienced in parliamentary affairs not to know that that question could not be answered till the budget was brought down. He was also certain that the hon. gentleman had by this question gained his end.

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### CANAL COMMISSION

**Mr. MAGILL** asked whether, as a commission had been appointed to report upon the question of enlarging the canals of the Dominion, and generally to inquire into the best means for the improvement of our internal water communication, it is the intention of the Government, at an early date, to place any information before this House respecting the progress made by the said Commission; and if such information is to be furnished, will it be in the shape of a report from that Commission, or an announcement of the policy of the Government on the subject of canals.

**Hon. Mr. LANGEVIN** said the Commission had made considerable progress, and would probably report at an early day. Till then, of course, the last portion of the question must remain unanswered.

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### THE FISHERIES QUESTION

**Hon. Sir JOHN A. MACDONALD** laid on the table the correspondence respecting the Fisheries, asked for a few days ago by the motion of Sir A. T. Galt. In answer to him the Hon. Premier made the following explanations. He said it was the intention of the Government to take the same steps for the protection of our Fisheries during 1871 as had been lately adopted and now existed. After the cancelling of the Reciprocity Treaty, it would be remembered, the Canadian government thought fit to assert its fishery rights. While preparing to do so, communications were received from the Imperial Government that would appear in the papers now before the House, to the effect that there was a probability of fresh proceedings for the renewal of the treaty; and it was suggested, in view of this fact, that the American fishermen should be allowed to fish in the same unrestrained way as before. The Canadian Government represented that they thought such a course would be unwise; that it was better to proceed at once to the assertion of our rights; that to allow our rights to remain in abeyance would be an apparent surrender of them, which would increase the difficulty of their subsequent assertion.

Her Majesty's government having strong opinions on the subject, and the Canadian government desiring to act in accord with them, a



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regulation was made at once asserting the rights, and exempting American fishermen from inconvenience during that season. That was accomplished by requiring them to take out licence on payment of a nominal fee. The Nova Scotia government made a strong protest against our going so far; but also preferring to stand in accord with the Imperial Government they acquiesced in the concession and arrangement made. Subsequently, as was known, the fee was increased, but still, to a very moderate extent, only to \$1 and that was merely for the purpose of again asserting our claims and again showing that we really did intend to protect our fisheries and that it was not to be considered that the establishment of a nominal fee was at all what Canada considered to be the value of her fisheries. In the following season, the licence was again increased, but the government found that the American fishermen were altogether disregarding the regulations, and were continually trespassing in our waters. The number of licences issued steadily decreased every year, until at last, he might say, they ceased altogether and American fishermen fished in our waters without obtaining any permission whatever. In 1866, there were 354 licences issued; in 1867 there were 281; in 1868 they had decreased to 56, and in 1869 to only 25. In other words, the American fishermen insisted on fishing in our waters without giving compensation. The licence system was found to be a failure.

In consequence of this state of things, the Canadian government resolved to do away with the licensing system and to exclude foreign fishermen from our waters, preserving our right for our own people. This was indicated to Her Majesty's Government and they agreed with the Canadian government to maintain, as before, a naval squadron in our water to aid in the protection of our fisheries. It was thought by the Imperial Government that in addition to the material and moral support we received in the protection of our rights, that we ought to aid that squadron ourselves. We therefore placed a marine police of eight vessels in our waters, to act in accord with Her Majesty's squadron, Her Majesty's naval officers commanding the United Squadron. Under this new arrangement, our fisheries had been on the whole exceedingly well protected, and it was admitted by those who understood the subject, and were especially interested in the reservation of our own fisheries for our own fishermen, that they had been protected in the most efficient manner during the past season, and the papers, when brought down, would show how much we owed to the zealous, prudent and discreet course of Her Majesty's naval officers. It was known to the House that since the Treaty of 1818, with respect to our fisheries, that other questions had arisen as to the geographical extent of our fisheries and the construction of the Treaty itself. Now, with regard to the question of the renunciation by the United States forever of the right to fish within three miles from our shores, there could be no dispute.

There was no question raised by the American government. There was, however, the question commonly called the Headland Question which was an important one. By concert with Her Majesty's government, and in order to secure the material aid and support of that government, it was arranged that, for the present, the question of headlands should be placed in abeyance; that was not actually enforced. At the same time, it was arranged between the

Canadian and Imperial Governments, and the Imperial Government and the Government of the United States, that this right was not to be abandoned in any way, notwithstanding that it was at the time not actually pressed. But, he (Hon. Sir John A. Macdonald) might say with regard to all questions relating to the fisheries, Her Majesty's government and the Canadian government had been quite in accord, and the Imperial Government had given positive and repeated assurances that not one of our rights should be abandoned or surrendered. It was, however, obvious to the Canadian government that it was exceedingly inconvenient that we should have rights, or supposed rights, that remained a dead letter—that these rights, especially as regarded the geographical question as to what portions of our waters were included within the terms of the Treaty, should be defined, and it was exceedingly important that any remaining questions or doubts as to the actual and true meaning of the headland question should be brought to an end. It was, of course, exceedingly inexpedient that we should be continually asserting our rights and at the same time be unable to enforce them. If we had a right we should know it and enforce it, or receive compensation for its abandonment. The Imperial and Canadian governments therefore had a good deal of correspondence on this point, and it resulted in his colleague—Hon. Mr. Campbell—going to England on that and other matters, and the papers would show that the Canadian government requested Her Majesty's government to open communication with the Government of the United States on the headland question for the purpose of establishing the limits of exclusion from our shores, et cetera.

It was decided that it was to be done by a mixed commission, on which Canada was to be represented. Canada also requested that the commission should sit on this side of the water. In due time, Hon. Mr. Campbell got a favourable communication stating that in consequence of the request of Canada, that application would be made to the United States government. In proper time, when Her Majesty's government thought it was advisable to take the necessary steps, they communicated with the United States government, and it was arranged that there should be a commission, to be composed in the first place of three representatives on each side. The three named by Great Britain were the British Ambassador, Earl de Grey and himself (Hon. Sir John A. Macdonald). The American Government cheerfully assented to the proposition, and expressed a desire to widen the questions to be decided between the two governments. England assented at once, and at the suggestion of the United States, the Commission was increased to five on each side. The five were Earl de Grey, Lord Tenterden, Sir Stafford Northcote, Prof. Bernard and himself (Hon. Sir John A. Macdonald). Thus the case stood, and, as he said before, in the communications which had passed between the two governments, no rights of Canada would be surrendered in any way, without our consent, and without that the present action of the proposed commission would not be conclusive, but would go before the House of Lords and the House of Commons.

**Hon. Sir A.T. GALT** said he would like to have the correspondence brought down before the departure of the Premier to Washington.

**Hon. Sir JOHN A. MACDONALD** said he would endeavour to have it submitted to the House without delay.

**Hon. Sir A.T. GALT** having moved for the correspondence between the Dominion and Imperial Governments since February, 1870, on the subject of the fisheries and of the proposed Imperial and United States' Joint Commission. He questioned the Premier in regard to the character of the papers.

**Hon. Sir JOHN A. MACDONALD** said a good many papers were omitted because marked by the Imperial authorities "confidential." The Government had applied for permission, by cable, to submit all the papers.

**Hon. Sir A.T. GALT:** Is the Order in Council of 1866 brought down?

**Hon. Sir JOHN A. MACDONALD:** Yes.

**Mr. DUFRESNE** asked if the action of the International Commission would be confined to the fisheries, or would it embrace other questions, such as the indemnity for the Fenian raid.

**Hon. Sir JOHN A. MACDONALD** gave an account of the organization of the Commission. The original idea was the settlement of the fishery question. Afterwards in acquiescence with the proposal of the United States the *Alabama* matter was included. Then the Canadian government urged the inclusion of the claims arising out of the Fenian raid. The correspondence on this subject was still proceeding. He had not seen the *ipsissima verba* of the commission, and could not tell how much it would undertake. All he knew was that a despatch had been received from England conceding the Canadian demands, and giving Canada representation on the commission.

**Hon. Mr. HOLTON:** Was the Canadian government consulted as to the enlargement of the commission's functions?

**Hon. Sir JOHN A. MACDONALD:** No. The American government asked to have them enlarged and the British government agreed to it.

**Hon. Mr. HOLTON** asked if the Canadian claims arising out of the Fenian raid were to be submitted.

**Hon. Sir JOHN A. MACDONALD** could not answer that positively. He said they had a claim and asked the Imperial Government to make it on their behalf. The first proposal for the widening of the sphere of the Commission came from the United States, as it could not well have come from the Imperial Government. They wisely consented, however, and so with mutual agreement all questions between the Governments were to be considered.

**Mr. MACKENZIE** said the letter of Secretary Fish proposing the enlargement was limited almost entirely to questions arising from the war. He (Mr. Mackenzie) did not see there was any room for the Hon. Premier's expectation that the United States Government would listen to the Canadian claims as to the raid.

**Hon. Sir FRANCIS HINCKS** said surely it must be seen it was not probable Mr. Fish would propose the entertainment of those demands.

**Mr. MACKENZIE:** Of course not.

**Hon. Sir FRANCIS HINCKS:** Therefore he simply proposed what he wanted. But Sir Edward Thornton's letter covered not only the Fishery question, but all questions in dispute between the United States and the British Empire. Its words were quite wide enough for that inference.

**Hon. Mr. ANGLIN:** No, no.

**Hon. Sir FRANCIS HINCKS:** Yes; the words are comprehensive enough to cover all the questions.

**Hon. Mr. HOLTON** said they had no evidence the claims had ever been urged on the United States Government.

**Hon. Sir JOHN A. MACDONALD:** The question was first as to the Fisheries. I confined my statement to that.

**Hon. Sir A.T. GALT** confessed that, in his opinion, the correspondence between Mr. Fish and the Imperial Government did not cover the Canadian claim. The first letter of the British Minister at Washington, however, contained general terms which led to the conclusion the Commission might cover everything, including the Fenian claims and the headlands question. But a correspondence must be taken as of the two parties, and the most important letter that passed between the two parties was that of Mr. Fish, which, as he read it, related solely to the claims arising out of the late war. However, he quite understood the Premier's inability to state positively whether the Canadian claims would or would not be considered by the Commission. But he hoped the leader of the Government would take such steps as were necessary to ascertain whether they would or not.

**Mr. MACKENZIE** said that if it had been the intention of the Dominion Government to have them so considered, they could tell us whether Mr. Campbell was instructed to make representations on the Fenian raid to the Imperial Government.

**Hon. Sir GEORGE-É. CARTIER** said they had urged on the British Government not only the claims of Canada, but those of private individuals, in connection with the consideration of the *Alabama* claims. They received an official answer that their wishes would receive attention. A large expenditure was incurred by the threats of the raid and the raid itself. The Canadian Government urged its title to an indemnity for that raid. Mr. Campbell had pressed that claim.

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**Hon. Mr. HOLTON** said the question now arose whether the statement of our losses, required by Earl Kimberley, was furnished by our Government. If that statement had been sent—

Several ministers: It has gone.

**Hon. Mr. HOLTON** said they should say when it was sent, and the matter should be included among the papers now brought down.

**Hon. Sir JOHN A. MACDONALD** said the main object of the papers related to the Fisheries. The Canadian Government did urge the Fenian claims, but they could not be expected to produce the papers on this subject at present, because he did not know whether this subject would be included with those to receive the attention of the Commission.

**Mr. BLAKE** said the Premier ought to know what the subjects of the Commission would be, at least in so far as Canada was concerned. The facts were probably known to the United States, and our ignorance of the matter was unsatisfactory.

**Mr. MACKENZIE** said before the hon. gentleman accepted the appointment as one of the commission, the terms of the commission must have been settled between the two contracting powers, and the subjects of reference to it determined. He could not conceive that that matter was delayed till this time, but the Government seemed to be in ignorance as to what subjects were to be referred to the Commission.

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#### FENIAN RAID CLAIMS

**Mr. MACKENZIE** gave notice that he would, on Wednesday, move for all correspondence with the Imperial Government on the subject of the compensation for Fenian raids.

**Hon. Sir A.T. GALT** said the return brought down included Mr. Campbell's report, and it would be remembered that the return voted for on Friday included all correspondence on the defence question.

**Hon. Sir GEORGE-É. CARTIER** said the papers respecting the defence would, of course, be brought down.

The motion to print the papers was then carried and the matter dropped.

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#### INTERCOLONIAL COMMISSIONERS

**Mr. MILLS** moved for a statement of the number of days each of the Intercolonial Railway Commissioners was engaged in the performance of the duties of his office at the seat of Government,

and on the line of railway respectively, during the year 1870, etc.—Carried.

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#### DEFENCE

**Mr. MASSON (Soulanges)** said he would not move for the correspondence respecting the military expenditure and defences of the Dominion, since the information was or would be included in papers promised in accordance with other motions.—Dropped.

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#### THE ST. CLAIR FLATS CANAL

**Mr. MACKENZIE** moved for correspondence and papers relative to the canal built by the United States Government on Canadian territory in the St. Clair Flats or Walpole Island. After referring to the position of the matter in 1866, he said he had no doubt the canal was wholly within our territory. That was the opinion of all the navigators and engineers who had surveyed the route, among the latter, Gen. Meade. He trusted that in this, as in every other matter in dispute between the States and Canada, our Government would not yield up anything except upon the best grounds. (*Hear, hear.*) If this canal be conceded they would be absolutely without a channel on this side of Walpole Island, the land boundary; and it would be impossible for Canada to send a vessel from lake to lake through our territory, as there was no other channel with six feet of water we could call our own.

**Hon. Sir JOHN A. MACDONALD** said the government had not lost sight of the matter, being quite aware of its very great importance. They were now in correspondence with Her Majesty's Government on this subject. The correspondence not being completed could not be brought down, and that portion producible might frustrate their object.

**Mr. MACKENZIE** said perhaps, then, he should let the matter stand. He thought the Minister of Public Works could have answered the question, as he had gone with a war vessel through the canal and taken possession of it.

(*Laughter.*)

The motion was allowed to stand.

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#### HARBOURS OF REFUGE ON WESTERN LAKES

**Mr. OLIVER** moved for the correspondence relating to the harbours of refuge on Lakes Huron and Erie since the last returns were brought down.—Carried.

### NORTH WEST INDEMNITY CLAIMS

**Mr. BODWELL** moved for a return of the claims made upon the Dominion Government consequent upon the insurrection in the North West Territories.

**Hon. Sir FRANCIS HINCKS** said there could be no objection to the fullest information on the subject. The claims embraced in the motion were different kinds. A considerable number had been filed, a portion of which would be found in the public accounts, others had come in since the close of the fiscal year and been paid, while some were yet before the Board of Audit. There was another class which it had not been in the power of the Government to deal with—those of the refugees who had suffered very considerable loss and inconvenience of different kinds. The most formidable was in behalf of the Hudson's Bay Company. (*Ironic cheers.*) The Premier stated last session that the claims of the refugees were not considered, because the manner of compensation had not been decided on. It had always been the endeavour of the Government to secure compensation. The claims would be submitted to them, and it was the intention of the Government to prepare a measure of compensation during the present Session. When the Manitoba Bill was passing through the House, the claims of Dr. Schultz, who had been ruined by the troubles, and those of others of similar experience, had been brought before them.

(Hon. Sir Francis Hincks here read a paper signed by Dr. Schultz's creditors, stating that should he be enabled to pay the amount owed them, they were prepared to furnish him goods to the extent of his ordinary purchases in the same form as before, and thus enable him to resume his business.) The debtor's account, or amount claimed, was within a mere trifle of \$70,000, which he (Hon. Sir Francis Hincks) did not think a very reasonable one. There were thirty claims in blank for want of data, being those of individuals rendered destitute. Dr. Schultz stated that with \$500 he would undertake to pay their expenses and send them back to the country. The claim of Dr. Lynch amounting to \$300 was also preferred. Having ascertained Dr. Schultz had been a considerable loser, and that the Government was prepared to assent to the principle of compensation, he advanced a sum of money to that gentleman's creditors for the purchase of some stock. He received \$500 for other refugees and \$300 for Dr. Lynch. He (Hon. Sir Francis Hincks) was personally responsible for these sums. Believing the sentiment of the House was in favour of these claims—(*Hear, hear*)—and knowing the Government assented to the principle, he had acted as he described.

**Mr. BLAKE:** When were these sums advanced?

**Hon. Sir FRANCIS HINCKS** said he could not tell, but he had under the circumstances to take a considerable amount of responsibility. Eleven thousand dollars was the sum paid to the creditors of Dr. Schultz. This was a payment made, for which he was personally responsible to the Bank of Montreal. The sum, of course, was not in the public accounts.

In answer to Mr. Mackenzie, **Hon. Sir FRANCIS HINCKS** said there was no doubt compensation would be given, but the manner of doing so was not decided upon.

**Mr. MACKENZIE** read from an Imperial Blue Book a report of a question on the subject of compensation, and the answer of the Premier thereto, to show that the Government last session took a different view of the matter from the present or used language to justify that impression. This fact could be gleaned from the report in the Blue Book, garbled and imperfect as it was, which had been taken from a pretended official report published by a well-known Ottawa journal, which was not last year at all reliable in matters of this kind. For all that, however, he thought that the version of the Premier's remarks given was in this case to a certain extent reliable, and it showed a difference of the kind he had mentioned.

**Hon. Sir JOHN A. MACDONALD** thought the hon. gentleman was not quite correct, as he had stated these claims must be paid by somebody; but he was not prepared to say from what sources. That they were due he had no doubt.

The motion was carried.

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### SALARIES OF INTERCOLONIAL OFFICERS

**Mr. STIRTON** moved for a statement of the salaries and wages of engineers and staff of the Intercolonial Railway, up to January 1st, 1871.—Carried.

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### MANITOBA BILL

**Mr. BLAKE** moved for correspondence between the Canadian and Imperial Governments in relation to the Manitoba Act. He said he observed from the reports in both the local and Toronto papers that the Hon. Premier had informed the House the other day that he had taken into consideration the constitutionality or legality of the proceedings that had passed in reference to Manitoba in this House, and that he had communicated with the Imperial Government upon the subject. That in accordance with that communication a draft of a Bill to be submitted to the Imperial Parliament had been prepared and was to be sent to England by the next English mail. That Bill was to affect the Manitoba Act, and also to make provision for the Government of that country in the future. He could not believe it was possible that the hon. gentleman could have fully considered the matter when he intimated to this House that it was his attention to send for the action of the Imperial Parliament a proposed measure affecting the rights and interests of this country in the North West, without first submitting it to this House and obtaining its assent.

(Here the hon. member sketched the events preceding and connected with the passage of the Manitoba Act in order to show

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the right of the Canadian Parliament to be consulted previous to the action of the Imperial authorities.) He maintained that the leader of the Government had no right to say that he would send home by the next mail a measure which might not be approved by this House, to be converted into an Act of Parliament which would be irrevocable. The House had a right to know, and he insisted that they should know, and have an opportunity of formally deciding upon the prudence or imprudence of the action of the Government. They had suffered enough from past blunders and mistakes with reference to this North West Territory, and Parliament must take to itself the responsibility devolving on it. What they had done in the past they might to a certain extent revoke, but what might be done by the Imperial Parliament was irrevocable. If the Hon. Premier did not submit the measure to this Parliament he (Mr. Blake) would follow up this motion by another one by which he would test the sense of the House on the question.

**Hon. Sir JOHN A. MACDONALD** believed the despatch to be transmitted to England would meet with the approbation of the House and of the country. The one doubt he had was a technical one—whether Government could properly place on the table here a Bill which was to be laid before the Parliament of England. If he found that it was one of that nature, the communication itself and the answer would show in every respect what the measure was designed to be, and the hon. gentleman would have an opportunity of bringing up the question if the scope of the correspondence did not meet his views or the views of this House. At any rate the whole substance of the Bill, excepting the mere wording of it, would be laid before the House.

The motion was carried.

**Mr. MACKENZIE** wished to know in what state the reports of the Departments were at present. If they were brought down at an early day it might save hon. members the necessity of moving for so many returns. Last year and the year before there was much annoyance and hindrance to the public business caused by the delays in bringing down departmental reports, especially the report of the Post Office Department.

**Hon. Sir JOHN A. MACDONALD** said tomorrow he would state when the Post Office Department reports could be brought down.

**Hon. Sir GEORGE-É. CARTIER:** The Report of the Militia Department will be ready within ten days from this time.

**Hon. Mr. LANGEVIN:** The report of the Public Works Department will be submitted in a few days.

**Hon. Mr. MORRIS and Hon. Mr. TILLEY** replied to the same effect for their departments.

**Mr. YOUNG** asked when the report of the Minister of Agriculture would be ready.

**Hon. Mr. DUNKIN:** At an early date.

**Mr. MACKENZIE:** If any report of the Intercolonial Commissioners would be brought down.

**Hon. Mr. LANGEVIN** replied in the affirmative.

The House adjourned at 5.25 p.m.



February 21, 1871

## HOUSE OF COMMONS

Tuesday, February 21, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### THE CENSUS ACT

**Hon. Mr. DUNKIN** moved for leave to introduce a Bill, entitled "An Act to amend the Census Act."

In reply to Mr. Mackenzie, **Hon. Mr. DUNKIN** explained the nature of the Bill. It was therein proposed to bring in all the territory for census purposes, not now included in the Dominion. The census of British Columbia would thereunder be taken. That was to say, the Act should be extended to Manitoba and British Columbia. The same principle as to mode of procedure and details, now in operation as to the Dominion, would apply to those distant Colonies. With respect to the time of the census taking, it was provided in the Bill, that the census might be taken any time between the 1st of May and 30th of September next. It was physically impossible the census should be taken in certain remote regions, early in April next. Machinery was also provided for the collection of information at times apart from those occupied by the enumeration. Other changes of more or less importance—of detail—were provided for.

**Mr. MACKENZIE** said the provisions of the Bill were excellent. One matter was omitted. Was it intended to take the census of the North West Indians?

**Hon. Mr. DUNKIN:** Certainly. It was intended to obtain all the information possible respecting the Indians in our territory.

**Mr. MACKENZIE** said he was glad of that. He would regret that anything in our legislation should take place that would tend to place us in a false position towards the native inhabitants.

Motion carried, and Bill read the first time.

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### RETURNS AND STATEMENTS

**Hon. Sir FRANCIS HINCKS** brought down returns of all expenditure under the head of unforeseen expenses; of the expenses of Hon. Mr. Campbell's mission to England, and of all expenses, etc., connected with the exportation of the depreciated silver.

### EXPORTATION OF AMERICAN SILVER

**Hon. Mr. HOLTON** remarked upon the absence of details in the statement respecting the coin; there was nothing to show the manner in which the expenses arose, or the parties therein concerned. Information as to the quality or purity of the coin was also desirable. The mere gross or summary statement was not sufficient. The return did not comply with the terms of the Address ordering it.

**Hon. Sir FRANCIS HINCKS** said with regard to the fineness of the silver in the new coinage, the order in Council of 1867 had been quoted because it described exactly the fineness and value of the silver coinage, which was to be of exactly the same fineness as the British silver. The reference to that order in Council was made merely to establish the fineness. The actual order in Council was to the same effect and could be furnished if required. With regard to the details an agreement to pay at the rate of 1 1/2 per cent for all silver exported, was made in order to cover charges. It was calculated that at this rate, Mr. Weir would make a commission of 1/2 per cent out of the operation. It was thought to be safer to do this than to incur any risks. In point of fact, with regard to that portion of the silver exported, he (Hon. Sir Francis Hincks) happened to know that the principal bank engaged in carrying on the operation,—he referred to the Bank of Montreal—had increased their rate of commission. They would not go on at the rate they first agreed on with Mr. Weir. There were a great variety of liabilities and responsibilities to be incurred. For instance, sometimes, a package turned out to be short, or spurious coins were found in it. Mr. Weir's profit after paying all charges, amounted to five-eighths of one per cent. The express charges, the bank commission, the brokerage in New York and charges of that description were paid by the Government and charged to Mr. Weir in the account, making up this 1 1/2 cent he was to get. The only other charges were the charges in England, which were chiefly freight, and the Bank of Montreal commission and the expenses on the silver it was found necessary to send to England, owing to the impossibility of selling more in New York after the market there was glutted. He had not the slightest objection to bring down these returns, but he did not think it was necessary.

**Hon. Mr. HOLTON** said he supposed the matter would be referred to the Committee on Public Accounts and the details could be submitted there. The amount seemed to be very large to him—\$118,000—and it did seem to him that they should have the details of so large an expenditure furnished to the House. Part of that expenditure seemed to have been incurred in New York, part in England, and part in this country, but there was an entire absence of details as to names of persons to whom the money had been paid,

and of details generally. The hon. gentleman would see that this \$118,000 constituted more than 1 1/2 per cent of the gross amount; therefore, there must be some further statement to be made to the House before they could come to a thorough understanding of the matter.

**Hon. Sir FRANCIS HINCKS** said the difference between the total amount of the cost of the exportation and the total amount of the issue arose from the loss in the sale of the silver in New York. There would be no objection to giving further information if necessary. He moved that the relevant documents be referred to the Committee on Public Accounts.

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### THE DEFENCE QUESTION

**Hon. Sir A.T. GALT** called attention to the absence of papers connected with the mission of Hon. Mr. Campbell to England, which he expected would have been brought down. The present papers contained the gist of all produced yesterday and however interesting, were not all that were required.

**Hon. Sir GEORGE-É. CARTIER** after an examination of the papers, admitted they were deficient, stated they were made up without his knowledge, and promised the remainder would be produced within ten days, as soon as they could be copied.

**Hon. Sir A.T. GALT** hoped the Government would look at the returns before transmitting them to the House, because it was only the members of the Government who knew what despatches were of value to the House.

**Hon. Sir GEORGE-É. CARTIER** promised his attention to the matter.

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### ELECTION BILL

**Hon. Sir JOHN A. MACDONALD** gave notice that on Friday he would introduce an Election Bill.

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### STANDING COMMITTEES

**Hon. Sir JOHN A. MACDONALD** moved concurrence in the report of the Special Committee appointed to select the Standing Committees.—Carried.

**Hon. Sir JOHN A. MACDONALD** also moved the re-appointment of the Library Committee which, in the main, was the same as last year.

**Mr. MACKENZIE** called attention to the anomalous position of the Library officers, some of whom were under the Senate and some under the House. Some received remuneration from the Upper House in consideration of services rendered. The Library should be

placed under the control of a General Committee, the same as the printing. Let there be no duplicating of salaries, which gave rise to confusion. The Government last year promised to consider the matter.

**Hon. Sir JOHN A. MACDONALD** acknowledged his responsibility for the delay, excusing himself, however, on the ground of severe illness towards the end of last session. The required amendment could only be secured by the adoption of the hon. gentleman's suggestion. It would be well to move an instruction to the present Committee to report on the management of the Library, the salaries of the officers and so forth. (*Hear, hear.*)

The motion was agreed to.

**Hon. Sir GEORGE-É. CARTIER** was then granted permission to withdraw his imperfect return respecting Hon. Mr. Campbell's mission to England.

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### PUBLIC ACCOUNTS

**Hon. Sir FRANCIS HINCKS** moved that the public accounts, the return of the exportation of the depreciated silver, and that relating to the unforeseen expenditure be referred to the Committee on Public Accounts.—Carried.

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### HONOUR TO THE GOVERNOR GENERAL

**Hon. Sir JOHN A. MACDONALD** moved that an address be presented to His Excellency the Governor General, congratulating him on his elevation to the peerage of Great Britain. He said he had no doubt the House would cordially adopt this address, and convey to His Excellency, in fitting terms, its congratulatory compliments on the high honour conferred upon him. He had not been long here; but he (*Hon. Sir John A. Macdonald*) believed he had won golden opinions from every one, at all events, from all who had been able to follow clearly his course. All agreed he had been a constitutional Governor in the best sense of the term. His services to Her Majesty did not commence in this country. He had had a long life of parliamentary and official experience. His Excellency had had the great advantage of a varied experience both as a representative of the people and an Executive Officer of the Crown. In all those positions he had won cordial and continuous approval from his first entrance upon public life. He went into Parliament for the county in which he resided, and represented it 20 years. Thus he had a thorough training as a representative of the people. As a reward for his services he received practical proof of the confidence of the Government by an important office in the Government of his country. Thus he received the advantage of training in the administration of a government founded upon free constitutional principles. He also held, later, a high and important position in the colonial service as Lord High Commissioner in the Government of the Ionian Islands, and as Governor in Australia. He thus learned how to deal with great Colonial questions, as his previous experience had taught him how to discharge the duties of British



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Parliamentary life. We were therefore of one accord as to his just claims to the high and distinguished honour Her Majesty had conferred upon him. He would, there was no doubt, be delighted at this mark of our gratification at his good fortune. Since this honour was conferred, Her Majesty had bestowed another which, all things considered, must be more gratifying, proud as was the position of a Peer of the Realm—namely, the honour of the appointment of Lord Lieutenant of the county, which he represented twenty years.

**Mr. MACKENZIE** said he had much pleasure in seconding the motion. He quite concurred in all that had been said respecting His Lordship the Governor General. It was one of the great privileges we had enjoyed of late years to live under the administration of a constitutional Governor. The benefits of such a system we were able to appreciate from the inconveniences previously experienced from one of an opposite character. We had not been troubled with any of the evils of arbitrary authority or unconstitutional administration during the term of His Excellency Lord Lisgar. He (Mr. Mackenzie) need not say anything further in praise of that nobleman, as we all acknowledged the facts just mentioned by the hon. gentleman opposite. We all agreed in the eulogies passed by the Hon. Premier, and he cordially seconded the motion just submitted.

**Hon. Sir GEORGE-É. CARTIER** in a few appropriate remarks, supported the motion, complimenting His Excellency on his faithful, conscientious, and highly satisfactory discharge of the important duties confided to him by Her Majesty. It was our pride, our pleasure, and our great interest to live under his administration. The manner in which he performed his functions left nothing to be desired. The hon. and gallant baronet proceeded in still happier phraseology to express the above sentiments in the French language and was cordially cheered on resuming his seat.

**Hon. Sir JOHN A. MACDONALD** moved that the resolution be referred to a committee, consisting of Mr. Mackenzie, Hon. Sir George-É. Cartier, Messrs. Howe, Tilley, Dorion, Holton, Cameron (Peel), Hon. Sir A.T. Galt, and the mover.

**Hon. Sir JOHN A. MACDONALD** submitted a report of the committee, with an address to His Excellency, which was adopted, and directed to be presented to His Excellency by such members of this House as are members of the Privy Council. The address read:

\* \* \*

#### MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's dutiful and loyal subjects, the Commons of the Dominion of Canada, in Parliament assembled, beg leave to express to Your Excellency the deep satisfaction with which we have observed your elevation to the Peerage of the United Kingdom of Great Britain and Ireland.

We recognise, in this gracious act of Our Beloved Sovereign, Her appreciation of your eminent services in the numerous responsible positions to which you have had the honor to be called by the Crown, as also Her recognition of the wise and eminently judicious manner in which you have represented Her Majesty in this Dominion, and we trust that you may be spared to give, during yet many years, to the Empire, the benefit of your mature judgment and long experience of public affairs.

The said Address, being read a second time, was agreed to.

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#### THE GOVERNOR GENERAL'S SPEECH

On motion of **Hon. Sir FRANCIS HINCKS**, the House took into consideration the address of His Excellency.

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#### SUPPLY

**Hon. Sir FRANCIS HINCKS** introduced the Supply Bill, and gave notice that he would move the House in Committee on Friday next, for the purpose of considering the measure. That part of His Excellency's speech that related to supply was referred to the same Committee.

\* \* \*

#### INLAND REVENUE DEPARTMENT

**Mr. STEPHENSON** asked whether any recent changes have been made in the mode of receiving payments by the Inland Revenue Department, and what the nature and object of such changes have been and whether these have resulted satisfactorily.

**Hon. Mr. MORRIS** replied that certain changes had been made that had worked well and satisfactorily. It has heretofore been found impossible to guard against loss by collectors by the system of receiving security from them. For instance, at Montreal the collector receiving a salary of \$1,600, collected \$919,000 for the year ending 30th June last; the collector at Toronto, \$410,000; and the collector at Windsor, \$524,000. Heretofore all these sums passed into the hands of the collector. The change had been a simple one, and yet it was one that he believed would prove completely effective. It was the substitution for accepted checks or drafts on the banks in favor of the Receiver General, so that all sums exceeding \$500—that being the maximum rate fixed on—would pass directly from the hands of the collector to the Receiver General, thus diminishing the chances of risk to the Government.

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**Mr. MACKENZIE:** In other words, copying the plan adopted by the Crown Lands Department in the old Province of Canada. reference to slide dues and other Departments of the Government, and he was happy to say it worked well.

**Hon. Mr. MORRIS** said he adopted the system in use with The House adjourned at 4:20 p.m. until Thursday.

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## HOUSE OF COMMONS

Thursday, February 23, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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Several petitions were received.

**Mr. WORKMAN** presented a petition from the Montreal Board of Trade for a general inspection law; and one from the Montreal Corn Exchange, against the grain and flour duties, and setting forth the propriety of throwing off duties on the necessaries of life, in order to render this country a cheap one to live in.

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### REPORTS

**Mr. HARRISON** presented the first Report of the Committee on Private Bills.

**Mr. MACFARLANE** presented the first report of the Committee on Standing Orders.

**Hon. Sir FRANCIS HINCKS** presented the first report of the Committee on Public Accounts, and recommended the reduction of the quorum to seven members. The motion for its adoption was carried.

A similar proceeding took place in respect of the Committee on Banking and Commerce, and of the Committee on Private Bills.

\* \* \*

### BILLS INTRODUCED

**Mr. MACFARLANE** moved for the introduction of an Act to amend the Railway Act of 1868. The Bill received first reading.

**Mr. YOUNG** moved that a notice be sent to the Senate informing them that this House had consented to the joint action proposed with a view to the appointment of a Joint Committee on Printing.—Carried.

**Mr. HARRISON** moved for leave to introduce a Bill to extend the right of appeal in criminal cases. The Bill received first reading.

**Mr. BLAKE** moved for leave to introduce a Bill to secure the independence of the Senate; it received first reading.

\* \* \*

### MESSAGE FROM THE GOVERNOR GENERAL

A message was received from His Excellency, thanking the House for their loyal address, and their promise to devote their earnest attention to the subjects submitted in the address to their consideration.

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### THE INTERNATIONAL COMMISSION

**Hon. Sir JOHN A. MACDONALD** tabled a supplementary return on the subject of the fisheries, and Mr. Campbell's mission to England.

**Hon. Sir A.T. GALT** intimated his desire to proceed with his motion tomorrow.

**Hon. Sir JOHN A. MACDONALD** said he had no objection to fixing that day. As would be seen by the cable despatches and other advices, it was necessary he should leave for Washington immediately.

**Mr. BLAKE** asked if the papers would be ready in print tomorrow, and if the Premier could give any further information respecting the scope of the Commission.

**Hon. Sir JOHN A. MACDONALD** replied that the papers would be printed in English by tomorrow, and that he was in no position to give the information inquired for. The cable despatches showed that the English Ministers were maintaining a reticence on this subject.

\* \* \*

### GRAND TRUNK RAILWAY

**Mr. JONES (Leeds North and Grenville North)** asked whether the Government has instituted any inquiry or investigation in relation to the numerous accidents which have lately occurred on the Grand Trunk Railway, and the great irregularity connected with the delivery of the mails by that road; also whether Mr. Brydges, President of the Grand Trunk Railway is still employed by the Government as one of the Commissioners for the construction of the Intercolonial Railway.

**Hon. Mr. LANGEVIN** said that the returns required by law and by the regulations of the Grand Trunk Railway Company have been made regularly, and no complaint having been made to the Government, and nothing unusual under the law, appearing to the Government, no investigation has taken place. As for the irregularities in the delivery of the mails I may say that up to the very severe weather we have had, the Grand Trunk Railway carried the mails with greater regularity than they did last year. Of course during the severe weather we have had, the Grand Trunk Railway was subject to the same delays as other lines. With respect to the last, I may say that Mr. Brydges is still employed by the Government.

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#### SUPREME COURT

**Mr. BLAKE** asked whether it is the intention of the Government to introduce this session a measure for the creation of a Supreme Court.

**Hon. Sir JOHN A. MACDONALD** said the subject was under consideration.

**Hon. Mr. HOLTON:** It has been under consideration.

**Mr. BLAKE:** It has been decided in two former sessions.

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#### SALES OF CLERGY RESERVES

**Mr. THOMPSON (Ontario North)** asked when the remainder of the return to an Address, of 25th of April last, as to the amount accrued from the sales of the Clergy Reserves in Upper Canada, since the Act 18 Vic., Cap. 2, a statement of amounts paid each municipality annually, in Upper Canada, and the amounts now due to them respectively, under the authority thereof, will be laid before the House.

**Hon. Sir FRANCIS HINCKS** said that return will be sent down very shortly.

\* \* \*

#### PATENT ACT

**Mr. OLIVER** asked whether it is the intention of the Government during the present session of Parliament to introduce a Bill to amend the Patent Act.

**Hon. Mr. DUNKIN** said it was not the intention of the Government at present to bring down any amendment.

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#### NEWSPAPER POSTAGE

**Mr. DELORME** asked whether the Government intends during this Session to bring down any measure for the abolition of Postage

on newspapers published in Canada, and sent to subscribers in Canada.

**Hon. Sir JOHN A. MACDONALD** replied that it was not the intention of the Government, this Session, to bring down any such measure. The revenue of the Post Office Department had been considerably diminished by the reduction in the rates of postage, from five to three cents, and the Government did not feel themselves in a position to make any further reductions.

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#### THE FAMINE IN FRANCE

**Mr. FOURNIER** asked whether it is the intention of the Government to ask for an appropriation in aid of those who are suffering from the famine caused by the disastrous war which has desolated France.

**Hon. Sir JOHN A. MACDONALD** replied that this was a subject which had been under the consideration of the Government for some time. Some weeks before the fall of Paris, the subject had been brought before Government as one of interest not only to Canada, but to the whole world—it was now of world-wide interest. The Government did not propose to ask this House to vote any money for the purpose, but as far as in their power lay, they would follow the example set by Her Majesty's Government in England and by the Government of the United States. The Government in England had put the whole transport service at the disposal of the people of England for the transportation of the most munificent contributions they were now sending to the relief of the suffering people of France. It was the intention of the Canadian Government, with the consent of Parliament, to ask for aid in the transmission of any contributions from any part of Canada for the purpose.

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#### BAIE VERTE CANAL

**Mr. BURPEE** asked whether the surveys and report of the same of the proposed Canal between the waters of the Gulf of St. Lawrence and the Bay of Fundy (so important to the trade of the Dominion) will be completed in time to admit of its being laid before this House at its present Session?

**Hon. Mr. LANGEVIN:** The survey is not yet completed. The Surveying and engineering party is expected back about the 10th of next month, and we hope to be able to obtain their report in time to submit it to the House before the end of the Session.

\* \* \*

#### TWENTY-CENT PIECES

**Mr. CHEVAL** asked whether it is the intention of the Government to adopt such measures as may appear to them expedient to withdraw from circulation the silver twenty cent coins, which are a nuisance to the public, as we have now in circulation twenty-five cent coins?

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**Hon. Sir FRANCIS HINCKS** replied that the Government had taken the only steps it was possible for them to take with regard to the withdrawal of these twenty cent pieces from circulation. He might observe that when it became necessary to get an additional supply of small silver coin, this subject engaged the attention of the Government, and they were of opinion that the twenty-five cent coin was the best to circulate, and they were fully sensible of the disadvantage of having two coins in circulation so similar in appearance and so nearly alike in value. It was deemed advisable, however, to go on with the issue of the twenty-five cent coins, because there happened to be but a small amount of twenty cent coins in circulation. The banks were instructed to accept them and never to reissue them, and, therefore, it depended on the public to have them withdrawn. He was very glad to have this opportunity to state that the Government was as desirous as it could possibly be to co-operate in every way with the banks in withdrawing these twenty cent coins from circulation.

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#### THE FISHERIES

In reply to a question from **Hon. Sir A.T. GALT**, respecting his motion on the paper, for correspondence between the Dominion and the Imperial Governments since the 1st of February, 1870, on the fisheries and the proposed International Commission.

**Hon. Sir JOHN A. MACDONALD** said that there was little to relate on these subjects at present. The correspondence brought down showed that a Commission was asked for for a specified purpose, by the Canadian Government, in regard to the Fisheries. The Imperial Government promised to communicate with the United States Government on the subject, and did so, with the result all were aware of. The changes subsequently adopted at the instance of both Governments were already known. Nothing beyond the letters between the ministers of London and Washington could be produced at present.

**Hon. Sir A.T. GALT** complained they had not got any correspondence since Earl Kimberley's report, and little after the date of 1866. However, the matter was coming up tomorrow.

**Hon. Sir JOHN A. MACDONALD:** Yes.

**Hon. Mr. TUPPER** said the correspondence was contained in the supplementary return brought down.

**Hon. Sir A.T. GALT** said that in that case he would allow his motion to drop.

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#### THE INTERCOLONIAL RAILWAY

**Mr. JONES (Leeds North and Grenville North)** moved for a return of the names of persons who have tendered for contracts on the Intercolonial Railway since the 19th of May, 1869. He said his object was to gratify the public expectation. The general impression throughout the country was that there was a great, reckless

expenditure connected with this undertaking, that incompetency as well as extravagance were the order of the day. The expenditure in connection with this railway was enormous, a few years ago, but in 1870 it exceeded all preceding years being for engineers, and so forth \$306,681. He moved for details as to the letting of all the contracts since the 19th May, 1869, the salaries of employees on the road, and other information in regard to it, including the rates per mile of the different contracts.

**Hon. Mr. LANGEVIN** said a large portion of the information asked for was already before the House. The rest would be brought down.

The motion carried.

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#### PROVINCIAL ARBITRATION

**Mr. BLAKE** moved for correspondence between the Canadian and Quebec and Ontario Governments, touching the Provincial arbitration and award.

**Hon. Mr. CHAUVEAU** hoped the hon. gentleman would amend his motion so as to make it include a copy of the joint address of both Houses of the Local Legislature of Quebec to the Governor General on this subject. The address was a very strong protest against the award being considered as anything but one illegal and unjust.

**Mr. GODIN** moved in amendment to strike out all the words after the word "award" in the main motion, so as to imply a disavowal of confidence in the decision.

**Mr. FOURNIER** moved, in amendment to the amendment, seconded by **Mr. POZER**, That the words "and that the following words be substituted instead thereof; and representing to His Excellency, that in the opinion of this House the question relative to the division of the debt between the Provinces of Ontario and Quebec having been submitted to and adjudicated upon by two arbitrators only, one appointed by the Dominion Government and the other by the Government of Ontario, in the absence of the Arbitrator appointed by the Government of Quebec, the award is not binding on the respective Provinces" be added at the end thereof.

He said that he desired on that occasion to register his protest against this award. The Province of Quebec was unanimously against this award. All lawyers knew that when arbitrators were appointed the presence of all at the hearing of the case was essential to any valid award. He went further believing, with the Quebec Premier, that the award, too, should be unanimous. It was for Ontario to adopt any possible violation of the present difficulty. (*Hear, hear.*)

**Hon. Sir JOHN A. MACDONALD** said he could not take any action in the matter at present, of the kind asked by the amendments, or any affirming the validity or invalidity of the award. But the Government had no objection to bring down all the

papers, including those asked for by the Premier of Quebec. The amendments were premature. The House did not officially know that the award was the decision of the Arbitrators, and before it knew that the papers must be put on the table.

**Hon. Mr. HOLTON:** Not necessarily.

**Hon. Sir JOHN A. MACDONALD:** Yes, necessarily. The best mode of dealing with this subject was to excise from the main motion its last part, leaving the matter to be considered after the submission of the papers.

**Hon. Sir GEORGE-É. CARTIER** said that the House could not decide on this important matter before it was in possession of the papers. It would be unjust to do so, and it would be dangerous to lower Canada's interests if it were admitted that this House could nullify the award.

**Mr. DUFRESNE** sustained the position taken by Hon. Sir George-É. Cartier, and invited Mr. Fournier to withdraw his motion, as it could do no good.

**Mr. JOLY** said it was well known that on four different dates, the Government of Quebec protested against the decision of the arbitrators and had more than once notified His Excellency of the resignation of the Quebec representative. In no case was anything more than a merely formal reply vouchsafed. Either the Federal Government had or had not the right to interfere. If it had, the subject was sufficiently important to call for their interference. If they had a proper regard for the peace, welfare and good understanding between the Provinces that composed the Dominion, and the Federal Government ought, if not to interfere (in case of a doubt as to its power), at least, to suspend the proceedings and if it could do neither, it should now show that it would least attempt to do so. But they had throughout shown a lack of interest in the matter. He protested against the course which the Dominion Government had taken in this matter, a course which, certainly, whatever might be their powers, was calculated to lead to difficulties.

**Mr. BLAKE** was satisfied that if the question were found to be within the province of this House, and if they had power to deal with it, they would do so in the most impartial manner. He could not agree with his hon. friend's motion on this simple ground, that he believed this House, independent of the law, had no right to deal with this question. However desirable, or undesirable it might be, they had not the power to do so, and should not attempt it. For that reason his hon. friend's motion was one which should not receive the assent of the House. He could not agree that the latter part of his motion should be excised, and if the hon. member was determined to have it done, it must be by the decision of a majority of this House. Under the circumstances of the case, it was the duty of the Government, as far as necessary for the adjustment of the debt, to assume that the decision of the arbitrators was valid until it should be decided to be otherwise, and they should have the financial arrangements based on that award, and he would not agree to have it refused unless by a majority of the House.

**Hon. Mr. DORION** contended that the Government had a right to interfere. It was the duty of the Government to say whether the award was legal or not, and whether they would act upon it or not. If the Government took no steps in the matter, it was within the power of the House to inform His Excellency that the award was null, and therefore should not be acted upon. Three arbitrators were appointed without a quorum being fixed. In the absence of one of them a decision was given, and Quebec saddled with what was considered an unfair proportion of the surplus debt. In view of this fact, he was astonished that the Government should not take any steps to set the award aside, and he thought that Quebec had just cause of complaint in the matter. As the Government did not seem to understand their duty in the matter, it would be the duty of the House to remind them of it; and he believed there was fairness enough in the House to have a just decision on the subject. For himself, it was enough that the matter had been decided in the absence of the Quebec representative, and on that ground alone it was the duty of the House to take action upon it, and immediate action too, so as to allay excitement and bad feeling. It was important to the peace and harmony of the Dominion that this question should be settled as soon as possible.

**Mr. MAGILL** said the cause of the absence of Judge Day was simply his inability to get the other two arbitrators to agree with him. If he could have done that there would have been no difficulty at all. It was a question of law, and this House had no power to deal with it.

**Mr. HARRISON** agreed with the previous speaker that this House had no power to adjudicate on the question. If the House could constitute themselves a bench of judges, they could not be said to be quite impartial. Some of them must be advocates as well as judges. He objected to having this matter sprung on the House without notice, and to discussing it at all until the papers were brought down.

**Hon. Mr. CHAUVEAU** said he was ready to defend here what was done in the (Quebec) legislature; but the members for Bellechasse and Hochelaga should not propose or try to do here what was not done in that Legislature. It was unjust to bring up and try to secure a decision or action upon the merits of the question without previous notice, or the submission of the papers. The award was illegal and unjust, and Lower Canada would never submit to it. It was not only a legal but a political question, for upon its decision depended the stability of Confederation. He would vote against the motion of the member for Bellechasse. The Dominion Government is bound to act upon this arbitration question; for the subsidy payment would be based on some view of the question. He would go further than the member for Hochelaga, and say Quebec would not submit to an unjust award from no human authority. He repeated that sentiment, and affirmed that Quebec was unanimous on this point.

**Hon. Sir GEORGE-É. CARTIER:** Yes, yes.

**Hon. Mr. CHAUVEAU** would vote against the amendment of the member for Bellechasse because it was premature. He would vote for the motion of the member for Joliette, because it would do

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away with the objectionable part of the motion of the member for Durham.

**Mr. GEOFFRION** said the objections of the Premier of Quebec would have some force if the question were a decision upon the events of the arbitration. The amendments were not premature. Information was not so much needed as pretended, for everybody, even so far north and west as Manitoba, knew the manner in which the decision was rendered. The simple question was as to the legality or illegality of that decision. After all the information elicited on this subject, the Dominion Ministers were unready to pronounce an opinion on the subject. He believed the decision illegal, and was ready to proceed with it at once, though so many other Quebec members were without any opinions thereon.

**Mr. DUFRESNE** replied to the charge of unreadiness directed against himself and other Quebec members. He was ready with his opinion, but other members were not, and preferred waiting for a better opportunity of expressing it, namely, when all the papers were brought down, and all the members were in possession of the facts.

**Mr. GEOFFRION** suggested to the hon. gentlemen an accommodation of their differences. Let him ask the member for Bellechasse to let his motion stand for the present, and he would probably do it.

**Mr. DUFRESNE:** Let him do it then.

**Hon. Mr. BEAUBIEN** criticized and condemned the amendment of the member for Bellechasse, and argued in favour of the suspension of judgment and action on this question till all the papers were before the House.

**Hon. Mr. IRVINE** hoped his hon. friend, after he had heard this discussion, would withdraw his motion and re-introduce it at some more opportune time. Apart from the reasons given against the introduction of the amendment by the hon. member for Bellechasse, he thought it was hardly fair to ask this House to pronounce an opinion on the question without any notice whatever having been given, and introducing it, too, we might add, as a surprise to a motion which no one would have supposed would have led to an amendment of the kind. The motion was an unusual one, and was rarely tolerated by the House. He was far from admitting that this House was competent to settle the question at all—that it was the proper tribunal. He was certain even the movers of the amendments would not quietly submit to an expression of opinion upon a substantive motion contrary to the spirit of theirs. An appeal from a

decision of this Parliament, considered unjust by Quebec, would doubtless be sought.

**Hon. Mr. DORION:** What is the proper tribunal?

**Hon. Mr. IRVINE** was not called upon to decide; he was merely speaking as to the improper tribunal. He did not deny that an expression of the opinion of this House might be in order. So far as the award was to be acted upon by the Dominion Government—so far as they might have to treat it as legal or illegal—they would have to be responsible to this House for their action, and the House would pronounce upon it. He agreed with the amendments of the member for Joliette. They should certainly support the amendment to the motion of that hon. gentleman, so as to exempt the House from the expression of any premature opinion on the merits of the question. They should not ask the Government in any way to act on the award at present. He did not admit it was valid, nor did he believe any part of it should be recognized or treated by this House as legal. He hoped the hon. member for Bellechasse would consent to withdraw his amendment, which he must see could not possibly carry. (*Cheers.*)

**Mr. BLANCHET** argued that the motion was not at present in proper form, as it appealed to a House at present ill-informed, and it would be a great deal more prudent and in order if the hon. member for Bellechasse would withdraw his motion.

**Mr. FOURNIER** rejected the idea that want of information was any defence for the unreadiness of the hon. members to proceed with this question at present. Everyone in this House was well aware how the case stood at present. All the facts had been made public in both provinces. He was certainly determined to obtain an expression of the opinion of the House on his motion. The question was not asked of the merits of the arbitration, but as to whether a tribunal composed of three arbitrators could render a decision in the absence of one of the three, and whether the decision so rendered could be valid. He would not withdraw his motion, but he would not object to an adjournment of the debate if the House desired it.

**Mr. MACKENZIE** said it was now six o'clock, and as this debate would not be resumed after it, and as the two Bills on the paper were not printed, he did not see what was to be done after six.

**Hon. Sir JOHN A. MACDONALD** moved that the House adjourn until three o'clock next afternoon.

The House adjourned at six o'clock.





February 24, 1871

## HOUSE OF COMMONS

Friday, February 24, 1871

The **SPEAKER** took the chair at 3.00 p.m.

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*Prayers*

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Several petitions were presented including the following:

**Mr. CRAWFORD (Leeds South)** presented the petition of H.J. Hubertus and others, praying to be incorporated to construct a railway from Toronto, through Peterborough, Madoc and Ottawa City, and across the Ottawa River in the Province of Quebec. The Company to be known as the Ontario and Quebec Railway Company.

**Mr. WORKMAN** presented the petition of William Matheson and others in Montreal against the duties on coal, flour, etc.

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## NATURALIZATION OF ALIENS

**Mr. CAMERON (Huron South)** asked leave to introduce a Bill to amend the Act 31 Vic., Cap. 66, relating to the naturalization of aliens. The Bill received first reading.

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## UNFORESEEN EXPENSES

**Mr. YOUNG** moved to refer the returns on unforeseen expenses for the period July 1, 1870, to February 18, 1871, to the Joint Committee on Printing.—Carried.

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## POST OFFICE

**Hon. Sir JOHN A. MACDONALD** presented the published report of the Postmaster General for 1870.

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## SUPPLY

The House resolved itself into committee to consider that a Supply be granted to Her Majesty. The committee reported a resolution, and **Hon. Sir A.T. GALT**, seconded by Mr. Cartwright,

moved that the House resolve itself into committee to consider the following resolution:

That this House recognizes in the fullest manner the importance to the cause of peace and civilization, of the settlement of all questions in dispute between *Great Britain* and the *United States*. And, in the especial interests of *Canada* will rejoice to find the result of the Joint High Commission productive of cordial and lasting friendship between the two nations.

That this House regards the control and disposal of the inshore fisheries and the navigation of the inland waters of the Dominion as specially within the powers conveyed to the Parliament of *Canada* under the *British North America Act*. And will view with the utmost concern and apprehension any proposal to alter, or diminish the just rights of the Dominion, in these respects, without their consent.

That this House has always been, and now is, prepared to concede the most free and unrestricted use of the Fisheries and Inland Navigation to the *United States* upon receiving as an equivalent therefore complete compensation in modification of the *United States* commercial system, directed to the more free and liberal interchange of the products of labour in the two countries.

That the concession to the *United States* of the freedom of the fisheries and of the *St. Lawrence* without such compensation would place *Canada* in a most disadvantageous position for future negotiation by depriving her of the means of offering any adequate equivalent for those concessions she is desirous of obtaining from that nation.

That this House willingly consents to the consideration by the Joint High Commission of all subjects in which *Canada* is concerned with the *United States*. And will cheerfully make any sacrifices that may be required at their hands in the interest of the Empire, so far as they do not compromise the national interests and security of this country, and directly tend to their undue subordination to the *United States* in the future.

That this House desires that the question of the claims of *Canada* upon the *United States*, arising out of the repeated and illegal invasions by predatory bands of so-called Fenians, organised within the Territory of the *United States* may be so dealt with by the Joint Commission, as to afford indemnity for the past, and security against similar outrages in the future.

**Hon. Sir A.T. GALT** said he had never on any occasion been more strongly impressed with the gravity of the circumstances under which he addressed the House, than he was at this moment. The interests which were at stake in the negotiations now pending

between Great Britain and the United States were of the most vital character to this Dominion. Our future political existence depended on the manner in which they were settled. It was the duty of the House to strengthen the Government by every means in its power in the protection of the interests of their country, and he was sure the Government would be glad to have the support of Parliament in carrying out the policy which they had themselves announced. There were matters connected with the appointment of the Joint High Commission which were calculated to excite distrust in the minds of our people and rendered necessary that the views of this House should be presented in unmistakable language. He knew that this action would imply a doubt as to the protection of the interests of this country in the negotiations now pending.

He would not, however, for a moment attribute dishonorable motives to the Imperial Government. Far from it. But they were anxious for a settlement of the pending disputes and the establishment of cordial relations with the United States. Having those great ends in view, he thought they might look at our Canadian interests in these questions as of comparatively minor importance. It was a favoured idea with the Americans that Canada should become a part of the Republic. The States would prefer the concessions to be made should be such as to place us in a position of subordination and inferiority. This, rather than English concessions or money payments, as in the settlement over the *Alabama* claims, would be particularly welcome to our neighbours. A year ago the only question of great moment between Canada and the States was that as to our claims to indemnity for the Fenian raid. As to the Fisheries, no treaty or national recognition was needed to confirm or establish our rights to the three mile limit. Our rights were of an international character. The fact of the treaty being made confirmed the Canadian national pretension on the subject. The licence system avoided difficulties as to the fisheries. The causes for a failure of the licence system were and must be found in the fact that it was not enforced.

An able pamphlet recently issued on this subject proved that statement. If the Government were unable to carry out the system of licences or partial exclusion, *a fortiori* it would be still more difficult to enforce a system of total exclusion. In protecting the rights of Canada, the Government would receive as cordial assistance from him as if he cordially approved of all their previous action. Our Government soon found that they could not enforce their rights respecting the three mile limit without running risk of losing their rights involved in the headland question. Interference of England was again invoked. Mr. Campbell had expressed the feeling of distrust in Canada, and in the Cabinet, whose members saw it was proper to express it. The papers showed that the fisheries and Fenian raid questions were pressed, and the subject of the withdrawal of the Imperial troops.

**Hon. Sir A.T. GALT** here read portions of the papers recently brought down, exhibiting the representations of Mr. Campbell and the reply of Earl Kimberley. He (Hon. Sir A.T. Galt) presumed that the instructions respecting the protection of the fisheries for the current year, which were the same as last year, were the fruit of

Imperial counsel. This, however, seemed vague and not satisfactory.

The reply of Earl Kimberley was as vague as it could be in the then state of affairs, binding the Imperial Government in no respect whatever. The second point was as to Fenian claims. They were very much stronger than the *Alabama* claims. (*Cheers.*) The raid took place in a time of peace, and when no causes existed here to give it a shadow of excuse. The drilling and preparations, moreover, were carried on in broad daylight. The *Alabama* escaped by stealth. What comparison was there between the two cases? The *Alabama* case was a single one, but we have had these raids from year to year. Properly, then, Mr. Campbell was urged to press these claims for indemnity for the past and security for the future. Under those circumstances, the language of the Imperial Government should have been plain and distinct. (He read Earl Kimberley's despatch to show how the reply contrasted with what might have been looked for.) The House and the country would learn with surprise that Canadian remonstrances had not been productive of any British remonstrances with the United States Government.

All that was done was a demand for a bill of the losses of those outrages; and we were required not to present our claims in any way calculated to hurt the feelings of our neighbours. No man in Canada needed this warning. Suffering as we had suffered in those cases we might have expected a more sympathetic and useful response than we had received from the Imperial authorities. Then as to the withdrawal of the military, little consideration had been shown our feelings, if not our interests, in the matter. The action taken had been characterized by great haste and precipitancy. In the Canadian appeal preferred by Mr. Campbell, a cordial and friendly answer might have been given. The language of the Earl was of a wholly different character. After reciting the language of that nobleman to the effect that the Imperial Government's decision as to the withdrawal of troops would not be departed from, he said he only adverted to this subject now because it formed part of Mr. Campbell's mission. The language of that Government had a most important bearing upon our present position. Unless the House expressed some opinion in this matter, we should be assumed to be perfectly satisfied with the measure of support indicated in the English despatches. The correspondence was unsatisfactory, and the mission of Mr. Campbell so far as eliciting any promise of Imperial support and encouragement, a failure.

With respect to the fishery question, and despatch of October 10th, 1870, we found a proposal for a Commission to settle disputed points as to fishery limits, came from Mr. Adams when Minister to England in 1866. The object was to remove doubts as to geographical limits within which Americans had a right to fish. Proposal remained in abeyance until Mr. Campbell went to England. The Order in Council giving him authority to proceed thither said nothing about a Commission. He was glad to think our Government did not propose it because we claimed right and professed certainty upon it, and could not properly have put our pretensions in doubt. It was for Americans to propose a commission, and, fortunately for us, they were first to do it.

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Notwithstanding the proposition of the Imperial Government for a joint commission to settle the fishery limits, it was intended to be of a practical kind, with the object of settling what was fair and just between both nations. Considering the absence of complaints and correspondence on the part of the United States respecting the fisheries, President Grant's accusations on the subject in his Message, startled the whole Dominion. We might have assumed that the United States Government would have inquired in regard to the supposed Canadian abuse of fishery rights. No communications with our Government took place. The first thing we heard of the matter was through newspaper paragraphs, that the subject of fisheries was being discussed at Washington. The Canadian Government papers, in good faith doubtless, denied the stories, but they were correct. Up to the 10th of February, the Imperial Government communicated with the Canadian Government on the negotiations. Afterwards, however, the British Ministers entirely ignored our Government.

With regard to the reference in the Queen's speech of the possibility of individual indiscretions in relation to the fisheries, and warning against our deprecating them, unless there was some concession respecting the three mile right contemplated. Individual indiscretions would be as likely to occur after the decision of the Commission as they are at present. Canada had an undoubted right to this limit, and if the exercise of her authority could be construed into improprieties or indiscretions, we should know it. He doubted if the Canadian Government had any information as to the Commission further than the Thornton-Fish correspondence. He censured the extension of the Commission, which was at first designed to settle the headlands question. His object in this motion was to strengthen the hands of the Government—not to weaken them. He did not desire to censure the Imperial Government or accuse it of any intention to sacrifice our rights. But he believed the mixing up of Canadian with Imperial questions in this Commission would be disadvantageous to us. Both sets of questions should have been kept separate. The fisheries were of paramount importance to us. They meant an important source of employment and trade to us, and a field for the training up of seamen.

They have intrinsic merits also. They constituted valuable means of commercial exchange with the United States—means of securing useful trading equivalents from our neighbours. It was the way we dealt with fisheries and navigation of the St. Lawrence upon which depended our future advantage and superiority with the United States in negotiating any commercial convention. If we made an improper use of them—if we lost those advantages—we should be placed in a position of inferiority, having nothing to offer for enviable opportunities. He vindicated the manner in which Canada had discharged her neighbourly obligations towards the United States during the last war. We were always ready, and are still, to treat with them on fair terms. We always offered them coveted facilities for a reasonable return. There was no reason why our claims and interests should have been exposed to injury by union with British questions on which Britain's position was not near so strong as was ours. Then, he proposed to introduce a few short resolutions referring to the matters in dispute between Canada and

the United States, which were distinct from the questions pending between Great Britain and the Republic. It was important that we should make no concessions which would sacrifice our rights. There were certain things which this country could not lose. The House would agree with him in believing that the concessions that would be demanded by the United States would, if granted, place us in a position of inferiority. The Imperial Government would, no doubt, be asked to transfer this country to the United States.

He for one repudiated the idea that this country was in any way subordinate, or that it should ever be subordinated to the policy of the United States. He had only one object in view, a desire to maintain the connection with Great Britain as long as it could be maintained with reference to the honour and interests of the two countries, and when the time should come that that connection was to cease he desired that the people of Canada should not be placed in any position of inferiority to the Great Republic to the south of us. He declared that we hold in our hands those great interests which would go, hereafter, to build up an empire on this continent. (*Cheers.*) He desired that we should not lightly part with them, that they should be kept intact in the hands of this Dominion, and it was by maintaining our rights and not consenting to any weak concession on this point, but by a firm assertion of what we believed to be the rights of this country and maintaining them, that we should best protect ourselves from what he believed to be the somewhat dangerous position in which we now stood.

**Hon. Sir JOHN A. MACDONALD** expressed his pleasure at the intimation of the hon. gentleman that his motion was not one hostile to the Government. He was certain he occupied too high a position in the politics of the country, and as a statesman, to say otherwise than he thought, or shrink from any proper responsibility. No doubt, he believed, the passage of his motion would strengthen the hands of the Government and of himself (*Hon. Sir John A. Macdonald*) as a member of the Commission. (*Hear, hear.*) But he did not believe it would strengthen their hands to give the Government and people of the United States reason to believe that they entertained any distrust of the Mother Country, (*cheers*) that they feared she could think for a moment of sacrificing the interests of Canada. (*Renewed cheers.*) They should avoid any expression of distrust. He could not join in it, being satisfied of the truth and loyalty of England, in the larger sense of the word, towards us. (*Hear, hear.*)

He was satisfied of the honour of the statesmen of England, and that they would not for any consideration of peace or the quiet settlement of any of the questions between their country and the United States, sacrifice the interests of the people of Canada. He was convinced that if any government were base enough to propose such a course, it would be repudiated and rejected with disdain by the British people. He had no fear that the pledges given by government after government would be broken. If there was a country in the world, or a government in the world that had always kept its pledges, carried out its engagements and enforced its treaties—no matter at what sacrifice—it was that of England. (*Cheers.*) They were not going to betray us now; and why should

we by any act or expression inform the people of the United States that we were so distrustful of the honour of England, of her protection—were so convinced of the great danger of being sacrificed as to weaken the hands of the Commission—or to show there was a division between Canada and England in sentiment and feeling? Why show the United States the fissure through which the entering wedge of severance could be put?

He was not aware of any cause to distrust the Government and people of England. The hon. gentleman was a member of the Government in 1865, and of the deputation to England, and was then as satisfied as his colleagues of the assurances of Lord Palmerston's Cabinet, that in the case of war we should be defended by land and sea with the whole force of the Empire. Had there been any change since? The Government they had met day after day for consultation comprised the present Premier, Mr. Gladstone, Earl Grey, Mr. Cardwell, and Earl Somerset, men of the existing Cabinet. Could they be suspected of infidelity to their previous pledges, or of conduct lowering to the dignity and honour of England? For what? For fear of war? Did we not lately see England rise as one man at the threat of interference with the independence of Belgium? And was she, so willing to run the risk of a great continental war to keep her engagements towards Belgium, likely to betray her own child, the country she was bound by every tie to protect with all her power, to the last man and the last shilling? In order to lay the basis or groundwork for his resolution, the hon. gentleman was obliged to bring in, as an indication that England was not true to us, the tone of Earl Kimberley's despatches about the Fenian invasion and the withdrawal of the troops.

He (Hon. Sir John A. Macdonald) thought it was unfortunate his language on this subject should have been of the kind heard. It would be quoted and republished in every journal in the United States, and turned to our disadvantage. The hon. gentleman complained of the words of the despatch recommending the use of the becoming language, on our part, in forwarding our claims from the Fenian raid, and that there was no expression of sympathy with us. We did not want any further expression of sympathy than we had received again and again. England asked our statement for what purpose? To lay it before the Washington Government. We were merely asked to set it forth in diplomatic, courteous language, so as to avoid annoying the susceptibilities of either people, already delicate on account of the *Alabama* and other questions. As to the withdrawal of the troops, he was not concerned on behalf of the Canadian Government to support or defend the course taken by Her Majesty's Government in their own discretion. As an individual and a member of the Canadian Government, and looking to the future relations between Canada and England, to the growing importance of Canada, and of a warm, friendly feeling between her and England and between them and the States, he had no hesitation in saying it was a mistake to withdraw the troops.

He thought it would have been a wiser policy—as a symbol of the sovereignty of England in this Continent—to use the words of Mr. Campbell—to have left the troops among us. That opinion was

held by one of the oldest and most experienced of English statesmen, Earl Russell, the representative of the great Whig Party, and by Lord Carnarvon, a leading statesman, and one of the chiefs of another great party. The Government, however, had taken a different ground, believing that the interests of England, as well as of the Empire, were better served by the concentration of the troops in the Mother Country. Though he believed this a mistaken policy, it was no evidence of England's intention to disregard her pledge to defend us with the whole power of the Empire. The British Government, in compliance with the Canadian Government's representations on this matter—they had not failed in their duty in respect to it—reiterated their pledges of 1865, that the whole force of the Empire would be used in our defence. (*Cheers.*) Why then express distrust of England?

The hon. gentleman said he was glad the Canadian government had not suggested the Mixed Commission, and that he (Hon. Sir John A. Macdonald) was in error in stating they had. In 1866, after the termination of the Reciprocity Treaty, Minister Adams proposed that while the whole subject of the renewal of the treaty or the settlement of the fishery question was under discussion, the American fishermen should be allowed their old unrestricted fishing privileges. Lord Clarendon's speech in reply was a masterpiece of statesmanship. He readily met the proposal for a Commission on the disputed question. We, however, at once represented that during the discussion of the matter we should not agree, that Canada should be precluded from asserting her right. That despatch was sent to Lord Clarendon, and by him transmitted to the United States Government, and from that moment the matter ended. It ceased to be a matter of personal interest, and became as much a matter of history as the proceedings in connection with the Treaty of Ghent. Lord Clarendon saw the astute mode in which the American Minister proposed to keep open the question of our fishery rights, while the Commission might sit till eternity.

**Hon. Sir A.T. GALT:** Mr. Campbell said it was accepted by Lord Clarendon.

**Hon. Sir JOHN A. MACDONALD** said he did not accept it on certain conditions which were not accepted by the American Government, and so the thing fell to the ground. Why did we renew the proposition in any shape whatever? It was important we should have not only the moral support of Her Majesty's Government, but the material support of her fleet. England at once granted us this support, in the shape of a large squadron commanded by an able and energetic officer. We assented to the proposal of England that we should not, for the time, assert our exclusive rights to the fisheries, till the headland question was settled. We did not abandon or waive our rights, but merely to remain in accord with the British Government, with whom rested the responsibility for peace or war with the States, we yielded to their wishes for the time being. He believed we were right in so doing, and should have shown a selfish disregard of the interests of England, had we taken any different course. We showed a due regard for England's interests and our own in delaying till a more opportune season the enforcement of

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our rights. We felt and still feel the inconvenience of having the rights we were afraid to enforce—of having to waive from day to day and year to year—and therefore had instructed Mr. Campbell to ask for a mixed Commission to settle the fishery question. He believed in so doing that he would receive the approbation of the House and country. (*Cheers.*) They had thus gained the assistance of Her Majesty's Government on the fishing banks and at Washington.

He believed the experience of last year had shown that, if we persisted in the policy we commenced in 1867—setting aside the question of headlands altogether—the policy of a rigorous exclusion of American fishermen from our three mile limit—we should virtually exclude all foreign fishermen from our waters. They would not, so great would be our geographical superiority, find it to their interest to employ their capital in our waters. We were thus gaining our rightful advantages while abstaining at the instance of England from pressing our rights to their utmost limits. We adopted the license system because it was regarded as merely provisional, till a better, a final one could be devised. His hon. friend is wrong in thinking that a system of licenses, was less difficult to enforce than one of exclusion. The exclusion altogether was much easier, because the other system required a large police, with constant visits and interference. His hon. friend was opposed to the license system.

**Hon. Sir A.T. GALT** said the hon. Premier was wrong in saying he was opposed to the license system.

**Hon. Sir JOHN A. MACDONALD** said his hon. friend's policy was the same as his own on the subject. As ministers in the same Government, the moment the Treaty came to an end, they proposed the complete exclusion of American fishermen from Canadian waters. They were to be notified of this decision promptly. The Government, of which the member for Sherbrooke was a member, acted promptly and decisively on the subject. They adopted the licensing system as a temporary expedient and in deference to the wishes of the British Government. It was to be employed only until a new and better arrangement could be made. The Governments of the Maritime powers also consented to the English recommendation. The Canadian Government by its Order in Council, of 1866, announced that their fixed policy was one of exclusion. So in this way the hon. gentleman was opposed to the licenses.

**Hon. Sir A.T. GALT:** Of course, in the same way as my hon. friend.

(*Laughter.*)

**Hon. Sir JOHN A. MACDONALD:** The license system was found a failure, and it was perceived that the effective assertion of our Canadian rights was the only, the best course we could pursue. The last hope of the renewal of the Reciprocity Treaty having ended, and the licenses having failed, they introduced again, in

1870, the policy of exclusion which had proved successful. It would appear by the papers that the Canadian Government desired a Commission touching the headland question. The Imperial Government had a right to unite the Fishery and *Alabama* questions, and having this right, there was no reason to fear Canadian interests would be sacrificed in the negotiations. One would think from the speech of the hon. gentleman that the settlement of the *Alabama* question was a matter of no importance. Was it of no importance that a terrible war between England and the States, which would subject Canada to all the miseries of the battleground, should be avoided?

If this threatening cloud were removed—if the pending controversies were settled—we might calculate upon a long term of peace with the United States, with increased trade and prosperity, upon a vista of tranquility, progress and happiness.

He was glad the United States had suggested the settlement of this dispute, and when there was a mutually sincere desire on this subject, there would be a way found out of the difficulty. (*Cheers.*) The invitation to Canada to take part in this Commission showed that Canada had made an additional step in the estimation and favour of England in this, that he, unworthy as he was, should have been chosen to represent the cause of Canada at Washington. (*Cheers.*) His hon. friend had expressed himself as afraid that the Fisheries question would be neglected if associated with the *Alabama* claims and others in which the Imperial Government were more directly interested. He (Hon. Sir John A. Macdonald) thought differently. The very fact of its being made a matter of Imperial interest, and on which the Imperial statesmen were obliged to act with the same force as on the *Alabama* claims, would give it more importance in the eyes of the United States Government than if dealt with by a smaller committee. He had no doubt that if he were to take sweet counsel with his hon. friend on the resolutions, they would find that there was little difference between their views.

**Hon. Sir A.T. GALT:** Hear, hear!

**Hon. Sir JOHN A. MACDONALD:** That was one thing, but it was quite another matter to bring the subject before the House at this time. It was much to be regretted that an attempt should be made to fetter the representation of the Dominion. How would he stand in Washington with the other unfettered representatives, if he was sent merely as a delegate, to repeat the instructions he had received from this Parliament. It would prevent a free and frank discussion of the question if he was to be restricted to saying, as these resolutions would imply, that the demands of Canada were merely for modifications of our commercial relations with the United States. Could anyone imagine the four Commissioners from England receiving instructions from the British Parliament in such a way? He was quite sure that the gentlemen who composed that Commission would decline to act under such conditions.

He agreed with his hon. friend that by international law, and the treaty of 1818, the three miles of water extending along our shores

were as much a portion of Canada as any place three miles within land, and could his hon. friend suppose for a moment that England would give away a portion of our territory? There was no fear of England ceding a part of Canada, and she would as much be giving up a portion of this country by ceding our rights to the three mile limit as if she gave away one of our cities. Her policy was opposed to ceding territory in any case without the consent of the inhabitants of the place to be given up.

Then again, Lord Granville, in the House of Lords, and Mr. Gladstone in the House of Commons have announced that the action of the Commission would not be final. If the result of this Commission was to settle the pending questions, he had not the slightest doubt that all matters affecting this country would be submitted to this Parliament for ratification. It was so with the Reciprocity Treaty. In 1866 there was a Mixed Commission appointed to settle the fisheries question between France and England. That Commission quite rearranged the matter. The treaty they framed was submitted to the British Parliament and ratified by them, but was rejected by the French Government, and the policy of the British Government was so averse to considering a treaty binding that was not ratified by the people affected by it that the treaty of that Commission is considered a nullity. In the Joint High Commission about to sit at Washington there would be a sincere desire on both sides, he believed, for a settlement of the pending disputes, but there was no risk whatever to our interests. Even if we could suppose that England were willing to sacrifice us, as a matter of law she could not until the Canadian Parliament ratified the treaty by its own act. He hoped his hon. friend would be satisfied by this discussion, that our rights were of the first importance, that they could not be over-estimated and that our interests must not be given away or surrendered in any way, except by our own act. He had no doubt that such was the general opinion of this House, and he hoped his hon. friend would not inopportunistically affect the action of the commission by pressing his resolutions to a vote, but would consent to withdraw them.

It being six o'clock, the House rose.

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### AFTER RECESS

**Mr. MACKENZIE** said he had listened with great pleasure to the speeches of the member for Sherbrooke and the leader of the Government, and was far from regretting that the discussion had taken place, but would have preferred if it had come on during the debate on the Address. The leader of the Government had taken very strong grounds on the subject, asking on what occasion England had ever failed Canada in her negotiations. Unfortunately, he maintained, she had almost always failed her, mentioning the treaty relating to the boundary between the United States and Canada, both in the east and west, as an instance in which the ignorance of English statesmen had resulted in depriving Canada of a large amount of territory which she ought to possess, and it was therefore no matter of surprise that when a new question such as the

one then under discussion came up the people of Canada should manifest some doubt as to whether they would obtain a satisfactory settlement.

The leader of the Government had made a great deal out of the fact that our interests would be safe in the hands of the British negotiators. Unfortunately this was not a fact, for every negotiation that had taken place, except that on the Reciprocity Treaty—which was chiefly managed by Canadians, though Lord Elgin was nominally at the head of the negotiating party—had been to our disadvantage. On all other occasions—whether from inattention to our interests, or from ignorance of some fact of which they ought to have been cognizant—the representatives of British authority had failed to give that attention to our interests necessary to secure our rights. In the treaty of 1783 we found that very great ignorance prevailed with regard to our geographical position on this continent. If that ignorance had not existed, we would now have a North-West greater in extent, twice over, than the one we now have. Then, there was the eastern boundary question. Who did not know it was through incapacity or ignorance that the Provinces of Lower Canada and New Brunswick were cramped up by the insertion of the State of Maine in the heart of our territory? No British negotiator could be as cognizant of what was necessary for our own interests as our own people were; and perhaps it was not a matter of surprise that there would be impatience on the part of our people when any new question came up, such as the fisheries; but we should remember that the commission was already appointed, and it would be ungracious on our part to do anything that would imply any suspicion that the parties named on the commission would fairly consider the subjects committed to them.

Still, the House had already pronounced on the subject in its reply to the speech of the Governor General, and as the matter of the Commission was already settled and the Commissioners appointed, he thought the passage of the resolutions would imply a suspicion that the parties named in the Commission would not fairly consider the matters with which they had to deal. It should also be remembered that the hon. gentleman at the head of the Government was to be a member of that Commission, and although he had never agreed with that gentleman's views, he could not believe that any Canadian who had occupied the prominent position that that gentleman had occupied could ever be so lost to the honour of his country as to fail to recognize his duty, and while he agreed with many of the views expressed by the member for Sherbrooke he thought it would be wrong to force the adoption of the resolutions he had moved. He believed it was essentially necessary for Canada to use every means in her power to promote friendly relations with the United States, and he, for one, was willing to make any reasonable concessions to accomplish that end, but it had in the past invariably been found that anything yielded was merely the prelude of more exorbitant demands on the part of the States.

The hon. gentleman at the head of the Government had mentioned in his speech the subject of the national defence. In this matter he would simply say that in his opinion the mere retention of a few British troops could be of no possible avail as a defence from

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an attack from the United States, and that if ever such an attack should be made, it would have to be met by a force ten or twenty times as large as that which the British Government could ever be asked to station in Canada, and if the British troops were merely to act as a symbol of the force of the Empire that lay behind them, why we had that symbol in our own redcoats and in our flag which was the same as that of England, and he did not think therefore it would make any difference whether the three or four thousand British troops were left in Canada or taken away altogether. We had already the assurance of the British Government that whilst we remained in connection with her the whole force of the Empire would always be available for our defence.

He believed, however, that the really valuable spirit of the United States was hostile to any acquirement of territory by conquest, and that spirit would steadily grow; and looking at the future, he did not believe the time would ever come, that Canada would have to defend her territory against an army from the United States. If ever there should be war between England and the United States, it would be for some cause that was considered just by one country or the other, and he had too much faith in the people of both countries to believe that the one would ever be guilty of committing any wrong that would compel the other to go to war to repair.

He thought that in the matter under discussion they owed a certain obligation to the opinions of the gentlemen opposite, and as they had declared that it would be injurious to their success in negotiating with the other members of the Commission to have any such resolutions passed as those then before the House, and as on other grounds he thought it would be impolitic to pass those resolutions, he felt bound to recommend their withdrawal. He wished, however, to refer to one expression made use of by the member for Sherbrooke, namely, that the Imperial Government would rather concede some of our rights in compensation for the *Alabama* claims than make a money payment.

**Hon. Sir A.T. GALT** stated that what he had intended to say, and what he believed he had said, was that the American Government would prefer to receive some such concession than a money payment.

**Mr. MACKENZIE** after acknowledging the correction, proceeded to say that he believed the sole object of the leading men in the United States in keeping the subject of the *Alabama* claims so prominently forward was to endeavour to drive British power entirely from the continent, and as far as that was concerned, he agreed with the remarks of the member for Sherbrooke, who, he was sure, would join heartily in resisting all such attempts. The future position of Canada might be such as was anticipated by the member for Sherbrooke, but he (Mr. Mackenzie) did not think it was desirable that any change should take place in our political relations, and he did not speak of this merely as a matter of sentimental attachment, although he was not ashamed to own that he had that sentimental attachment, but on material grounds he believed it was for our interest that our relations should not be changed. But if the anticipations of the hon. gentleman should be realized, he believed the people of Canada would be fully equal to

the emergency. He thought it was very desirable that the public men of Canada should express a bold decided opinion on the matter under discussion, but he hoped the hon. gentleman, the mover of the resolutions, would not force a vote upon them, as he thought a division would be most undesirable.

**Hon. Mr. TUPPER** said he was sure the House would agree with the opinion expressed by the hon. member for Sherbrooke, that no more important question had ever been submitted to that Parliament than the one now under consideration. He (Hon Mr. Tupper) considered that the Government, the House, and the country were deeply indebted to the hon. mover of these resolutions, as the discussion that had been elicited would show to the world that while public men here differed upon the comparatively insignificant questions as to who should administer public affairs, the moment that any question arose involving the material interests or touching the honour of the Dominion, all parties would be found standing shoulder to shoulder in defence of the rights of their common country.

He accepted the statement frankly made by the hon. member for Sherbrooke, that he had moved these resolutions with a sincere desire to strengthen the hands of the Government and of the first Minister as a member of the Joint Commission, in its fullest sense, but he believed that the hon. member would, seeing that his object had been fully attained by the discussion, in deference to the desire expressed on both sides of the House, consent to withdraw them. He could not agree with that hon. member in the opinion that there was any ground for distrusting the Imperial Government. He had faith in the Government, Parliament, and the people of England, and believed that no party could retain power in that country who would sacrifice the rights of the Dominion.

In relation to the important question of the fisheries, the House had the guarantee of the past that our interests would be fully protected. This was not a question of yesterday. For the last 30 years this controversy had existed, except when, happily, suspended during the operation of the Reciprocity Treaty. The British Government having discovered that a great error had been committed in allowing the United States to fish in our waters, under the Treaty of 1783, when that treaty was abrogated by the War of 1812, refused to renew those concessions, although earnestly pressed for by the United States. In defence of our rights they sent a naval force into British American waters, and made numerous seizures of American fishing vessels, until, by the Convention of 1818, the United States renounced forever the right of fishing within three miles of the coasts, bays or harbours of British America, except in certain localities therein specified. In 1819 an Act was passed by the Imperial Parliament, to carry into effect the provisions of that Convention. In 1836 the Legislature of Nova Scotia passed a stringent Act for the same purpose, containing a clause under which the master of a fishing vessel could be examined under oath if found hovering in our waters. In 1838 a naval force was sent from England in response to an address from the Legislature of Nova Scotia, and in the following year numerous seizures of trespassers took place. In 1841 an exhaustive remonstrance was made by Mr. Stevenson, the American Minister

at the Court of St. James, complaining of the severity of the Nova Scotia Act, the exclusion of American fishing vessels from the bays, and from a line drawn three miles outside of the headland, and claiming the right to navigate the Gut of Canso.

This was referred to the Government of Nova Scotia, and a case on all these points was prepared and sent for the opinion of the law officers of the Crown in England. The opinion of the Advocates and Attorney Generals of the British Government, sustaining our view of the question on all these points was adopted and sent out by Lord Stanley, in 1842.

In 1843 the *Washington*, an American fishing vessel, was seized for fishing in the Bay of Fundy, and Mr. Everett, then the United States Minister, made an earnest appeal to Lord Aberdeen, claiming that that Bay ought to be excepted. He said, May 25, 1844, the existing doubt as to the construction arises from the fact that a broad arm of the sea runs up to the Northwest between the Provinces of New Brunswick and Nova Scotia. This arm of the sea being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term Bay, has of late years been claimed by the provincial authorities of Nova Scotia to be included among the coasts, bays and creeks, and has been forbidden to American Fishermen. Lord Aberdeen, while asserting the right to exclude foreigners, under the Convention of 1818, from the Bay of Fundy, agreed to make it an exception from all the other Bays, but asked in return for this "liberal concession" a reduction in the American duty on fish which was made by Congress in 1846.

An attempt having been made to extend this privilege to other bays, the Colonial Minister, Lord Stanley, sent a despatch in reply to remonstrances from New Brunswick and Nova Scotia, saying that Her Majesty's Government would adhere to the strict letter of the treaty except as to the Bay of Fundy. In 1851 the agreement of Colonial delegates in London to unite in the protection of the Fisheries was followed by a proposal for reciprocal trade between the United States and British America in the Presidential message. Nothing having been done in 1852, Sir John Pakington sent a despatch saying, "among the many pressing subjects which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important in their estimation than the questions relating to the protection solicited for the fisheries on the coast of British North America. Her Majesty's Ministers are desirous to remove all grounds of complaints on the part of the Colonies in consequence of the encroachments of the fishing vessels of the United States upon those waters, from which they are excluded by the terms of the convention of 1818, and they therefore intend to despatch, as soon as possible, a small naval force of steamers or other small vessels to enforce the observance of that Treaty."

Those who have been surprised at the recent message of President Grant will find by looking back to the events of that day that history is only repeating itself. The excitement in and out of Congress was far greater than now, but it was only the prelude to a fresh proposal for a convention on reciprocal trade made in

December of the same year, and which resulted in a Reciprocity Treaty which happily disposed of all these difficulties, and which resulted in the greatest commercial advantages to both countries. Unfortunately, in a moment of irritation, arising from circumstances connected with the late Civil War, the Government of the United States put an end to that Treaty, and deprived their fishermen of the privileges they had under it enjoyed. The British Government believing that a new Treaty would be made if our rights were not at once enforced, proposed that they should be left in abeyance for one year with that object, but readily concurred in the policy of requiring foreign fishing vessels to pay license. They sustained the Government of Canada in raising that charge and when it was found ineffective in enforcing our rights, and no disposition evinced for reciprocal trade, they again sent a large naval force to aid in excluding foreign fishermen. New causes of irritation having sprang up between England and America, Her Majesty's Government have desired, pending their discussion, to avoid the enforcement of our extreme rights; but they have been careful to notify the United States that they do not concede anything that has ever been claimed under the treaty of 1818.

He (Hon. Mr. Tupper) contended that with this evidence before us of the determination on the part of England not to yield up one jot or one tittle of our rights, but to aid us on every occasion for the past thirty years to maintain them unimpaired, it would be as unjust as it would be ungrateful to evince the slightest distrust, or suppose for a moment that the Imperial Government could for any consideration forget the interests of this Dominion. His hon. friend, the member for Sherbrooke, had complained of the withdrawal of the troops from Canada, but while all would regret their departure, if Her Majesty's Government were of the opinion that by concentrating their forces in England they could best consult the security of the Empire, we must bow to their decision. The House must not forget that, no sooner had the first indication of danger occurred at the time of the *Trent* affair, than swift steamers from England were following each other in rapid succession across the ocean, pouring troops and munitions of war into Canada for its defence. Nor must it be forgotten that two regiments of British troops and three batteries of artillery are maintained at Halifax, the present headquarters, which is being made one of the strongest fortresses in the world by Imperial expenditure. If Her Majesty's Government had shown an anxious desire to avoid any possible cause of collision with the United States, he believed it was largely increased by the reflection, that in such a struggle Canada must naturally be the battle ground for that unnatural war. He could readily understand the desire of England to avoid by any means consistent with national honour a war that would be a disgrace to civilization.

For his own part he had no fear on this point, and did not expect that the hon. gentleman would ever see a blow struck between the two countries, but all would rejoice to see any cause of difference removed, as he had no doubt they would be by the measures proposed by the Joint Commission about to sit at Washington. He rejoiced to know that no time could be more opportune than the present for the consideration of the questions in which Canada was



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so deeply interested. The abrogation of the Reciprocity Treaty was done under the mistaken impression that Canada was so dependent upon the policy of the United States that it would be compelled to join them. The Confederation of these provinces was considered an experiment likely to result in failure. Only a year ago the North West was in a state of insurrection, and it was said that British Columbia was seeking annexation to the Republic. Today the provinces of this Dominion are consolidated into one harmonious whole. The new Province of Manitoba, with the vast North West has been added to our country without shedding one drop of blood, and the Legislature of British Columbia has unanimously asked admission to the Confederation upon the terms offered by the Government of Canada. Instead of being starved into annexation by the abrogation of the Reciprocity Treaty we find our exports to the United States exceeding any former year by thirteen millions, and largely in excess of our imports from that country. Never did the whole of the Dominion enjoy so high a degree of prosperity; while each of the provinces of which it is composed can boast a large surplus revenue, the Central Government is able to show an increase of exports and imports over any former year; a large increase in the Revenue from Imports, Excise, Canals, Railways, Post Office and Bill Stamps, evidencing the highest degree of commercial prosperity, while the value of Canadian bonds and stocks has reached a point never before attained.

Such is the financial position of Canada, that the Government is prepared not only to construct the Intercolonial Railway, and grapple vigorously with the great questions of canals and a railway to the Pacific, but at the same time reduce the comparatively light taxation of the people. I feel assured that under these auspicious circumstances the hon. member for Sherbrooke will withdraw his resolutions, and this House by its unanimous action will show to the world, that all parties in Canada have unqualified faith in the justness of our cause, and the support of England in the maintenance of our rights, by allowing the commissioner whom Her Gracious Majesty has chosen for Canada, to enter upon the high duties with which he is charged, as free and untrammelled as his colleagues belonging to either England or America. (*Loud cheers.*)

**Hon. Mr. McDUGALL (Lanark North)** was surprised to hear the remarks of the hon. member opposite. The circumstances of this country with regard to England had undergone no change. With respect to our Fisheries, the policy of the English and Canadian Governments has been the using of them, with a view to promoting the reciprocal trade of Canada and the States. The chief object was not the simple protection of our Fisheries. So far as we had gone little had been gained in the direction desired. The hon. gentlemen on the Treasury benches had changed their views with regard to the importance of the Fisheries as a means to the attainment of a larger trade with the States. The question would now seem likely to be settled on its merits. The questions to be submitted to the Commission were mainly connected with the late Civil War, with which we had nothing to do. The claims of Canada touching the Fenian invasion do not seem likely to be dealt with. The House should receive distinct assurances that the Government had done its duty in this matter. If all the other subjects mentioned in connection

with the Commission were to be considered, the Raid claims would stand a poor chance of consideration.

He was glad at the prospect of a settlement of these questions, but feared the High Commission without any expression on the part of this House, would dispose of the Fishery question to the advantage of England, and as a set off to the *Alabama* claims. The interests of Canada would run the risk of grave injury. The rights and interests of the people of this country should not be sacrificed as a set off to American claims upon England, and this House should so express its opinion. From personal knowledge of the feeling of men in the Lower Provinces, he could state that it was feared that the rights and claims of Canada would suffer in the forthcoming Commission. That was his own apprehension also. There was no doubt that vigilance and determined action were necessary on the part of Canadian statesmen to prevent our interests being seriously compromised. We had suffered gravely from the blunders of British and Colonial representatives in dealing with questions between us and the United States. The tendency of the negotiations, the spirit in which they would be undertaken, led to the conclusion that our interests were in danger. (*Ironic cheers.*) He was firmly convinced that the attempt of the Government of Canada to put in force extreme claims and rights of this country with regard to the Fisheries, without the cordial assistance of the Imperial Government, was a dangerous policy. (*Cheers and counter cheers.*) The Hon. Finance Minister laughed, but if England had gone to war with Russia, as was lately probable, another kind of expression would have overspread his countenance. He believed that the Hon. Premier should not be allowed to commit this country to any arrangement—that he should not be subjected to defeat in the Commission by a majority of his colleagues, without a previous declaration of the opinion of this House. (*Cheers.*)

**Mr. YOUNG** said as far as the resolutions were concerned, he could not agree with the hon. member for Sherbrooke; at the same time he did not think it right to find fault, unless the question was brought before them in an enlarged manner. Our relations both to the United States and the Mother Country should be cordial and friendly. The interests of the Dominion tended to draw closer the bonds of friendship with the Mother Country and the United States. We all sprang from the same origin, and we ought to be drawn together in the common bonds of friendship and good feeling, and if others did anything that would cause a breach of amity and good feeling, we would not be to blame. With the exception of one particular point he did not think that any just cause of complaint could be brought against Canada. He referred to placing the duty on coal. He warned the Minister of Finance that matter would be taken exception to, on the other side of the line, and that it would be likely to create ill feeling there. With the exception of that one serious blunder the policy of the Government had been conciliatory. But disguise it as we might, a very considerable portion of their people had encouraged attacks upon this country. With these facts before them, he, for one, felt that the Commission at Washington should stand up for the rights of this country. It would cause a dangerous feeling here, if the rights of our Fisheries were to be at all yielded to the United States.

With regard to the President's message, he considered that our policy had been most liberal towards them. It had gone to the extreme limits—as far as the rights of this Government could go. We have allowed them to use our canals, and, considering the expense we had been at in the building of them, he thought, under these circumstances, we ought to stand up for our rights. He was inclined to think that from what was said about the Fenian raids, our Government had not pressed it upon the Imperial Government in as strong a light as they should have done. With regard to the Hon. Minister of Justice, he had the utmost confidence in his judgment and knowledge. We have learned some wholesome lessons since 1866, the time when the treaty was abolished. He could not speak much for the other Provinces, but for the Province of Ontario they had good evidence of the prosperity existing there. They had evidence that the deposits in the banks were largely increasing. In 1869 there were six millions of dollars in the various Savings Banks and at the present time there were fully seventy millions belonging to the people in our Building Societies. Still we were willing to meet our neighbours half way, though under no necessity of doing so. He considered if the Americans were prepared to place our commercial relations on a better basis, it would be for the advantage of both countries.

**Mr. BLAKE** thought that they were not in a position, from the information in their hands, to properly discuss the question; and even if they were, they were not, in the interest of the country, free to discuss it in all its bearings to any advantage; and while there could not be free, unfettered discussion, it was better there should be none at all. As to the best mode of settling international disputes, there was, of late days, no difference of opinion. The humane and equitable spirit was conceded all due influence. This did not conclude the present question, however. This was not the case of a regular dispute between two ordinary nations. The complicated position of the Mother Country, with its various dependencies and various interests, created or occasioned questions of a different character from those originating with other powers. He felt averse from pronouncing upon the present motion or the character of the Commission for a variety of reasons. In the first place, they did not know what its scope was. The Premier was not able to tell us whether it embraced the claims of Canada on account of the Fenian Raid. Then some of the members had not had time to study the papers brought down, and some material to the case had evidently not been produced. A document made and sent to the United States was surely one which the people of Canada, in whose name and for whose behoof it was despatched, should have been made acquainted with. (*Cheers.*) Again, we did not know whether our consent to the Commission's conclusions was to be asked. The Premier seemed to assume, that because the provisions of the treaty would "probably," as he had observed, be submitted to the Imperial Parliament, they would have to be submitted to this Parliament. That by no means followed, we had already recorded our views upon those matters shortly to be considered—that the people of this country had not demanded and did not demand anything more than their rights secured by treaty and the law of nations. Had we not recorded that declaration, the statement of the First Minister, on introducing this question, would have filled him (Mr. Blake) with

considerable apprehension; because he believed this speech was designed to lead the country to the conclusion, that the headland question was one which they would probably hear the end of in this Commission and in a way not satisfactory to the people of this country. (*Hear, hear.*)

The question was, now, having recorded our position—what more could we do? The Commission had been constituted, the place had been decided. The government took the responsibility in the first instance of proposing the Commission with regard to the Fisheries, and, in the second place, of agreeing to participate in the labours of that Commission, when its scope had been enlarged to other subjects, and, in the third place of agreeing to that Commission without knowing whether it would embrace the Fenian Raid claims of Canada. The step had been taken and was irrevocable. The Commission was just about to sit and it appeared to him that no action they might take, could in the slightest degree reverse that policy at this moment. We were powerless to prevent the sitting of the Commission, or the continuance of its sittings, or its arrival at conclusions on the questions which the Premier said might probably be submitted to it. The question was, whether we ought to do or say anything which might in the slightest degree embarrass or impede the course of the Administration with regard to the matters upon which they had assumed this responsibility. His opinion was they should not by voice, vote, or record, do or say anything of the kind. We should allow matters to proceed without doing anything to hamper the Government, or tending to bring the labours of the Commission to an unsuccessful termination. He did not think it was expedient we should come to any resolution whatever on this question. He believed, notwithstanding, the claims of Canada were indisputably correct. However, he joined with the hon. gentlemen on both sides of the House in requesting the hon. member for Sherbrooke to withdraw his resolutions.

**Hon. Sir A.T. GALT** in reply, said he was willing that the first minister and other gentlemen should combat his conclusions, but he denied their right to charge him with imputing motives when only interpreting acts. (*Cheers.*)

With regard to the policy of Great Britain in the matter of the removal of the troops, he did not propose to discuss the question, as the hon. gentleman, the leader of the Government, had stated, as his individual opinion, that he was opposed to the present policy of the Imperial authorities, and it might be assumed that that was the opinion of the whole Government, as shewn by Mr. Campbell's report. He considered, however, that that policy evidenced a material alteration in the relation of the Empire to Canada, and he contended that it was therefore a fit subject for discussion, as it concerned the nearest interests of the country. The leader of the Government had also stated, in regard to the course taken by Canada on the Fishery question, that if Canada had refused to meet the wishes of the Imperial Government in the matter of Licenses, she would have been acting against the interests of the Empire, and would have been liable to all the consequences that might have flowed from a serious disagreement between England and the United States. He thought, however, that that argument should have

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been remembered by the Government a year ago, when they determined on the policy then commenced, which was certain to bring about this disagreement. What he had desired throughout had been that such a temperate policy should be pursued as would have avoided all trouble. Still, in the present aspect of the matter, although he might disagree with the course the Government had taken, he would not be found weakening their hands. The member for Lambton, though admitting that the debate might prove useful, had stated he thought it would appear ungracious to interfere in any way with the proceedings of the Commission, and had spoken of his (Hon. Sir A.T. Galt's) remarks on the question of defence, as though they had some practical bearing on the particular question under discussion, whereas they had only been intended to indicate in the policy of the Imperial Government a divergence from that of the Canadian Government, showing the necessity that the House should express its opinion on a question which concerned Canada alone. He then referred to the enquiries which had been made in the House of Commons in England, in reference to the scope and powers of the Commission, as a sufficient precedent to justify him in bringing the question before the House. The member for West Durham had stated that the discussion was inopportune, inasmuch as the House had already disposed of the matter in its reply to the Speech of His Excellency. He maintained that in passing that reply it was understood that the House was not bound to anything; and he would mention that on that occasion he had only been prevented from introducing the present discussion by expressions from both sides of the House that it had better be postponed to a future time.

**Mr. MACKENZIE** said that he had, on the occasions of the passing of the reply to the Address, asked for the papers, expressly in order that the discussion might take place.

**Hon. Sir A.T. GALT** continued, that the discussion was only postponed in the absence of the papers, and he had therefore simply brought forward what ought to have been disposed of in considering the Address. However, on a question of such importance, surrounded by considerations of the very gravest moment, he would be unworthy of his position as a representative of the people if he did not defer to what appeared to be the general opinion of the leading members of the House. He had thought that a declaration of the views of the House on the question would do good, and he still thought so, but inasmuch as the first Minister of the Crown had stated that he would feel hampered and embarrassed in the discharge of the important duties assigned to him, if the resolutions before the House were carried, he had only one course open for him. The leader of the Government had thus assumed the responsibility of the matter, and he had the most implicit confidence that the hon. gentleman, whatever he might think of his policy in some respects, would do his duty in the interests of the country, ably and well, and he felt that they had obtained some additional guarantee for their safety in the negotiations then about to take place. He therefore asked permission to withdraw his resolutions.

**Mr. FORTIN** said that in rising to address some remarks on the important subject under discussion, he would first beg the indulgence of the House as he was going to speak in a language that

was not his own. He had heard the hon. member for the North Riding of Lanark make a statement that he could not admit. This hon. member had said, that in the protection of our Fisheries, we had advocated and maintained extreme rights. Mr. Fortin was ready to assert (and in this assertion he was sure to be sustained by all the people engaged in the Fisheries) that the Government of Canada had not maintained extreme rights in the execution of the measures adopted by the protection of the Fisheries. Far from it. We had always acted in a friendly and conciliatory spirit towards the fishermen of the United States, and we had even allowed several of our rights to remain in abeyance with a view to conciliation; such for instance as the right to draw the line inside which foreign fishermen are excluded, from headland to headland. We had only prevented the foreign fishermen to come and fish inside the three miles limit, in waters, which according to the law of nations, are uncontestedly ours. We have advocated the same rights that the Government of the United States maintains on their own seaboard. It is also said that when the Treaty of Reciprocity was cancelled, our Government did not give sufficient notice to the people of the United States of our intention to maintain our rights, and thereby exclude foreign fishermen from our waters. Why, when we, in 1866, we adopted the license system, by which we allowed the fishermen of the United States to participate in our inshore fisheries for a nominal fee, it was well understood at the time that we would stand by our rights the next year. However, we continued the system through the same spirit of conciliation and friendliness, in 1867, 1868, and 1869, although it had proved a failure, very few American vessels having taken licenses during the last two years.

Did we receive any compensation for what I will call the surrender of our rights, from the people of the United States? I must answer, No. Could we continue this system any longer? No, it was against the interests of our fishermen to do so, and we stood by our rights. The Government of the United States was informed of this determination of ours. The United States Government gave notification of it to their own fishermen as early as the middle of the month of May, and besides, despatched one of their war vessels in the Gulf to warn their fishermen against intruding in our waters. Was that not sufficient notice? But besides, are not the American fishermen instructed as to our rights on the back of their fishing licenses, that they have to take instead of clearances from their Custom Officers when they start for a fishing voyage? There is to be found on that document the greatest part of the treaty of 1818, by which they can see at once on what parts of the British coasts they have a right to fish, and on what other parts they have not that right. In my opinion this complaint, that our Government did not sufficiently notify the fishermen of the United States of our intention to maintain our fishery rights, is futile and not at all founded on facts. Another complaint that has come from across the border is that we, in an unfriendly manner, have prevented the fishing vessels from getting their fishing supplies and transhipping their cargoes in our ports. This is nothing else but exercising a right of trading, and it is well known that by the treaty of 1818, no such right is granted to the fishermen of the United States. I will say more, the American fishing vessels are forbidden by their own Government to trade in foreign ports.

With regard to the fishery question itself, he thought that the matters in contestation between the two Governments were not difficult of adjustment. Our fishery rights were undeniable, and could be easily established beyond any doubt. As for the three mile limit, we only asserted and claimed rights that were given to all maritime nations on their seaboard by the law of nations, and which the United States people claim and maintain themselves on their own seaboard. The right of drawing the line from headland to headland was not, on our part, a new pretension. The British Government had always maintained that right, and had repeatedly asserted it by the seizure of American vessels found fishing inside of that line, prior to the coming into operation of the Reciprocity Treaty. And when this treaty was cancelled, this right was only left in abeyance, in a spirit of friendliness and conciliation towards the people of the United States, but it was never given up by our Government. And why should we abandon it? Does not the Government of the United States claim and maintain a similar right on the coasts? Do not they assert and exercise jurisdiction over the Chesapeake Bay and Delaware Bay, although both are about twelve miles in breadth at their mouths? And should we be refused a similar right on our seaboard?

The question of the Fisheries was going to be submitted to a Commission composed of British and American statesmen, and he was happy to know that we would be represented in that Commission by our able Premier. He had confidence that the British Commissioners would defend our rights, and the Mother Country would stand by us. And if for the purpose of ensuring the continuance of amicable and peaceful relations, and giving greater facilities to the trade between the two countries, some arrangements were recommended by the Commission, he expected that none of our rights would be given up, unless equivalent advantages were secured. Our inshore waters are the fields of operation of our maritime population. It is there that our fishermen have to reap for the support of their families. It is, so to say, the soil they have to till day and night, and everyone knows how their work is laborious, dangerous, and often poorly recompensed. And therefore, if any of our Fishery rights are to be given up, a policy that I am not prepared to recommend, it must be well understood that equivalent advantages, directly benefitting our maritime population, must be secured from our neighbours, such as fishing rights on the United States coasts, although I may say they are not of great value to us; a free market for our fish, and the same advantages to our shipping in the waters of the United States, as they enjoy in ours.

Mr. Fortin had also a few remarks to make with regard to another complaint coming from the other side of the line. It was that the fishermen of the United States had been molested on our coasts. He could say that this was also without foundation. It had been his lot to be employed during sixteen years in the protection of the Fisheries of Canada, and he had reliable information as to what had taken place in the Gulf prior to the establishment of the Protection Service in 1852, and he could say that the American fishermen had never been molested on our shores, neither by the agents of the Government, nor by our maritime population, who at all times treated the American fishermen in a most friendly manner. He

would say more, it was the Americans that had often molested our fishermen in our waters, and he could prove that this was the case by citing numerous instances. But he would content himself by mentioning the following cases: How often has it not happened that our fishermen have been practically excluded from the harbor of Natashquan, and the fishing grounds adjoining it, although Natashquan is to the West of Mount Joli, and consequently undeniably in waters reserved to the British fishermen, because American fishing vessels happening to be there before our vessels, filled that harbour to such an extent, that hardly any room was left for our own vessels to find shelter in it, while the fishing grounds were covered by swarms of American fishing boats, which, as may be well understood, injured very materially the operations of our fishermen. How many times have not large numbers of American fishing vessels come to anchor in our harbours, roadsteads and bays, inside and among the moorings of the nets of our fishermen, and have either prevented the latter from setting their nets, which were going to provide them with bait for the next day's work, or have, in running out during the night or even in day time, torn and destroyed many of those nets, worth from \$20 to \$40, by catching them with the keels of their vessels, and thereby depriving our fishermen of the means of prosecuting the labours of the morrow and sometimes of many days. No bait, no fishing, as every one knows. I will not speak of the numerous instances in which our maritime population have suffered from depredations, trespasses and other acts of malfeasance, and for which our people got no redress.

Before ending his remarks, Mr. Fortin renewed the expression of his confidence in the Government and said that the utterances that had fallen from the lips of the Hon. Premier, when he spoke this afternoon, confirmed him in the belief that in the negotiations about to be opened at Washington, the Government would maintain our rights. He added that the protection given to our fisheries last year had been productive of a great deal of good, and hoped that it would be continued. There was a time when this question of our fisheries and their development and protection were looked at under different points of view by the people of the different sections of this country. The western portion of this country had in general always opposed the fostering and protection of this important part of our national wealth, and all know the opposition that had been made, and the ridicule that had been attempted, on the action of the Government, when the first expedition was fitted out in Canada for the protection of our fisheries. But it was with pleasure that he could state now, that those unfortunate differences of opinion had disappeared, and that in the question now before the House, the sentiments of the whole nation were in unison. And this is not the least of the happy results of Confederation, which has bound together the people of the different Provinces not only by a material tie, but more so by sentiments of friendship, respect, and union, which justify us in the expectation of a bright future for this country.

**Mr. ROBITAILLE:** I did not intend, Mr. Speaker, to offer any remarks on the subject that has occupied the attention of this hon. House for several hours, but I must corroborate the statements made

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by my friend from Gaspé. The American fishermen have never been molested by our fishermen nor by the authorities of this country; on the contrary, they have been the aggressors on all occasions. They have, without provocation, ill-used our people on shore as well as at sea; they have taken advantage of the Sunday to abuse and insult our peaceful population on the highway as well as in the houses; they have wantonly destroyed nets set along the shore for bait, belonging to our fishermen; they have stolen our fishermen's boats, and have, by their large numbers, made themselves masters on the waters of Bay Chaleurs, as well as on shore, insulting and assaulting right and left without any provocation; and of this I am an eye witness. They used to look upon the *License System* as null and ridiculous, because, as they jocosely used to say, the officers engaged in protecting the Canadian fisheries must give them three warnings before seizing upon them, and they were sure of being *en route* for Boston after the first or second warning, with a full cargo; and therefore they would not take licenses when they could so easily avoid doing so. Hence the failure of the license system.

I need not repeat what has been so eloquently said of the importance of our fisheries, of their value to our brave and hardworking fishermen, of their value to this country in a pecuniary point of view, as well as a field for the production of a hardy class of sailors, upon whom may depend on some future occasion the safety of this country. I need not enlarge upon the necessity of preserving intact those most valuable fishing grounds, that vast field of labour for nearly one-fifth of our population, as these things are fully understood by this House and by the public at large. My chief object in rising, when the subject of this debate has been so completely exhausted by able and eloquent speakers, is to ascertain from the hon. leader of the Government if I understood him correctly, when I gathered from his remarks concerning the fisheries the other day, speaking on the Address, "*That the headland question was of little moment, provided we could preserve our exclusive right to the three miles limit.*" If I am correct in this, the Hon. Premier will permit me to say that he has not grappled with the importance of the question: that if he is prepared to give up the question of the headland limit, he may as well be prepared to give up the three miles reserve; that if he by any possibility entertains any such notions, he had better not go to Washington, as he would sacrifice one of the greatest interests of the Dominion; and I speak thus to the hon. gentleman because the moment he allows the American fishermen to penetrate our bays he may rest assured the fishing is done for our own people. For instance, the moment the American fishermen come into Bay Chaleurs, where I

have personal experience, even keeping outside of the three miles limit, the fishing is done for our people, as they come in large numbers and ruin our fishing grounds by their practice of sowing bait and throwing the offals of fish into the sea. The Hon. Premier knows that I appreciate his talents and his consummate knowledge (and, indeed, Mr. Speaker, if I had not had ten years' experience of his ability, his statesmanlike speech this afternoon would have been sufficient to gain my esteem). He knows that I repose implicit confidence in him; that I feel his presence at Washington will be a safeguard to the interests of the Dominion, and therefore I trust that he will accept my remarks in the same spirit as they are given, and that he will be in a position to dispel my apprehensions.

**Hon. Sir JOHN A. MACDONALD** had much pleasure in repeating what he had already said, which was, not that the headland question was of no consequence, but that it was unimportant as compared with the whole question of the fisheries. In order to meet the wishes of Her Majesty's Government, and in order to obtain the support of that Government the Canadian Government had agreed that the headland question should be left in abeyance, but at the same time it was full stated, and, in no way abandoned. If the Canadian Government had not so acted it might have failed to get the moral support of the Imperial Government and the presence of the British squadron in Canadian waters.

**Mr. ROBITAILLE:** I am happy to hear the Hon. Premier say that the question of headlands will not be abandoned, and I have full confidence in his assertion. Now, Mr. Speaker, I had expressed, last session, complaints because our fishermen were left unprotected against the encroachments and molestations of American fishermen, and I feel it my duty to declare to this House that during the last season, such judicious and efficacious protection has been given as commands my approbation as well as that of this honourable House.

Permission was then given for the withdrawal of the resolutions.

**Hon. Sir JOHN A. MACDONALD** in moving the adjournment of the House, said he had asked permission of Mr. Speaker to take some volumes from the library with him to Washington, and he hoped the House would pardon this infringement upon their library rules.

The House adjourned at 10.30 p.m.



February 27, 1871

## HOUSE OF COMMONS

Monday, February 27, 1871

The **SPEAKER** took the chair at 3.30 p.m.

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*Prayers*

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The **SPEAKER** laid before the House two returns (Sessional Papers No. 8 and No. 15). Members presented several petitions, and routine reports from the Committee on Immigration and Colonization, and the Joint Committee on Printing, were received.

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### BILLS INTRODUCED

**Mr. HARRISON** introduced a Bill to extend the law as to carrying dangerous weapons. The Bill was given first reading.

**Mr. DREW** introduced a Bill respecting County Court Judges.

**Mr. MACKENZIE** asked for explanations.

**Mr. DREW** said that under the Common Law Procedure Act of Ontario there was a provision that Superior Courts could refer matters of account to the Common Court Judges to decide by summary procedure. The object of the Bill was to declare that they had no right in cases of that kind to make any charge, as they sometimes did at present.

**Hon. Mr. McDOUGALL (Lanark North)** said if that was the object of his hon. friend's bill, there was no necessity to introduce it. If there was no right to make such charges, there was no necessity for legislation in that direction. If a County Court Judge should make an illegal charge, and anyone should be foolish enough to pay it, that was a matter that could easily be disposed of.

**Hon. Sir GEORGE-É. CARTIER** said that the hon. member would bear in mind that the Judges were paid by the Dominion, and must be dealt with by this Parliament. If the Judges received anything beyond their salaries, it must be either legally or illegally. There would be no harm in discussing the matter and it might be as well to allow the hon. member to introduce his measure.

The Bill was read a first time; second reading, on Thursday.

**Mr. OLIVER** introduced an Act to amend the Patent Act of 1869.

The Bill was given first reading.

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### EAST HASTINGS

**Hon. Sir GEORGE-É. CARTIER** moved that a new writ be issued for an election in the East Riding of Hastings, to return a

member in place of the Hon. Robert Read, who has been summoned to the Senate.

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### HON. MR. GRAY'S REPORT

**Hon. Sir GEORGE-É. CARTIER** laid before the House the preliminary report of Mr. Gray with regard to the manner in which to carry out as much as possible the provisions of the British North America Act, by which it was provided that the property and civil rights laws in the Provinces of Quebec, Nova Scotia, and New Brunswick might be assimilated. The report submitted to the House, he said, was merely preliminary—to precede the appointment of a Commission with the object, if it should be thought proper, that the proceeding should be hereafter adopted. He might say at the outset, that this report must necessarily be productive of great good, it mattered not whether the assimilation took place or not.

**Mr. MACKENZIE** hoped the hon. member would not proceed with the discussion before the document was laid before the House. He did not believe it would be productive of the slightest good. He believed it was a vile job from beginning to end. (*Cries of "Order."*)

**Hon. Sir GEORGE-É. CARTIER** was sorry that his hon. friend had interrupted him. He was simply explaining the object of the report, nothing more. It was his duty to do so.

**Mr. MACKENZIE:** Oh, yes; I have no objection to that, but I do object to the hon. member characterizing it as an excellent report.

**Hon. Sir GEORGE-É. CARTIER:** I have a perfect right to say so.

**Mr. MACKENZIE:** Then I raise a point of order.

**Hon. Mr. HOLTON:** If the hon. member on the other side of the House has a right to make a speech, so have I.

**Mr. MACKENZIE:** I doubt very much if he has ever read it. (*Laughter.*)

The report was laid on the table, and the discussion was dropped.

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### CORRECTION

**Mr. FORTIN** wished to correct a mistake in the report of his speech on the fisheries question, which appeared in the *Times*. The printers had made him to say, "And, therefore, if any of our fishery rights are to be given up, a policy I am *now* prepared to

recommend.” (*Laughter.*) It should be, “I am *not* prepared to recommend.” (*Renewed laughter.*)

**Mr. MILLS:** It is too bad to cheat the hon. member out of his *T.* (*Laughter.*)

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#### DEATH OF E. GOULET

**Mr. MASSON (Soulanges)** asked whether the Government is aware that one Elzear Goulet, a Métis of the Province of Manitoba, met his death in the month of September last in consequence of assault or threats of assault, on the part of certain volunteers or soldiers forming part of the Military Expedition to the North West, and if so whether the Government had been put in possession of any documents, or other papers relating to an investigation, or to any other proceedings with a view to the discovery, trial or conviction, of the person or persons suspect of having been the cause of the death of the said Goulet.

**Hon. Sir GEORGE-É. CARTIER** replied that the papers on the subject would form part of those moved for in connection with the North West Territory.

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#### NEW BRUNSWICK ELECTORAL DISTRICTS

**Mr. BOLTON** asked whether it is the intention of the Government to introduce this Session a measure for the readjustment of the Electoral Divisions or districts in the Province of New Brunswick, the present division having only been claimed as temporary, and being at complete variance with the principle of representation by population.

**Hon. Sir GEORGE-É. CARTIER** said it was not the intention of the Government to alter the electoral divisions. After the census there would have to be a reappointment of the representation.

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#### ARBITRATION

**Mr. GODIN** asked whether it is the intention of the Government to treat the decision of the Hon. Messrs. Gray and McPherson, bearing date the 3rd September, 1870, in their capacity as Arbitrators appointed under Section 142 of the British North America Act, 1867, as a legal decision of the Arbitration Commission appointed in conformity with the said section, and in case the Government should treat the same decision as null and illegal, whether it is their intention to take steps to secure the consent of the Provinces of Quebec and Ontario, for the appointment of a new Arbitration Commission, and failing such consent whether it is the intention of the Government to take legal means to create a new Arbitration Commission.

**Hon. Sir GEORGE-É. CARTIER** said the Government intended to inform the House by Wednesday or Thursday of its purpose in relation to the Arbitration question. (*Cheers.*)

#### INTERCOLONIAL TERMINUS

**Mr. FOURNIER** asked whether it is the intention of the Government to make the terminus of the Intercolonial Railway at Lévis, so as to avoid the useless circuit it would be necessary to make in order to reach it by using the line of the Grand Trunk.

**Hon. Mr. LANGEVIN** replied the subject had been submitted to the Department of Public Works at different periods; but the Government had come to no decision about it. A correspondence took place between the town of Lévis and the Government two or three years ago on the subject, which had been laid before the House.

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#### DOMINION-PROVINCIAL ACCOUNTS

**Mr. DREW** asked: Have the Government made out an approximate statement of the result of the accounts between Canada and each province, on Feb. 1st, 1871, adjusted on the footing of the award?

**Hon. Sir GEORGE-É. CARTIER:** The Government had made no such statement.

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#### SALE OF STAMPS

**Mr. OLIVER** moved for a return of the amount paid, etc., for the sale of postage stamps for the year ending June 30th, 1870.

**Hon. Mr. MORRIS** asked what information the mover wanted. Was it merely as regards postage stamps or those and others?

**Mr. OLIVER:** Postage Stamps.

Motion carried.

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#### NEW BRUNSWICK CLAIMS

**Hon. Mr. CONNELL** moved for correspondence between the Dominion Government and that of New Brunswick relative to its unadjusted claims. He stated that a very great deal of dissatisfaction existed in New Brunswick in consequence of the non settlement of that account. Whether the Dominion or the Local Government was to blame he could not say. So strong was the popular feelings on this subject that at the last elections, some of the Members lost their seats, and others were placed near the foot of the poll. While Quebec and Ontario had their claims settled, those of New Brunswick had been delayed from time to time. He wanted to know



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the cause of the trouble and bickering on this subject. If necessary the House had power to alter the Union Act, and meet this case fairly and equitably. No doubt it would be agreed to by the British Government. He recommended broad, liberal legislation, to render justice to all parts of the Dominion and abolish sectionalism.

**Hon. Mr. TILLEY** had no objection to lay the papers before the House. If, in the language of the member for Carleton, they would enable us to know ourselves, we should be under great obligations to the hon. member for having moved them.

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#### DOMINION OFFICIALS HIRED BY PROVINCES

**Mr. GODIN** moved for the names of persons employed by the Local Governments in connection with the Commission of Arbitration on the subject of the public debt of Quebec and Ontario. He said he understood an officer of the Dominion Government had accepted payment, \$1,000, from the Ontario Government for statements or calculations furnished for use in the arbitration.

**Hon. Sir GEORGE-É. CARTIER** said the Government knew nothing of it—at least, he did not. He recommended the withdrawal of the motion, as there was little information to furnish, and no objection to give such as they possessed.

**Mr. MACKENZIE** said it seemed to him to have been a very unfortunate and indecent proceeding for one of the chief officials of the Ottawa Government to allow himself to be placed in the opposition of the paid officer of a Government contesting matters of account in relation to the arbitrators. It had a tendency with other incidents connected with the arbitration to bring it into contempt when we found one of the chief officials of the Dominion making himself a party to a case in this way. He thought the House ought to interject its opinion against such an intermission of duty for the future, and to ascertain whether Ministers were disposed to defend such conduct. The Minister of Militia pleaded ignorance of the matter: but everyone knew the Ontario Government acknowledged having paid this sum of \$1,000. This state of affairs ought not to be allowed to continue. As a member representing to some extent the public opinion of Ontario, he felt bound to protest against such conduct on the part of Dominion officers. (*Cheers.*)

**Hon. Sir GEORGE-É. CARTIER** again protested he knew nothing of the matter. He had never read the budget speech of the Finance Minister of Ontario, because it was too long. (*Laughter.*) Every day we learned something new, and today such had been his experience.

**Hon. Mr. CHAUVEAU** said if any of the employees of the Government of the Dominion were required before this arbitration, when they pretended they were approached by that capacity, they should not have acted without the permission of that government; and if they had thought such officials should have gone—an

opinion he thought they should not have held—they should have paid them themselves. The officials should not have been paid by the Ontario Government. (*Hear, hear.*)

**Hon. Sir A.T. GALT** said that he thought there could be no question that gentlemen in the public service had no right to give their services at the request of any other parties whatever, and that any information desired by the Local Governments at the hands of the Government of the Dominion ought to form the subject of an official communication, and he thought that the proceeding in question, if it had occurred, was extremely irregular.

**Hon. Mr. GRAY** said no officer of the Dominion Government had been examined before the arbitrators except the Auditor General.

**Hon. Sir A.T. GALT** said no officer of the Government had a right to give his services at the request of any party, whether Government or individual.

**Mr. BLAKE** thought there was a peculiar impropriety in an officer of the Dominion Government acting in connection with the Arbitration question, and even in any service whatever on account of the Local Governments, and he was surprised that such a service should have been performed by Mr. Simpson, and still more so that it should now be stated that the head of the Department was not aware of his having done so, and of his having received payments for having done so.

The motion was carried.

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#### FORMS OF RAILWAY RETURNS

**Mr. BLAKE** then moved an address to His Excellency for copies of orders or directions made at any time under the Railway Act as to forms in which returns thereby required should be made up.

The motion, seconded by **Mr. MACKENZIE**, was put and carried.

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#### RAILWAY RETURNS

**Mr. BLAKE** then moved an address to His Excellency for copies of returns made by each Railway Company under the Railway Act of the late Province of Canada and the Railway Act of 1868, by which it is provided that each of the Companies affected thereby shall in January and July in each year make a true and particular return of accidents and casualties, whether to life or property. He said that many accounts had lately been heard of the unfortunate condition of one of the Railways in this country. On the one hand reports were made as to the very great irregularity which had occurred, and as to the very great number of accidents which had taken place, and as to the great amount of damage done, while on the other hand the most decided statements were made the other

way. It was, however, certain that the public mind had been alarmed. It had been alleged that such reports were calculated to divert traffic from the Railway and injure it, and that such had already been the result, and he thought that it was very important that the truth of the matter should be ascertained by the production of the returns for which he had moved, so that the public mind might be soothed and the matter placed in a proper light.

The motion was carried.

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#### HALIFAX PROVINCIAL BUILDING

**Mr. YOUNG** said that he understood some correspondence had taken place between the Dominion Government and that of Nova Scotia in regard to the Provincial Building at Halifax, and, in fact, that there had been a very spicy dispute between the two Governments on the subject, and he thought it very desirable that the papers should be laid before the House, especially as one of the leading organs of the Government had alluded to the matter in defence of the position taken by the Dominion Government. He therefore moved an address to His Excellency for copies of all correspondence on the subject.

**Mr. SAVARY** desired to call attention to the fact that he had on the notice paper a motion on the same subject, which, he thought, would meet the matter more fully than that moved by Mr. Young. It was well known that a dispute existed between the two Governments on the subject, and, in fact, a statement of the matter had been printed and largely distributed throughout Nova Scotia. As far as he understood the matter, the Local Government charged that of the Dominion with unjustly retaining the sum of about sixty or seventy thousand dollars, and whatever might be the facts of the case, there was no doubt that the Local Government was making a great deal of it, and it was therefore a proper subject for discussion in that House, in order that some conclusion might be arrived at—and that it might be ascertained to what extent the Local Government was correct. He would therefore ask Mr. Young to withdraw his motion in order that he might make a more comprehensive one which would place the matter more fully before the House. He would move for the production of all papers connected with the matter including a statement of all monies paid on account of the building in question.

**Mr. YOUNG** said he had no objection to Mr. Savary making an addition to his motion so as to include the information he desired but he thought it would be better that his (Mr. Young's) motion remain, when Mr. Savary's should come up in proper course.

**Hon. Sir FRANCIS HINCKS** said that on the part of the Government there could be no possible objection to let the motion pass. He thought the whole question lay in a nutshell as by an Act passed on the 22nd of June, 1869, which, however, the Government of Nova Scotia considered unconstitutional, it was provided, by clause 3, that Nova Scotia should from the date of the completion of the new Province Building be debited in account with Canada at the

rate of 5 per cent per annum until it should be placed at the disposal of the Dominion and he, as Minister of Finance, had been obliged to see that that provision was carried out. The Government of Nova Scotia, however, refused to make over the building except on certain conditions, which could not be entertained as there was a further clause in the Act, which had emanated from the hon. and learned gentleman from West Durham and had been assented to by the House, stating that the provisions made by that act should be taken in full settlement of all demands of Nova Scotia on Canada, and he might add that the Government had been most careful not to commit itself in the matter, and they had not the least objection to the production of the papers.

**Mr. MACKENZIE** said he supposed the hon. gentleman meant to say that the Government had been most careful not to commit themselves by taking shelter under the provision moved by his friend from West Durham, so that when any election or anything of that sort comes, they could say that they had not committed themselves, and so make an attempt to gain popularity.

**Hon. Sir FRANCIS HINCKS** did not think it was possible to treat the matter as a matter of account, but he thought it would be quite competent for the Government to come down to the House and ask them to vote the amount if legally due to the Province of Nova Scotia.

**Mr. SAVARY** then said that he would move an amendment of Mr. Young's motion, for all papers in connection with the matter, and for a statement of all monies expended on the construction and completion of the building, and of all monies paid to the Government of Nova Scotia under 32, 33, Vic., Cap. 2. He was not aware that the Government of Nova Scotia claimed that the statute to which the Finance Minister had referred was unconstitutional, but they claimed that the third section had no reference to money expended by the Local Government on the completion of Provincial buildings since July 1st, 1867, and that the money so expended should be reimbursed by them. He did not charge the Dominion Government with any intention of keeping back anything to which the Local Government was entitled, but he thought the subject was a fair one for the consideration of the House as it had been much agitated in Nova Scotia, and it was very important, therefore, that it should be considered and decided by the Dominion Parliament. The Local Government claims, in fact, that the Dominion Government has paid to the Province similar claims and demands, and that as the money had been expended subsequently to the 1st July, 1867, they had a just claim to reimbursement—and indeed he had been informed that a distinguished member of the Opposition in that House had given a strong opinion that the Local Government was entitled to the amount.

**Hon. Sir A.T. GALT** thought it was necessary that the House should have the papers before it, before it could pronounce intelligently on the matter, but from the statements of the mover of the amendment, the Nova Scotia Government seemed to have a fair claim to re-imbusement of money expended since Confederation, and it seemed a case in which, though the terms of the Act seemed

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to prevent the payment, the Government might find it necessary to change the terms of the Act.

**Hon. Mr. HOWE** thought that when the papers were brought down the matter ought to be discussed fully and settled finally, but he deprecated any discussion under the present circumstances.

**Hon. Mr. DORION** had no recollection that anything had been said respecting this claim on the occasion of the discussion on the subsidy to be paid to Nova Scotia.

**Hon. Mr. TUPPER** agreed with his hon. friend the Secretary of State for the Provinces that the more appropriate time for discussing the question would be when the papers had been brought down, but he thought the member for Digby had fallen into the fallacy which had misled the Local Government, and as the late Finance Minister had sanctioned that fallacy by his opinion, he thought it right to state the grounds on which the Government had acted in the matter. The claim of the Local Government to the payment of the \$66,000 was founded on the fact that they state that after July 1st, 1867, they paid out of their revenue that \$66,000 towards the completion of the building, and that it was therefore unjust to include that amount in their debt, or to charge them with interest. The Minister of Finance had already stated that when the Act was passed voting a large additional amount to Nova Scotia, that Act was burdened by a clause that until the building was surrendered, the Government should charge five per cent on the cost of the building. He held that there was no discussion between the \$122,000 paid on the building before Confederation and the \$66,000 after Confederation, and he would be delighted if his hon. friend from Sherbrooke would by the weight of his great financial knowledge, support the view that all contracts made by the old Governments were the property of the Government making the contracts, for every one would remember that at the time of Confederation they were building a railroad from Truro to Pictou, and that large sums of money were paid after the 1st of July, 1867, by the Dominion Government in the same way that money had been paid on the completion of the building at Halifax.

**Hon. Sir A.T. GALT** said that in one case the money had been paid by the Dominion Government and the other by the Provincial Government.

**Hon. Mr. TUPPER** said that he need not tell the House that he would be the very last to stand in the way of a payment to Nova Scotia, but he thought the House should understand this matter. Under the Union Act every contract that was made by any of the Provinces in relation to Public Works became the property of the Dominion on the 1st July, 1867, but was it to be charged to the Dominion under the Act? The Act provided that while the Dominion should be responsible for the payment, every dollar should be charged to the debt of the Province that contracted the work. The Union Act provided also that every officer holding office under the Local Government on the 1st July, 1867, became, in relation of every matter that came under the control of the Dominion Government, the officers of the Dominion, and therefore the Commissioners to build the Provincial Building at Halifax became in reality the Commissioners of the Dominion, and he held

that in reality the building became the property of the Dominion Government at Confederation, but Nova Scotia having declared its intention to complete the buildings its debt is \$66,000 less than if the money had come out of the Dominion purse. As the matter had thus been brought before the House, he thought it right to state what had been the difficulty placed in the way of the Dominion Government; but, he should only be too glad, for the sake of Nova Scotia, if the opinion of his hon. friend from Sherbrooke should obtain.

**Hon. Sir A.T. GALT** said that after what had been said by the hon. gentlemen from Cumberland, he thought they should certainly wait until they got the correspondence.

**Mr. SAVARY'S** amendment was then put and carried.

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#### HUDSON BAY COMPANY

**Mr. YOUNG** moved for an address to His Excellency for correspondence between Hudson's Bay Company and Government of Canada touching non-payment of purchase money for extinguishment of claims on North West Territory, &c. He thought it was advisable that all the correspondence in relation to the Hudson's Bay Company, and their losses at Red River, should be brought down.

**Hon. Sir GEORGE-É. CARTIER** replied all would be laid before the House with the papers, as well as a claim from the Hudson's Bay Company, in accordance with a motion of the hon. member for South Oxford the other day.

**Mr. YOUNG** said that the motion had no reference to the general correspondence with the Hudson's Bay Company, which he wanted produced.

**Hon. Sir FRANCIS HINCKS** said that all the paper would be brought down.

**Mr. YOUNG** then withdrew his motion.

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#### INDEPENDENCE OF PARLIAMENT

**Mr. BLAKE** seconded by **Hon. Mr. HOLTON**, moved the following resolution: "That in the opinion of this House it is inexpedient that any member of this House should for the future be engaged in the service of the Government of Canada in any paid employment, such as that in respect of which the Hon. Mr. Gray, member for the city and County of St. John, in 1868, entered into the receipt of three hundred dollars a month of the public monies." He said the events connected with the transaction to which he referred were fresh in the public mind, and it had become the general impression that greater stringency was required to secure the independence of Parliament, without which members hold their

seats, not for the purpose of representing the people but of enabling some few persons to govern them in spite of their wishes. Shortly after the first session of this present Parliament, the Act, miscalled a Bill, to establish the independence of Parliament, was introduced, and in spite of the protest of the Opposition it became law in its present objectionable shape. It was passed in the shape, that while it acknowledged the independence of members of this House, was likely to be sapped by a yearly salary, fee or emolument from the Government, it would not in the least be interfered with, only if the fee or salary was not annual. That was the distinction, that the independence of a member who was employed by the year at a yearly salary would be interfered with, but the independence of the member who was employed for two years at a two years' salary or by the month at a monthly salary, would not be interfered with in the least. He agreed with the hon. members opposite that there was a distinction between them, but it had always appeared to him that the distinction was in favour of the man who was employed yearly, for then he might maintain his independence, but if employed by the month, he would be the more submissive servant.

The Opposition had endeavored to prevent the law from passing in that shape, but were defeated. On subsequent occasions, when appointments were made which they considered objectionable, they protested against them but were defeated, and now, when this Parliament was about to close, and there had been ample evidence afforded of how badly the act worked, he ventured to appeal to the House to reconsider the question and to determine, guided not merely by reason, but by experience, that it was not expedient in future that a person in receipt of such emolument should have a seat in this chamber. There were instances of the fact that a man need not have a long engagement, and yet remain a long time employed. The case to which he desired to apply a remedy was one in which a man held office for nearly if not quite two years. The hon. gentleman received large sums—sums which he thought would stagger the House when their attention should be called to them. For about two years the hon. member for St. John, while holding a seat in this House, received from the public funds as Commissioner, or in the employ of the Minister of Justice in the codification of the laws; or in some work for the Government, \$3,600; no, not that, only \$300 a month, which was equivalent to that amount per year, realizing for the two years a total of \$7,200. Then as arbitrator \$4,400 was paid him. He received what each member got, a sessional allowance of \$600 per year; \$1,200 for the two years. And there was the mileage too, the earned mileage amounting to \$584. The hon. gentleman received from the Government, then, in various ways, a total sum of \$14,484, while a private member of Parliament.

He (Mr. Blake) would contrast this with the salary of a Crown Minister. The yearly salary of a Cabinet Minister was \$5,000, which with mileage amounted to less in two years than the amount received by the hon. member for St. John within the same time. It was time that there should be an end of this system. The House should solemnly declare that it had not conduced to the independence or the dignity of this Chamber, that its members should have been in the pay of the Ministry of the day, whether that pay were weekly, monthly or yearly. It did seem to him that there

were plenty of gentlemen quite competent for the purpose of the Government, and to such men it should be left, or that hon. members who wished to pick up these crumbs from the public table should resign their seats in the House. It seemed to him that the Act recognized, but in the wrong way, that the distinction between monthly and yearly hire had produced injurious results and should be amended for the future. He had no desire to make personal attacks on any hon. gentleman, but when the hon. member from St. John sat in this House holding an office of emolument under the Government, he should expect such criticism. He had no objection that the hon. member should be employed. He understood today that the hon. member had ceased to be employed. He (Mr. Blake) was glad of it, for it now left the House clear of this case, and for his own part he could say sincerely that he desired if the hon. member wished to be employed in the public service, that he should receive such share of the patronage of the House as he was fit to earn—always on condition that the hon. member ceased to hold a seat in this House while so employed. Long might his gallant bosom swell, long might his waistcoat pocket fill with the streams from the treasury benches, but not while he represented the people here. (*Laughter.*) He (Mr. Blake) submitted his motion on which he proposed to found a Bill to carry out the great reform which was so much needed.

**Hon. Sir GEORGE-É. CARTIER** said it ought to be fresh in the memory of every hon. member in the House, the circumstances under which the present Bill was passed. The old Parliament of Canada had had ample experience of the Independence of Parliament Act to which the hon. member for Durham West had alluded. It had been amended from time to time till it had reached a state of perfection which commended it to the inhabitants of the late Province of Canada. He thought that Act worked well. On several occasions the members of the successive Governments which held office before the Confederation had often felt it too stringent when the services of the hon. members were required for special purposes for which they were fitted. It had only been adopted after a long discussion, and it was afterwards deemed expedient to strike out the word “temporary” in order that the Government should not be deprived of the advantage which might be derived from employing hon. members in such cases. If his memory served him right, there was no division on that amendment in this House. Its necessity was felt by all. Quite recently, under Mr. Gladstone's government, Sir Stafford Northcote had been asked to act as Commissioner at Washington, and the Parliament were not opposed to it. It was not considered by any member that such a proceeding was like bribery which might be calculated to degrade a member of the House. There was a circumstance which came to his (Hon. Sir George-É. Cartier) knowledge when he was in England in 1858. The Government called on Mr. Gladstone, who was in the Opposition, to investigate matters which took place at the Ionian Islands. He would tell the hon. member for Durham West and the House that when the Independence Act was passed in this House in 1868, there was no intention on the part of this Government to obtain any privilege which had not been already enjoyed by the English Government. We had the same privilege given by Parliament. Government is not to be deprived of the temporary services of hon. members of the House who may be peculiarly fitted for certain

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services under the law of the land, and he wanted the country to understand that he had not acted in regard to these appointments in the way the motion of the hon. member for Durham West seemed to point out. He would tell that hon. member that the Government had considered the question, and that they were going to bring down a measure with regard to the Act passed in 1868 in reference to the independence of Parliament to amend it in such a way as to bring it in as it was formerly under the legislative system in the late Province of Canada. (*Hear, hear.*) He hoped his hon. friend would not press his motion; if he did so, he (Hon. Sir George-É. Cartier) would introduce an amendment that would carry out his views on the matter.

**Mr. MACKENZIE** said it was somewhat remarkable, after the experience the hon. gentleman had, that he should so have gone against the motion; and that he proposed the cheap expedient, in other words, he proposed to do exactly what his hon. friend from Durham West wanted; and yet at the same time he wanted to strangle him. If he would say that he was open to pursue the wrong system, and he (Mr. Mackenzie) would allow that fact—yet he objects to the motion of the hon. member for Durham West. In relation to what passed when this Act was under discussion, if the Hon. Minister of Militia would remember he would find there was a division. He did not like to make a motion that was painful to any member, or to mention the name of the member for St. John,—but that motion was opposed by the Government, and at the last session only eight votes defeated it. So the hon. gentleman could not say he had large portions supporting him from the opposite side of the House. At the same time the system which had been adopted was a disgrace to this Legislature.

**Mr. SAVARY** said he was about to move all the words in the resolution after “employment” be struck out. He could not see, whatever feeling the hon. member for Durham West might have in the matter, now that the term of employment of the hon. member for St. John had ceased, why that gentleman should be referred to in particular, or why an ungracious allusion to any hon. member in this House, should be allowed to go on the journals in such a manner. He thought the views of the hon. member for Durham West would be met, and the resolution would have a wider and more effectual scope if amended as he (Mr. Savary) proposed. He was not opposed to the principle which the hon. member desired to lay down where the employment of any hon. gentlemen was similar to that alluded to. He could not see why the House should limit the resolution to one case. He should prefer to apply it to all cases. He therefore moved that all the words in the original resolution after the word “employment” be struck out.

**Mr. BLAKE** said that is the same thing; make it six or eight months at once.

**Mr. BOWELL** said the motion now in hand was a correct one, and he was glad to hear the Minister of Militia say it was intended to alter the Independence of Parliament Act so as to exclude this class of employees. If the member for Durham West withdrew his motion, he had no objection to withdraw his amendment.

**Hon. Sir GEORGE-É. CARTIER** after examining the Votes and Proceedings for 1868, said the amendment proposed by the Opposition had escaped his memory. The amendment had not encountered stern opposition from the Government owing to the temper in which it was proposed, and the tone of the debate. He was sorry the member for Durham West had not agreed to withdraw his motion after the Government promised to amend the Act. They kept their word. He might take credit for forestalling the Government but they had considered the matter before.

He moved, in amendment to the said proposed amendment, seconded by the Hon. Mr. Tilley, That all the words after “That” in the amendment, be expunged and the following substituted, “all the words after “That” in the main motion be left out, and the following substituted “this House will give its best consideration to any measure that may be introduced, having for its object the further securing the independence of Parliament,” inserted instead thereof.

**Mr. MILLS** said the main motion was important. The reasons existing for the exclusion of the parties mentioned in the Act of 1868 were as strong against the employment of parties not thereby excluded as to the English Act securing the Independence of Parliament; what was necessary there would not suffice for the same object in Canada. The members in this country were of different circumstances from those of the English members, who were a plutocracy. Our position being different from that of the English people, in this respect, demands different safeguards. Our Governments should not be able to employ members of Parliament. It was no longer possible to influence English as it was Canadian members. What has happened within the last two years to give the Government information it did not before possess? Was there any Commission or event apart from the Intercolonial Commission or the Arbitration within this period to instance in support of a new policy apart from those mentioned in the motion. The Government’s course was not unselfish. They had lost influence, and having a prospect of some being kicked out of office, did not like their successors to possess the advantages in the way of patronage have possessed by themselves. He argued there was no good reason against the motion.

**Hon. Mr. CAMERON (Peel)** contended the Act did not apply to the member for St. John, and that the Government had power to appoint him on the Commission. If his case had come within the Act a motion might have proposed to make him vacate his seat. He did not clearly understand the object of the motion. If it was intended to change the whole character of the Act, and restore it to its old condition that was one thing, or if it was intended merely to embrace a particular case, that was another. Neither did the Minister of Militia clearly explain what course the Government intended. No doubt a large sum had been disbursed under the arrangements aimed at by the resolution. Yet, in England larger sums still had been paid by Governments to Commissioners like the member for St. John, and even to gentlemen selected out of opposite parties. Dr. Bowring received for a period of service not longer than that of this hon. gentleman, upwards of eleven thousand pounds sterling. Franklin Lewis and Mr. Blackburn, when chairman of like

Commissions, received large sums, and Mr. Cobden was paid a good deal of money for his labours in connection with the French treaty.

At this moment there were more than forty members of the English House of Commons receiving emoluments for services. When Mr. Gladstone went to the Ionian Islands his expenses reached within a fraction of 2,000 pounds. Sir Stafford Northcote had been appointed a member of the Joint High Commission by the Government of the party opposed to his own. It might be said these appointments in Canada were daring attempts to corrupt members; but they had the usage of the Imperial Parliament for a course adopted by the Liberals as well as the Conservatives. If the act here was to be changed, Parliament ought to be informed in what way, and whether it would affect parties receiving monthly salaries so far as the hon. member particularly affected by this motion was concerned. The item paid him came down and received the sanction of Parliament, and that having been done, if a change had been made at all, it must have been made without the slightest reference to him. We had now from the Minister of Militia a promise that the Act was to be amended, but how it was to be amended, we were not told.

It being six o'clock, the House rose.

### AFTER RECESS

**Mr. MASSON (Soulanges)** always understood that the intention of the law was to prevent sitting members from accepting salaries for services. It was argued that the law applied only to parties receiving yearly salaries. He believed, however, the Act ought to be amended so as to prevent the acceptance of salaries or payments by members for services rendered. But as the law stood, he thought the Government had acted regularly. As the Government promised to amend the statute, he would vote against the amendment of the member for West Durham.

**Hon. Mr. WOOD** said it was quite true that members of Parliament in England were often selected for service on commissions, and paid for their labours, and that Ministers frequently chose political opponents without its being considered that their subsequent votes were thereby likely to be influenced. It would appear, however, from the position of parties in this country that such may not be the case; and if it were true that it was necessary to the independence of Parliament that persons who had a yearly salary by virtue of a Commission from the Crown were incapacitated from the supposition that they might be under the influence of the Government of the day—if it were necessary to have such a provision to protect the independence of the members of the House—*a fortiori*—it must be necessary to protect that of members employed casually and paid from day to day or month to month. There were on two occasions he had cited in support of the view that it was contrary to the spirit of the Independence Act that

persons should occupy that position. He voted, however, against the proposition of the member for Durham West, which went far beyond the substance of the proposition contained in the present main motion.

He had included in his former motion many persons not holding office under the Crown in Canada, but holding office under the Crown in any portion of Her Majesty's Dominions. Certainly, persons in the different provinces, like himself, holding office under the Local Government were included in the motion. He could not vote for the present motion. He thought he detected as its motive a spirit of malevolence, not creditable to any hon. gentleman whether in or out of this House. He saw no difficulty in the mover attaining his end in a way different from the present, without attempting to fix upon the journals an imputation of infamy in connection with an hon. gentleman. Far better to have introduced a motion affirming an abstract principle of universal application, such as, that it was inadvisable a sitting member should be appointed to a position of emolument by the Government of the day. He would vote against the motion and for the amendment of Hon. Sir George-É. Cartier. The other amendment was faulty with reference to monthly payments and employments. The principle desirable should prevent the Government from employing any one in any service in which he got pay.

**Mr. BLAKE** after replying to some personal allusions in the speech of Mr. Wood, noticed that it would have been better to have proposed an abstract principle without the illustration. He said he would have been delighted if he thought he could have carried it without the illustration. His opinion, and he thought this might have proved it, that the best way of carrying an abstract principle was to impress on the House the importance of it by embodying in the resolution the illustration of its importance. If his motion had been framed in any different way, he would not have been met by the proposition of the Government to concede the sense of his motion, against which they had voted three sessions. He was not disposed, holding he had put on the journals an admirable resolution, which could not be amended either in matter or manner, to prevent the House from pronouncing on the principle of it as it stood, in favour of the milk and water amendment of Hon. Sir George-É. Cartier. It did not commit the House or Government to the passage of any measure but merely promised to consider any measure brought down. He declined altogether to exchange his straightforward, plain resolution, affirming an indisputable principle, for the amendment of the Hon. Minister of Militia, which meant nothing at all. He would ask that the votes of the House be recorded.

A division on the amendment of Hon. Sir George-É. Cartier:

YEAS

Messieurs

Archambault

Ault

February 27, 1871

Barthe  
Beaubien  
Benoit  
Blanchet  
Brousseau  
Cameron (Inverness)  
Caron  
Cayley  
Chipman  
Colby  
Dobbie  
Dunkin  
Fortin  
Gaudet  
Gibbs  
Grover  
Hincks (Sir Francis)  
Howe  
Irvine  
Keeler  
Lacerte  
Lapum  
Little  
McDonald (Middlesex West)  
Masson (Terrebonne)  
McMillan  
Morrison (Niagara)  
Pickard  
Pouliot  
Renaud  
Ross (Champlain)  
Ross (Victoria)  
Savary  
Simard  
Smith  
Street  
Tilley  
Tupper  
Webb  
Wood  
Wright (Ottawa County)—(83)

Beaty  
Bellerose  
Bertrand  
Bown  
Burpee  
Cameron (Peel)  
Cartier (Sir George-É.)  
Chauveau  
Coffin  
Costigan  
Drew  
Ferguson  
Gaucher  
Gendron  
Grant  
Harrison  
Holmes  
Hurdon  
Jackson  
Killam  
Langevin  
Lawson  
McDonald (Antigonish)  
Masson (Soulanges)  
McDougall (Trois-Rivières)  
Morris  
Perry  
Pinsonneault  
Ray  
Robitaille  
Ross (Dundas)  
Ryan (Montreal West)  
Shanly  
Simpson  
Stephenson  
Sylvain  
Tourangeau  
Walsh  
Willson  
Workman

MacFarlane  
Magill  
McConkey  
McMonies  
Moffatt  
Munroe  
Pâquet  
Pozer  
Ross (Wellington Centre)  
Scatcherd  
Snider  
Thompson (Haldimand)  
Tremblay  
White  
Wright (York West)

Mackenzie  
McCallum  
McDougall (Lanark North)  
Mills  
Morison (Victoria North)  
Oliver  
Pelletier  
Redford  
Rymal  
Scriver  
Stirton  
Thompson (Ontario North)  
Wells  
Whitehead  
Young—(58)

The vote on the amendment to the original question, as amended, was carried by the same division; and the main question, as now amended, was carried, again on the same division.

\* \* \*

**DISALLOWANCE**

**Mr. BLAKE** moved an address to His Excellency for copies of correspondence between the Imperial and Canadian Governments and between the Governments of Canada and any of the Provinces touching any Acts of the Legislature of Canada or any of the Provincial Legislatures. He explained that the object was to ascertain which of the Acts of any of the Legislatures had become the subject of comment on the part of the Imperial authorities with regard to disallowance or amendment.

The motion was carried.

\* \* \*

**FENIAN RAID CLAIMS**

**Mr. MACKENZIE** then moved an address for copies of correspondence of the Canadian with the Imperial Government concerning the claims of Canada against the United States, arising from the Fenian raids, together with copies of all Orders in Council and documents relating to the same. The House had been informed a few days ago, that there was such correspondence, that a certain account had been sent to the Imperial Government, and he moved for the papers so that the House might see the exact position of the matter.

**Hon. Sir GEORGE-É. CARTIER** said that he thought when the hon. gentleman, considered the delicacy of the matter, the fact that the correspondence was not entirely closed, he would see the propriety of his motion, and on behalf of the Government he must state that they did not feel justified in bringing down the papers asked for, as they did not think it would be conducive to the public interests.

**NAYS**

Messieurs

Bécharde  
Bodwell  
Bowman  
Carmichael  
Cheval  
Connell  
Crawford (Brockville)  
Dorion  
Ferris  
Fournier  
Geoffrion  
Hagar  
Joly  
Kempt

Blake  
Bowell  
Cameron (Huron South)  
Cartwright  
Cimon  
Coupal  
Delorme  
Dufresne  
Fortier  
Galt (Sir A.T.)  
Godin  
Holton  
Jones (Leeds North and Grenville North)  
Macdonald (Glengarry)

**Mr. MACKENZIE** very much regretted that the Minister of Militia had taken the grounds he had taken, as the House had been distinctly led to believe that at least a portion of the correspondence would be brought down.

**Hon. Sir FRANCIS HINCKS:** Certainly not. No one did.

**Mr. MACKENZIE:** The hon. gentleman ought not to be too positive in contradicting statements. He had certainly understood that some of the papers would be brought down, and when it had been said that the statement in question had been made and sent in, he had given notice that he should ask for the papers, and now when he made the motion he was told by the Minister of Militia that it would not be conducive to the public interests that the statement should be brought down. Of course, as the Ministry had assumed the responsibility of making that statement he should not divide the House, but he must protest against every request being met with such an answer. Part of the proceedings had already been published, and if they waited a few days they might find the remainder in an Imperial Blue Book. Surely it was not a matter of no consequence that the people should know what the claims of Canada were, and the way in which the Government had urged them.

**Hon. Sir FRANCIS HINCKS** said he was very much astonished at the notion of the member for Lambton, and he would venture to say that the hon. gentleman could not point out a single instance in Imperial practice where papers relating to negotiations with foreign Governments had been laid before the House, and it must be seen that nothing could possibly be more injurious than such a proceeding in the present instance.

**Mr. MACKENZIE** said that on the contrary he would show the hon. gentleman on the morrow numerous instances in Imperial practice of papers in such cases being brought down. He might mention that in the case of the present High Commission the English Government had even furnished the newspapers beforehand, the basis on which the Commission was to proceed, and he was certainly amused to hear the hon. gentleman make such an extraordinary statement.

**Mr. JONES (Leeds North and Grenville North)** was equally surprised to hear such a statement from the member for Lambton, and he had good reasons for entertaining that surprise. He thought he understood something of constitutional practice in England, and could fully corroborate the statement of the Hon. Finance Minister, and wherever it had been stated that the production of any papers would be detrimental to the public interest, such production was never urged.

**Mr. BLAKE** said Lord Kimberley had required the Canadian Government to send a statement of the claims of Canada in respect of the Fenian raids for transmission to the American Government, and couched in such terms as would render it fit for transmission to that Government. The Canadian Government had transmitted that statement, when, he did not know, but they were told that it had been transmitted. It had been framed expressly for the purpose of

being communicated to the United States, following on that the Commission had been arranged, and was about to sit, and as there could be nothing in the statement unfit for the American Government, as it had been framed expressly for them, surely there could be nothing in it unfit to be submitted to the people of Canada. And yet they were to be left in entire ignorance of the way in which their claims had been set forth and urged, as such a proceeding "would be injurious to the public interests." There was nothing confidential about the paper, nothing secret, nothing private. It was intended to be presented by the American Government to that of the United States, and he certainly thought the hon. gentlemen could not refuse to produce it on the ground of expediency in the public interests. Such a reason might apply were the whole of the papers asked for, but if the hon. gentlemen persevered in refusing the particular document asked for, he thought they were bound to give some special explanation of their reasons for doing so.

**Hon. Mr. CAMERON (Peel)** thought that the hon. gentlemen who had just spoken has answered his own argument. He had admitted the general principle that Ministers were justified in refusing papers, the production of which they considered would be detrimental to the public interests, and he had stated no reasons why that principle should be departed from in the present instance. It was not simply one particular document that was asked for, but the whole of the correspondence, and after the Minister of Militia had stated that their production "would be injurious to the public interest," by what possible right could the House urge the matter further. They on that side of the House, took the statements of the Government, and believed them, and when the Government declared that the production of the papers would, in their judgment, be prejudicial to the interests of the country, he thought the House was bound to believe and accept the statement.

**Hon. Mr. McDOUGALL (Lanark North)** quite agreed with the hon. gentleman who had just spoken, that as a general rule the Ministers should judge as to the propriety of submitting correspondence, but he thought it was hardly fair to ask the House on every occasion to submit to a simple statement as "public interests" without a word of explanation.

It was notorious that claims did exist, there was no secret as far as that was concerned, and he thought there could be no reason for withholding particulars of the account which had been preferred, and the mode in which it had been urged. The statement might have been a very inadequate one. If he remembered aright the Premier had told them that the matter of these claims was not among those to be submitted to the High Commission. If however, the Government could tell the House that these claims would be considered by the House, by the Commission, then he could understand the propriety of withholding the papers, but under the present circumstances of the case, the members of that House as representatives of the people had a right to express their opinion as to the manner in which the claims of the people had been put forward. There might be some papers which it would be inexpedient to submit, and those might be withheld, but they certainly ought to have the statement, and though admitting the propriety of submitting to the decision of Ministers in such matters,



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as a general rule he was not one to submit to a simple statement repeated on every occasion without comment or explanation.

**Hon. Mr. CONNELL** thought that many additions might have to be made in the claim, and then the particular paper in question should be submitted.

**Hon. Mr. WOOD** said he could concur in many reasons why it might be injudicious to bring the matter before the House, although it might not be that the subject of compensation for the Fenian raids would be brought before the High Commission, yet it might be very inadvisable to make public statements which might tend to influence the minds of the people of the United States, and so very much embarrass the action of the Commission, and he was certainly astonished that men of the great experience of the members for Lanark, Durham West, and Lambton, should so earnestly press the Government to produce papers which they must see it would be most inadvisable to bring down, at the present time. Under any and all circumstances.

**Mr. MACKENZIE** said that not being gifted with the unusual reasoning powers and good judgment of the member who had just spoken (Hon. Mr. Wood—That's a fact, (*Laughter.*) they ought to have some forbearance for him, but if the hon. gentleman was to be their political schoolmaster he feared the House would not improve in manners, judgment, or good sense.) He did not intend to divide the House on his motion, but he felt bound to protest against the course taken by the Government. As to what the last speaker had said about inflaming the minds of the people of the United States, that was beneath contempt. It was well known that the American Government had published full minutiae of the *Alabama* claims, and who had ever thought of its having any effect on the Canadian mind. The claims on account of the Fenian raids would have to be adjudicated on, and why should Canadians be afraid of letting the United States know what their claims were. He would, however, defer to the judgment of the hon. gentleman opposite and withdraw his motion.

Motion accordingly withdrawn.

\* \* \*

#### CHAPLAIN WITH RED RIVER EXPEDITION

**Mr. MAGILL** said you are all aware that during the past season the people of this country had been called upon to restore law and order in the North West. Too much praise could not be awarded them for the readiness with which they had undertaken this duty. Willingly they had come forward to offer their lives a sacrifice on the altar of their country. It was well known that the Wesleyan Methodists formed one of the most numerous and respectable church bodies in this country and great discontent and dissatisfaction arose when it was reported that that body had not been treated with due respect by the Government. He hoped there was no Jonahs in the camp. He thought this was a proper time to bring this subject before the House that a prompt opportunity might be afforded the Hon. Minister of Militia to set the matter at rest. We

had no church and state in this country, and the very fact that this great advantage had been obtained by us, by hard fought battles, made us jealous of our rights. There was no such thing as any one class being put over the other. All were pleased with an equality. When the expedition was sent to the Red River last summer, some of the members of the Wesleyan body joined the expedition. It was proposed that one of the missionaries of the Wesleyan body should be sent with the forces as a chaplain. A communication was sent to the Hon. Minister of Militia asking to be allowed that privilege. The Rev. Mr. Punshon was the gentleman who, on behalf of the body, made the application. A gentleman well known as an eminent Divine, not only in this Dominion but the British Empire. The answer of the Hon. Minister of Militia, to that reverend gentleman, was said to be very uncourteous—this he could not from his knowledge of that hon. gentleman believe. The matter had however obtained so much notoriety as to be brought before the conference at Toronto. He did not stand up here as a vindicator of the Methodist body; he would do the same for any other denomination. He would move an address to His Excellency, asking for a correspondence between Dominion Government and Rev. W.M. Punshon and others, in reference to appointment of chaplain to accompany Military Expedition to Manitoba.

**Hon. Sir GEORGE-É. CARTIER** said he was delighted that the hon. gentleman had brought his motion before the House. Unfortunately, a member of the Government—a Minister of the Crown—was obliged to do his duty, and be silent often when assailed even in the most unexpected place. He recollected about the 17th of June last, he (Hon. Sir George-É. Cartier) made an appointment to meet the Hon. Sir A.T. Galt in Montreal, who then apprized him that the Methodist conference was sitting in Toronto; and that some extraordinary statement had been made about the appointment of a chaplain to the Red River Expedition. He was not able to find out what amount of trouble there was with regard to the chaplain for that force from his friend, Hon. Sir A.T. Galt (who was always a friend of his). The news was merely telegraphic and came from Toronto to Montreal. It was to the effect that a statement had been made in Toronto by a rev. gentleman that Hon. Sir George-É. Cartier had appropriated 1,000,000 acres for the priests and clergy of Manitoba, that he would not listen to a petition sent on behalf of the Methodist clergy, for the appointment of a Methodist chaplain to accompany the volunteers from Ontario, and, besides, he had sent twelve priests to accompany the expedition, while the poor Methodist clergyman could not obtain leave to go.

**Mr. MILLS:** Who said that?

**Hon. Sir GEORGE-É. CARTIER** said he would explain all that. He felt more surprised than any one could imagine when he learned these things, that such a large appropriation had been made, that he had sent an army of priests to accompany the expedition and had refused permission for a Methodist clergyman to go with them, and, above all, that a Methodist deputation had been discourteously received. He could do nothing more than telegraph to a colleague of his, who happened to be in Toronto at the time, to ask if it was really so, and requesting him to send a true explanation of the affair.

He (Hon. Sir George-É Cartier) might say he felt uneasy about these false statements which had been made against him. He felt uneasy that the people of Lower Canada and the Roman Catholic clergy, who were renowned for their liberality, should imagine that he had inflicted an injustice on a body of Protestants. He felt uneasy, too, lest the Protestants of Canada should fancy that he had abused his position as a Minister of the Crown to serve the interests of a particular party or creed. As a Minister of the Crown, he knew neither Protestants nor Catholic, Upper Canada or Lower Canada. He held the position to deal impartially towards all. He might add, too, that there was no Protestant denomination amongst whom he had so many personal friends as the Methodists, in Montreal especially. Those who knew him would not believe that he could be guilty of dealing unjustly with so respectable a denomination. He was not in a position at the time to justify himself, and he was decried right and left. On his way to Ottawa he fell in with a copy of the *Globe* in which he saw a little article dedicated to him on the subject. It referred to a letter from Rev. W. Punshon. Until then he had no idea to what extent he (Hon. Sir George-É. Cartier) had been slandered in Toronto.

The *Globe* stated that no insult had been offered in the correspondence, to Rev. W. Punshon. He (Hon. Sir George-É. Cartier) then read the letter of the rev. gentleman himself, and he should have been pleased to have made the personal acquaintance of one whose letter showed him to be, not only a good Christian, but a true gentleman. In that communication, the Rev. W. Punshon had replied to some previous remark of the *Globe*, that the complaint against the Hon. Minister of Militia was not as stated. He continued "Our grievance against him is this: We sent in our application and received a letter of acknowledgment. Our complaint is, that, after we had received that letter, we never read another communication to tell us if our petition had been considered by the Government." He (Hon. Sir George-É. Cartier) did not often keep the *Globe*, but he kept that copy, and determined to himself that when the discussion should be out of the newspapers, he would take it on himself to write to the Rev. W. Punshon privately, explaining the circumstances of the appointment of the Chaplain, and the reason why the correspondence which he expected had not been sent to him. The correspondence was, of course, private, and he was not at liberty to say what it contained, but he would take this opportunity to explain to the House the circumstances attending the appointment of the two Chaplains to the Volunteer Force.

By an Order in Council, passed several weeks before the departure of the troops, the number of non-combatant officers to accompany the two battalions was determined. This was gazetted. There were several applications from rev. gentlemen, both by letter and personally for the position of chaplains of the Battalions. The two gentlemen selected were Rev. Mr. Patterson and Father Ouillett. Their appointments were gazetted and anyone who wished to know who had obtained the positions could have seen it in the *Canada Gazette*. Subsequent to this he read a resolution which was passed at a Methodist conference in Toronto and reported by the *Globe* and *Telegraph* of that city, which were very hostile to him, he knew not why. He was, as it were a scapegoat, and they

represented him as black as they possibly could. He saw in the report of the Conference that a resolution had been actually drafted by a rev. gentleman, endorsing the most unwarrantable statements against him (Hon. Sir George-É. Cartier). In that resolution it was said that he had appropriated 1,400,000 acres to support the priests at Red River. He did not remember whether this statement had been made in the resolution itself or in the speech of the rev. mover, but at all events he (Hon. Sir George-É. Cartier) had been slandered right and left. He stated in his letter to Rev. W. Punshon that he repudiated these charges entirely, and he hoped an opportunity would be afforded him to repeat them in Parliament. This was a delicate matter, but if hon. members opposite wished to appoint a committee and investigate it thoroughly he would be glad of it. He would like too, that certain gentlemen who had made such statements should be brought before that committee and state on what authority they preferred such charges. He was well known to a large number of Methodists, and he was satisfied that they knew too well his liberality, fairness and honesty to think that he could be guilty of anything derogatory either to them or any other Protestant denomination.

**Mr. MACKENZIE** said he understood rather differently. During the discussion on the resolution, he had the pleasure to be present at the Methodist conference, and he understood by the remarks of the Rev. Dr. Ryerson, that in moving this resolution they only wished to express their disapproval of the mode of appointing the chaplains. They had asked permission to send a chaplain of their own faith to accompany the expedition, only requesting the Government to furnish conveyance for him and his baggage, and the indignation was directed against the refusal of the Hon. Minister of Militia to allow them to send a chaplain at their own cost.

**Hon. Sir GEORGE-É. CARTIER** said if anyone ought to be conversant with military affairs it was the gallant Major Mackenzie, the hon. member for Lambton. The Canadian battalions once organized and officered were placed under the command of General Lindsay, the Commander of the expedition, and the Government had nothing further to do with them, and could not grant the request.

**Hon. Mr. McDOUGALL (Lanark North)** said, like the hon. member for Lambton, he had heard a discussion very interesting to him was about to take place at the Methodist conference, an assembly of 500, among the most respectable men in the country. He was present in the gallery during that discussion, and he could not say there were such statements made as had been asserted in the House tonight. He had listened very attentively to the very able speech of Dr. Ryerson on that occasion. He had heard the remarks respecting the Hon. Minister of Militia, and he did not hear such statements made as the hon. gentleman complained of. He had heard nothing said that was not perfectly justifiable in view of the events which had since then transpired in connection with Manitoba. Then, with regard to the appointment of the chaplains, the Hon. Minister of Militia had sheltered himself under the Order in Council, but who determined that only two chaplains should be sent? Who determined that there should be but two chaplains, one

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from the Church of Rome, and the other from the Church of England? The objection was made, that such a decision had been arrived at. The objection was that they were not prepared to assert that this large and influential body having ministers of their own residing in that country, having a large number professing their own religion among the volunteers, should not be allowed to send a chaplain with the expedition to minister to their spiritual wants. It was against the discourtesy of the reply merely, refusing to permit them to send a chaplain at their own expense. He must do justice to the Rev. Dr. Ryerson; it is true that gentleman was not named, but there was no doubt that he was the rev. gentleman referred to by the Hon. Minister of Militia. Dr. Ryerson was too well acquainted with public life not to know, that such grave statements should only be made on sufficient grounds. It had been reported that he said twelve Roman Catholic priests had been sent with the expedition. He (Dr. Ryerson) made no such statement. What he did say was that twelve Roman Catholic chaplains had been attached to the Volunteer force of the country.

**Hon. Sir GEORGE-É. CARTIER:** That's not the case!

**Hon. Mr. McDOUGALL (Lanark North):** It might be true or not, but that was the statement made by the rev. gentleman. Then the Hon. Minister of Militia had said a great deal about the statement that 1,400,000 acres of land had been appropriated for the benefit of the Roman Catholic Clergy in Manitoba. He did not believe that any such statement was made. (Here the hon. gentleman referred to a file of the *Globe*, from which he read the resolutions referred to.) The statement in these resolutions was that the Hon. Minister of Militia had set apart 1,400,000 acres of land, chiefly for the priests and his co-religionists, and this statement could be borne out by facts (*cries of oh! oh! from the Hon. Sir George-É. Cartier and the French members*), and all the facts developed in that country since the resolutions were moved in the conference confirmed the correctness of the statement. Was it not true that the reserves which the Manitoba Bill directed should be made under this Government in that province, were under the control of the priesthood, and that it was chiefly for the benefit and support of the hon. member's co-religionists? It was a fact and could not be disputed. (*Hon. Sir George-É. Cartier—No! No!*)

The hon. gentleman said no, no, but were not his co-religionists in the majority there? They had the control of the Government, the Bishop of St. Boniface was the actual ruler of that Government, and his influence was supreme. (*Cries of Oh! and No! No! from various members.*) Those associated with him, and who were under his direction, were the people who ruled. He knew by letters recently received from that country written by officers of the Volunteer Force and by private members of that force, that it was so. It was clear that the influence of the Bishop was predominant—that nothing could be done with the Government without his assent; that no man could get employment from the Government unless he first went to the Bishop of St. Boniface, and got him to use his influence in his favour. That was said as a fact on the best authority. The Hon. Minister of Militia might laugh and attempt to deny it, but he (Hon. Mr. McDougall) knew better what he heard stated by a member of

this House! What he had heard by letters from Manitoba! What he saw in the papers every day corroborated the statements made in the resolution. The hon. gentleman had charged that it was a misrepresentation of facts, and that the conference was not justified in coming to the conclusion it did. He admitted, if the influence of the Bishop was not predominant; if the clergy of his church were not interfering in the control of public affairs of Manitoba, there might be some blame attached to the members of the conference, but under the circumstances he contended that the conference, in supporting Dr. Ryerson, in view of the events that have since occurred, were fully justified in stating that these reserves were made for the co-religionists of the Hon. Minister of Militia. All the facts went to show that there was no ground for charging the conference with misrepresentation of facts. The House had been told that the correspondence had been private. The hon. gentleman had chosen, though writing upon matters of public importance, to mark his communications "Private" and hence they were not to be submitted to the House. They could not tell what explanations had been made, or what inducement had been held out to Rev. W. Punshon to repeal the resolutions. There would be no doubt some curious revelations if those letters were furnished to the House, but they were told the communications were private, and they would be no wiser for the motion of his hon. friend to have the correspondence brought down.

**Hon. Sir GEORGE-É. CARTIER** said he had not intended to enter into a discussion upon the proceedings of that conference, nor had he intended to mention the name of Dr. Ryerson. It was not he who had introduced that gentleman's name into the discussion. He had written privately to Mr. Punshon in reply to the letter of that rev. gentleman, because it was a communication from a Christian and a gentleman, and he congratulated the Methodist denomination on having such a man amongst their number. What he (Hon. Sir George-É. Cartier) complained of, was, that unwarrantable statements had been made in a resolution by one of the rev. gentlemen at the conference. He knew that if only Dr. Ryerson had heard what his hon. friend had said he would have at once made use of the proverb: "Save me from my friends."

**Mr. FERGUSON** said the matter was one which had been discussed throughout the country, and he therefore desired to make a few remarks on it. He thought there was no doubt that Dr. Ryerson, however sincere, had led his people astray on this matter very considerably, and he was quite sure that if anything offensive had emanated from the Department of the Minister of Militia, it had been sent without his consent or knowledge. It had no doubt been considered that the expedition should be accompanied by two chaplains, one Protestant and the other Roman Catholic, and he was quite sure that the Wesleyans were now satisfied that no offence had been intended. Very much had been said as to land being appropriated for the benefit of the priests and co-religionists of the Minister of Militia, but nothing of the kind had been done. The priests and co-religionists of the Minister of Militia had been treated in no way differently from other classes of the people. He then read the clauses of the Manitoba Act respecting the land appropriation, shewing that it was in no way for the Roman Catholics but for the half-breeds, and said he did not think there was now a single

Methodist minister who did not believe that the priests had no control whatever over the lands of Manitoba. Every land grant had to be published in the *Canada Gazette*, and therefore nothing could be done privately or in an underhand way,—and in fact he did not hesitate to say that no Government that gave one party preference over another could stand for one moment. As to the predominance of the Roman Catholics in Manitoba, he had it on the authority of Drs. Schultz and Lynch, that out of every ten, six were Protestant of one denomination or another, and out of the twenty-four members elected to the Local Legislature, thirteen were Protestant and eleven Catholic.

He (Mr. Ferguson) felt satisfied that if his hon. friend from Hamilton agreed to the suggestion of the Hon. Minister of Militia for a Committee of Enquiry, it would meet the approval of the public, and justice would be accorded to all parties, it placed this honourable House in a position to approve or condemn—the action of the Government in the premises as they deserved—and to this end he would suggest to the Hon. Minister of Militia, the propriety of obtaining permission from the Rev. Dr. Punshon to produce the private letters which passed between himself and the reverend gentleman on this important subject. He was satisfied that if his friend agreed to the suggestion of the Hon. Minister of Militia for a Commission, and witnesses were brought before it, justice could be done.

**Hon. Mr. HOWE** would have much preferred the hon. gentleman had waited till the papers were brought down, when all the matters connected with this subject could have been discussed. Already we had had two or three discussions on this subject in the absence of the papers. He and the Government had been denounced for their course in regard to the North West, and he himself, by a wretched rag of a paper in this city, as the murderer of Scott. He had long and patiently listened to sectional appeals and harangues, and had even been accused of conspiring with the Roman Catholics to oppress the Protestants. He had laboured for over thirty years in the cause of religious liberty, and had succeeded in removing disabilities from Methodists and other denominations in Nova Scotia. He had sat for two years at the Government Council table, and had never seen a minister mean, prejudiced and foolish enough to propose the discussion of any question upon the ground of religious preferences. He proceeded to ridicule the idea of Roman Catholic domination, in face of the fact that only three of the thirteen ministers were of that faith. Ten Protestants ruled or lead by so small a minority! He was sorry that Dr. Ryerson had misunderstood and condemned the conduct of the Government in relation to the appointment of a chaplain to the Red River expedition. He defended the appointments made on the ground of adequacy and appropriateness. His Protestant colleagues had decided as to the Protestant chaplain but all denominations could not be satisfied in the matter. He believed and was certain all in the House were convinced that Hon. Sir George-É. Cartier was incapable of injustice towards, or of insulting any Christian minister. The non-acknowledgment of the Methodist application was a result of the official system, out of which no offence to the denomination could reasonably be construed. As to Manitoba there was no doubt now. The elections were now taken, and they and

other events had justified the course of the Government and the provisions of the Bill. What position would they have occupied today but for that Bill? They would have been trying to maintain a little family compact there, after the fall of the family compacts in all the other provinces. The land was not given to the priests, but to every man, woman and child in the province, whether French or English. In protecting the rights of the original population, the wisest, most liberal provision had been made for all the population, whether volunteers, natives, or old residents. Reference had been made to Bishop Taché's influence. Why should he not have it, a man who had lived and laboured and sacrificed so much for the improvement and elevation of the population of the plains. Let the member for Lanark (Hon. Mr. McDougall) go up there as a missionary (*laughter*), and he would earn popularity too, perhaps.

**Hon. Mr. McDOUGALL (Lanark North):** I would not like to follow the hon. gentleman's example. (*Laughter.*)

**Hon. Mr. HOWE:** If he had he might have avoided many of the scrapes into which he has got. (*Loud laughter.*) He believed the House would approve the conduct of the Government, and that neither Protestantism nor the Dominion had anything to fear from the Manitoba Bill.

**Hon. Sir A.T. GALT** expressed his conviction that the Minister of Militia was not open to blame for the omission that had appeared in the matter of this chaplaincy. Through some mistake or accident the application had been overlooked; he was satisfied not intentionally, knowing the importance and claims of this denomination he took an early opportunity of calling the attention of the Minister of Militia to this default. Aware of the liberality and fairness of dealing towards those of a different faith, always displayed by the Minister of Militia, he was perfectly certain the charge made against him must have arisen from some misapprehension. He (Hon. Sir A.T. Galt) was sure no slight was intended, and had desired an early opportunity of dispelling the wrong impression created.

**Mr. GIBBS** expressed his conviction as to the innocence of the Minister of Militia of all design to insult or overlook the Methodists in this chaplaincy affair. He was glad the present discussion arose, so as to relieve the minds of the public of all unpleasant suspicions on this subject.

**Hon. Sir FRANCIS HINCKS** followed in the same strain, coinciding with the preceding speakers as to Hon. Sir George-É. Cartier's liberality of disposition, and repugnance to anything like prejudice or ill-will towards any denomination.

**Mr. POPE** depreciated the dragging in of questions of creeds, religions or sections like the present. He thought they should drop such subjects. (*Hear, hear.*) He paid a compliment to the character of the Minister of Militia.

**Mr. MACKENZIE** justified the consideration of this religious question, which afforded a public functionary an opportunity of justifying himself in regard to a charge preferred against him in the

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ministerial convention of one of the largest and most influential denominations of the country. The Methodists did not complain of the Government not sending up a chaplain, but of the refusal to allow them to despatch one at their own expense. They claimed to have the largest number of men in the battalion, and were entitled to the privilege solicited. He thought the request could have been obtained, had the Minister of Militia used his influence with the Commander in Chief.

**Hon. Sir GEORGE-É. CARTIER** said his answer to those remarks was just this,—the authority of the Canadian Government touching the battalion of Volunteers ceased the moment it was fully organized, since it passed under the authority of the General and Colonel Wolseley; and the military chiefs were not only opposed to the presence of two Chaplains, but to any Chaplains at all with the military. (*Hear, hear, and laughter.*)

**Mr. MAGILL** said it was the duty of the House to take hold of every subject and legislate on it, and thought it was well it should go abroad to the country, that there was no insult offered to so large

and influential a body as the Wesleyan Methodists of the Dominion.

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#### WELLINGTON STREET BRIDGE

**Hon. Mr. HOLTON** moved for Report of Engineer of Department of Public Works, on application to erect Railway Bridge across Lachine Canal on the line of Wellington Street. He said there was a considerable amount of feeling existing on the subject, and there had been a favourable report made by the Engineer on the work. He thought the production of the report would tend to a considerable extent to allay the feelings existing with respect to it.

**Hon. Mr. LANGEVIN** said the report would be produced in a few days.

The House then adjourned at 11 o'clock.



February 28, 1871

## HOUSE OF COMMONS

Tuesday, February 28, 1871

The **SPEAKER** took the chair at 3.00 p.m.

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*Prayers*

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Several petitions were presented.

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## CORRECTION

**Hon. Mr. CONNELL** (whose remarks were very indistinctly heard in the reporter's gallery) referred to a mistake which had been made in the report of his speech yesterday with regard to the settlement of accounts between New Brunswick and the Dominion. He had been represented as saying that "it would be necessary to get an alteration of the Union Act." He would not like to have it go abroad to his constituents that he had made such an absurd statement. He had no wish to have the Union Act disturbed for a settlement of the accounts between New Brunswick and the Dominion. He had no doubt that a just and equitable arrangement would be made.

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## LIBRARY OFFICIALS

**Hon. Sir GEORGE-É. CARTIER** moved that the Library Committee be instructed to inquire into the remuneration, classification, etc., of the officers of the library.

Carried.

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## NEW MEMBER

**Mr. PEARSON** the member elected by the constituency of Colchester to fill the place rendered vacant by the appointment of Hon. Mr. Archibald to the Lieutenant-Governorship of the North West, was introduced by Messrs. Carmichael and Killam, and took his seat.

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## THE ELECTION LAW

**Hon. Sir GEORGE-É. CARTIER** introduced a bill to make temporary provision for the election of members for the House of

Commons. (*Hear, hear from the Opposition.*) He expected that his hon. friends opposite would say "hear, hear" at the very mention of the measure. He would explain that since we were about to have another province comprised in this Dominion, it was obvious that the government could not yet enact a law to affect all the provinces of the Dominion, as far as the representation of this House was concerned. The circumstances of Manitoba having been recently admitted into the Union and British Columbia being on the eve of joining the Confederation, had led the Government to the conclusion that it would be better to carry on the next election for the Dominion under the laws as they now prevail in the several provinces. (*Hear, hear from the Opposition.*) He might state that the bill too, contained a provision with regard to the number of days on which elections were to take place. This Bill provided that the elections should take place on one day. (*Hear, hear.*)

**Mr. BLAKE** said that after two permanent Electoral Bills had been passed, the House was now asked to enact a temporary one. Last session one had been passed, the session before the House had passed one, and now they were asked to deal with another one. The hon. gentleman had explained that the reason why he now submitted this temporary measure, was because of the introduction of the new Provinces into Confederation. At what period since the 1st July, 1867, was not the House favoured with the news that new Provinces were to be added? Every day they were told they were coming in, though they didn't come.

**Hon. Sir FRANCIS HINCKS:** Yes! yes!

**Mr. BLAKE:** And yet the Hon. Minister of Militia had asserted that it was in view of these additions to the Dominion that this temporary Act was provided. Last session the Opposition had pointed out the effect that the new measure then submitted would have in the East and in the West. They had shown that it would be impossible to work it in Manitoba, and that difficulties would arise in other Provinces too. But they were told that their arguments were fallacious, and that the Union would overcome all the difficulties which were then deprecated. He was glad to hear that, taught by experience, they had admitted the truth of the arguments then advanced by the Opposition, that it was necessary to respect the views of the different Provinces on the subject, and by degrees as they became more acquainted with the franchise laws of other countries, the Government had made some approach towards providing for a common franchise for the Dominion. He was not surprised that it was merely a temporary Act. It would be coming down too far to propose as a permanent Act what they opposed so consistently before, but, he had no doubt that it would contain for some years to come the principle at the base of our Parliamentary representation, founded on the motion of the hon. member for

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Hochelaga, that the franchise should be for the Dominion the same as by law established for each of the Provinces. (*Hear, hear.*)

**Hon. Sir GEORGE-É. CARTIER** said he did not intend to discuss the measure at this moment, but he felt it to be his duty to answer some of the observations made by the hon. gentleman opposite. The Manitoba measure was submitted to the House as the result of the negotiations carried on between the Dominion of Canada and the gentlemen sent as delegates from Manitoba. No one knew at the close of last session that Manitoba would certainly be a member of the Confederation. There was no necessity or intention at the outset that Manitoba should form a province and be comprised in the Confederation. It was intended that it should be a Crown colony, and that very reason induced the Government at the time to withdraw the Bill.

**Mr. BLAKE:** Hear, hear!

**Hon. Sir GEORGE-É. CARTIER:** Then with regard to the remarks of the hon. member for Lambton, he would say that the Bill was proposed last year as there was no hope that we should have British Columbia so soon. Every one expected of course, that sooner or later that colony would be comprised as one of the sister colonies in the Dominion. It would be useless at the close of this Parliament, with one Province just admitted and another shortly to be admitted into the Confederation, to endeavour to assimilate the laws. They could not make a law now which would apply to British Columbia. He hoped his hon. friend would take with a better feeling the good intention of the Government in adopting this course.

The Bill was read a first time.

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#### PAPERS ON BRITISH COLUMBIA

A message from His Excellency, accompanying papers relative to the proposed union of British Columbia with Canada, was read.

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#### HIS EXCELLENCY'S PEERAGE

**The SPEAKER** read the following reply of His Excellency the Governor General to the recent congratulatory address of the House of Commons:

*Mr. Speaker and Gentlemen of the House of Commons.*

I beg you to accept my sincere thanks for the address of congratulation with which you have honoured me on the occasion of my elevation to the Peerage.

The expression of your acquiescence in the favourable view which our Sovereign has graciously deigned to take of my services is highly to be valued, as conveying the good opinion of the freely

chosen representatives of a people possessing the precious endowments of energetic industry, self-reliance, and firm and orderly attachment to the freedom and institutions of their country.

The North West Territories already added to the Confederation and the willing accession of British Columbia, which, it is to be hoped, will shortly take effect, as they extend your bounds, so they proportionately augment the cares and responsibilities of those who are in the high places of the land; but the legislature and people of the Dominion will, I feel persuaded, prove equal to the lofty task, the vast and varied interests throughout the wide domain will be safe in their charge and gradually cemented into one compact and contented whole, by the same wise legislation, and the same equal administration of affairs as have done so much in the past to establish the well being and satisfy the just expectations of the people. In conclusion, I return your good wishes with all sincerity, and assure you I shall retain and cherish to the close of my life a warm interest in all that regards the position and prospects of this great and growing country.

LISGAR

GOVERNMENT HOUSE,

FEBRUARY 27, 1871

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#### BRITISH COLUMBIA PAPERS

**Hon. Sir GEORGE-É. CARTIER** moved that the papers just submitted to the House be printed without delay. He explained that the Hon. Mr. Trutch, the delegate from British Columbia, was now in Chicago, on his way to Ottawa, and would reach here, he expected, on Saturday. It was necessary, therefore, that the House should be in possession of the correspondence relative to the admission of the sister colony into the union.

**Mr. MASSON (Terrebonne)** complained of delays in printing public documents in the French language. He knew that it took some time to translate papers, but then, if there were not translators enough to do the work, more should be employed.

After a short discussion on the subject the motion was carried.

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#### EXPENSE OF FENIAN INVASION

**Hon. Sir FRANCIS HINCKS** moved that the House should on Friday next go into Committee of the Whole to consider resolutions affirming the expediency of indemnifying the Government for having authorized the issue of a special warrant for \$200,000, to provide for the defence of the Dominion in repelling the Fenian invasion in the month of May last.



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**Hon. Mr. HOLTON** thought that on a motion of this kind it was necessary that a special message should be brought down concerning it, as under the Audit Act it was provided that every such disbursement should be attended by that ceremony. An appropriation of money had taken place without the authority of Parliament, and indemnity must be sought by a special message from the Throne. He thought that was both the practice and the law of the matter.

**Hon. Sir FRANCIS HINCKS** then moved that the motion should be allowed to stand over.—Carried.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved concurrence in the report of the Committee of the Whole on the motion that a Supply be granted to Her Majesty.—Carried.

He then moved that on Friday next the House should resolve itself into Committee of the Whole to the Supply to be granted to Her Majesty.

**Hon. Mr. HOLTON** asked whether it was the purpose of the Finance Minister to go into that Committee on Friday, and whether the Estimates would then be ready.

**Hon. Sir FRANCIS HINCKS** thought it would scarcely be possible to do so. Motion carried.

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### UNIFORM CURRENCY

**Hon. Sir FRANCIS HINCKS** moved that on Friday next the House resolve itself into committee to consider seven resolutions to establish a uniform Canadian currency currently throughout the provinces, in which all public accounts in Canada must be kept. — Carried.

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### CENSUS ACT

**Hon. Mr. DUNKIN** moved the second reading of the Bill “An Act to amend the Census Act.”

**Mr. MACKENZIE** said he would avail himself of the opportunity to ask the hon. gentleman when he proposed to give some explanation to the House on this question. There were several Head Commissioners, whatever they might be called, many District Commissioners, and nothing at all was known as to their salaries, or other expenses connected with the matter. The House had

generously given the hon. gentleman permission to make full arrangements, under his promise that he would be much more economical in his distribution of the public monies than the former Government had been in 1861. That might be the case, and no doubt the hon. gentleman had done what he could, but considering the great license given, he thought it was due to the House that some information should be given as to the steps taken to carry out the necessary arrangements.

**Hon. Mr. DUNKIN** said that the Census Act required that within fifteen days of the opening of the Session a report should be laid before both Houses. That period would expire on the morrow, when the report would be laid before the House, accompanied by all documents, and he thought his hon. friend from Lambton would then be fully satisfied with what had been done.

The Bill was then read a second time.

**Hon. Mr. DUNKIN** moved that the House should, on Friday, resolve itself into a Committee of the Whole to consider the Bill. — Carried.

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### INLAND REVENUE RETURNS

**Hon. Mr. MORRIS** laid on the table of the House the Official Returns and statistics of the Inland Revenue Department.

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### PROVINCIAL ARBITRATION

The House then proceeded to the further consideration of the proposed motion of Mr. Blake for an address for copies of all correspondence between the Canadian and Quebec Governments, and the Canadian and Ontario Governments touching, the Provincial Arbitration and award, &c., of the motion of Mr. Godin in amendment thereto, and the motion of Mr. Fournier in amendment to the said amendment.

**Mr. FOURNIER** addressed the House in French on the subject of his amendment, referring to the course taken and the remarks made by the Hon. Premier of Quebec, in the previous debate, and concluded by expressing his willingness to withdraw his amendment, it having served the purpose he had in view—that of an expression of opinion on the subject.

**Hon. Mr. CHAUVEAU** said he still adhered to his opinion that the arbitration award was illegal, but thought it desirable to wait for the production of the relevant papers.

**Hon. Mr. GRAY** did not rise to discuss the motion before the House, but expressed his sincere hope, as one of the arbitrators, that the papers would be brought before the House, and that there would

be a full and fair discussion of everything connected with the matter. He did not say that that House was the proper tribunal to determine the validity of the award; indeed he was rather of opinion that it was not. He trusted that if after a full discussion of the subject the House should come to the conclusion that the course of the Arbitrators had been injudicious, or would be injurious to the welfare of the Dominion, some means would be found to obviate the difficulty. Speaking on behalf of the Arbitrators, he wished to say that they courted the most public enquiry, and whenever the matter should be discussed before that House he should endeavour to explain the course pursued, without feeling without prejudice, and then if the House, expressing the opinion of the public of the whole Dominion should consider that it would be better that the discussion should be reconsidered no doubt such could be done. As to the course pursued by the Arbitrators, after the resignation of the gentleman appointed by the Government of Quebec, in continuing the consideration of the matter and arriving at the award, they had done so because they believed they had no power to abandon the duties imposed on them, and he sincerely hoped that the matter would result in peace and harmony and the restoration of good will.

**Hon. Mr. HOLTON** thought his friend from Bellechasse had adopted a most judicious course in offering to withdraw his amendment, after having elicited the discussion which had taken place, and after eliciting the declaration made on a previous occasion by the Minister of Militia, which declaration had unquestionably been elicited by the amendment. He had, however, a word or two to say to the gentleman from the Province of Quebec, and especially to the members of the Government of that Province who had denounced the hon. gentleman from Bellechasse in such severe terms on the occasion of his first address to that House. He thought that they, at least, were not in a position to denounce that hon. gentleman for seeking the decision of the House in the same way that they themselves had taken in the Legislature of Quebec. What were the words used in the reply of the Legislative Council to the speech of the Lieutenant-Governor, moved by the hon. member for Quebec County, who had so severely attacked the member for Bellechasse a few days before. They had thanked His Excellency for informing them that in consequence of irreconcilable differences between the arbitrators the gentleman appointed by Quebec had resigned his office, and then thanking him for protesting against the illegality of the proceedings subsequent to the resignation of one of the Arbitrators, and afterwards against the unjust and illegal award arrived at by the remaining two Arbitrators. Thus, they had begun by declaring that proceedings were manifestly unjust and illegal before the papers were submitted to the House, and the hon. member for Bellechasse was doing no more than had been done in the Quebec Legislature. At the present moment, the members had all the papers in their desks, and therefore the member for Bellechasse had asked the House to do no more when in point of fact it was in possession of the papers than the Premier of Quebec had asked his Assembly to do when it had no papers.

**Hon. Mr. IRVINE** would not have considered it necessary to take any part in the discussion, had it not been for the remarks of the hon. member for Châteauguay. That hon. gentleman had spoken

as if a personal attack had been made on the hon. member from Bellechasse, whereas he was quite sure that nothing of the sort had been done—at least as far as he was concerned, he certainly had intended nothing of the kind, nor did he think he had been so understood. The case which had come up in the Quebec Assembly was entirely different from that now before the House. The Quebec Legislature had been informed in the speech that the Lieutenant-Governor had protested against the proceedings which had taken place after the resignation of the Arbitrator appointed by Quebec, and they thanked His Excellency for having done so. It was quite manifest that the Legislature of Quebec was called upon to pronounce in some way as to the legality of the award, they had to take action one way or the other, and it was quite proper that they should pronounce upon it as soon as possible, and in response therefore to the Lieutenant-Governor, who informed them that he had come to the conclusion that the award was illegal and unjust, they concurred in that conclusion, and thanked him for the proceedings he had adopted. The members of the Legislature had watched the matter from first to last, and were thoroughly well acquainted with it, and were therefore in a position enabling them to pronounce on the matter, but that House was not in such a position. There were many gentlemen in the House who had not taken the same interest in the matter as those directly concerned, and they could not therefore be expected to be able to discuss the matter in the absence of the papers. That therefore was reason why the House should not then discuss the matter apart from the question as to whether it was competent for the House to deal with it at all. The hon. gentleman from Châteauguay knew perfectly well that the Quebec House had not discussed the question in its details. The response to the speech of the Lieutenant-Governor was merely an expression of confidence in the action which the Government had thought fit to take.

**Hon. Mr. SMITH (Westmorland)** thought the subject was not one which could then be properly discussed by the House, but that it was one simply of law. He thought, however, that the matter might be discussed after the production of the papers, but that the only thing that could then be done would be to state the facts and refer the matter to a committee of the Privy Council, but beyond that they could not go. It seemed to him that the present discussion would be only productive of harm, and it would certainly not tend to allay any feeling that might exist between Ontario and Quebec, and, he therefore thought it unwise to discuss the question at all. He thought the legality of the award could only be tested by the proper tribunal, which was certainly not that House. Referring to the Act bearing on the matter it seemed to him that the Schedules were to be considered the joint property of Ontario and Quebec, and, therefore, the arbitrators had no right to make a distinction in the matter, as it could not be disputed that if a grant was made to two parties, that were joint owners of the property so granted, and it was provided that the assets belonged to the two provinces conjointly, and, therefore, he thought the duty of the arbitrators was to divide the assets equally, and if a larger portion had been given to Ontario than to Quebec, he thought it was a direct contravention of the law, and he also thought that it was legally necessary that any proper award should be unanimous from the three arbitrators.

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**Mr. BLAKE** quite agreed with the member for Westmorland, that the House had no power to decide the validity of the award, and had therefore no right to discuss it and he did not, therefore, propose to follow the example of his hon. friend, who, after making that statement, had proceeded to a full discussion of the matter. He would venture to make a suggestion, however, as to the limit of the power and the duty of the House in reference to the matter, and as to what course should be adopted in the altered circumstances under which the matter then stood before the House. The Government of Canada having the right to retain out of the subsidy of the Provinces the interest on the excess of the debt, and having also control over divers of the assets to be affected by the Arbitration, had been, as it were, bound to take some action, and acting on a conventional view of the possible or probable rights of the parties for the last three years, the Government of Canada would be called upon to determine whether it would adhere to that conventional mode of dealing with the matter or in what way it would alter it, and also what it would do in respect of the action of the Government of Quebec in the matter. There could, therefore, be no doubt that the Parliament of Canada had a right to express its opinion, a right to negative, a right to approve, and a right to censure any action of the Government, and that being the case, it would be perfectly legitimate to make a number of motions on the subject.

No allusion had been made to the award in the Speech from the Throne, and there had been no reference to any decision on the part of the Government when his motion had been brought on, on the contrary the first minister had stated that they would do nothing at all to indicate their position in reference to the award. That state of things necessitated action on the part of the House, because if that state of things had continued the Government would have been neglecting a duty. An announcement had, however, been made from the Treasury Benches that on the morrow a message would come down, stating the views of the Government on the subject, and he therefore suggested that the hon. member for Bellechasse should, as he proposed, withdraw his amendment, and that the debate should be adjourned until after the message, so announced, had been brought down. He was loath to enter on any discussion that might result in any ill-feeling between the two Provinces, and it was possible that the message of the morrow would remove all reason for discussion, simply leaving them to pronounce on the expediency of the course proposed by the Government.

**Hon. Mr. CAMERON (Peel)** said that he thought it very desirable that the debate should be adjourned until after the production of the papers, but there was one view of the case which had not yet been presented, and which he thought the House ought to hear. He quite agreed with the member for Durham West that the House was not competent to decide on the legality of the award, and in point of fact steps had been taken which would remove the question entirely from the arena of that House and place it before the judicial authorities. The Government of Quebec had actually taken the initiative in obtaining the judgment of the Judicial Courts, and matters were now in such a position as would result most probably in a reference to the Judicial Committee of the Privy Council.

**Hon. Mr. IRVINE:** No, no.

**Hon. Mr. CAMERON (Peel):** The hon. gentleman might say "No, no," but he certainly knew that proceedings had been taken in the matter, that it was now before the Court of Appeal, and if he understood anything of the law of Lower Canada, there would in all probability be a reference to the Judicial Committee of the Privy Council. That reference might be made in various ways, but he did not pretend to know the peculiar mode of procedure under the law of Lower Canada. He did not know when the Court of Appeal would pronounce on the question, but he was advised by gentlemen most competent to speak on the subject that the initiatory steps had already been taken to bring the matter before the last Judicial resort that could be appealed to. He thought the House ought to be in possession of the full circumstances of the case, and should know whether the Quebec Government had taken the steps he had mentioned. He was quite sure that every one concerned for the interests of Ontario and Quebec would desire that no dispute should arise out of the mere settlement of debts, and he trusted some means would be devised to obviate every difficulty, but he thought the House would determine that it was not the tribunal finally to settle the matter, and however the matter might come up, if it should have to be determined on its strict legal merits it would certainly have to be finally decided by the Judicial Committee of the Privy Council.

**Hon. Mr. IRVINE** simply desired to correct his hon. friend with reference to the legal proceedings which he said had been adopted. He had stated that legal proceedings had been commenced to test the legality of the award. The three arbitrators sat at the city of Montreal last summer, when the one named by the Province of Quebec resigned his position, and read his resignation at a meeting of the three. On the day following the two remaining arbitrators continued their sittings, whereupon proceedings were taken by the Quebec Government, in the nature of a prohibition to stay further proceedings in consequence of the Board being incomplete, and the two arbitrators then removed to Toronto, and after some time made an award. He expressed no opinion on these proceedings, but merely desired to correct the statement of his hon. friend, who would see that the prohibition had been commenced before the award had been made. The proceedings now adopted in the Province of Quebec might result in a decision setting aside the whole proceedings, but need not necessarily have the entire effect stated by his hon. friend.

**Hon. Mr. CAMERON (Peel)** must say that he thought his hon. friend the Solicitor General for Quebec was in error, and that he was correct in the effect he had ascribed to the proceedings taken in Quebec. There could be no doubt that the question at issue was the right of the two Arbitrators to make an award, and therefore the award could be declared invalid on the ground of the absence of one Arbitrator, so that the legality of the award was really affected.

**Hon. Mr. CHAUVEAU** said that on that point the legality of the award could be tried, but there were also other grounds of dispute.

**Mr. BLAKE** said that of course it must be assumed that the Quebec Courts had jurisdiction in the matter.

**Hon. Mr. CAMERON (Peel)** could not admit anything of the kind.

**Mr. HARRISON** thought it was clear that the House should not then discuss the question, and he wished it to be understood that he had been silent, not because he agreed with what had been said, but because he did not think the House could settle the question. If the Government decided the matter, they would be placed in a very difficult position. If they upheld the award, Quebec would be against them, and if otherwise, Ontario would be against them. He considered the Privy Council should decide the question, and their decision would no doubt be received.

**Hon. Mr. HOLTON** enquired whether the Government would bring down the papers as well as the message on the morrow.

**Hon. Sir GEORGE-É. CARTIER:** The message will cover all the papers connected with it.

**Mr. FOURNIER'S** amendment to the amendment was then withdrawn, and the debate adjourned.

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#### CREDIT FONCIER

**Mr. DUFRESNE** then moved the second reading of the Bill "An Act to facilitate the establishment of institutions of landed credit" (Credit Foncier). He explained that such institutions might be established in any locality whenever at least twenty persons shall give notice in the *Canada Gazette* of their intention to establish such an institution, and give the Governor in Council satisfactory evidence of their pecuniary ability to carry on the institution.

**Hon. Mr. McDOUGALL (Lanark North)** thought that before the House committed itself to so important a principle as that involved in the Bill before them, they had a right to ask some explanatory statements from the gentleman who laid the matter before the House.

After some explanation the motion was carried.

**Hon. Mr. McDOUGALL (Lanark North)** asked if this was the same Bill as last session, and was answered that it was.

Referred to Committee on Banking and Commerce.

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#### PROTECTION OF NAVIGABLE WATERS

**Mr. CARTWRIGHT** moved the second reading of an Act for the better protection of navigable streams and rivers.

**Mr. CURRIER** hoped the second reading would not be pressed at present, as he was not prepared with certain information which he wished to use against it.

**Mr. MACKENZIE** said the evidence could not be brought before the House. The proper place to bring it up was before the Committee. After the Bill went to the Committee a delay might be granted for the production of evidence if it was required.

**Mr. CARTWRIGHT** replied that if delay was simply sought to afford such an opportunity, he might wait a few days.

In response to a suggestion of Hon. Mr. Holton,

**Mr. CARTWRIGHT** agreed to the reference of the Bill to the Committee on Banking and Commerce, after the second reading.

**Mr. CURRIER** repeated his request for delay.

**Mr. MACKENZIE** deprecated delay at a time when the House had so little to do; besides, the subject was one of importance.

**Mr. CARTWRIGHT** said he was thoroughly in earnest about this Bill, and had given all interested time to procure evidence respecting it. He did not now see how he could let second reading stand over.

**Hon. Mr. LANGEVIN** said important information was being collected on this subject, which could not be ready for a few days. He therefore suggested the postponement of the matter till Thursday. He had no objection to the reference of the Bill to the Committee on Banking and Commerce.

**Hon. Mr. McDOUGALL (Lanark North)** hoped the mover would not assent to the request for the reasons given. No information procurable could induce members to report the provisions of the Bill to the effect that it should not be lawful for the owners of saw mills to throw sawdust and other rubbish into the streams. The principle must be assented to as to the mode of giving it effect, the penalties, and so forth. They might be questions for the Committee. The suggestion of delay seemed to be aimed against the principle of the Bill, which he hoped would be pressed.

**Mr. BLAKE** said the Commissioner of Public Works did not anticipate the evidence would be ready on Thursday, and he (Mr. Blake) did not think the Bill should be postponed on that account. It was eminently one fit to be read at the earliest moment, and to go before the Committee. The bill should now be read a second time without delay.

**Mr. GRANT** characterized the Bill as most important. If stringent provisions, carried into effect, they would most seriously influence our local business. Throwing sawdust into the streams did not obstruct them. The Bill would gravely retard and damage the lumbering interests in this section. Mill owners should be allowed

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an opportunity of submitting the information they were now collecting on this subject in their own defence. He hoped the bill would be left at its present stage a few days longer.

**Mr. YOUNG** urged that the Bill should be gone on with, and that it was wrong to say sawdust did not choke up the streams. He had been informed the bed of the Ottawa had begun to fill up from this cause in certain places. Fishery Commissioners in the West had warned certain parties and fined them for throwing sawdust into the streams. Those fines were not collected because, under the eyes of the Government, the same abuse existed. He thought the opponents of the second reading desired to kill the Bill which ought now to take that stage.

**Mr. CARTWRIGHT** explained that the object of the measure was to prevent the enormous nuisance now arising from the accumulation of sawdust, slabs and other rubbish in the various streams. Almost every navigable stream that flowed into Lake Ontario was in very considerable danger of being obstructed in this manner. By far the worst case, and the most important on account of the interests involved, was that of Ottawa. He believed the annual manufacture of lumber in and about this very town reached something like 100,000,000 of board measure; that represented about 10,000,000 of cubic feet, which occasioned the throwing into the Ottawa of 2,000,000 cubic feet of rubbish annually. That quantity would be sufficient to block up the river for four miles, to a width of 200 feet, and a depth of one foot. It was equivalent to 20,000 cords of rubbish yearly cast into the river. There must be some means of turning this enormous mass of fuel to some use in a cold country like ours. He was not certain the difficulty of removing it had not been exaggerated. Its removal involved expense, but not any unreasonable expense to every one now throwing it into the water. If the House ever undertook to carry out any extensive works for the improvement of the Ottawa, they would have to expend a very large sum in removing those obstacles now being flung into the channel of this stream. After the expression of sentiments from both sides of the House, which he had heard, he could not but feel it was his duty to move the second reading. The opponents of the Bill might be certain that in the hands of the Banking and Commerce Committee no unfair advantage would be taken of them. He had the utmost desire to give fair play to the lumber interest. He desired to make the duty of preventing the casting of rubbish into the river as little onerous as possible to everyone on the Ottawa.

**Mr. FERGUSON** pointed out the danger to which country millers might be exposed by the Bill. He hoped some provision would be made to protect them in the event of its passage. Otherwise, it might be in the power of anyone, from whatever motive, to give this class much annoyance.

**Mr. WRIGHT** regretted the Bill should have been introduced under the present circumstances. It was distinctly understood the Bill should not be introduced till next week, till those specially interested in the Bill would have a full opportunity of adducing arguments in rebuttal of the arguments in favour of the Bill. It was entirely unnecessary and would be inoperative, and to make

inoperative Bills tended to bring all our legislation into contempt. To enact laws of a precisely similar character to those previously enacted appeared the height of absurdity. This was the case with the present Bill. The Minister of Marine had the same powers conferred on him by statute as were asked for under the Bill. Under these circumstances he hoped the House would not at present insist on the second reading. If this bill were passed it would be impossible for lumbermen to continue their operations. Sawdust did not injure the navigation of rivers, but he admitted slabs and scantling should not be cast into them. The experience of the last hundred years in regard to the Hudson proved that sawdust did not injure rivers. The Penobscot also was a case in point.

**Hon. Mr. ANGLIN** said whatever might be the experience of other rivers, he could cite the Saint John as an instance of the injury rivers experienced from sawdust, slabs, and so forth. It had become necessary to pass a law to prevent the casting of this rubbish into the river and harbour. When the necessity was imposed, every one soon found a mode of disposing of this sawdust, slabs and edgings, which were now consumed by fire and other means. If the hon. member intended his Bill to prove of any value, he must increase the penalty. The Bill ought not to be summarily dealt with.

**Mr. BLANCHET** hoped the mover would not at present persist in the second reading. Some of his constituents were interested in it, and before the second reading he was to hear from them. He therefore hoped a little delay would be granted. If private interests would be injured by the Bill, the hon. gentleman would be better to compromise the matter, and, after full information, a better opinion could be formed.

**Hon. Mr. GRAY** confirmed the statements of the member for Gloucester with regard to the Saint John. The harbour was being destroyed for navigation, and the fisheries were seriously affected by this rubbish. The sawdust was now burned to advantage. It appeared to him this noble river Ottawa was being rapidly destroyed. No doubt the bottom of the river in the vicinity of the city was covered with slabs and other rubbish.

**Mr. WRIGHT:** No doubt of it.

**Mr. KILLAM** criticised the Bill and condemned the fourth clause. He was in favour of the principle of the Bill, but would suggest a delay till the evidence as to the effect of throwing sawdust into the rivers was collected. The matter should be referred to a Committee to investigate the subject as regarded the whole Dominion, and deal with it in a way not to hurt any particular interest.

**Mr. JONES (Leeds North and Grenville North)** recommended deliberate consideration in this matter and the temporary delay asked for. He gave instances of the deposit of sawdust in rivers not injuring them. The effect upon the fish was another matter. He hoped the second reading would not be passed now.

**Mr. MACDONALD (Glengarry)** disputed the statement as to slabs and sawdust being thrown into the Saint John. He had not

seen any throughout its whole course. The refuse of the St. John City saw mills was carried away and burnt. The question was one of economy so far as the saw mills were concerned, and one as to the maintenance of the navigability of the Ottawa. He was desirous of protecting the mill owners, but they were bound to protect the navigation of the Ottawa.

**Mr. PICKARD** who was imperfectly heard, cited facts to show it was the slabs and not the sawdust that settled in and injured the rivers. He would not like to vote in favor of a Bill that would embarrass valuable industry.

**Mr. CURRIER** urged that throwing sawdust into the Ottawa had not improved it. On the Hudson there had been more lumber made than on the Ottawa, and this work had lasted three quarters of a century, yet steamboats had no difficulty navigating it today. Slabs, edgings, and all kinds of rubbish were thrown into this river. As to the burning of the sawdust in the Ottawa, where water power was so much used, he thought it hardly possible to do it. It was impossible to run those mills without first disposing of the sawdust.

It being six o'clock, the House rose.

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## AFTER RECESS

**Mr. CURRIER** resumed the debate. He said if this Bill became law he saw no way for it but to stop all the saw mills in the country. It was needless to speak of the damage this would be to the country. The fact was, the only use the rivers would be to the lumbermen would be to float away their lumber. He would say no more at the present stage of the Bill.

**Mr. McCALLUM** said he had known sawdust to float at least 100 miles, and fill up a harbour so that it had to be dredged. He thought the House should endeavour to prevent such destruction of navigable waters. He believed the sawdust could be caught at the mills and prevented from filling up the beds of the rivers, and the question was, whether this House was going to permit the lumbermen to destroy the navigation of several rivers in order that they might have a little money for themselves. Twenty years ago, at a certain place in the Grand River, the water was 16 feet deep. In the same place it was now only 6 feet deep. It had been said that there was a Bill in existence to the same effect as the one before the House, but if that was not stringent enough in its provisions to protect the public, this one should be passed.

**Mr. SHANLY** thought the Bill could be better considered in Committee. The lumber interest was one of the most important in Canada, but the navigation of our streams was no less important. Those who had observed what was taking place in the Ottawa River must have seen that the navigation was being destroyed, and he thought that the conflicting interests should be thoroughly

investigated by a Committee. He thought that it was absolutely necessary that there should be a law passed which could and would be enforced. Important as the lumber trade undoubtedly was, the unobstructed navigation of our rivers was paramount.

**Mr. ROBITAILLE** thought that if the lumber trade was of such recognized importance, it would be well to defer the second reading of the bill until the information which was required could be obtained.

**Mr. RYAN (Montreal West)** said the second reading of the bill was for this evening, and referring it to a Committee would not interfere with the procuring of the information spoken of. He could not agree with the hon. gentleman, who argued that because sawdust sank to the bottom and raised the surface of the river that it did no damage. To his (Mr. Ryan's) mind this was one of the very worst arguments that could be used to oppose the bill. In the spring it was well known that in many places on the shores of the Ottawa, the low banks were flooded for miles to the depth of two or three feet, and for the time such tracts of land were completely useless to their owners. There was an accumulation of sawdust in the Ottawa River which was increasing every year which would have the most injurious effects on the navigation of that stream if some such measures as the one before the House were not passed. He would be glad to have the Bill referred to a Committee.

**Hon. Mr. MORRIS** said this question was not confined solely to the River Ottawa, but affected a number of rivers and districts where the inhabitants were unaware that such a measure was before the Legislature. The House had now been sitting a fortnight, yet he had not seen this bill reproduced in any of the newspapers. There was, therefore, no necessity for haste and it would be well to let people have an opportunity to petition this House on the subject. He was aware that a great deal of valuable information on the subject was being prepared and it might be found after all that the sawdust was not producing such very serious results. The Committee on Banking and Commerce would, no doubt, give every opportunity to the House to deal with this most important question and it would be well to refer the Bill to them.

**Mr. MACDONALD (Glengarry)** said he was aware that there was no class of people more enterprising than the lumbermen, and he admitted that they were doing much good for the country. If he thought for a moment that the measure before the House was calculated to injure them, he would not vote for it, but, when he considered the able gentlemen who composed the Committee on Railway and Commerce, he was satisfied that the lumbermen would be dealt with fairly and impartially by them. He admitted the difficulty of running a saw mill without dropping the sawdust into the stream. He would vote for the Bill to be referred to the Committee on Banking and Commerce.

**Hon. Mr. CONNELL** said this was a most important measure, and one that directly affected New Brunswick. The Legislature of that Province had taken up the matter and enacted such a law as was satisfactory to the people there. If this Bill before the House was

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passed in its present shape its effects would be as the hon. member for York had observed, to shut up a large number of mills in the Province. Unless it were remodelled and made less stringent in its provisions he hoped the Province of New Brunswick would be exempted from its operations. The Banking and Commerce Committee might understand very well the difficulties complained of in Ontario and Quebec, and he hoped they would confine their legislation to these two Provinces and leave the law which was now in existence in New Brunswick, and which satisfied the people, unaltered.

**Mr. OLIVER** thought if it was the intention of Parliament to expend millions of money in the improvement of our inland navigation, it would be advisable to adopt measures to prevent the obstruction of navigable channels. The time was coming when the Ottawa River would be navigated by large vessels from the upper lakes to the St. Lawrence, and care should be taken to prevent it from being choked with sawdust in the meantime. He would vote for the second reading of the Bill.

**Mr. FORTIN** said it was no easy matter to get rid of the sawdust from a mill driven by water power. Several plans had been tried to prevent it from falling into the water, but all had failed. He approved of the suggestion to let the matter stand over for a while till more information could be obtained on the subject.

**Mr. POPE** said the hon. gentleman who introduced this Bill, and those who supported it, proposed to place restrictions on one of the most important interests in the country. They proposed to add considerable to the cost of manufacturing lumber and placed the lumberman in a position where he could not compete with others who were more favourably situated. Rather than have this Bill passed the lumbermen should come before this House and offer to employ dredging machines at their own cost to remove the sawdust from the rivers. It would be cheaper in the end. He thought that the law as it stood at present afforded ample protection to navigable streams. He had no personal interest to serve in this matter, but he could see that there was a great interest at stake, and one that the House should be careful about sacrificing.

The Bill was read a second time and referred to Committee.

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### DUAL REPRESENTATION

**Mr. MILLS** moved the second reading of Bill No. 5, entitled An Act to render members of the Legislative Councils, and Legislative Assemblies of the Provinces now included or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

He said that in making this motion he believed that the House had sufficient experience of the injurious results of the evils which he proposed to remedy. They had been informed that in starting this federal system of Government it was important that men of

experience should be in both Houses. In Ontario it was agreed that as "birds in their little nests agreed" it would be a shame that the Local Government of Ontario and the Government of the Dominion should be in antagonism as soon as the new constitution was adopted. He thought that the excuse for adopting the principle of dual representation was no longer valid, and that the Government could now have no objection to giving this measure their support. Any one who would look at the record of this Government would see that all their theories had not been correct and that they had sometimes blundered. In the North West question and in other matters they made mistakes, but "While the lamp holds out to burn, The vilest sinner may return" and even this Government while it existed as a Government would be capable of making very great progress indeed. Now, there were many considerations why this measure should be passed.

On a former occasion a measure similar to this had been met with the objection that while the principle it embodied was very good, none of the evils said to flow from the system had ever actually occurred, but it was a sound principle that they should never depart from a wholesome rule because they could not always see the mischievous results to flow from such a departure. In the manner in which the Arbitration matter had been discussed by hon. members in the Local Governments who also held seats in this House, it might be seen that gentlemen who had official business to transact in other Governments could not bring that impartial mind to the task in this House that they should. There was the case of the unholy trinity from Ontario who held seats in this House yet their public duties required them to be elsewhere during the session. It was, therefore, quite clear that gentlemen holding seats in the Legislature, especially Cabinet Ministers, should not have seats in this House. This principle was recognized by the Legislature of New Brunswick, and to a certain extent by Ontario and Quebec, for it would be seen a comparatively large number were elected for both Houses. It was quite evident that the members of Local Governments who held seats in this Parliament were not independent. He believed not a single instance could be found—with the exception of the Treasurer of Ontario—where a member of the Local Cabinet in this House voted against the Government here. There was a species of alliance by which this Government gave its support to the Administrations of Ontario and Quebec, and they in return had supported the Government here. This was clearly a violation of the independence of Parliament, and until there was a complete separation of the Legislative functions of the Local Legislatures and those of the Parliament of Canada, they would never be enabled to fairly carry out the principle of Confederation.

It was of the utmost importance that each Legislature should be composed of distinct and separate persons, and that each should in the exercise of his power especially guard the interests with which he was entrusted. It was a matter which the experience of men in every department of life fully justified, and one that, from the imperfections of human nature, that if a man was placed in any position he would attempt to arrogate to himself more power than was necessary for the discharge of the duties which devolve upon him. It was of the utmost importance in order that the Local and

Dominion Legislatures should mutually check each other, that they should be composed of distinct persons. There were other evils growing out of this system. It was also absolutely necessary that each Legislature should have sufficient power to induce men of ability to enter into it. Here there was a proposal to constitute a Commission to unify the laws of the Provinces without consulting the Local Government, and there were no remonstrances from them against it. Now, any one who would consider the matter for a moment—would consider it a gross waste of the public funds and a great breach of public duty to enter into such a matter without consulting the parties most interested in it.

And why was there no remonstrance? Why did not the Ontario Government remonstrate with the Government of the Dominion for entering into this work of codification without consulting them? It was because they were dependent upon the Dominion Government, and their existence could be destroyed at any moment by the Minister of Justice. It was not more certain that spring would succeed winter than that the Government of Ontario would be swept out of existence before the end of March. (*Laughter.*) Hon. gentleman laughed, but there was nothing more certain. Now, what would be the position of that government if the Minister of Justice were a supporter of it as the Minister of Militia was a supporter of the Government of Quebec? Was it not clear that the Lieutenant-Governor would be supposed to intrigue against his own Cabinet, and in favour of those who had given him the position he held, and could take it from him at any moment. The Government had devised a system which would make the Lieutenant-Governor a mere dependent on a gentleman who was antagonistic to him. They knew very well that the Lieutenant-Governor would not dare to give his support to those gentlemen who were in opposition to the Minister of Militia, even though the majority of the House sustained Her Majesty's advisers. There was another consideration. This House had unfortunately been given the veto power over measures of the Local Legislature. Now he asked if a number of gentlemen holding seats in both Houses who supported the Government here and were opposing the Government of the Local Legislature would not have a strong disposition here to press the Government to abuse that veto power which they possessed.

These were some of the mischievous results which were certain to flow out of the present system, apart from those that had been practically developed during the past three years. They had been told on a former occasion that a measure of this kind was trenching on the measures of the people. He could not see how it applied in this case. Why declare that the judges, minors, aliens and persons not having certain property qualifications were ineligible to hold seats in this House? Why did they interfere with the choice of the people in all these matters? It was because if these things were permitted abuses would grow up out of them from party and other considerations. If the election to this House of members of the Local Legislatures was likely to interfere with the "Independence of Parliament," or the independence of the Local Government it was sufficient consideration for the adoption of this Bill. Certain hon. members in this House admitted that the principle of the measure was good, but, they opposed it as emanating from the Opposition. He thought that he had stated a significant number of

considerations in favour of this measure to justify the House in its adoption, and he had no doubt that the motion for the "second reading" would be carried.

**Mr. DREW** opposed the motion. He did not see why the principle of compulsion should be applied in any case—why the people of Ontario and Quebec should not be allowed to send here whom they pleased. He thought the feeling of the House was that it was for the Local Legislatures to deal with this matter. The question was in the hands of the people, whose duty it was to decide whether they would send the same person to both Houses. He moved the sixth months' hoist; i.e., that the Bill be read not now, but six months hence.

**Mr. HARRISON** said there was nothing new to be said on this subject, which had been so often discussed. He still failed to see any reason why the liberty of the people should be interfered with, or why men elected to one Legislature should not be eligible for another. There was no more reason for excluding the member of one Legislature from the other, than for excluding the member of a township Council from a county Council. He saw no abstract reason against the right of the people to send the same men to both legislatures. (*Hear, hear.*)

**Mr. BODWELL** argued that popular rights were restrained in various ways, such as the property qualification for entrance into Parliament, and allowing office holders to sit in Parliament. He contended the example of Nova Scotia, which allowed only single representation, was deserving of imitation, and that this House had a right to deal with the question, and that now was the proper time.

**Mr. JONES (Leeds North and Greenville North)** argued that the people ought to be allowed to exercise their full rights and power in regard to the elections for both legislatures. The power of the people conveyed by the constitution should not be thus early curtailed, and in the absence of any proved necessity.

**Mr. MASSON (Terrebonne)** contended that there was no reason for interfering with the constitution as it stood—no reason for an Ontario majority, or any majority from other provinces, thrusting its opinions down the throats of the people of Quebec. The people should be left in possession of their present privileges till a good case for a change was made out. He deprecated hasty alterations of the constitution, and warned members against invading the rights of other provinces, or coercing their inhabitants in the manner contemplated by the proposer of this innovation. (*Cheers.*)

**Mr. MILLS** said it had been stated that if the people chose to elect any gentleman who had a seat in the Local Legislature to represent them in that House they ought to be allowed to do so. On the same principle, why should not the people be allowed to elect a gentleman holding position under the Government? Why should they not judge of his independence in the one case as well as in the other. The people were not allowed to elect a person in the one case, because it was thought it would do mischief. Reference had been made to the action of the Local Legislatures in the matter. They were no doubt the proper judges as to who should sit in their



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House, and the Dominion Parliament should also judge for itself. It had also been said that the Local Governments of Ontario and Quebec had voted down the principle, but he said that the Ontario Government had really upheld it, but our Government was compelled to do as the others did, as it could not place its people in a different position from those of other provinces. He considered that great harm resulted from members of the Local Governments being present in the Dominion House, as he knew many instances in which they had been compelled to vote against their convictions. He also remembered reading that an hon. gentleman, now a member of the Government, had influenced 20 votes by an hour's speech, and it was well known how he himself had spoken of his influence. He concluded by reiterating his opinion as to the good effects to be derived from the passing of the Bill he had moved.

**Mr. BURPEE** made a few remarks in support of the measure.

**Hon. Sir A.T. GALT** said he had voted during the last session in favour of the Bill now before the House, and would have been prepared to give the same vote on the present occasion, if the experience over the past year had not led him to believe that it would be better to let the matter stand for the present. This change in his mind arose out of the circumstances of the Province of Quebec. The feeling in Quebec had become more fully declared in favour of the dual representation than it had been a year before. A year ago the Bill for rendering ineligible members of the Local Legislature to sit in the Dominion Parliament, had been lost by about 15. This year it had been lost by 24. Referring to the fact that in Quebec they had two distinct races, whose representation had been protected by official enactments in the British North America Act, 1867, and as representing a portion of the minority in that province, he thought it a great advantage to have present in the Dominion Parliament, gentlemen of French Canadian origin, who form a majority of the Government of Quebec. They naturally believed that the interests they had most at heart received a certain amount of indirect protection at the hands of that House, but he thought it useful that members of the Local Governments should have seats in that House.

At the same time if he could see that the independence of the House was seriously endangered by these gentlemen being there, he confessed that the greater importance of freeing the House from all improper influence should outweigh the local consideration. There was no doubt that there was a connection between the Dominion Government and those of the provinces, which had arisen naturally from the circumstances attending Confederation. The Governments of Ontario and Quebec had naturally harmonized in political views with the Dominion Government, but that state of things could not be expected to continue forever, and in time to come there might be a Conservative Government in the provinces, with a Liberal one at Ottawa, or the reverse. It was quite clear that under these circumstances the influence of the Dominion Government over the Local would amount to nothing, but at the same time the responsibility towards the people of the country would rather be increased, as there would be a double check. He could not help noticing the reference made to Nova Scotia, and he thought it was

not clear that that province would not have been better off had its Government been represented here.

For instance the preceding night a case had occurred with which he had been taken to task by the hon. member for Cumberland on account of the view he had expressed, in which if a member of the Provincial Government had been present he could have explained the case fully. He thought the presence of members of Local Governments in that House was by no means open to the same objection as that of persons holding places of emolument under the Government, and if the presence of members of the Governments was not injurious, still less was that of ordinary members. Confederation was still an experiment, and as they were then on the eve of the Local Elections in Ontario and Quebec, when the people could easily make their wishes known, he thought it would be unwise to alter the system. Having voted in favour of the Bill last year, and having for the reasons he had mentioned come to the conclusion that his duty required that he should now give a different vote, he had ventured to delay the House a short time to explain his reasons for the change.

**Hon. Mr. McDUGALL (Lanark North)** said his position was somewhat different from that of the hon. gentleman who had just spoken. When he sat on the other side of the House he had felt it his duty to vote against a proposition submitted by the member for Bothwell, but he was now free from every influence except that of duty to his constituents as an independent member of the House. He intended to vote as he had voted before, for the reason that as a Liberal, as a reformer, he did not desire to restrict the free choice of the people, or attempt to dictate who they should or should not elect as their representatives. It seemed to him that if the people were intelligent, and they were intelligent in this Dominion, they would apply a remedy if any evil was found to result from dual election. He held that the whole theory of disqualifying and qualifying laws, and in fact of all restrictive laws, in these matters was wrong in principle, and an interference with the exercise of the franchise. It is true that the experience of the Mother Country as well as our own had justified restrictions and disqualifications in particular cases where abuses had been really found to exist.

What he complained of on the part of his friend the member for Bothwell, was that he pushed his theories and philosophic views too far for the practical age and country in which he lived. He believed that in the new experiment of Confederation, it was no objection that the governments of the Dominion and provinces were in accord and working together harmoniously; it was rather an advantage. He feared his hon. friend had gone a little further than the expression he had used implied, that of securing the "Independence of Parliament." It might be desirable in a party view to be able to detach the powerful influence of the different Provincial Governments from the Government of the Dominion. He, however, as one of those responsible to his constituents and the country for the new system of Government, was determined to endeavour to make the experiment a success, and until British North America was consolidated, until all the provinces were working under the new constitution, he had no desire to add to the antagonisms and

hostilities between the several provinces arising out of the circumstances preceding the Union. When an abuse was found, when measures of public utility were delayed by reason of the presence of members of the Local Governments in that House, then he would yield to the force of that argument, but at present, having listened to the reasons given in support of the Bill, he had been unable to see during four years of most successful government that had elapsed since Confederation, any sufficient reason for adding to or modifying the constitution in that respect.

He thought there was great force in the argument that as they were on the eve of new elections, it would be better to await the expression of the opinion of the people, than to assume by any action taken now that a change was desirable. The change in the vote of the Quebec Assembly was a proof that the first view of the question, which seemed to have carried the Local Legislatures of Nova Scotia and New Brunswick, had changed, and that change was a strong argument that the Dominion Parliament should hesitate before attempting to override the views of the provinces. The question had been discussed in the Ontario Legislature, and the member for West Durham, with all his great ability and eloquence, had failed to convince that body that it was inadvisable to allow members of that House to sit in the Dominion Parliament, and he was inclined to think that in the new Assembly there would be a strong disposition to repeal the Act which prevents members from the Ontario Government from sitting in this House. A very important matter had been discussed, namely, the division of property between the two provinces, and everyone must admit the very great benefit that had been derived in that discussion, both before this House and in the committees, from the presence of hon. gentlemen from Ontario who had given their special attention to the matter, and were able to furnish valuable information which would not otherwise have been obtained. He was therefore not prepared to support the measure of the member for Bothwell, until it could be shown that abuses really existed which a restrictive law alone could prevent.

**Hon. Mr. TUPPER** would not have spoken on this occasion but for a remark made by the member for Lambton on the passage of the reply to the address from the Throne, which had now been reiterated by the member for Bothwell, as to a remark which they alleged he had made when addressing his constituents on the occasion of his recently soliciting re-election. They alleged that he had then boasted of the great influence he had over members from Nova Scotia in that House, and he thought it was due to those members to state that the expression he had used would in no way bear the construction that had been put upon it. If he had not replied to the remark of the member for Lambton when it was uttered, it was only because he did not consider it necessary, but as the matter had now been repeated he thought he ought to make some explanation.

**Mr. BLAKE** rose to a point of order, maintaining that as the member for Cumberland had not replied to the member for Lambton at the time, and as the member for Lambton was not in his seat, he (Hon. Mr. Tupper) had no right to bring up the matter then.

**Hon. Mr. TUPPER** acknowledged the call to order, and said he would simply confine himself to the repetition of the statement as made by the member for Bothwell. In his address to his constituents he had explained that when his hon. friend the Secretary of State for the Provinces had felt it his duty to change his attitude with regard to Confederation he had been proud to become his humble follower, and when that hon. gentleman felt it to be his duty to assist to work out the great institution which he found it impossible to oppose, he felt it his duty to assist him. He had never said anything to lead anyone to suppose he wielded any undue influence over the members from Nova Scotia. The attitude of hostility taken invariably by the leading members of the Opposition as regards Nova Scotian interests left no option to the representatives of that province but that of supporting the administration. Having watched the operation of the dual representation, he thought it would ill become him to endeavour to force the views and principles of Nova Scotia members upon the unwilling members for the great provinces of Ontario and Quebec. The success of Confederation had been greater in the provinces enjoying dual representation. There had been more harmony between the Government of the Dominion and the Local Governments of the provinces enjoying this system, than had existed as regard the other provinces. The country gained much from having in both Legislatures the same men, as respects greater harmony between the different portions and governments of the Federation. He would heartily oppose this unnecessary motion.

**Mr. BLAKE** said he was willing to vindicate the part of himself and the Opposition with regard to Nova Scotia. They had freely consented to all measures consistent with its full rights, but to nothing more. But they had not thought it their duty to do anything proper in an improper way. With regard to the alleged advantage of local ministers' attendance in this House, there was another side to the picture. Now it was argued that the progress of Confederation was accelerated because the Local Governments were represented here. Suppose they disagreed with the Federal Ministry. In that case, the cause of Confederation might be as much retarded or damaged as it was said it was now benefited.

**Mr. CARMICHAEL** explained that in the Nova Scotia Legislature he had opposed the Bill of Dr. Tupper, to abolish dual representation, and was quite consistent in his intention to oppose the present motion. He had no desire to deprive Ontario and Quebec of the privilege of representation in both Legislatures.

The amendment was then put to the vote.

#### YEAS

##### Messieurs

Ault	Beaty
Bellerose	Bertrand
Blanchet	Bowell
Bown	Burton
Cameron (Peel)	Caron
Cartier (Sir George-É.)	Cartwright
Cayley	Chauveau
Cimon	Colby
Crawford (Brockville)	Crawford (Leeds South)
Dobbie	Drew

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Dufresne  
 Ferguson  
 Galt (Sir A. T.)  
 Gendron  
 Grant  
 Grover  
 Heath  
 Howe  
 Jackson  
 Keeler  
 Langevin  
 Lawson  
 McDonald (Middlesex West)  
 McCallum  
 McDougall (Trois-Rivières)  
 Moffatt  
 Morrison (Niagara)  
 Perry  
 Pope  
 Renaud  
 Ryan (Montreal West)  
 Simard  
 Stephenson  
 Sylvain  
 Tourangeau  
 Walsh  
 Willson

Dunkin  
 Fortin  
 Gaucher  
 Gibbs  
 Gray  
 Harrison  
 Holmes  
 Irvine  
 Jones (Leeds North and Grenville North)  
 Lacerte  
 Lapum  
 Little  
 Masson (Terrebonne)  
 McDougall (Lanark North)  
 McKeagney  
 Morris  
 Munroe  
 Pinsonneault  
 Pouliot  
 Robitaille  
 Shanly  
 Simpson  
 Street  
 Tilley  
 Tupper  
 Webb  
 Wright (Ottawa County) - 74

Bodwell  
 Bourassa  
 Burpee  
 Carmichael  
 Coffin  
 Costigan  
 Delorme  
 Forbes  
 Fournier  
 Hagar  
 Kempt  
 Magill  
 McDougall (Renfrew South)  
 Mills  
 Oiver  
 Pearson  
 Redford  
 Ross (Prince Edward)  
 Ross (Wellington Centre)  
 Scatcherd  
 Smith  
 Stirton  
 Thompson (Ontario North)  
 Wells  
 Wright (York West)

Bolton  
 Bowman  
 Cameron (Huron South)  
 Cheval  
 Connell  
 Coupal  
 Ferris  
 Fortier  
 Godin  
 Holton  
 MacFarlane  
 McConkey  
 McMonies  
 Morison (Victoria North)  
 Pâquet  
 Pelletier  
 Ross (Dundas)  
 Ross (Victoria, N. S.)  
 Rymal  
 Scriver  
 Snider  
 Thompson (Haldimand)  
 Wallace  
 Workman  
 Young - 54

## NAYS

Messieurs

Anglin  
 Béchard

Barthe  
 Blake

The main question, as amended, then carried, and the Bill was ordered to be read this day six months.

On the motion of the **Hon. Sir GEORGE-É. CARTIER**, the House adjourned at 10.35.



March 1, 1871

## HOUSE OF COMMONS

Wednesday, March 1, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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The **SPEAKER** announced the names of members appointed to serve as the General Committee of Elections for the present session; and some petitions were read and referred.

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### NEW BILLS

**Mr. SAVARY** moved for leave to introduce a Bill to amend section 2 of the Insolvent Act of 1869.—Carried.

**Mr. BROWN** moved for leave to introduce a Bill to authorize the village of Trenton to impose and collect harbour dues and for other purposes.—Carried.

\* \* \*

### REPORTS

**Hon. Mr. DUNKIN** presented the report of the Minister of Agriculture under the Census Act.

\* \* \*

### MESSAGES

**Hon. Sir GEORGE-É. CARTIER** presented a message from His Excellency containing a copy of the agreement between the Imperial and Canadian Governments relative to the Manitoba Act, with copies, in draft, of the Bill presented to the Imperial Parliament on the subject. Also copies of the agreement between the Dominion Governments and Governments of Ontario and Quebec, with other documents respecting the award of the arbitrators.

**Hon. Mr. HOLTON** thought the Minister of Militia the other day promised to announce the action proposed to be taken by the Government on this subject.

**Hon. Sir GEORGE-É. CARTIER** said if the hon. gentleman looked at the papers he would discover the action of the Government with regard to the Arbitration. There was an Order in

Council by His Excellency which formed part of the documents now submitted.

**Hon. Mr. HOLTON** suggested the reading of the Order in Council, because it was the essence of the communications.

**Hon. Sir GEORGE-É. CARTIER:** No objection whatever. (*Cheers and laughter.*)

The Clerk then read an Order of Council of date 27th February, concurring with the following report of the Hon. Minister of Justice in reference to the Arbitration between the Provinces of Ontario and Quebec:

In the matter of the arbitration under the British North America Act, 1867, between the Provinces of Ontario and Quebec referred to the undersigned, he has the honour to report that under the 142nd section of the said Act the following arbitrators were appointed, viz: The Hon. David Lewis Macpherson by the Government of Ontario, the Hon. Charles Dewey Day by the Government of Quebec, and the Hon. John Hamilton Gray, (of St. John, New Brunswick), by the Government of Canada, his appointment dating from March 21st, 1868. That by a despatch from the Lieutenant-Governor of Quebec to the Secretary of State for the Provinces, bearing date the 11th July last, an order of the Executive Council of that province was transmitted for the consideration of His Excellency the Governor General which Order in Council sets forth that: Whereas the Hon. Mr. Gray has resided for more than one year, and has become a resident in the Province of Ontario, and has become thereby disqualified to act as such arbitrator, it has become the duty of this province to object to the said Hon. Mr. Gray acting as such arbitrator. That by a despatch of the same date, the Lieutenant-Governor transmitted two letters dated 9th July from the Hon. Charles Dewey Day addressed to the Provincial Secretary of Quebec resigning his appointment as Arbitrator under the section above cited.

That by a subsequent despatch of the 19th July the Lieutenant-Governor submitted a copy of an order of his Council accepting the resignation of Mr. Day as the Arbitrator named for the Province of Quebec. That by a letter dated the 5th September, Messrs. Gray and Macpherson, the other two Arbitrators, transmitted a copy of the award made by them under the said Act, stating that such an award had been made in duplicate, and sent also to the Governments of Ontario and Quebec, that the award is signed only by Messrs. Gray and Macpherson, and after reciting that the three Arbitrators were appointed by the several Governments as above mentioned, proceeds to state that "the said Arbitrators having taken upon themselves the burthen of this said Arbitration, the said John Hamilton Gray and David Lewis Macpherson being a majority of

the said Arbitrators, do hereby award, order, and adjudge of and upon the premises as follows, that is to say, &c., &c., &c., that by a despatch from the Lieutenant-Governor of Quebec, dated the 14th September, a copy of an order of the Executive Council of Quebec was transmitted, protesting for the reasons therein given against any force or validity being given to the pretended judgment or award of the said two Arbitrators by the Federal Authority, and advising of the intention of the Government to appeal for redress and justice in every constitutional mode, which it is the privilege of the British subjects under the Crown to exercise when suffering under injustice or wrong from the hands of any.’

That by a subsequent despatch, dated 22nd December last, from the Lieutenant-Governor he transmitted an address from the Legislative Council and Legislative Assembly of the Province of Quebec, to His Excellency the Governor General, setting out that the Hon. Mr. Gray having taken up his residence at Ottawa, the Government of Quebec had deemed it incumbent to protest against his continuing in office, and to express their conviction that the decision of the Arbitrators should be unanimous; that the Arbitrator appointed by the Province of Quebec resigned his office; that such resignation was accepted, and that the Government of Quebec at the same time protested against any ulterior action on the part of the Commission which was thus rendered incomplete; that Messrs. Gray and Macpherson notwithstanding such representation, entered upon the examination of the questions submitted by the two provinces without the Province of Quebec being in any way represented, and made their award against which the Lieutenant-Governor of Quebec protested as unjust and illegal; that the injustice of the pretended award is evident from the facts stated in the address; that the pretended award is absolutely illegal, null and void, for the reason therein set forth, and as having been rendered by two Arbitrators, who, by the resignation of their colleagues, remained without power or jurisdiction: That, therefore, the intention of the ‘British North America Act’ had not been carried out, and no title has been conferred upon either Province in relation to the credits, properties, and assets, which it was the duty of the said Arbitrators to apportion and divide between the two Provinces. That the Province of Quebec can neither submit to its property being disposed of, or to any sum whatever being exacted from it, nor can it accept any property credits or assets in virtue of the pretended award, and will resist by all the means within its power the execution of the said pretended award, claiming as it does, that justice be done, and that its rights as represented by the British North America Act be maintained, they therefore pray that His Excellency the Governor General will be pleased to adopt such measures as are best calculated to ensure justice to that Province.

\* \* \*

#### THE CASE STANDS THUS

The Government of Ontario maintains the validity of the award. The Government of Quebec contends that it is altogether illegal and void, and declares its intention of appealing for redress and justice in every constitutional mode, and the Legislature of Quebec also

protesting against its validity asks the Governor General to adopt measures to protect the rights of that Province. Now the Government of Canada has no power or means of interfering between the parties, or of enforcing the award as valid or setting it aside as invalid, or of granting the means of redress or the measure of protection sought for by the Legislature of Quebec. It is for the Government of Ontario if it desires to enforce the award to take such steps as it may be advised that the law allows for that purpose, and it is for the Province of Quebec to take the necessary legal steps to resist any action on the part of that of Ontario. If the question of the validity of the award becomes a matter of litigation either Province will have the power of carrying it by appeal from the decision of any interior tribunal to the Judicial Committee of the Privy Council, as the Court of last resort. If the Governments of the two Provinces were to agree in a statement of special case with the view of submitting the question of the validity of the award to the Judicial Committee, it would be the duty of His Excellency the Governor General in being prayed so to do to transmit such special case to the Secretary of State for the Colonies with a request that it should be submitted to such Judicial Committee for their opinion under the fourth clause of the Imperial Act, 3 and 4 William, 4th, chapter 41.

If the two Governments do not agree upon a joint submission of the case it will be in the power of either Government to pray Her Majesty to refer the case as stated by it for the opinion of the Judicial Committee. As it is obvious that if the Governor in Council were to assume to decide the questions in dispute the Province against whom such decision would be given would not accept or submit to it, and as such decision would have no legal force whatever, the undersigned recommends that no expression of opinion be given by His Excellency in Council; and for the same reasons the undersigned refrains from making any report on the legal questions under present circumstances, and until the questions raised respecting the award are settled by judicial decision the undersigned is of opinion that no action with respect to it can properly be taken by the Governor in Council.

(SIGNED,)

JOHN A. MACDONALD

**Hon. Mr. HOLTON** reminded the Hon. Minister of Militia that he had been kind enough to volunteer any information the House might want on the subject.

**SEVERAL MEMBERS:** *En français!*

The papers having been read in French,

**Hon. Mr. HOLTON** said at least one important paper relating to this subject was not included. This Order in Council bore the date February 27.

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The report of the Minister of Justice on which it was founded was dated 25th February. A payment to the Provinces became due in January. He assumed it was made in some form, and that the Government being in possession of the award, some decision must have been come to prior to that payment. The order upon which it was made must be an Order in Council, without which the papers were not complete.

**Hon. Sir GEORGE-É. CARTIER** said he had much pleasure in informing the hon. gentleman there was no such paper. The Government had taken no action on the award. The payments were made to the Provinces on the same footing as formerly.

**Hon. Mr. HOLTON:** How could they have been made in the face of the award without the Government deciding to act on it or disregard it?

**Hon. Sir GEORGE-É. CARTIER:** That was the fact. In January the award was in possession of the Government, as also the protest from the Quebec Government. The Canadian Government thought proper irrespective of the award to make the payments as before.

**Hon. Mr. HOLTON:** There is no record of such decision.

**Hon. Sir GEORGE-É. CARTIER:** The fact of the payment was as good.

**Hon. Sir FRANCIS HINCKS** repeated this statement adding that the old payments had to be made till an order was given to the contrary.

\* \* \*

#### MOTIONS

**Mr. BROUSSEAU** moved that the correspondence between the Imperial and Canadian Governments relative to the *Manitoba* Bill,—and the correspondence between the Dominion Government and the Governments of Ontario and Quebec, with other documents respecting the award of the Arbitrators, be referred to the Joint Committee of both Houses on the Printing of Parliament.—Carried.

**Mr. CAMERON (Huron South)** moved that a Return be laid before this House shewing the number of insurance companies which have made the deposits required by 31 *Vic.*, Cap. 47, up to the date of said Return; distinguishing between Canadian and foreign companies, and between fire, marine, life and accidents companies; specifying the name of the Company, when incorporated, where the head office in *Canada* is located, the amount deposited under the provisions in the above, or any other Act, when deposited, whether for the benefit of Canadian Policy holders or for that of Policy holders generally; also the numbers and

names of Companies that have ceased to do business in *Canada* and have withdrawn such deposits, if any.—Carried.

\* \* \*

#### QUESTIONS

**Mr. RENAUD** asked whether it is the intention of the Government to make, during the present session, any change in the Tariff under which the consumers of flour in the Maritime Provinces are the principal sufferers.

**Hon. Sir FRANCIS HINCKS:** I hope at an early day to state the intentions of the Government.

**Hon. Sir A.T. GALT:** To make a flowery statement. (*Laughter.*)

**Hon. Mr. SMITH (Westmorland)** asked whether it is the intention of the Government to make provision for the uniformity of the laws relative to property and civil rights under the authority of the 94th clause of the British North America Act.

**Hon. Sir GEORGE-É. CARTIER** replied Government did not intend to do more than was done the other day, namely, submit to the consideration of the House the preliminary report of Hon. Mr. Gray.

**Hon. Mr. CONNELL** asked whether in the account transmitted to the British Government for the expenses incurred by Canada, in consequence of Fenian raids, the expense incurred by New Brunswick for like services previous to Confederation was included.

**Hon. Sir GEORGE-É. CARTIER** replied the Government has transmitted to the Imperial Government the claims for indemnity for any losses that may have been incurred either by the Dominion Government, any of the Provinces, or any inhabitant in any part.

**Mr. THOMPSON (Haldimand)** asked whether it is the intention of the Government to re-establish the money order office at the Indiana Post Office, Province of Ontario; if so, when; if not, why not?

**Hon. Mr. TUPPER:** The office was suspended in consequence of the inability of the Postmaster to carry on the business correctly. The Government, unhappily, were not more fortunate in the appointment of a successor, for the same difficulty arose. A new appointment had been made, and measures were now in progress to re-establish the money order office at that place.

**Mr. FORTIN** asked whether the government have received any communications from the Governments of Ontario or Quebec,

respecting a proposed settlement of the surplus debts and assets of the late Province of Canada.

**Hon. Sir GEORGE-É. CARTIER** replied that neither the Government nor any of the members of the Government had received any communication on the subject from the Government of Ontario, but some of the members of the Dominion Government had received communications from members of the Quebec Cabinet, suggesting a mode of settling the difficulty. It was this: that the Dominion Government should assume the surplus. (*Hear, hear.*)

**Hon. Mr. HOLTON:** Is the record of this application among the papers submitted?

**Hon. Sir GEORGE-É. CARTIER:** No, there is no record; it is simply a fact.

\* \* \*

#### INSURANCE RETURNS

**Mr. CAMERON (Huron South)** moved for an order of the House for a return of Insurance Companies which had made deposits required by the law enacted last year. He said that there was a great deal of doubt in the minds of policy holders, especially in the constituency he represented, as to whether they were sufficiently protected by that Act. Within the last year or so, a large number of foreign insurance companies had failed, and policy holders were victimized. He asked for these returns because he understood that the Government proposed to introduce a measure affecting insurance companies. He hoped it would be such a one as would more effectually protect policy holders than the one now in operation. The list of companies which had complied with the Act and deposited the amounts required with the Government, he understood had been published in the *Canada Gazette*. It might as well have been published in the court journal of Madagascar, if such a journal was ever issued, as in the *Canada Gazette*. It would be much better to publish that list in some influential newspaper—the *Globe* for instance—and then the public might know which companies had complied with the requirements of the Act.

**Hon. Sir FRANCIS HINCKS** said there could be no objection to furnishing the information required. He took the opportunity of saying that, notwithstanding the very great abuse which had been heaped upon the Government for introducing and passing that Act, he had reason to believe that it gave the public substantial protection. The Government would not be turned from increasing that protection to the public, notwithstanding this abuse. Those who made a business of denouncing the administration had assailed the measure as one for increasing the funds in the Treasury. (*Hear, hear.*) He was in a position to say that during the past year the Government had been embarrassed by the operations of that Act—that they did not want money, and money was sometimes paid them which they did not want and would rather not be embarrassed with.

When reference was made to the Act now in operation, and complaint was made that it did not give sufficient protection, his hon. friend must remember that the Opposition assailed it when it was introduced for containing a provision which afforded that very protection.

**Mr. GIBBS** thought that if the Act was intended to be for the benefit of Canadian policy holders, the funds in the hands of the Government should be held solely for their benefit.

**Hon. Mr. HOLTON** said that if the object of the Bill were to bring money into the treasury it had been exceedingly well contrived to attain that object, and his own impression was that had really been the primary object. If, on the other hand, the protection of Canadian policy holders had been the object in view, it had been most unfortunately framed.

**Hon. Sir FRANCIS HINCKS** would postpone the discussion of the merits of the case until a future occasion when the Bill proposed to be submitted had been brought down. If the hon. gentleman then found that he could in any way improve what was proposed by the Government he would have full opportunity of endeavouring to do so. He admitted that there was a distinction between companies as it had been found impossible to treat mutual companies as other companies were treated, and the point was one deserving of the greatest consideration. The deposits made by mutual companies were not entirely for the benefit of Canadian policy holders, but those made by other companies were, and in a recent case in which the position of an insurance company had caused some alarm, the deposit was held entirely for the benefit and protection of Canadian insurers.

The motion was carried.

\* \* \*

#### NORTH WEST

The next motion before the House was one which had been made by Mr. Blake, that the House should resolve itself into a Committee of the Whole to consider certain resolutions on the subject of the admission of Rupert's Land and the North Western Territory into the Union, and the Legislation in reference to the same.

**Mr. BLAKE** said that the matter to which the motion he had made had reference, being affected by the paper which had been brought down that day he thought it would not be advisable to proceed with the matter until those papers had been printed and placed in the hands of the members, and he proposed therefore to let the matter stand over.

Motion allowed to stand.

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#### LIQUOR INSPECTION FUND

**Mr. BOURASSA** moved that on Monday next the House should go into Committee of the Whole to consider certain resolutions for



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the creation of a fund to be denominated "The Liquor Inspection Fund," &c.

**Hon. Mr. MORRIS** said that in the interval preceding the day named, he would consider the resolutions and be prepared to state his opinion of the subject.

Motion carried.

\* \* \*

### HARBOUR OF REFUGE AT RIMOUSKI

**Mr. FOURNIER** moved an address for copies of all correspondence, Orders in Council, and reports in connection with a survey, made with a view to the construction of a Harbour of Refuge at Rimouski, with an estimated cost of the harbor. He then addressed the House in French on the subject, pointing out how important it was that such a harbour should be constructed, as steamers of the Allan line and others would be able to go in there all the year round, and also showing that it was absolutely necessary in the interest of the safe navigation of the St. Lawrence.

**Hon. Mr. LANGEVIN** replied in French, explaining the steps which the Government had taken in the matter.

**Mr. FORTIN** said he considered the matter was one of very great importance. He had seen, with pleasure, the intention of the Government to construct a Harbour of Refuge in some part of the Lower St. Lawrence. From what the Minister of Public Works has stated, it seems that on the recommendation of the Chief Engineer of the Intercolonial Railway, a survey had been made about Rimouski, and no one could doubt the great necessity for such a work when it was remembered that from the entrance into the River up to Quebec there was not a single harbour (except one on the North shore called the Seven Islands, which was altogether out of the way) where a vessel could be safely anchored. When the Intercolonial Railway should be in operation, connecting the Provinces of Nova Scotia and New Brunswick with the centre of Canada, such a harbour would be especially important and he thought it was their duty to see whether they could not assist nature and find some place where the vessels could stop in safety, some 12 or 20 hours before they could reach Quebec, where they could put mails and passengers ashore and send them to the South and to the West. This Harbour of Refuge at Rimouski or the neighbourhood, he did not care where, would not only be useful as establishing a Port on the Lower St. Lawrence, but would also be of great benefit to the Northern parts of New Brunswick, as the people of that part of the country would thereby be brought nearer, not only to Europe, but also to Ontario and Quebec.

Persons or goods from Europe destined for New Brunswick could be landed at this harbour and at once transported to their destinations by means of the Intercolonial Railway at a less cost,

and very much more speedily than by any other route. It was well known that it was difficult to get any of the steamers plying between New York and England to call at St. John, N.B., as although it was a fine port it was somewhat out of the way of the track of those steamers. Halifax was not so situated, and no doubt when it became the terminus of the Intercolonial Railway steamers would call there more frequently than at present, but St. John could scarcely ever get a mail steamer to call there. The whole Northern part of New Brunswick was without a steamer, while if there were a harbour where vessels could call safely at all times of the day or night, that want would be supplied. He thought the Government could certainly not be blamed for having had an exploration to ascertain whether a Harbour of Refuge could be constructed in the neighbourhood in question.

**Mr. ROBITAILLE:** The Government were right in getting a survey or exploration made of the harbour and vicinity of Rimouski, with the view of building a Harbour of Refuge. The want of such accommodation has been felt at all times for steamers as well as for sailing vessels; for schooners as well as for ships sailing on the gulf and river St. Lawrence. Also, there is no doubt, as the Hon. Minister of Public Works has said, that a harbour in that vicinity, in connection with the Intercolonial Railway, would shorten the distance by several hours between Europe and Canada; but if the Government is in earnest on this point, they should extend the explorations further down. I am sure that when such an important subject is in question local interest will not be allowed to come into play, and that the Government well understand that the public interest will be better served by widening their sphere of information. A survey of the north shore of Baie des Chaleurs will show that the coast is free of ice, free of fog, and offers easy access to steamers for the twelve months of the year in the harbour between New Carlisle and Paspébiac points—that mails and passengers from Europe landed there in winter as well as in summer will reach, by the Intercolonial Railway, Montreal or Toronto in less time than if landed at Rimouski or Halifax.

You remember, Mr. Speaker, that the Chief Engineer of the Intercolonial Railway, in his report, recommended that the harbour of Shippigan should be selected for a winter as well as a summer harbour, because it was the shortest route from Europe. At the time of this recommendation people in the vicinity knew well that Shippigan was an impossibility as a winter harbour, because it lies on the south shore of Baie des Chaleurs, and the North winds, always prevalent in winter time, keep the shore blocked with ice and inaccessible. For the same reason the South Shore of the St. Lawrence River is inaccessible in winter, while from the same cause the North Shore of Baie des Chaleurs is free from ice and quite accessible at all times. I have lived in Baie des Chaleurs for the last thirteen years, and have never seen ice to prevent a steamer from coming to Paspébiac or New Carlisle in the coldest months of winter, and I seize this opportunity of calling the attention of the Government to this fact. I commend the Hon. Minister of Public Works for the lively interest he has taken to obtain all information possible with a view to establish a Harbour of Refuge at Rimouski or its vicinity, and I am very anxious to enlist his solicitude for Baie

des Chaleurs, considering that it offers a harbour accessible at all seasons. Therefore, I trust that, keeping in view the general interests of the Dominion, the Government will order the necessary exploration and survey of the Harbour of Paspébiac and New Carlisle as soon as possible.

**Mr. WORKMAN** while admitting the importance of the subject, and hoping it would have all the consideration it deserved, trusted that the Government would not expend a large amount of money merely to increase the value of the property of individuals, which was certainly supposed to be the case in the matter under discussion. Nothing but a very heavy expenditure would result in constructing a Harbour at Rimouski, as there was no depth of water, and it would be most absurd to attempt to construct a harbour there at all. He hoped that before any expenditure was incurred, a reliable survey would be made, and full particulars obtained, and that favour would have no weight in the selection of the locality.

**Hon. Mr. McDOUGALL (Lanark North)** said that he always listened with some apprehension, when he found the Hon. Minister of Public Works, and the member for Gaspé and Bonaventure agreeing on projects for improvements in the part of the country in question.

**Hon. Mr. LANGEVIN** said that he had already explained the matter fully to the House in French, but as the hon. gentleman, the member for Lanark, might not have fully understood him, he would be glad to repeat his statement in English, although he might not speak so clearly in a language which was not his own. In replying to the hon. member for Bellechasse, he had told him he was mistaken in supposing that the Government had undertaken the survey for the purpose of making a Harbour of Refuge at Rimouski, a harbour which could receive vessels during the winter. That was not the intention of the Government. A survey had been undertaken on a report of the Chief Engineer of the Intercolonial Railway that the railway approached the St. Lawrence at Rimouski for the last time before taking its course into the interior of New Brunswick. Another reason for selecting Rimouski was that Father Point, the point where steamers between Quebec and Europe received or landed their pilots, was only a few miles further down. A survey had, therefore, been ordered, the engineers had worked during the summer and had returned a short time ago, and were then preparing their plans and a report would be made to the Department in due time. The object, however, was not to make a Port of Refuge, but to provide a place where vessels could discharge their cargoes onto the railway and receive cargoes from the railway, and where the European steamers could land their passengers, baggage, and mails, so that a train could be in readiness for the East and West, by which means they could reach Quebec twelve hours, Montreal eighteen or twenty hours and Toronto many hours earlier than they would if the steamers had to go to Quebec, and so that steamers would not be delayed by fog as they were now. That was a very important object, and the Government had thought it right to order a survey.

As to the amount which the hon. member for Bellechasse had spoken of it was out of the question. He (Hon. Mr. Langevin) had

spoken to one of the Engineers on the subject, who had told him that no estimate had been made, but that that sum was out of all proportion. The hon. member for Bonaventure had raised another question in suggesting the Baie des Chaleurs as a landing place which would be available in winter. The survey that had been made had not been for the purpose of finding a Winter Harbour. That was another question altogether, and the hon. gentleman must see that a harbour in the Baie des Chaleurs would not prevent mariners from navigating the St. Lawrence as they did now, and therefore a harbour at Rimouski would still be necessary. If it could be shown to the Government that at any particular place a harbour could be constructed which would be available all the year round, the Government would then consider the matter and decide whether a survey should be made, but that should not interfere with the Rimouski survey, as the objects were entirely different.

**Hon. Mr. McDOUGALL (Lanark North)** in resuming, said the explanation the hon. gentleman had made was so far satisfactory, in that it showed that nothing had as yet been done beyond the making of an investigation as to the practicability of the construction of the harbour at the place mentioned. The construction of a Harbour of Refuge involved a very large expenditure, and certainly no complaints or demands had ever been heard from the people in the neighbourhood concerned as to the want of such a work, and he thought that when vessels had reached that point it might be considered that their voyages were approaching completion, and that they did not need a Harbour of Refuge. When the matter was first spoken of he thought on the face of it, it looked as if an affair which had occurred some time ago and which was well known was about to be repeated. He referred to what had been known as "the Baby Jobs." Large sums of money had then been expended in the construction of works from which no benefit had ever been derived, and which were now worthless, and no doubt the arguments urged in favour of the construction of those works had been equally strong with those now adduced.

It seemed to him, however, that the Minister of Public Works had presented the matter in a new light. It appeared now that the intention was that on the completion of the Intercolonial Railway steamers would land their contents and transfer them to that Railway at Rimouski or some other point in the St. Lawrence. His impression hitherto had always been that it was intended to have a Railway to Halifax and that there the transfer from the Ocean steamers would take place. It would almost seem that the Minister of Public Works despaired of the completion of the Railway for a number of years, or of its practicability, or else of its being used when it was completed. He did not object to surveys being made in order that Government might ascertain the practicability of projects recommended for their consideration, but he thought it was as yet altogether too soon to decide what particular point on the Intercolonial Railway ought to be the point at which ships and rail should meet, and he trusted the House would not allow the Government to incur any expenditure in the matter until something more was known in regard to the Intercolonial Railway, and when that road was almost built it would be quite time enough to decide

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at what point mails and passengers would be most beneficially landed.

**Mr. FORTIN** asked to be allowed to add a few words with reference to remarks made by the hon. gentleman who had last spoken. From what had been said the House might think that he (Mr. Fortin) was peculiarly interested in the construction of the Harbour at Rimouski, and he desired to state that Gaspé would not profit by that harbour, as their vessels were only small fishing vessels, and they had already shelter for them at the Island of St. Barnaby. He had not spoken in favour of the harbour in the interests of his constituents, but as a member of that House, and for the general good of the Dominion, and he might add that the harbour would be a much greater advantage to the people of Ontario than to the people of Gaspé. He had not objected to appropriations of money for the construction of Harbours of Refuge in the upper lakes, because he considered those harbours necessary for the safe navigation of the lakes, and he was in favor of the harbour at Rimouski on similar grounds.

The motion was carried.

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#### REMUNERATION OF POSTMASTERS

**Mr. STEPHENSON** moved an address for copies of correspondence with reference to the change made since Confederation, in the rates of remuneration of Postmasters throughout the Dominion, and in the mode of that remuneration.

**Hon. Mr. TUPPER** stated that he was instructed by the Postmaster General that the effect of the Act reducing the rates of postage had been a considerable decrease of revenue, but that the largely increased number of letters transmitted, was rapidly increasing the Revenue on which the remuneration of Postmasters was made, and in order to meet the decrease in remunerations which had resulted from the reduced rates of postage, a commission of 40 per cent was allowed to Postmasters instead of 30 per cent, the previous rate, and by that means the Postmaster General expected to prevent any reduction in the remuneration given to Postmasters. He further said that there was no correspondence that could be brought down which would give any information further than was contained in the report of the Postmaster General already before the House, and he asked therefore that the motion should not be pressed.

**Mr. STEPHENSON** said that his object had been to ascertain what reasons there had been for passing the Order in Council. A year ago it was understood that the Postmasters did not receive a sufficient amount of remuneration, and it was then understood that under the new regulations they would receive more, but the fact was that they actually received less. In his own town the Postmaster had

received in 1867 a salary of \$1,600, whereas he now received only about \$1,300, and the same was the case throughout the Dominion. He believed that Postmasters in country places had been benefitted, but the reverse was the case with Town Postmasters, and he hoped the Government would see the necessity of looking into the matter, and if necessary, giving Town Postmasters a special rate. He did not desire to press his motion.

Motion accordingly withdrawn.

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#### SEIZURES IN LAKE ST. CLAIR

**Mr. STEPHENSON** moved an address for all correspondence respecting a seizure by United States Customs officials of a steam tug and barge, the property of Hiram Little, Esq., a British subject, while engaged in legitimate trade in Canadian waters. He stated that for a number of years a large trade had been carried on in wood on the River St. Clair and Lake St. Clair by Canadians, that in 1866 the American Government had given a contract for the construction of a ship canal across the Flats in Lake St. Clair, on the Eastern side of what was known as the St. Clair Flats Canal, which canal was without doubt within Canadian jurisdiction. During the construction of that canal Canadians had been in the habit of delivering wood and other supplies necessary for the carrying on of the work, and on the occasion in question Mr. Little arrived with a steam tug and a barge loaded with wood for the contractor. At the time three American officials from Detroit chanced to be fishing on the spot, and they took upon themselves to seize Mr. Little's vessels and their loads and took them all to Detroit, and, as it were, confiscated them. After much trouble and expense Mr. Little was allowed to take the vessels away on entering into bonds for \$3,000, the wood being retained, and he expected that the Government would take action to relieve him from his position and obtain compensation for him. He (Mr. Stephenson) had reported the case to the Government at the time it occurred, but had received no answer, and did not know what steps had been taken in the matter. He thought, therefore, that the matter should be laid before the House and justice done in the matter without further unnecessary delay.

**Hon. Mr. TILLEY** said that correspondence was now going on between the Canadian and American Governments, but it was not complete, and he therefore asked that the motion be allowed to stand over for the present.

Motion allowed to stand over.

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#### CANAL ENLARGEMENT

**Mr. MAGILL** moved an address for copies of correspondence and instructions to Commissioners on the subject of canal enlargement, and of all other papers connected therewith.

He said that the subject was one in which the country awaited with very great anxiety an announcement of the policy of the Government. It was of such importance that it had occupied a very prominent place at the Quebec Conference in 1864, and had been a strong argument in favour of Confederation, as it was urged that the country joined together would be better able to deal with the matter than otherwise; and although much had been done, and many improvements effected, the great work of opening up the St. Lawrence still remained untouched. Referring to the rival project by the French River and the Ottawa, he dwelt on the many advantages possessed by the St. Lawrence route, which he thought more than counterbalanced the difference in distance. If the St. Lawrence and Welland Canals were deepened to 15 feet, the trade between the different provinces would be wonderfully increased, and no one would object to any import duty on foreign coal. He trusted the matter would engross the attention of the ministers, and that they would soon be able to announce their policy on that great question.

**Hon. Mr. LANGEVIN** said he had no objection to the address, but there was really no correspondence yet, and he would suggest that that portion of the hon. member's address be dropped, and he could afterwards give notice when the report of the Canal Commissioners was submitted to the House.

**Hon. Mr. HOLTON** saw no necessity for delay. He understood that the Commissioners had furnished the report, and had dispersed.

**Hon. Mr. LANGEVIN** said the hon. gentleman was mistaken. The Commissioners had not dispersed and had not yet completed their labours.

**Hon. Mr. HOLTON** said it was very desirable that the House should have the report before it soon. The Government, from some form of discord, incapacity or feebleness of purpose, being unable to devise policy of their own, and having devolved this duty on private gentlemen, who were utterly unknown to public life, should at least put the House in possession of such information as would enable them to furnish the Government with a policy if the Commission should be unable to do it. (*Hear, hear.*)

**Hon. Sir FRANCIS HINCKS** was surprised to hear the hon. gentleman, who had so large a parliamentary experience, blaming the Government for appointing this Commission. He had the practice of the British Government for a precedent. In England there was hardly a subject of importance that was not initiated by a Commission. The Canal Commission had been appointed at the request of influential persons who were interested in having these improvements made, and it certainly was not a matter in which the Government were open to attack. He did not think it was too much to expect that the Government should be allowed time to examine papers before they were submitted to the House. He confessed that for himself the only papers relative to the matter he had read was a copy of the instructions issued to the Commission. He believed it

would be in the power of the Government in a very few days to produce the papers, but at present it was not.

**Mr. MAGILL** said he would let his motion stand for a few days.

**Hon. Mr. McDOUGALL (Lanark North)** quite agreed with the hon. member for Châteaugay that there was a growing practice in the country, which would not be easily got rid of if allowed to continue unchecked. He referred to this practice of the Government of handing over important measures to irresponsible persons in order to get rid of the difficulty of preparing a scheme. He could not remember any precedent in the British House for this course of the hon. gentleman opposite. It might be justifiable, but if so, what were the thirteen hon. gentlemen opposite placed there for, if it was not to act as a standing Commission, whose business was to deal with great public measures of this kind. He apprehended that the true reason for the appointment of this Canal Commission was that there were various projects which the Government did not approve of, and this Commission was the easiest and most deceptive way of getting rid of them. What was the result? They had seen some notice in the newspapers, and had heard in the lobbies mysterious whispers about this Commission. They heard, and had read, in fact, that the Bay Verte Canal was to be constructed, and as a set-off to the Western people, a canal was to be constructed at Sault Ste. Marie, and the St. Lawrence canals were to be deepened. They could have had all that done by a Committee of the House. Committees could have been formed to ascertain the practicability of constructing works of this kind, and this House was the proper body to deal with them. This appointment of the Commission was an invasion of the functions, duties, and privileges of this House, and it handed over to gentlemen whose names had never been heard of in connection with works of this kind these important interests. He had travelled with one of the Commissioners, Mr. Shannon, a very entertaining gentleman, recently from the east. The gentleman had come here probably after the report had been agreed on; but even admitting that Mr. Shannon had been present at the meetings of the Commission, what special knowledge had he, as a legal practitioner at Halifax, of public works of this kind. The whole system was a sham, and the hon. gentlemen opposite were bringing a responsible Government into contempt by abdicating their functions, handing over their duties to private gentlemen, and shielding themselves under this Commission. What member of this House was to be influenced or induced to vote for or against this proposition because certain gentlemen had said yes or no. The opinions of this Commission were just worth so much and no more, as those of five or six other ordinary intelligent gentlemen. Yet the hon. gentleman opposite stated that this sort of thing was done in England, and consequently should be done here.

**Hon. Mr. HOLTON:** It is not done in England.

**Hon. Mr. McDOUGALL (Lanark North):** No, it was not done in England. The hon. gentlemen were practical men and were sent to this Parliament for that reason, and they were the great

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Commission who were to decide this matter. The Ministry were the standing Commission, and it was for them to deal with these measures with the information they had, and to obtain for their measures the assent of the House. Now what did they see in this case? The Commission met in Ottawa to determine what canals should be undertaken. They knew very little about the matter and had to send for persons to instruct them as to what they should do. They had to visit the Public Works Department, and to interrogate the officials there as to facts on which they should base their conclusions. That might be the interpretation of Responsible Government by the hon. gentlemen opposite, but he was sorry to hear the great apostle of that principle recommend that the Government should hand over their prerogative in this manner.

**Hon. Sir GEORGE-É. CARTIER** said the Government intended to take the responsibility of these works on themselves (*hear, hear*) but they had not had time yet to come before the House with any proposition, besides the Government was like a private individual in such matters: they were interested in obtaining all information necessary before entering into large expenditures. There was no better means of obtaining information on matters in which legislation was to take place than to refer it to a Commission. The hon. gentlemen opposite had asserted that there was no such practice in England. It was a well known fact that with the exception of fortifications most public works were undertaken by private corporations. When it was proposed to construct fortifications in Canada, Commissioners were sent here to enquire where were the proper places for them. In every Government Commissions were employed for such purposes. In the enlargement of canals were two great questions, the engineering question and the commercial question. Who was better acquainted with the commercial interests of this country than Mr. Hugh Allan? And where was an engineer of greater experience than Mr. Gzowski to be secured? Was not the member for North Lanark a Commissioner appointed to proceed to the West Indies, to enquire as to the best mode of extending our trade with them? (*Cheers and laughter.*) The Government would form its policy on the recommendations of the Canal Commissioners, and assume all responsibility for action thereon and for such appropriations as they might occasion. They would meet Parliament on the question of the acceptance or the rejection of the Commissioners' recommendations. He hoped and was sure the Government would be able out of that report to frame a policy that would meet the wants of the country.

**Mr. BLANCHET** was surprised the member for North Lanark should reflect upon the appointment of Commissions. He belonged to a Government from 1862 till 1864 that had managed the affairs of the country by Commissions. He had also been concerned in a North West Commission, which did not turn out successful. He was unable to carry the commission in his pocket on that occasion. (*Laughter.*) The fact was the appointment of a Commission in this instance was the best step the Government could have taken to procure the information needed; and the qualifications and high standing of its members were a guarantee that both their statements and recommendations were entitled to respect. (*Hear, hear.*)

**Hon. Sir A.T. GALT** did not believe that any advantage was likely to flow from the Canal Commission. He agreed with the member for Lanark North that as to the improvement of our internal navigation generally this House was as well informed as it could be by the Commission. The Government had the able reports of the Public Works Department, and those of their own engineers, and were in as good a position to arrive at a sound opinion as to what ought to be done as were these Commissioners, and far better. True, they were men of high standing but he did not believe they possessed any speciality beyond the Government and the House to enable them to arrive at a conclusion. Further, as their appointment, giving them so wide a scope, obliged them to go into a great many questions which the Government could not have found it necessary to take up, the Government were better able to judge of the resources of the country at their disposal, and of its necessities, than any Commissioners. (*Cheers.*) He therefore regretted their appointment. The comparison of this Commission with that to the West Indies was what called him to his feet, because he did think no possible analogy could be established between them. The latter had to visit the West Indies, which the Government could not have done, they having such a disposition to keep their places. (*Hear, hear.*)

**Hon. Sir GEORGE-É. CARTIER:** It establishes my position as to the principle of the Commission.

**Hon. Sir A.T. GALT:** This principle ought to be laid down— That the Government should appoint a Commission where they required the aid of skill, where persons possessed a specialty pertaining to certain subjects. That was not the case with the question of the canals, and if it was, the proper parties had not been appointed. He did not deny the report might be an able one; but he would be much surprised if they found in it anything not already in the knowledge of the Government.

**Hon. Mr. TUPPER** said he would not have risen if hon. member for North Lanark had not selected the Nova Scotia member of the Commission for his criticism. Did he consider that holding a high and distinguished position at the bar was any reason why a gentleman should not be able to give his attention to public matters? He was the last member who should treat that fact as a reason of the sort. It would have been but fair to state that such were his abilities, social qualities, and talents for public business that the county and city of Halifax, the capital of Nova Scotia, had again and again elected him as their representative; and that he was for years a member of the Government. This discussion was ill timed. If members believed it improper for the Government to avail itself of the first commercial talent, and the ablest suggestions with reference to this business, the time to make their objections was a year ago, when the intention was first announced. The House then having made no opposition it was a little late in the day for hon. gentlemen to do it now.

**Hon. Mr. HOLTON:** No, no. I opposed it.

**Hon. Mr. TUPPER** was surprised to hear the member for Châteauguay denouncing this Commission, for he held in his hand a vote given by him for a similar commercial commission requiring special talent.

**Hon. Mr. HOLTON:** No.

**Hon. Mr. TUPPER:** But when a vote was proposed for the expenditure of a million and a half, on fortifications, he placed his opinion on record that it was due to the public interest the Government should be relieved of the responsibility by the appointment of Commissioners to consider where they should be constructed; and having thus sanctioned the principle in a matter where it was not relevant, he thought that hon. member was precluded from raising his present objections.

**Hon. Mr. HOLTON:** I did raise that objection.

**Hon. Mr. TUPPER:** The suggestion of the Canal Commission came from the House and not the Government. He had headed a deputation which solicited this step, and the House having at the time sanctioned the Government's course, it was too late now to try to elicit its censure. The Commissioners having consented to serve, having withdrawn their talents and labours from their own business, and cheerfully worked for the public he thought gentlemen opposite, in reference to them, should have awaited their report without prejudging their labours and endeavouring to destroy confidence in them.

**Hon. Mr. McDOUGALL (Lanark North)** could understand now how it was that the hon. gentleman who had just spoken founded the reputation he bore in his own province as a great stump speaker, and as the accomplished and wily conqueror of its other Minister in the Cabinet here. (*Laughter.*) Had he (Hon. Mr. McDougall) not spoken of the Nova Scotia Commissioner as an able lawyer and a gentleman of talent and respectability? His

argument was not in depreciation of Mr. Shannon, but that his being a distinguished and hard-worked lawyer, he was not in a position to come here and inform hon. members as to where canals should be constructed. With regard to the Commission spoken of by the Minister of Militia, it was appointed partly from the Government, which was responsible for its report through him (Hon. Mr. McDougall). A member of Nova Scotia Government, also, was on that Commission.

The case was unfortunate as an illustration in another point of view: it was unfortunate as an example of the benefits of a Commission, that after the travels of its members and the exposure of their lives on the high seas and in foreign parts, and after a report which, he thought, would be admitted displayed a good deal of industry, that Commission fell still-born. Its work was never acted on either by the Government or this House. The carrying out of its recommendations would have developed the resources of the country in an important direction. Even hon. gentlemen opposite must admit that neither the Government nor the House had acted as promptly and judiciously, as they ought, on that occasion. As Mr. Smith wrote on one occasion as regards England, Government Commissions were generally devised for the purpose of concealing and distorting information already accessible, and which should be put to a proper use. As to Mr. Allan, he stood at the head of the commercial element, and was, no doubt well schooled in all the subjects connected with the navigation of the St. Lawrence, and the transportation of the products of this country to the old world. He (Hon. Mr. McDougall) would have summoned him before this House on a special Committee on this subject. As a witness he would have been useful; but as a Commissioner to occupy the place of the Government, the fact of his being a merchant in such circumstances, disqualified him from giving an intelligent, reliable opinion upon this great subject. (*Hear, hear.*)

It being six o'clock, the **Hon. Sir GEORGE-É. CARTIER** moved the House adjourn till tomorrow, as there was very little business on the paper. After some obstructions from the leaders of the Opposition the motion was carried.

March 2, 1871

## HOUSE OF COMMONS

Thursday, March 2, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### PETITIONS

Several petitions were received and referred.

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### PAPERS, ETC.

**Hon. Mr. LANGEVIN** submitted papers relative to the leasing of a portion of land on the Lachine Canal to the Montreal Warehousing Company.

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### NEW BILLS

**Hon. Mr. CAMERON (Peel)** moved for leave to introduce a Bill to amend the Railway Act of 1868.—Carried.

**Mr. CRAWFORD (Leeds South)** moved to introduce a Bill to incorporate the Ontario and Quebec Railroad.—Carried.

**Mr. SNIDER** moved for leave to introduce a Bill to authorize the town of Owen Sound to collect harbour dues, and for other purposes.—Carried.

**Mr. YOUNG** moved to introduce a Bill to naturalise certain aliens. He explained he did not propose to interfere with the law, but merely to confirm in their naturalization rights many persons who had failed to comply with some of the technical requirements of the law. At present a certificate from the Courts that the oath had been taken was required, and many were disqualified from voting owing to the neglect of this formality. The provisions of the Bill were to the effect that all who, in good faith, prior to 1868, took the naturalization oath, should be confirmed in their privileges. If the First Reading were carried, he would move its reference to a Select Committee to consider its various clauses.—Carried.

All bills introduced received First Reading.

**Hon. Mr. HOLTON** moved the reference of the papers respecting the Montreal Warehousing Company's case of land on the Lachine Canal, to the Printing Committee—Carried.

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### MESSAGE FROM THE GOVERNOR GENERAL

**Hon. Sir GEORGE-É. CARTIER** submitted a Message from His Excellency, consisting of an Order in Council and memorandum, establishing, under the provisions of the Act, 33 Vic., Cap. 3, regulations respecting the public lands in the Province of Manitoba.

**Hon. Sir GEORGE-É. CARTIER** proceeded to explain that the Government had had under consideration the disposal of the public lands in Manitoba, and the different interests of the various classes of that Province. Those regulations now brought down related to the reserve for the half breeds, and the mode of its administration. There was a reserve of the vested rights of the Hudson's Bay Company in every township. Every settler would be entitled to a free grant apart from the Company's and the half breeds' lands. Any one desirous of promptly obtaining the title to a lot, might do so by paying a dollar an acre. Each lot would consist of 160 acres. Every private and officer of the Volunteers who went to Manitoba, who might settle there, would be entitled to a lot besides the lot bestowed him as his absolute property. (*Cheers.*) He thought those regulations would show Government had adopted the best possible policy for the settlement of the country.

**Mr. RYMAL** asked if a volunteer, whether he remained in the country or not, would get a land grant.

**Hon. Sir GEORGE-É. CARTIER:** No; the actual settlers only would get it. The Government wanted the country settled.

**Mr. RYMAL** said that in such a case a volunteer would get no reward for his services. He had thought that a volunteer, whether he resided there or not, was entitled to his free grant.

**Mr. MILLS** asked information as to the size of the sections. Last year, they had been fixed at 800 acres, and now there appeared a change to 640 acres.

**Hon. Sir GEORGE-É. CARTIER:** The plan of the survey of last year was departed from.

**Mr. STEPHENSON** asked if the Volunteers who received their discharges would be entitled to land.

**Hon. Sir GEORGE-É. CARTIER** replied that all the Volunteers, discharged or not, who settled there would receive land.

**Hon. Mr. McDOUGALL (Lanark North)** asked whether the condition of settlement was required in the case of the half breeds.

**Hon. Sir GEORGE-É. CARTIER** replied, their case was different from that of new comers. The 1,400,000 acres reserved to them was to settle their rights of property.

**Mr. FERGUSON** was disappointed at this intention. He thought this land was to be given only on condition of settlement and to the law declared. He was sorry that provision had been departed from. He hoped the Government would reconsider this matter, and change their policy. If the half breeds learned they were required to settle on their lands, in order to obtain them they will become citizens of the country and travel from their homes no more.

**Hon. Sir GEORGE-É. CARTIER** replied that the reading of the papers would show that all the regulations in respect to the Manitoba Act had been complied with.

**Hon. Mr. McDOUGALL (Lanark North)** said he would hardly have risen to speak on this occasion, but that he did not wish the statements which had just been made to go abroad unchallenged. The Government had reversed the policy which had been deliberately agreed to, with respect to the survey of the lands in Manitoba. They had announced as their policy that they would hold out greater inducements to settlers than the United States, that each settler should receive 200 acres of land instead of 160 acres, and that the townships should be larger than the townships in the United States in order that when municipalities should be incorporated in the North West there should be sufficient area for them. He wished to let this fact be known, and that the Government had changed their policy, and now offered the comparatively paltry amount of 160 acres of land. Such a policy was a mistake. There was land enough there and to spare to offer greater inducements to the settlers. There was a complete violation of the policy of last session with respect to the lands of that territory. It appeared that the rights of half breeds in their lands were to be placed under the jurisdiction and control and subject to the laws to be enacted by the Legislature of Manitoba. It might be said, and it was asserted by the Government organs, that this was a proper system, but every one in the House who was at all acquainted with the matter knew very well that the half breeds had little familiarity with Government matters. In the recent elections they gave their votes as they were directed by those whom they recognized as leaders. (*Cries of "No, no"*.) Hon. gentlemen opposite said "No, no", but he said "Yes, yes."

**Hon. Sir FRANCIS HINCKS:** No, no.

**Hon. Mr. McDOUGALL (Lanark North):** It was so, and he had a letter from the Bishop of that country, stating by his own hand that he had selected from Lower Canada, men whom he had intended to take with him to act as representatives in Manitoba, and it turned out that no less than three of those men were elected, while loyal gentlemen in that country had been excluded and withdrawn from office. He saw it stated that the three representatives taken from Lower Canada had no legal right to the seats that they held, because they had not complied with the terms of the Act, but he was of opinion that there was no legal objection to any one being in that Assembly that the electors might have selected under the provisions of the Act. He believed that the Act was purposely framed so that there should be no exclusion, no condition of eligibility, and in order that the hon. gentlemen opposite might be enabled to send out their pliant tools to make laws that would suit their ends. He for one had great apprehension that the rights of the half breeds would be sacrificed if left at the mercy of such men. He believed such was the policy at the bottom of the scheme as the public would yet see.

**Hon. Mr. HOWE** said it was not to be supposed that the Government could originate a policy to suit the hon. member for Lanark North. As for the charge brought against the Hon. Minister of Militia that he advised certain friends of his to go out to this blessed country, he (Hon. Mr. Howe) would like to know who had a right to question him for that. The argument was hardly worthy of a moment's notice. When the papers came before the House he was sure that the Government would be able to show that if the policy of the Government was changed it was only for good and sufficient reasons.

**Hon. Mr. MORRIS** said it must be remembered that in bringing down a land policy for the North West, it was not for Manitoba alone, but for the whole of the Red River territory. If it was really desirable to build up that great country, as the House intended to do—

**Hon. Mr. McDOUGALL (Lanark North):** Hear, hear.

**Hon. Mr. MORRIS** appealed to the House if they were not anxious to see the great North West country developed, and if so, it was important that a policy should be framed which would not only attract to Manitoba a large Canadian emigration, but also the great tide of emigration from Europe, which now flowed to the United States. In the future it would be found that the Government had acted wisely in conforming the land policy of the North West to that of the neighbouring union, which was understood in Europe, and which had worked so well. It had been said that the Government were disposed to prevent emigration from going to the North West, but the fact was, that their policy was to develop that country, and have it settled as early as possible. With regard to the election of Lower Canadians to seats in the Local Legislature in Manitoba, he believed the people of that Province had a right to exercise their privilege to elect whoever they pleased to represent them. He knew but one of the gentlemen personally, Captain Howard, and from what he knew of him he believed that the people of Manitoba would



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find in him a valuable representative. These remarks, at this stage of the measure, were rather premature, but he could not let the remarks of the hon. member for North Lanark pass without some comment.

**Mr. SCATCHERD** was surprised to hear the hon. member say that Government had encouraged emigration to the North West. He defied them to point to a single proof that such had ever been their policy. In the first place, the Canadians who had gone to settle there, were driven out of the country, and now the Volunteers were to be disbanded and only two small Companies were to be retained.

**Hon. Sir FRANCIS HINCKS:** We want them to settle there.

**Mr. SCATCHERD:** Did his hon. friend suppose that the Volunteers from Ontario would care to settle in a country which was ruled by the very men who had driven loyal Canadians from it last year? From the course which the Government had pursued so far, it was evident that they had no desire to see the North West Territory settled.

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#### SCHOOLS OF NAVIGATION

**Mr. PELLETIER** asked whether it is the intention of the Government to provide for the establishment of Public Schools of Navigation and Seamanship with Board of Examiners at the different seaports of the Dominion, or at any one of them?

**Hon. Mr. TUPPER** said, as far as the Board of Examiners were concerned, it would be provided for by the Government. In relation to Schools of Navigation and Seamanship, the providing of a moderate amount to facilitate passing an examination in the principal outports was under the consideration of the Government.

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#### THE WELLAND CANAL

**Mr. MERRITT** moved for papers, and the report having reference to the works on the Welland Canal known as the Lake Erie Level. In making this motion, he would remind the Government that they had promised last session to make some improvements on the Canal during the summer, but no progress whatever had been made in the matter. He knew that there had been difficulties to prevent this work from being accomplished, and he therefore asked that the report of the engineer should be laid before the House explaining the state of the work and the difficulties to be surmounted.

**Hon. Mr. LANGEVIN** said the Government had no doubt promised last session to improve the Welland Canal, but they could not control the elements, and heavy slides had taken place on the east side of the Deep Cut. These slides, of course, were not expected, and were very extensive. The fact was, that in one place, for a long distance the Canal was so narrow from these slides that

two vessels could not pass each other. The Government would be able to come down to the House and ask for a vote of money in order to try to provide against these land slides in future. The cause of these slides was this. When the Canal was commenced the work was done by a company, who, as they made the cutting, threw the earth and stones on the top of the banks at each side, and it was the pressure of these piles of rubbish that caused these slides. The engineers were of the opinion that unless these piles were removed from the banks they would all slide in, and have to be removed from the bottom of the Canal by dredging, and it would cost a great deal less to remove them from their present position. The Government would therefore ask for an appropriation to remove them.

**Mr. McCALLUM** was satisfied with the explanation of the Minister of Public Works so far as it went, but thought it did not go far enough. Government had proposed to proceed with the work year after year, and yet nothing was done. He thought that Port Colborne could never be made a suitable harbour for the terminus of the Welland Canal, and pointed out the greater advantages of Port Maitland. A few years ago the whole district had been flooded by a freshet on the Grand River, and on claiming compensation from the Government had been told that nothing could be done, and although it was some times said that the Crown could not err, he thought the Government had very frequently done great injury to the people. He would not dwell on the subject further as when the report of the Canal Commission was brought down there would be full opportunity for discussion.

**Mr. THOMPSON (Haldimand)** thought the member for Lincoln was deserving of the thanks of his constituents for so persistently bringing this matter before Government. Promises made on the subject by the Government time after time were still unfulfilled, and if the hon. member really wanted to have the work carried out he would suggest to him, as the only means of attaining his end that he should leave the Government side of the House and join the Opposition.

**Mr. STREET** very much regretted that the Lake Erie Level was still unattained, and everyone interested in the works erected on the Welland Canal especially regretted it. That level was necessary in order to carry the trade of the country. The Minister of Public Works had, however, explained why the work could not be carried out during the present year, but he was glad to know that the Government would ask a vote for the purpose. He thought, however, they should not proceed on mere suggestions of members of the House, but should be careful to obtain the advice of the most competent men. As to the obstructions which had been spoken of their removal might cost a large amount of money, but he was sure there was no impossibility in the matter, and he certainly considered it absolutely necessary that the waters of Lake Erie should be obtained in some way or another. He would not further take up the time of the House on that occasion.

**Hon. Mr. McDUGALL (Lanark North)** thought the present a favourable opportunity for calling the attention of the House to the very great danger of a policy on questions like the present based on

the representations of members of that House who chanced to live in a locality where those works were to be constructed. He had on a former occasion, and when sitting on the other side of the House, contended that the Welland Canal was a great public work, in which every person in the Dominion was interested. It was quite true that the waters of the canal had been made use of. The Government had conceded great privileges in order to encourage the establishment of manufactures. The right of using surplus water had been granted on almost nominal terms for that purpose, and a very important manufacturing interest had sprung up as a consequence, but a very great expense had been entailed on the country. The policy of the Government had been to endeavour to obtain the Lake Erie level, the water having hitherto been supplied from the interior of the country.

The Government had been accused of breaking its promise, but he thought they must act on the advice of men who were experts in the matter, and who understood the effects that would be produced by the changes proposed, and when he had been urged to expedite the works he had been advised by the Engineers, that if the water should be brought down suddenly, the probability was that the Canal would be closed up. Only a few years ago a slide had taken place, which had necessitated the expenditure of an enormous sum of money, and it was the fear of a recurrence that caused the delay. The Minister of Public Works had told them that acting on the advice of the officers of his Department he proposed asking for a vote of money to complete the work, by removing the superincumbent weight of earth on the banks and so remove the fear of a further slide. He was surprised to hear, however, from the member for Monck that a new scheme was proposed, and that, what the most eminent engineers had advised would not do. He told them that Port Colborne would not do, but that the Canal must be constructed to Port Maitland. Thus the House must see that it would never do to trust the opinions of members. He might refer in support of this to the case of St. Peter's Canal in Cape Breton. That canal was in course of construction at the time of Confederation when some sixty or seventy thousand dollars had been expended on it, and now that it had been completed they were told that it was of no value.

**Hon. Mr. TUPPER:** No, no.

**Hon. Mr. McDOUGALL (Lanark North)** said that the hon. gentleman might say "No, no," but he had been assured by gentlemen from the country that it was of no practical value, and would have to be enlarged to make it of any use whatever, and further than this they had also been told by two representatives from the country that another canal altogether would have to be built. He stated this to show the great danger of entering upon works of this kind without first obtaining the advice of responsible officers of the Government selected for the purpose on account of their superior skill. Reverting to the question of the enlargement of the Welland Canal, he thought that when that matter was laid before the House it ought to be most carefully considered, but he had no hesitation in saying beforehand that he was entirely opposed to the expenditure of any larger sum of money in the enlargement of that canal. The Welland Canal was sufficiently large to accommodate all the trade

of Canada, and very much more, and he was decidedly opposed to any expenditure which would simply result in benefitting the Americans. He would have no objection to the Welland and St. Lawrence Canals being made common to the Americans, and then if any enlargement should be necessary the Americans could contribute their share of the money, and improvements could be easily accomplished.

**Mr. ROSS (Victoria)** said that when the hon. gentleman spoke of the St. Peter's Canal he spoke of a matter of which he knew nothing. He (Mr. Ross) had a few days previously submitted a statement to the Public Works Department, which shewed that in one year 503 vessels had passed through that canal, and if it were properly enlarged fully double that number would pass through. He trusted that the matter of the additional canal which had been recommended would obtain the consideration of the Government, and that in the meantime they would see that the present canal was kept in good working order.

**Mr. McCALLUM** desired to add a few remarks to what had been said by the hon. member for Lanark North. He remembered that when that gentleman had been Minister of Public Works he had professed a great interest in the work in question, and on the strength of that interest had attempted to represent a constituency in the neighbourhood, but had been rejected, and it was hardly right to ignore the matter now. He might add that the Government had rented a large amount of water power, and that the mills had had to remain idle for the most valuable part of the year for want of water. Further, the House would remember that he had urged the hon. member for Lanark when Commissioner of Public Works to have the embankments strengthened, and he had only been laughed at, but it was now shown that if his recommendations had been acted on, the hon. gentleman would by an expenditure of \$1,200 have saved the country \$30,000.

**Mr. MACDONALD (Glengarry)**, speaking of the St. Peter's Canal, thought it was much to be regretted that the canal had not been made sufficiently large in the first instance as it had been but a very short time constructed, and they were now told that unless enlarged it would be of no use. He could not find from the Public Accounts that that canal had ever produced any revenue, and he did not see that any benefit would occur to the Dominion even if the Canal were enlarged. As an old contractor, he considered that to enlarge the canal would cost as much as had been expended on the Canal when first constructed, and he thought the whole system of dealing with the works ought to be changed, and that nothing could be undertaken except on the report and advice of reliable scientific men appointed for the purpose.

**Mr. MERRITT:** Referring to what had been said by the hon. member for Lanark North, thought that members living on the spot—where the works required to be undertaken—were the very ones to advise in the matter. The matter of the Lake Erie Level was no new matter and the necessity of the work had engaged the attention of the country at large. In 1869, there had been sufficient water to supply the Canal alone, independent of the works established in its neighbourhood, and no one who knew anything of

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the trade of the country would deny that if for one month, navigation should be closed, the loss to the country would be ten times the amount that was now required to be expended. He trusted that the Government would lose no time in asking for appropriation for the work.

**Mr. WORKMAN** thought the question of the enlargement of the Welland Canal one of the most important that could engage the attention of the House as that Canal formed one of the great arteries of internal navigation, and he was confident that any reasonable sum would be granted by the House and justified by the country. He thought that the Americans, instead of being excluded from our Canals, should be encouraged to use them. He hoped the Government would rise above all local considerations, and do what was necessary in the interests of the Dominion.

**Mr. MILLS** said it had been announced that the St. Peter's Canal, though only just completed, was totally inadequate to the requirements for which it was built, and he thought the government that had planned the work, of which he believed the Hon. President of the Council had been the head, were very much at fault in the matter.

**Hon. Mr. HOWE** rose to state that the work had been originated by a government of which he was the head, while it had been carried on by a government of which his hon. friend, the President of the Council, was the head. He added, that as the work had been commenced with the limited resources of Nova Scotia, it had naturally not been made so extensive and perfect as the canals of Canada, but they took it for granted that the Dominion would now make that canal as good as the others.

**Mr. MILLS** resumed, saying that the explanation made by the Hon. Secretary of State for the Provinces merely shewed that he, as well as the President of the Council, was responsible for the faulty construction of the canal in question. As to the St. Lawrence canals, it had been a well understood condition of Confederation that those canals should be enlarged, and that enlargement was of the utmost consequence in order to obtain control of the trade of the western states and also in order that connection should be maintained with the North West.

**Mr. JONES (Leeds North and Grenville North)** thought that in the discussion of this subject the first question should be—what will most benefit Canada? He fully admitted that it was well to encourage intercourse with the Americans, but not at the expense of millions of money belonging to Canada. Already \$20 million had been expended on the St. Lawrence canals, and \$16 million on the Grand Trunk running parallel with them, while the interior of the country had been altogether neglected. As to the Canal Commission, he objected to its appointment altogether as being utterly useless, but, it being appointed, he regretted exceedingly that the Ottawa district was not represented on it. He thought the canals were already sufficiently large for the requirements of Canadian trade, and in attempting to facilitate the transport of the products of the western states to the seaboard and thence to England, we were

simply helping them to compete at Liverpool with their own products. Construction of the Sault Ste. Marie canal he, however, regarded as an absolute necessity as a link in the great chain of communication with the Red River.

**Mr. HARRISON** raised a point of order, as the motion before the Chair was simply for the production of certain papers, to which general discussion on the canal system of the country was entirely irrelevant.

**The SPEAKER**, however, decided that although members might have enlarged on the question before them, he had not been called upon to check them.

**Mr. CARMICHAEL** then referred to the condition of the St. Peter's Canal as being very much in need of repairs, and urged that unless the government gave it speedy attention vessels would be unable to pass through. He said the walls of the St. Peter's Canal were falling in, and recommended its repair and improvement.

**Mr. RYAN (Montreal West)** believed that if the Welland Canal should be enlarged, and also the St. Lawrence, they would give employment to thousands within the Dominion, and increase our carrying trade and commerce. He hoped the commission would recommend such employments.

**Hon. Mr. McDOUGALL (Lanark North)** read a portion of Mr. Mill's report respecting the propriety of enlarging the St. Peter's Canal, and the construction of others for the extension of the trade of the Island of Cape Breton. He cited this case as an illustration of the danger of beginning canals before they were sure of the means of completing them. He himself had favoured the improvement of this very St. Peter's Canal, and was not opposed to one more than the other apart from public grounds.

**Mr. MAGILL** said that the hon. gentleman took part in the convention leading to Confederation, the basis of which was the creating of internal improvements. It ill became him, therefore, a leading friend of the new Constitution, to oppose those promising works—the Welland and St. Lawrence Canals. As to American produce competing with ours, in Europe, what fear need we have of it if we enjoyed a large share of the carrying trade? If there were any public works more deserving than others it was the improvement of those valuable works, so well calculated to draw a larger trade to our waters.

The motion was carried.

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#### THE FISHERIES

**Mr. MILLS** moved for an address for the regulations and papers originating with the Governor in Council relating to the fisheries. He said he moved for these papers because the government had

lacked moral force to carry out the act, and that the public were praying for the performance of duties which the department had ordered should not be performed. He explained that a great many persons were receiving salaries who were performing duties in the protection of fisheries, such persons not being required by the department. Almost every other man along the Bay of Fundy, as he (Mr. Mills) was informed, had been appointed an overseer by the Fisheries Department. He desired to know how far the complaints on these subjects were well or ill founded.

**Hon. Mr. TUPPER** said the government were desirous of giving the fullest information on this subject. He was instructed by the Minister of Marine to say the correspondence was very voluminous, and that if he called at the office and selected such portions as he wanted, they would be printed. The protection of the river fisheries, though very difficult, had turned out highly beneficial. The supply of fish had gratifyingly increased. He was certain the papers would show the hon. gentleman was mistaken in his opinions on the subject.

Motion carried.

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#### WITHDRAWAL OF TROOPS

On the motion of Mr. Cartwright coming up, namely the address to Her Majesty on the subject of withdrawal of the garrisons and munitions of war from British North America &c,

**Mr. CARTWRIGHT** asked when the correspondence would be ready.

**Hon. Sir GEORGE-É. CARTIER** said the government of late had been much pressed in producing returns, but they would try to bring down the correspondence in three or four days.

The motion was allowed to lie over.

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#### REPEAL OF DUTIES

**Hon. Mr. HOLTON**, in the absence of Hon. Mr. Dorion, moved that the House go into Committee of the Whole on a future day to consider a resolution declaring it expedient to abolish the duties on coal, coke, flour, wheat, and other grains.

**Hon. Sir FRANCIS HINCKS** said it was an unusual course for a member to press such a resolution before the policy of the Government had been announced, and if this resolution were pressed, he would be obliged to move its postponement.

The motion was allowed to stand.

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#### THE PROVINCIAL ARBITRATION

**Mr. BLAKE** moved the discharge of the order on the resumption of the adjourned debate on his motion for correspondence touching the arbitration. He said the principal objects of his motion had been attained both as regards the production of papers and the ascertainment of the policy of the Government on the subject.

The order was discharged.

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#### DELAY IN PRINTING BILLS

**Mr. BLAKE** complained that his bill to secure the independence of the Senate, though it has been on the Order Paper several days, had not been printed in French.

**Mr. YOUNG** said he would bring the matter before the Printing Committee.

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#### BUSINESS FOR FRIDAY

On the motion for adjournment,

**Hon. Mr. HOLTON** asked what government business would be entered upon tomorrow.

**Hon. Sir GEORGE-É. CARTIER** replied that the Census Bill would be taken up and perhaps Hon. Sir Francis Hinck's currency resolutions.

The House then adjourned, it being a quarter to six o'clock.

March 3, 1871

## HOUSE OF COMMONS

Friday, March 3, 1871

The **SPEAKER** took the chair at 3.10 p.m.

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*Prayers*

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Several petitions were presented.

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### PRIVATE ACCOUNTS OF MEMBERS

**Hon. Mr. CAMERON (Peel)** called attention to the fact that some members had called upon the accountant of the House to pry into the state of the accounts of other members without an order from the Speaker of the House or from the Committee of Public Accounts. No member should be allowed to examine the accounts of any other member.

**Hon. Mr. HOLTON** said he quite concurred with the member for Peel in his views on this matter.

**Hon. Sir A.T. GALT:** Hear, hear.

**Hon. Mr. HOLTON** said he was not aware that such a course had been pursued, but there could be no two opinions as to its impropriety. No individual member had a right to pry into the affairs of any of his fellow members. The Committee of Public Accounts and the House at large were bound to do so if any abuse existed in the matter of indemnity to members, but no individual members should do so. Last year the Committee of Public Accounts had investigated these matters very thoroughly and would do so at the present session.

The **SPEAKER** said he thought the facts were not quite in accordance with the statements of the hon. member for Peel; but application had been made by individual members to the bookkeeper of the accounts of the House to look over the accounts. Having heard the opinion of the House on the subject, he would take care that in future no such information should be given to individual members.

**Mr. WHITE** said he had asked for some information in order to discover the truth or falsity of certain alleged improprieties charged against the other member from his county. He contended he had a right to seek for such information, and was ready to assume the responsibility in the matter.

**Hon. Mr. CAMERON (Peel)** said he did not know the hon. gentleman had made such application, and did not refer to him.

**Hon. Mr. HOLTON** said he spoke of the practice merely, and did not know of any individual case.

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### COLLECTORS' FEES

**Hon. Mr. TILLEY** laid on the table a statement of the fees of collectors of customs.

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### BANK ACT

**Hon. Sir FRANCIS HINCKS** moved for leave to introduce a bill relating to banks and banking. In making this motion he wished to make a few explanatory remarks with respect to the scope of the bill. Last year he had the honor to introduce a measure to enable the Governor General to grant new charters to banks as the old ones expired. It was supposed at the time that many banks would avail themselves of the opportunity afforded them of having their charters renewed. It had so happened that in only one single instance had a charter been so renewed. Although within the last couple of weeks there had been a number of applications from banks for the extension of their charters. They almost unanimously expressed themselves in favour of having parliamentary charters. When this was ascertained—and it was quite recently—government determined that they would endeavour to embody in one general act, not only the provisions of the act of last session, but also the general provisions of what he might term the internal regulations of banks, which seemed desirable, and which they themselves seemed desirous should be as near as possible assimilated. They wished all to be put on the same footing with respect to these resolutions. Now, he was bound to say that this was as far as government thought of going with regard to that matter, but within a very few days he had reason to believe, from conversations he had had with gentlemen well versed in such matters, that there was a very general desire that in the Bank Act the charters should be extended for ten years. He would now move for leave to introduce the measure, and after the second reading he would refer it to the Committee on Banking and Commerce, where hon. gentlemen of experience in banking matters would have an opportunity to aid in producing a measure that would satisfy all parties.

The bill was then read a first time, second reading on Friday next.

### PREVENTION OF BRIBERY

**Hon. Mr. MORRIS** introduced an Act for the prevention of corrupt practices in relation to the collection of revenue. He explained that under the present law that the only penalty for bribing a Revenue officer was a civil suit for the collection of 100 pounds. This sum was altogether inadequate, and the bill he now introduced was to provide that such offences should be punishable as misdemeanors, both the officer bribed and the person corrupting him to be liable to punishment.

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### OWEN SOUND HARBOUR DUES

**Mr. SNIDER** moved that Bill No. 22 be discharged, and the motion being carried, introduced a Bill to extend the Act authorizing the imposition and collection of harbour dues, by the town of Owen Sound.

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### EXPENSES OF THE FENIAN RAID

A formal message from His Excellency was read, recommending the expediency of indemnifying the Government for having authorized the issue of a special warrant for \$200,000 to provide for the defence of the Dominion in repelling the Fenian invasion of last May.

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee of the Whole to consider the relevant resolutions. He would take occasion to explain with respect to the resolutions of last year, involving the expenditure of money, that he had looked at the Act during recess, and notwithstanding the objection of the hon. member for Châteauguay, he did not find that it was necessary to precede the resolution by a message from His Excellency; still, he was bound to admit that it was hardly possible in cases of this kind to proceed with too great caution. He had, therefore, adopted the usual formality.

**Hon. Mr. HOLTON** was quite sure that if the act did not specify the mode of proceeding, the spirit of it was that the form should be observed. Its object was to tie the hands of the House against any unauthorized expenditure. He, therefore, thought that when a large amount was to be expended, and in this case he admitted, necessarily expended, the utmost solemnity should be observed.

The resolution was read a first time.

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### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved that the House resolve itself into a Committee of the Whole to consider certain resolutions

on the subject of savings banks, and also of the issue and redemption of Dominion notes. In making this motion, he wished to observe that His Excellency had commanded him to inform the House that he (the Governor General) had cognizance of this motion. Before Tuesday the resolutions would be printed in both languages, and in the hands of hon. members.

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### THE CENSUS ACT

**Hon. Mr. DUNKIN** moved the House into Committee on the Bill to amend the Census Act, **Hon. Mr. GRAY** in the Chair.

In reply to the Hon. Mr. Holton,

**Hon. Mr. DUNKIN** said the majority of the enumerators would finish their work in about three weeks from the commencement of the enumeration. There were some few districts with small scattered populations in which the census could not be taken before mid-summer. Of course, the moment the Government should get returns from the greater part of the country, they would commence to combine and count. There would be no delay on the part of the commissioners. The compilation would be pushed forward with the utmost despatch, and the work would be completed long before the next meeting of the House.

On reading the eighth clause,

**Hon. Mr. McDOUGALL (Lanark North)** said the provisions of this clause empowered the Governor General to render valid anything that should be done under the authority of the Minister of Agriculture. Why have any other provision at all? It did seem to him, in practice and reason and in every point of view as a most *omnium gatherum* kind of provision. He really thought it would save printing and trouble to strike out all the rest of the bill but this one clause.

**Hon. Mr. DUNKIN** said he had explained the object of this clause when he introduced the bill. The hon. member for Lambton had expressed his assent to it. The reason was this, in the numerous districts and sub-districts, it was hardly possible to avoid mistakes, and the whole purport of this bill was to permit the correction of such errors without issuing a new proclamation.

**Hon. Mr. McDOUGALL (Lanark North)** said the only objection to it was that serious questions might be involved, which should be dealt with by proclamation in the usual way. He had very great confidence in the hon. gentleman opposite, but the public outside might have a different opinion and he thought it was desirable in this census matter that everything should be done open and above board that the people might see and know what was going on. In Manitoba it was charged that the census had been taken there under local official sanction, and very improperly. Sections where nobody existed were declared as having hundreds of

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inhabitants, and it was charged directly in newspapers of that country that the census had been falsified. Now, in a case of that kind where the taking of the census was to determine the proportion of representatives of the Province, everything should be done in the most open and frank manner possible. There should be no arming of the hon. gentleman with a law which could be abused.

**Hon. Mr. DUNKIN** assured his hon. friend that the clause did not increase the power of the Government except in the manner he had explained.

The clause was passed and the bill was reported with amendments.

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### ASSIMILATION OF CURRENCY

**Hon. Sir FRANCIS HINCKS** moved the House into committee to consider seven resolutions for the assimilation of the currency throughout the Dominion, as follows:

1. *Resolved*, That it is expedient to establish one uniform currency for all *Canada*, and for that purpose to provide that on and after the *First day of July*, 1871, the currency of the Province of *Nova Scotia* shall be the same as that of the Provinces of *Quebec*, *Ontario* and *New Brunswick*, in all of which one currency of uniform value is used.

2. *Resolved*, That it is expedient to provide, that on and after the said day, the currency of *Canada* shall be such that the British sovereign, of lawful weight, shall be equal to and pass current for four dollars and eighty-six cents and two-thirds of a cent of the currency of *Canada*, and that all public accounts throughout *Canada* shall be kept in such currency; and that in any statement as to money or money value, in any indictment or legal proceeding, the same shall be stated in such currency, and in all private accounts and agreements rendered or entered into on or after the said day, all sums mentioned shall be understood to be in such currency, unless some other is clearly expressed, or must, from the circumstances of the case, have been intended by the parties.

3. *Resolved*, That it is expedient to provide, that all sums of money payable on and after the said day to Her Majesty or to any party, under any Act or law in force in *Nova Scotia*, passed before the said day, or under any bill, note, contract or agreement made before the said day in *Nova Scotia*, or with reference thereto, or made after the said day out of *Nova Scotia* and with reference thereto, and which were intended to be, and if such alteration of the currency had not been made, would have been payable in the present equivalent sums in the currency of *Nova Scotia*, shall, on and after the said day be payable, respectively, by equivalent sums in the currency of *Canada*, that is to say, for every seventy-five

cents of *Nova Scotia* currency, by seventy-three cents of *Canada* currency, and so in proportion for any greater or less sum; and if in any such sum there be a fraction of a cent in the equivalent in *Canada* currency, the nearest whole cent shall be taken.

4. *Resolved*, That it is expedient to provide, that on and after the said day, no Dominion note or bank note payable in any other currency than the currency of *Canada* shall be issued or re-issued by the Government of *Canada*, or by any bank, and that all such notes issued before the said day, shall, as soon as practicable, be called in and redeemed, or notes payable in the currency of *Canada* shall be substituted or exchanged for them.

5. *Resolved*, That it is expedient to provide, that any gold coins which Her Majesty may cause to be struck for circulation in *Canada*, of a standard fineness prescribed by law for the gold coins of the United Kingdom, and bearing the same proportion in weight to that of the British sovereign, which five dollars bear to four dollars eighty-six cents and two-thirds of a cent, shall pass current and be a legal tender in *Canada* for five dollars, and any multiples or divisions of such coin, which Her Majesty may cause to be struck for like purposes, shall pass current and be a legal tender in *Canada* at rates proportionate to their intrinsic value respectively; and that any such coins shall pass by such names as Her Majesty may assign to them in her Proclamation, declaring them a legal tender, and shall be subject to the like allowance for remedy as British coins.

6. *Resolved*, That it is expedient to provide, that the coins which Her Majesty has caused to be struck for circulation in the Provinces of *Quebec*, *Ontario* and *New Brunswick*, under the Acts now in force in the said Provinces, respectively, shall continue to be current therein, and shall, on and after the said day, be current in the Province of *Nova Scotia*, at the rates and the said currency of *Canada*, now assigned to them respectively by the said Acts, and under such conditions and provisions as are mentioned therein; and that such other silver, copper or bronze coins as Her Majesty may cause to be struck for circulation in *Canada*, being of the proper weight and fineness, shall pass current in *Canada* at the rates to be assigned to them respectively by Her Majesty's Royal Proclamation; and all such silver coins, as aforesaid, being a legal tender to the amount of ten dollars, and such copper or bronze coins to the amount of twenty-five cents, in any one payment; but no other silver or copper coins than those which Her Majesty shall have cause to be struck for circulation in *Canada* or in some Province thereof, shall be a legal tender or pass current in *Canada*; and that Her Majesty may, by proclamation, from time to time, fix the rates at which any foreign gold coins of the description, date, weight and fineness, mentioned in such Proclamation, shall pass current in *Canada*.

7. *Resolved*, That it is expedient that all Acts or laws inconsistent with the foregoing Resolutions be repealed, and that one Act for giving effect to the same, and applying to all *Canada*, be passed.

**Hon. Mr. GRAY** in the chair.

**Hon. Sir FRANCIS HINCKS** said he hardly knew that he had any observations to make to the House on this occasion. It seemed to him that the assimilation of the currency had commended itself to the opinion of every hon. member in this House so completely, that it was hardly necessary to say one word with respect to the resolutions which he had introduced. He very much regretted that there was not the entire satisfaction to the measure in the Province of Nova Scotia, which had a different currency from other parts of the Dominion. He had reason to fear that they were hardly yet reconciled to have the currency assimilated, but the question was not one for the Dominion of Canada alone, but the object was to have an assimilated currency throughout the whole of this continent. (*Hear, hear.*) He thought it must be obvious that the time had arrived that this assimilation should be made. (*Hear, hear.*) It was one of the objects proposed on this occasion to put an end to having British silver any longer a legal tender in the country. He thought it was exceedingly desirable that the only legal tender should be our own coin.

It had been found by experience that the British silver was exceedingly inconvenient for circulation and there were fears and very obvious reasons that a coin which answered very well for a subsidiary coin in the British Islands, but which might not be found to suit our comparatively small population might be thrown upon us in large quantities. It was in itself depreciated and really and truly was no better intrinsically than the coins of the United States, which we had so much trouble in removing, and we must remember that if it ever should circulate in such quantities it would produce exactly the same effects as the American silver did. He thought it, therefore, advisable that an end should be put to that. He believed we had sufficient quantity of our own silver, and as there was no difficulty in procuring the coin, there was no necessity to resort to the silver of other countries.

There was another provision in this bill respecting gold coins. They would still continue to be legal tenders, and he was bound to say that he could not conceive any circumstances under which it would be advisable, as long as gold coins continued at their present value, that they should cease to be legal tender in this country. The British gold in circulation in this country was under one-tenth of the whole amount; that was to say that for one sovereign in circulation there were nine half-eagles. Whether it might be desirable to have Canadian gold coins he could not say at present. However, it was quite premature to discuss at present the advisability of issuing Canadian coins. From inquiries he had made, he had discovered that the banks preferred American half-eagles to British sovereigns, it being found that the sovereigns were not worth as much as the American coin.

With regard to copper coinage it was provided that the bronze cents should be the only legal tender. He proposed that the Act should come into operation on the 1st of July, 1871. All existing liabilities would be settled in the currency in which they were contracted, and although, no doubt, some inconvenience would be

experienced, he trusted it would be but of short duration. He referred to the time when there had been different currencies in England and Ireland, and said he had a distinct recollection of the dissatisfaction expressed when these currencies were assimilated, but it had soon ended, and he was satisfied that in the case of the Dominion the benefit would soon be experienced, and that Nova Scotians would be amongst those best satisfied with the change.

**Hon. Mr. HOLTON** considered that the necessity of a uniform currency was self-evident, and that the resolutions before the House very thoroughly met the requirements of the case. He was glad there would be an entire displacement of British silver, which was a grievance almost as great as the American silver had been. He was not, however, disposed to assent to a gold coinage, as he thought it would prove most costly, and without commensurate advantage. He also thought that the American gold standard was not identical with that of England and consequently the proposed Canadian half-eagle would not be of the exact value of the American half-eagle.

**Hon. Sir FRANCIS HINCKS** explained that the difference in fineness would be met by a proportionate difference in weight, so as to make the two coins of exactly the same intrinsic value.

**Hon. Mr. HOLTON** admitted that the difficulty could in that way be obviated, but maintained that the wording of the resolutions did not admit of such being done. He thought that the effect of the 6th clause was to confirm the action of the government in issuing silver coins, for which he was inclined to think, there was no authority in law.

**Hon. Sir GEORGE-É. CARTIER:** Plenty of authority.

**Hon. Mr. HOLTON** was aware that there were acts in the old province, but did not remember any bill since the 1st July 1867. He did not object, but merely pointed out the effect of the clause.

On the whole he approved of the resolutions.

**Mr. CHIPMAN** moved in amendment that all after the word "expedient" should be struck out, and that the following should be substituted, that the currency of Nova Scotia should remain unchanged, and should not be assimilated to that of the United States, while we are a dependency of the British Crown. He feared that the Finance Minister and the Leader of the Opposition being in accord in the matter, Nova Scotia would, with its small representation, go to the wall, unless the House accorded them that generosity to which they had a right. He pointed out the Nova Scotia currency was based on the decimal system, the English sovereign passing for \$5, and the English shilling for 25 cents, and urged that any change made by the Dominion Parliament would create very great dissatisfaction. He then read a resolution of the Nova Scotia Assembly opposing any change in the currency except on an international basis and claimed for it the respect and consideration of the House as representing the opinion of the people of Nova Scotia at large. He considered it his duty thus to bring the



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matter before the House, and should demand a vote on his amendment. He further objected to the time proposed for the coming into operation of the measure, on the ground that throughout Nova Scotia all mercantile accounts were closed on the 1st January, and urged therefore that in order to have as little confusion and inconvenience as possible, the time should be the 1st of January. He concluded by asking that Nova Scotia should receive at the hands of the Government the same considerations that had been extended to it on former occasions, and that the measure would at least be postponed until another session.

**Hon. Mr. TILLEY** thought it was quite clear that the member for Kings was a young member of that House, or he would not have asked consideration for Nova Scotia on account of its small representation, for no one could question that the interests of Nova Scotia had ever been treated with the greatest consideration. The assimilation of the currency had been one of the advantages that was expected to result specially from Confederation, and it had simply been postponed hitherto on account of the representations of members from Nova Scotia, who, session after session, had urged that no change should take place while there was the least prospect of an international currency, but now that that prospect was so entirely done away with there could be no possible reason for further postponement. As far as New Brunswick was concerned, he did not hesitate to say that the prospect of this assimilation had been one of the strongest reasons for agreeing to Confederation, and he was confident that in a very short time after the change had been effected Nova Scotia would be as much pleased as any other portion of the Dominion. He detailed the many difficulties and the great inconvenience experienced throughout Nova Scotia in all matters of Customs and Excise, and in fact in every transaction between businessmen and any of the public offices.

As to the time at which the change should take place, he pointed out the great importance of its taking effect from the beginning of the financial year, the 1st July, as otherwise one half year of the Public Accounts would be under a different system to the other, and if the Finance Minister could be prepared to introduce a sufficient supply of the new silver coinage into Nova Scotia at the commencement of the act, he anticipated very little inconvenience. He instanced the great inconvenience and loss a merchant from Ontario or Quebec would sustain, if, after collecting accounts in Nova Scotia and returning home, he found the amount of notes he had received nominally correct, but in reality 3 or 4 per cent below their value from being payable at Halifax, and he could state positively that great loss had been experienced in New Brunswick in that way, and there could be no possible reason for allowing such a state of things to continue—notwithstanding the resolution of the Assembly of Nova Scotia that had been read, he knew that there existed a great division of opinion in that Province on the subject, and he read an extract from a letter from Mr. John R. Ryerson of Yarmouth, Nova Scotia urging the assimilation of the currency and urging also that that assimilation should come into effect as soon as possible. As to losses which it was anticipated might result on contracts entered into previous to the change, he mentioned that a gentleman in Nova Scotia, who was acknowledged to have devoted

more time and attention to the subject than any other in the province, Mr. Jack, had published an article some years previously, for the purpose of urging the Dominion to accept the currency of Nova Scotia, in which he shewed that though there might be inconvenience there need be neither gain nor loss. He read an extract from the article. He trusted not only that the principle of the measure would be accepted by the House, but that no postponement would take place in the date on which it was to take effect.

**Mr. McDONALD (Lunenburg)** when this question had been previously discussed he had considered it his duty to oppose it as unjust to Nova Scotia, so long as there was any possibility of an international currency, but from the moment that project ceased to be a possibility, he made up his mind that there was no further reason for opposing an assimilation of the currency of the Dominion. He had always regarded that assimilation as inevitable in one way or another, and while, as a Nova Scotian, regretting the inconvenience to which his Province would be subjected, he was compelled to admit that it would be unfair to subject the other three Provinces to the inconvenience of changing their currency to that of Nova Scotia, and he fully admitted that opinion was by no means unanimous on the question in Nova Scotia. As to the time, he thought it a matter open to discussion, but the assimilation he regarded as inevitable.

**Hon. Mr. HOWE** had listened with very great pleasure to the maiden speech of the member for Kings, and was only sorry that he had to oppose him, but the question was now before them in such a way that it could not be withstood, and with regard to one particular remark of the member for Kings he could not help saying that though the representatives of Nova Scotia were in a minority, they had invariably received the greatest consideration. The question had been staved off time after time in the hope of an international currency, but such a hope was now at an end, and as gentlemen he thought Nova Scotia members could not ask the majority of the House further to postpone the matter. He referred to the establishment of the present Nova Scotia currency by the present Chief Justice, Sir William Young, recalling how he (Hon. Mr. Howe) had urged, though in vain, that that currency should be the same as that in use on the remainder of the continent. He admitted that in their transactions with England, Nova Scotians found their currency most convenient, but maintained that in other transactions it was most inconvenient. He was sure ample provisions had been made to avoid all loss on dealings commenced before the change, and though inconvenience and even dissatisfaction might arise, the question would have to come sometime, and it might just as well come now.

**Mr. OLIVER** feared that when the English silver and the twenty cent pieces were withdrawn from circulation there would be a great scarcity of silver, and now that the banks were prohibited from issuing smaller notes than \$4, the small notes would naturally be withheld and consequently there would be a greater demand for silver, and he would press this matter on the attention of the Minister of Finance.

**Hon. Sir FRANCIS HINCKS** assured the hon. member for Oxford North that he had been constantly considering the question, as he had felt that it would be most disadvantageous to have either too much or too little silver. He thought, however, that no one had a better opportunity of knowing the exact state of affairs than he had, and he well understood that the withdrawal of twenty cent pieces and British silver would necessitate a greater quantity of Canadian silver, but he stated that the difficulties in obtaining supplies of the new coinage experienced in the first instance were now obviated, and that fresh supplies could be obtained on a very short notice. As to the time at which the new measures should take effect, he found it would be very difficult to ascertain how much of the new coinage, either gold or silver, would be required when that time came, and he therefore considered it most important that it should be at a time of the year when fresh supplies could be obtained with the least possible delay and expense.

**Mr. CHIPMAN** then agreed to withdraw his amendment, on the understanding that he would move it again when the resolutions came up for concurrence.

**Mr. GIBBS** said that two of the chief benefits that had been promised from Confederation were the encouragement of commercial intercourse between the Provinces, and the assimilation of the currency. The one had been accomplished, and the other had only been deferred in consideration for the Province of Nova Scotia. The necessity for assimilation was universally conceded, and needed no argument. He thought that in return for the consideration shown to Nova Scotia in the repeated postponements of the matter they ought to withhold all opposition and allow the measure to pass unanimously. The question was whether the larger should yield to the smaller, or the smaller to the larger. There might be a little difficulty, but it would very soon be overcome and the Nova Scotians would soon find that the change was most beneficial.

**Mr. SAVARY** was just as much in favour of the Nova Scotian currency as any one could be, and had urged his views session after session, but felt that the House was so decided in the matter that it would be useless to oppose the resolution. He thought the true question was which was the best currency, and although he felt strongly in the matter, he would not repeat his opinions as he knew it would be useless. Referring to the question of an international currency, he stated that the project had fallen through, not because of the unhappy position of France and other European countries, but because the American Government had refused to accede to the recommendations of the Paris conference. He should certainly support the amendment of the member for Kings, but that failing he should not further oppose the measure, as he thought the anomaly of the Dominion having different currencies should not exist any longer.

**Mr. CHIPMAN** said he thought he had heard the hon. member for Hants say that no *Gentleman* could oppose the measure—*(laughter)*—but trusted he had misunderstood him. In reply to the member for Oshawa he thought the question was not whether “the larger should yield to the smaller, nor the smaller to the larger” but

which was the best currency, and as the Nova Scotia currency was based on the British coinage, he certainly thought it more patriotic *(cheers and laughter)* for those who believed in British connection to pay homage to their *Sovereign*. *(Renewed laughter.)* When the resolutions came up for concurrence he should endeavour to address himself directly to the point, and test the sense of the House.

The 1st, 2nd and 3rd clauses were then passed.

In reply to Mr. Killam’s question on the 4th resolution,

**Hon. Sir FRANCIS HINCKS** stated that every security would be given as regards the notes, gold and silver coin. With regard to the standard of fineness for their gold coin, they could not use the Mint of the United States, though on the ground of the desirability of uniformity he would prefer their standard. Having to go to the Royal Mint, the English standard of fineness would have to be chosen. But the Canadian coin, though not of the same standard as that of the Republic, would be of the same value; of that there need be no doubt or fear.

**Hon. Mr. ANGLIN** hoped the Finance Minister would hesitate long before resorting to an issue of a gold coin currency, though he might take power in the Bill therefore. In the settlement of foreign exchanges it would be of less value than American or English coin, however equal to either nation’s coin it might be in Canada. Besides, we did not want a new coinage, having all the coin we needed at present.

The 5th and remaining resolutions were passed, and the Committee rose. The report to be received on Tuesday next.

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#### PATENT ACT

The order for the second reading of Mr. Oliver’s Bill to amend the Patent Act being called,

**Mr. OLIVER** said his Bill had not yet been printed in French, and, therefore, he could not go on with it, but hoped to go on with it at an early day.

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#### NEW BRUNSWICK ORDNANCE LANDS

**Mr. COSTIGAN** inquired whether the Ordnance Lands in New Brunswick had been transferred by the Imperial Government; if so, do they intend to dispose of them, and under what system. If no such transfer has yet been made, is it the intention of the Government to take any steps to obtain such transfer?

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**Hon. Sir GEORGE É.-CARTIER** said that a certain portion of the Ordnance Lands in New Brunswick were transferred to the Government of Canada—a portion of them in the vicinity of Fredericton. As to the remainder, the matter had not yet engaged the

attention of the Government, but would soon.

There being no other orders on the paper ready to proceed with, the motion for an adjournment till Monday was carried, at 5.45 p.m.



March 6, 1871

## HOUSE OF COMMONS

Monday, March 6, 1871

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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Several petitions were presented.

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### NEW BILLS

**Mr. HARRISON** introduced a Bill to remove doubts as to Premium notes taken or held by Insurance Companies. In reply to Hon. Mr. Holton, he explained that under the present Act, notes taken under some circumstances by Insurance Companies were not stamped. In the Bill he now introduced, he proposed that all notes should be stamped.

**Hon. Mr. HOLTON** asked if it was not beyond the province of the hon. member to introduce such a measure by which it was proposed to impose taxation.

**Hon. Mr. CAMERON (Peel)** was of opinion that the Bill should be introduced by the Government. All promissory notes required stamps, and he had never seen any unstamped. At any rate he thought the Bill could not be introduced by a private member.

**Mr. HARRISON** said the Bill he now introduced was to enable those who had been mistaken in the construction of the present Act, to put themselves right, not to impose any duty.

**Hon. Sir A.T. GALT** believed the Government should deal with all such measures. This was the first case of which he was aware in which a private member proposed to legislate on fiscal regulations.

**Hon. Mr. HOLTON** said the bill must first be introduced by resolutions.

**Mr. HARRISON** said the principal object of the bill was to render valid, securities which were now invalid. On two former occasions he had introduced similar measures which were referred to special committees. The general law as it now stood imposed a tax, and the bill before the House was simply to enable those who had mistaken the nature of that bill to correct their errors.

**Hon. M. HOLTON** said the Bill was out of order on the face of it; and the proper time to raise the point of order was at the introduction of the Bill, before the expense of printing was incurred.

**Hon. Sir GEORGE-É. CARTIER** reiterated his opinion.

**Hon. Mr. HOLTON** submitted his point of order to Mr. Speaker.

**The SPEAKER** said he could only decide upon the motion before him, and could only gather from the Bill what its purport was to be. The Bill was to remove legal doubts as to the validity of promissory notes. He saw nothing in the motion that should induce him to rule it was not in order. He thought a Bill to remove doubts on a question was always admissible by any private member. This Bill was to remove legal doubts as to the validity of promissory notes, and he thought this was its sole purport, and such being the case the Bill could be introduced.

The bill was read a first time.

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### A MISUNDERSTANDING CORRECTED

**Hon. Sir FRANCIS HINCKS** presented a return of the number and names of the employees connected with the Finance Department. He remarked at the same time that none of these gentlemen had been employed in the arbitration question. The cause of the statement that had been made was this:—In the time of his predecessor, experienced men were required by the Local Governments. Four gentlemen connected with the Finance Department were unemployed, and for their services received some small remuneration, but they had nothing to do with the arbitration question.

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### THE ESTIMATES

A message from His Excellency, submitting a portion of the estimates for 1872, to the House, was read.

**Hon. Sir FRANCIS HINCKS** in reply to Hon. Sir A.T. Galt, said returns of expenditures for the current year to as late a date as possible would be laid before the House tomorrow.

In reply to Hon. Mr. Holton, **Hon. Sir FRANCIS HINCKS** said it was not his intention to make the Financial statement tomorrow. He would simply move the House into Committee of Supply and pass a few items, to which no objection could be made. The financial statement would be made on Friday.

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#### SAVINGS BANKS RESOLUTIONS

**Hon. Mr. HOLTON** inquired how it was that the savings banks resolutions had been made public, but had not yet been submitted to the members.

**Hon. Sir FRANCIS HINCKS** said they had not been made public with the sanction, direct or indirect, of any member of the Government.

**Hon. Mr. HOLTON** said that information must have been published at an early period, for the substance of the measure had been telegraphed to Montreal, and appeared in a Montreal paper on Saturday.

The subject was dropped.

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#### SALARIES OF POSTMASTERS

**Mr. MACFARLANE** asked whether it is the intention of the Government to reimburse Postmasters paid by percentage the deficiency in the emoluments of their offices occasioned by the decreased postal rates created by 31 Vic., Cap. 10, so that the revenues received by them from such offices (since the establishment of such rates) may be repleted to make up an annual income equal to that received by them previous to the passage of said Act; and also whether any promise or suggestion was at any time made by the Postmaster General to any such officers that such would be done.

**Hon. Mr. TUPPER** replied that although there had been a considerable falling off in the post office receipts at the time the reduction of postal rates was made, the receipts were increasing. When the change had been made, the percentage of Postmasters was increased. He assured his hon. friends that the Postmasters did not suffer in any way from the decreased postal rates.

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#### RIVER IMPROVEMENTS

**Mr. COSTIGAN** asked whether the officers appointed by Government to make surveys of the Rivers Saint John and Madawaska, with a view of improving the navigation of the same, have yet reported thereon, and if so, what action the Government intend taking in the matter?

**Hon. Mr. LANGEVIN** said that the officers appointed by Government to make surveys on the River Saint John and the Madawaska had reported thereon, and the report showed that these surveys were very extensive. The hon. member could not expect him now to give a résumé of the whole report, but he had no doubt if the hon. member would move at a future day for the production of the report it would be given, and the hon. member would find that it was very interesting. Several suggestions were made in it by the engineer, and the hon. member would see by the Estimates that Government intended to meet them. The hon. gentleman would also see that since the survey had been ordered events had occurred which would render certain changes necessary. New railways, to which large land grants had been made, were to be constructed, which might change the plans of the Government altogether in that direction.

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#### LEGISLATIVE UNION

**Hon. Mr. SMITH (Westmorland)** asked whether the Government have had any correspondence with the local Governments of Nova Scotia and New Brunswick on the subject of a legislative union of those two provinces, which it is so desirable to accomplish.

**Hon. Sir GEORGE-É. CARTIER** said there was no correspondence on the subject, but if the hon. gentleman would allow him to give his individual wish, he could say he wished such correspondence did exist, taking in also Prince Edward Island, so as to make one large maritime Province.

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#### THE TARIFF

**Mr. BOWMAN** asked whether it is the intention of the Government to revise the Customs Tariff during the present Session, and if so, whether they intend to place "Vegetable Ivory Nut" on the free list.

**Hon. Sir FRANCIS HINCKS:** The hon. member will have to wait for an answer.

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#### THE RED RIVER EXPEDITION

**Mr. MASSON (Soulanges)** moved for copies of all Orders in Council relative to the Red River Expedition with copies of correspondence between the Dominion Government and Colonel Wolseley.

**Hon. Sir GEORGE-É. CARTIER** said that the Government would gladly comply with the request of the hon. member as far as possible, but he would inform the hon. gentleman that there was no

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correspondence with Col. Wolseley to be produced. When the two Canadian battalions were organized they were handed over to the charge of Gen. Lindsay, who appointed Col. Wolseley as their commander. All the correspondence from that time forward was with General Lindsay, and he suggested that the hon. member should amend his motion by substituting that officer's name for Col. Wolseley's.

The motion was accordingly amended and carried.

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#### MR. MOYLAN, EMIGRATION AGENT

In the absence of Hon. Mr. McConnell, who had given notice of the motion,

**Hon. Mr. McDougall (Lanark North)** moved an address for copies of instructions to Mr. J. G. Moylan, Emigrant Agent for the Dominion Government in Ireland, and of all correspondence respecting the letters written by Mr. Moylan, respecting the action of the Imperial Government in the release of Fenians, adding to it, copies of all correspondence respecting the attack made by Mr. Moylan, through the press on Dr. Ryerson, Superintendent of Education. He said—It appears that this gentleman, Mr. Moylan, who was formerly connected with the press in this country, has been selected and sent to Europe by the Dominion Government for the purpose of inducing emigration, and that, following the profession to which he had been accustomed, he has been a very voluminous writer since his arrival on the other side of the Atlantic. His letters have appeared in the public press, covering a very wide field, and he had dated them from “The Canadian Government Emigration office, Dublin.” In a letter addressed to Mr. Gladstone on the subject of the action taken by the Imperial Government in the proposed release of the Fenian prisoners then confined in Ireland, he undertook to express his opinion of the policy of the Imperial Government, and of the effect of that policy in Canada, and also to express his view of what those who employed him would and did think of that policy. He spoke with great authority stating that the Dominion and its Government would be slow to appreciate the action of the Imperial Government in the matter, and that Her Majesty's Government were exposing to great risk the people of Canada in sending those Fenians into their neighbourhood and that in so doing they showed but little feeling for the Canadians. He also desired to call the attention of the House to another matter which perhaps would be more directly interesting to them.

He thought it was generally presumed that when agents were selected, and sent to foreign countries in order to make known the merits of Canada, they should at least present the advantages offered to emigrants in the most favorable aspect consistent with the truth; but Mr. Moylan seemed to have taken a different view of his duty, and on one occasion when writing of the educational system of Upper Canada, he stated his great regret at being compelled to state that the gentleman at the head of that institution was a Methodist minister, and that he used his position to benefit the body to which he belonged. The letter containing this statement was

published in the *Irish Times*, and was also headed from the “Canadian Emigration Office.” With reference to this charge the Chief Superintendent of Education, had thought it his duty to contradict it directly and pointedly, stating that during the twenty-seven years during which he had had charge of the Educational Department not a single instance of proselytising had occurred, that on a previous occasion when Mr. Moylan had made a similar statement in Canada, in a newspaper with which he was then connected, he had been challenged to name such an instance, and had been unable to do so, and that therefore he had stated what he knew to be untrue, and further that he had made a false statement with regard to the whole system of education. Hon. Mr. McDougall then read a statement prepared by Mr. Ryerson, showing that there were in the schools, which Mr. Moylan had represented to be entirely Protestant, 327 Roman Catholic teachers, and that out of the 246 worn teachers, who were receiving pensions, the larger number were Roman Catholics and also showing that as regards religions that the whole system was thoroughly impartial. He thought that to say the least it was unfortunate that anyone acting under the official sanction of, and paid by the Dominion Government, should go to any country and so misrepresent and falsify the facts connected with Canadian institutions.

**Hon. Mr. Dunkin** said the hon. gentleman was very fond indeed of hitting at the Government; he thought he was correct in saying that the present was not the first occasion on which he had hit at actions of the Governments of which he himself had been a member. The hon. gentlemen desired very much to see the instructions given to Mr. Moylan, but he (Hon. Mr. Dunkin) thought he knew as much about them as any one, for Mr. Moylan had been appointed in August 1869, when the hon. gentleman was himself a member of the Government, and as such responsible for the appointment, and though he did not remember the precise time at which Mr. Moylan had received his instructions, he believed they had issued at a time when the hon. gentleman was a member of the Government and also when he was acting as such. He thought it was not the first time the hon. gentleman had thrown a boomerang, without taking into consideration the effect of the recoil, but he had no hesitation in saying that there would not be the slightest objection to the production of the papers. He thought Mr. Moylan was sufficiently well known in this country to render needless any defence of his general fitness for the position he occupied. With regard to the indiscreet letters he had written, although he (Hon. Mr. Dunkin) had no official knowledge of them, he had thought it his duty to address a quiet letter to Mr. Moylan, which would be produced with the other papers in which he had instructed him not to be guilty of any similar indiscretions in future. The gravamen of the charge seemed to be that the productions had appeared under an official heading. With regard to the portion of the motion added by the hon. member for Lanark North, although he had no objection to the addition, he wished to say that as there had been no notice of the matter, he had not thought it necessary to read the letters referred to, as they had never come before him officially.

**Hon. Mr. McDougall (Lanark North)** said that the hon. gentleman who had just addressed the House in common with the other members of the Government, seemed to imagine that the kind

of retort used justified them, and very much damaged him. With respect to his responsibility for Acts of an Administration of which he had been a member, he knew how much to share and how much to decline, and he would say that it certainly did not lie in the mouth of the hon. gentleman who had spoken or in those of his colleagues to take that line of argument. With respect to the particular motion before the House, he had moved it simply in the absence of an hon. member who had been stricken down with illness; still he fully agreed in the object of the motion, and he did not entertain any apprehension as to the effect which would be produced on the Government or himself, by the production of the instructions for which he had asked. On the contrary, he was anxious that they be supplied, as if they had been drawn up during the time he had been in the Government, he was confident they contained no instructions to correspond with Ministers of State in England, attacking them for their policy, or to take any of the other objectionable proceedings adapted by Mr. Moylan. The hon. gentlemen opposite had not thought it inconsistent with their duty or beneath their dignity to disavow all responsibility for Acts of Administration, which had occurred while he was a member of the Government; or to endeavour to place on his shoulders the whole responsibility of those Acts. He might mention many instances, but he would confine himself to one, in which a pamphlet acknowledged by a Minister of Crown, the Minister of Finance, had been distributed, probably at the public expense, in which it had been stated, with reference to the surveys ordered in the North West, that the course taken by Colonel Dennis acting on instructions given him, was the most imprudent that could have been adopted, and could only be ascribed as infatuation. And when the hon. gentlemen could take so mean, so despicable, so unworthy a course as this to disavow their responsibility for Acts of an Administration with which he had been connected, for the purpose of gaining the applause of their friends, and avoiding the censure of their enemies, he thought they had better not charge him with any share of responsibility in the matter in question. He repeated, however, that so far as the first instructions were concerned, he was in no way apprehensive, as to their containing anything wrong. The gravamen of the charge was that Mr. Moylan, speaking in the name of the Government, and if authorized to do so, had made a number of statements that were utterly false, and he wished to ascertain whether the Government had ordered his instant dismissal, and if not he charged them with the responsibility of the letters that had been written and of the attack on the educational system of Upper Canada, and with all the evil consequences that might occur.

**Hon. Mr. DUNKIN** was very glad that the hon. gentleman had in some degree felt the answer that had been made, and this was fully shown by his falling back on two lines of defence, neither of which, however, would hold. He had had to say that the motion did not originate with him, but when a gentleman took up any motion, he (Hon. Mr. Dunkin) thought he made himself answerable for it. In his opening speech the hon. gentleman had spoken of Mr. Moylan's indiscretions as being of course consequent on the instructions sent him, and when reminded that the instructions had been given partly by himself, he changed his mind and said they were no doubt perfectly right. He congratulated his hon. friend on having, for once, attacked where he had no right to attack.

## FISHERIES

**Mr. MASSON (Soulanges)** moved an address for copies of all correspondence between the Department of Marine and Fisheries and Admiral Wellesley in regard to protection of Fisheries, mentioning certain rumours that were afloat on the subject, and saying that he believed an insult had been offered to the Government by Admiral Wellesley, and he desired to ascertain the truth of the matter.

**Hon. Mr. TUPPER** said there would not be the slightest objection to bringing down the correspondence asked for, but that with reference to the concluding remarks of the member for Soulanges, he might say that it would be found that the Government had no reason whatever to complain of Admiral Wellesley, who had given every possible assistance in carrying out the wishes of the Dominion Government. The bulk of the correspondence had already been brought down, but if there was anything further that would throw any light on the subject it would be produced.

The motion was carried.

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## NORTH WEST EXPEDITION

**Mr. McCALLUM** moved an address for a statement of vessels chartered for transportation of men and material in the Expedition to the North West Territory, in 1870, together with particulars of their tonnage, nationality, capacity, time employed and amount paid for each per day.

**Hon. Sir GEORGE-É. CARTIER** suggested that the mover should add to his motion a request for similar particulars of vessels chartered by the Imperial Government, a portion of the expense of which the Canadian Government would of course have to bear, as the Expedition had been under the command of General Lindrey.

**Mr. McCALLUM** said that he had no objection to amend his motion as suggested, although he merely desired information as far as the Canadian Government was concerned, and stated that there were many rumours as to their having been much mismanagement in the matter, and as to many American vessels being employed at a large expense when Canadian vessels ought to have been employed, and he desired to ascertain the correctness of that rumour.

Motion was then carried as amended.

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## ARBITRATION

**Hon. Mr. DORION** moved that the House should go into a Committee of the Whole to take into consideration four resolutions as follows:



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1. That the division between the Province of *Ontario* and the Province of *Quebec*, of the surplus of the debt of the former Province of *Canada*, over and above the sum of \$62,500,000, assigned to the Dominion of *Canada* by the *British North America Act*, presents great difficulties, which it has not hitherto been possible to overcome in a satisfactory manner.

2. That the difficulties resulting as well from the uncertainty as to the amount of the debt to be divided, as from the absence of an acceptable base for the making of such division, and that of the assets remaining in common to those two Provinces, threaten to give rise to serious embarrassment.

3. That for the avoidance of such difficulties, the debt of the former Province of *Canada* should be assigned entirely to the Dominion as though it had been so from the first, with compensation to the Provinces of *New Brunswick* and *Nova Scotia* for the share which those Provinces would have to pay upon the surplus of that debt.

4. That an humble Address be presented to Her Majesty, praying Her to be pleased to recommend that the *British North America Act* should be amended in accordance with these Resolutions.

**Hon. Mr. DORION** said that it was well known to the House that the Union Act contained a provision that out of the whole debt of Canada, \$62,500,000 should be assumed by the Dominion, and that the balance should be divided between the Provinces of Ontario and Quebec, in such way as might be determined by arbitration. After three and a half years an award had been obtained, which, however, in his opinion, decided nothing at all. It would have seemed that the first thing to be ascertained was the exact amount to be divided, yet the award did not speak of it, and in fact there were at present three different statements of that amount. The Dominion Auditor stated it at \$10,800,000; the Treasurer of Ontario at \$18,539,000; and the Treasurer of Quebec at \$10,000,000. The Arbitrators in their award had made no mention of the respective amounts to be paid, but had merely stated that each Province should pay a certain proportion.

It had been stated that the Arbitrators had no right to determine the amounts, but such was not his opinion. The duty prescribed for the Arbitrators was to "divide" and "adjust" the amount to be paid, and surely if it had not been intended that the Arbitrators should define the amounts why had the word "adjust" been used. The intention plainly was that the Arbitrators should first determine the amount to be divided, and then divide it between the two provinces. They had in their award come to a very minute calculation, deciding that Ontario should pay the proportion which \$9,808,728.02 bears to \$18,587,520.57 and Quebec the proportion of \$8,778,792.55 to \$18,587,520.57; but they had not stated the amount to be divided, so that at present no accountant could state definitely what each province had to pay. It was also impossible to ascertain on what principle the two Arbitrators had acted, as they had given no reasons.

To shew the operation of the award he had made a calculation of what the provinces would have to pay, taking the total amount to be as stated by the Treasurer of Ontario, \$10,539,553.92. That calculation shewed that under these circumstances Ontario would have to pay \$5,561,785, and Quebec \$4,877,678, or only \$583,000 less than Ontario. Taking the division according to population, and estimating that of Ontario at the time of the union at 2,000,000 and that of Quebec at 1,400,000, Ontario would have to pay \$6,199,737, and Quebec \$4,339,816, or \$1,859,921 less than Ontario. Even taking the population on the census of 1861 when Ontario had 1,395,000 and Quebec 1,110,000, Ontario would have to pay \$5,863,738 and Quebec \$4,675,815, or \$607,000 less than Ontario. He thought, taking these figures into consideration, it was inconceivable how the Arbitrators had arrived at their conclusion. Referring to the division of the assets, he continued, these are not very numerous, consisting of 19 items. The amount awarded to Ontario is \$7,011,604, while to Quebec it is only \$4,191,022, but those of Ontario are estimated at between \$2 million and \$3 million, and those of Quebec at \$2,087,000, or those of Ontario 28 1/6 per cent, and Quebec 48 per cent.

Taking one of these items as an example, there is the Municipal Loan Fund, \$6,618,050 in Ontario, valued at \$1,920,000 or 28 1/6 per cent, while in Quebec it is \$2,939,000, valued at \$1,410,000, or 49 per cent, although the Ontario municipalities were better able to pay than those of Quebec. By a statement among the papers it appeared that the cost of the Assets was \$17,734,000, but by a note at the foot it was stated at \$1,587,000, indicating that the cost of the Assets had been the basis upon which the Arbitrators had acted. Further, there was an item on the part of Quebec of \$3,715,000 for the seigniorial tenure, which, however, he considered no asset at all, but a corresponding amount of indemnity had been given to Ontario. Taking the statements as they were, it was impossible to ascertain by what mode of reasoning the division had been arrived at. In looking over the award he found no correct principle on which it had been based, and on looking over the whole of the correspondence he could not find the principle which he considered ought to have governed the Arbitrators, stated either by Ontario or Quebec.

He had so far been speaking of the merits of the award, and it must strike everyone that an award so decidedly in favour of Ontario, which everyone knew had more money than it knew how to dispose of, and which had been derived solely from the collection of the debts due at the time of the Union, the amount due on Crown Lands in that province, amounting to five or six millions, all of which was capable of collection, while in Quebec it did not exceed \$1,400,000, a small portion only of which could be collected, could not be just. The Treasurer of Ontario had expressed himself perfectly willing to a division according to population, and when the three Arbitrators discussed the question, Mr. Justice Day maintained that the basis should be that of a partnership, while Mr. McPherson maintained that it should be that of population, and yet the two Arbitrators had made an award that it should be according to the origin of certain claims or assets, notwithstanding that the Treasurer and the Arbitrator of Ontario had both previously

expressed their willingness to accept population as the basis. He thought this clearly proved that the Dominion Arbitrator had not been just to Lower Canada. He, however, considered that neither the basis of population nor that of partnership was the one on which the award should have been given, as however just the principle of partnership might appear it would be very complicated.

His opinion was that the true principle was the ability of each province to bear taxation and if instead of the provision made for the division of the debt, it had been resolved to pay that debt, it would doubtless have been done on this principle—the ability of each province to bear taxation. The British North America Act of 1867 made no provision for anything in the way of a partnership account to ascertain which of the two provinces had most benefitted by the Union. It merely stated that the excess of debt beyond \$62,500,000 should be divided reasonably and equitably, and if the Arbitrators, instead of going into the origin of the items of indebtedness of Upper and Lower Canada and then making an arbitrary division, had merely applied themselves to ascertaining the ability of the two provinces to bear taxation, they would very soon have arrived at a just conclusion. He had merely spoken of the injustice of the award towards Quebec, and did not impute any motives to either of the two Arbitrators, as he did not doubt that they had attempted to do justice, but he considered they had been mistaken in their basis. In addition to the injustice of the award, however, he did not consider it in any way valid, as it could not be, when three Arbitrators had been appointed, that two of them could continue their proceedings, and come to a conclusion in the absence of the third. Up to July, nothing had been decided except the basis upon which they were to proceed. At that time, Mr. Justice Day resigned, his resignation was accepted, and the Arbitrators and the Dominion Government were notified, and after that it was certainly not competent for the remaining Arbitrators to make an award.

If the principle he had suggested had been adopted, there would have been very little difficulty in acting upon it. They would simply have to take the amount of surplus debt, and let each province contribute in the exact proportion in which it contributed to the taxation of the country. It would however have to be taken into consideration that Nova Scotia and New Brunswick had been brought in since, so that if the ten millions and a half were added to the debt of Canada, those provinces would be paying some small portion of it. But they could easily be compensated, and he had no doubt that both those provinces would be very glad to get some amount, as it would enable them to carry out some of their contemplated improvements.

**Hon. Mr. SMITH (Westmorland):** How much would you give us?

**Hon. Mr. DORION** would be willing to give them a very fair proportion. His position was that the House should go into Committee on his resolutions, so that the matter might be fully discussed, and some equitable mode of division arrived at, in order that the heavy expenses which would be incurred in case the legal

proceedings already commenced were persevered in, might be avoided.

**Hon. Sir GEORGE-É. CARTIER** said the resolutions and proposed address were, at this stage, out of order, and could only be considered on a resolution from the Governor General. (*Hear, hear.*) The hon. member would find, on reference to the 54th clause of the B.N.A. Act, that these resolutions should be recommended to the House by an address from the Governor General.

**Hon. Mr. DORION** said the resolutions asked for no appropriation of money. They merely asked Her Majesty for permission to settle a question in a certain manner, and therefore, did not contravene the terms of the 54th clause or the B.N.A. Act.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member was only playing on words. The resolutions asked that the Imperial Government should by a certain act provide a compensation to New Brunswick and Nova Scotia. If the resolutions did not mean that they meant nothing at all.

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## AFTER RECESS

**Mr. HARRISON** resumed the debate on the point of order, contending that section 54 of the Union Act was but an extension of a rule of the British House of Commons, which provided that the Government should have control of the public expenditure. This rule was in practice always extended to motions involving an expenditure of public money, even though no grant was actually proposed. The third of the four resolutions was more than a mere prayer for an address to the throne, and if acted on would appropriate the public money as effectually as if actually done by this Parliament. It seemed to him, therefore, that this was a proposition on the part of a private member to increase the debt of \$10,500,000, and in so doing increase the taxes of the country, thus directly contravening the terms of the 64th clause of the Union Act.

**Hon. Mr. HOLTON** said this was no motion involving an expenditure of money, but simply an appeal to the Throne for permission to amend an existing Act. He remembered a case similar to this in Quebec, when Mr. Wallbridge was Speaker, in which it was ruled that the resolution was not contrary to the rule of the House referred to. He regretted exceedingly that his hon. friend (Hon. Sir George-É. Cartier) should interpose this technical objection to obtaining the judgment of the House on this important question. The hon. gentleman, it seemed to him, should desire more than anyone else in the House to have this matter set at rest.

**Hon. Sir GEORGE-É. CARTIER** was sorry to hear the hon. member for Châteauguay, who was at all times a sort of constitutional executor, endeavouring to belittle these very forms which were regarded as the safeguards of their constitutional

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privileges. The premises of his hon. friend's arguments was that this subject was not wholly clear of difficulties. Then the hon. gentleman proceeds to give as a precedent a case in which Mr. Wallbridge had ruled a resolution similar to this in order. But these hon. members had forgotten to enter into details. The cases were not similar and the present rule was more stringent than that of the old Province of Canada. This was a question not to be viewed in a provincial light, but on its merits.

**Hon. Mr. DORION** proposed to amend the Act by substituting the following words for the fourth clause: "That an humble address be presented to Her Majesty, praying Her to be pleased to recommend that the B.N.A. Act be amended so as to authorise the Parliament of the Dominion to deal with the surplus debt of the Province of Canada." Now he did not wish to interfere with the hon. member's point of order and this would remove all objections.

**Hon. Sir GEORGE-É. CARTIER** said Parliament would not be prorogued tomorrow, and the hon. member could give notice of this amendment in due form.

**Hon. Mr. DORION** said the hon. member must take upon himself the blame of having opposed this motion of having endeavoured to throw every obstacle in the way of doing simply justice to Lower Canada. He warned the hon. member that this was the view that would be taken of the hon. member's action in Quebec.

**Hon. Sir GEORGE-É. CARTIER** said that he was willing to take the responsibility of his course, and he cared little for the threats of the hon. member. He had met the hon. gentleman many a time before the people of Lower Canada, and he (Hon. Sir George-É. Cartier) had always come out best. (*Laughter.*) He had no desire to throw obstacles in the way of the hon. member's motion—on the contrary, he desired to see this matter settled by proper means.

**The SPEAKER** ruled: "The Motion proposes that an Address be presented to Her Majesty, praying Her to recommend that the *British North America Act* be amended, so that the Public Debt of the Dominion be increased, and that compensation be made to the Provinces of *New Brunswick* and *Nova Scotia*."

"In my opinion this Motion cannot be entertained, it being in contravention of the 54th Section of the Imperial Act for the union of *British North America*. In that section it is provided that this House shall not adopt any Vote, Resolution, Address, or Bill, for the appropriation of any part of the Public Revenue, &c., &c., to any purpose that has not been first recommended by Message of the Governor General.

"The contention is that the proposed appropriation being beyond the power of the Parliament of *Canada* this provision of the Statute cannot therefore apply.

"In its literal construction it does apply to the motion, and certainly it seems to me to the full as necessary in a Constitutional sense, to interpose the check of a Message from His Excellency, under the responsibility of His Ministerial Advisers, before adopting an Address which may be followed by Legislation, imposing a burthen on the people by a Parliament and Ministers, owing it no responsibility as in the case of a Bill or Motion for the appropriation of money within our direct control.

"For these reasons, the Motion, in my opinion, is not in order."

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#### ADMINISTRATION OF CRIMINAL JUSTICE

**Mr. HARRISON** moved for a return of names of all convicts now in Kingston, St. John, and Halifax penitentiaries, &c. In making this motion he explained that he wished to see if the Administration of Criminal Justice was the same in all the provinces. Now that uniformity had been secured in criminal procedure, it was advisable that there should be uniformity, also in the administration of Criminal Justice.

**Hon. Sir GEORGE-É. CARTIER** said that out of consideration to the criminals, it was inadvisable to publish their names to the world, and he would request of the hon. member, at least, to postpone his motion to some future time.

The motion was allowed to stand.

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#### GOVERNMENT RAILWAYS IN NOVA SCOTIA

**Mr. BODWELL** moved that the House go into a Committee of the Whole, to consider the following resolutions:

1. That it appears from the Public Accounts for the year ending 30th June, 1870, that the Railways under Government management in Nova Scotia have not paid the working expenses.

2. That it is inexpedient that the management of the railways of the country, especially such as are not important as great national works for defensive purposes, should be in the hands of the Government, as such roads can be much more economically worked as commercial undertakings in the hands of private parties or companies.

3. That it is desirable to dispose by tender or otherwise as the Government in Council may direct of all the Railways in Nova Scotia and New Brunswick not forming parts of the Intercolonial Railway now under the management of the Dominion Government, to such persons or companies as will undertake to work them under

the laws which now exist, or may hereafter be passed governing Railways.

In making this motion he said he believed that in France railways were aided by the Government in various ways. The same was the case in other countries. When Confederation was established certain roads in New Brunswick and Nova Scotia came into the possession and under the control of the Dominion Government. Under the Civil Governments they yielded a profit, which did not now appear in the returns. Statistics showed a net annual increase of the revenue from the Nova Scotia roads ranging from \$21,000 in 1863 to \$34,000 in 1866. The first year after Confederation the net revenue fell to \$18,944. There had been loss ever since. On the Nova Scotia roads in 1870 there was a loss of \$140,000. They were set down as assets to the value of \$6,520,990. There should be no loss in assets. The New Brunswick railways and those in other Provinces yielded a profit, and in the hands of private corporations such works were generally profitable. He thought the results in the present, as well as in other cases, proved the desirability of leaving all such enterprises under private direction—they should be taken out of the hands of the Government, which was under too much temptation.

**Hon. Sir GEORGE-É. CARTIER:** Too much pressure.

**Mr. BODWELL** continuing, reiterated arguments in favour of removing Governments from that temptation or pressure connected with the management of large public works. He understood that the tariff of rates was considerably reduced since the roads came into the control of the Dominion. These facts showed that there was a necessity for reform. The fact that these railways cost \$105,000 for maintaining them during the past year was sufficient evidence that they were mismanaged. He believed that the roads would be made to pay if under the control of private companies.

**Hon. Mr. LANGEVIN** said that the hon. member was slightly in error as to the figures he had given, and had omitted to mention some very important facts connected with the matter. Since the Dominion Government had assumed the management of the lines, large expenditures had been caused by making extensive repairs on them. The culverts and bridges, which were of wood, had all to be renewed during the last three years. In the years 1869 and 1870, there had been a surplus of receipts over ordinary expenditures. During the present year there would be no necessity for expending such large sums of money on improving these lines. Then, with respect to the suggestion of the hon. member to give these Government lines into the hands of private companies, he would say that such a disposal of them would tend to injure the Intercolonial line, even though they could be sold or leased to advantage. He hoped the hon. member would withdraw his motion.

**Mr. KILLAM** thought it was inopportune at the present time to press the motion. He agreed, however, with the hon. mover of the resolution, that it would be much better to give the control of the

railways into the hands of private companies. They were, under the present management, a burden to the Dominion.

**Mr. McDONALD (Antigonish)** said the people of Nova Scotia desired that their railways should be managed by private companies. The roads, as they stood at present, were not a paying concern, and they never would be until they were extended.

**Hon. Mr. McDOUGALL (Lanark North)** agreed with the Hon. Minister of Public Works, that it would be advisable to retain the control of these railways until the completion of the Intercolonial Railway. It would be well, though, after that road should be open, to give these lines into the hands of private companies. When he was in New Brunswick, he found that such was the opinion of the people there. It was believed that they could be better managed by private corporations than by a Government removed at such distance from the nearest point on the roads. He would say nothing of the injurious political effect the control of these lines by the Government must lead to, no matter who the hon. gentlemen might be who held office.

**Hon. Mr. HOLTON** moved an adjournment, as it was an important subject, and several members wished to speak on it.

**Hon. Mr. TUPPER** hoped the hon. member would not press his motion, for he (Hon. Mr. Tupper) wished to make a few observations on this important question of the Nova Scotia Railways. He joined issue with the hon. member for Oxford South as to the advisability of leaving railway schemes to private enterprise. If Government had not constructed these Nova Scotia lines, there would hardly be one of them in existence today. They had proved to be excellent commercial enterprises, too, for, besides aiding in opening up the country and developing its resources, the returns from them had been large, and had formed a considerable portion of the revenue of the provinces. He did not think it necessary to go into the figures, but he could show that his hon. friend was entirely unable to produce any figures from the Public Accounts or elsewhere that would give anything like a data for a correct comparison between the Government and private enterprises. The Minister of Public Works had explained very lucidly to the House, the difference between the receipts on the expenditure. On the Windsor line alone, there was over three-quarters of a mile of wooded bridges. That line had been open for 12 or 15 years, and the House would see that in the very nature of things, the time had arrived when a large expenditure was necessary to put the roads in proper order. The statement of the Minister of Public Works was satisfactory inasmuch as it showed that the revenue derived from these roads was largely and steadily increasing, evidencing the fact of the prosperity of the country. His hon. friend had stated that private companies could always manage undertakings much more economically and better than governments could, but he (Hon. Mr. Tupper) could not agree with that statement—and to show clearly the error of his hon. friend's statement, he had merely to point out the fact that the great public censor of the country, the man who considers it his special duty to

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find out every instance of mismanagement and portray it to the public, had been compelled to be silent in regard to the Government Works of Nova Scotia and New Brunswick, while he filled the columns of his paper day after day with accounts of the mismanagement and corruption exhibited in the management of a great private Railway of the country. If, therefore, weight was to be given to the opinions of that great man, the Government ought to take the Railway out of the hands of the private enterprise that was so unequal to its management, and carry it on in the same way as they had carried out their works in New Brunswick and Nova Scotia.

**Hon. Mr. HOLTON** asked whether the hon. gentleman would say that he was really in favour of his proposition being carried out.

**Hon. Mr. TUPPER** did not say that he was prepared to go so far as that, but he desired to show the fallacy of the reasoning of the hon. member for Lanark. He looked upon the proposition that had been made as most monstrous, and he spoke not as a member of the Government, but as a representative of Nova Scotia. Was his hon. friend not satisfied with the enormous revenue derived from Nova Scotia, from its customs and its taxes, without taking away their public works to enrich the Dominion, of which Ontario formed so large a part. If it was found that the railways were burdensome to the Dominion, they should be joined together and used for the purpose of extending lines of railway east and west, and such a proposition would be much more welcome to the people of the Maritime Provinces than the proposal that they should be put in the market and sold for the benefit of the larger Provinces.

He desired to say a few words on a point which had escaped the notice of the Minister of Public Works, and to which attention had been called by the hon. member for Lanark North—he meant the statement that Mr. Carvill had been placed in charge of the railways in Nova Scotia, and subsequently returned to the duties in New Brunswick, and that a large increase had been made in that gentleman's salary over and above what he had received as Superintendent of the New Brunswick railways alone. The Government, in the exercise of their discretion, had sent the gentleman in question to do all he could to bring the two systems of railways into more harmonious working with each other. He (Mr. Carvill) went to Nova Scotia, and did all he could in the matter, but it was found that while the terminus of the Nova Scotia railway at Truro, and the portion then constructed to Sackville, in New Brunswick, was separated by some 70 miles of coach road, it was impossible to have a joint management of the railways of the two provinces. Mr. Carvill, after having done a great deal to bring into harmony the management of the two railways, so as to be infinitely more convenient to the department here was replaced by a gentleman who for 10 or 15 years has been thoroughly conversant with the management of the railways in Nova Scotia, and who never was a politician. His hon. friend complained that Mr. Carvill's salary was largely increased, but he (Hon. Mr. Tupper) thought it would have been only candid if he had informed the House, that a large additional responsibility had been thrown on Mr. Carvill, and that his duties had been increased some 50 per cent. As the matter was one in which the people of Nova Scotia pleaded

some interest he had thought it right to make some slight protest on the subject. As to the statement made to the House that in consequence of political pressure upon the Dominion Government, the rates paid under the former management had been decreased, the simple answer was that the statement was contrary to the fact; on the contrary Nova Scotia complained that under Confederation the charges on the railways were higher than they were before.

**Mr. BOLTON** said that the Minister of Public Works had stated that the Nova Scotia roads had provided a profit, but he certainly could not find that to be the case from the Public Accounts. He had already a motion on the papers for information as to the rates to be imposed on these railroads, and he had given notice of that motion simply from an examination of the Public Accounts. Those accounts showed a deficiency in the receipts as compared with the revenue, and notwithstanding the glowing terms in which the President of the Council had spoken, he hardly saw much on which they could congratulate themselves. The road had now been in operation over 12 years and as it did not yield any profit, either it was not a necessity, or else it was grossly mismanaged. The New Brunswick railways, however, were paying something over the expenditure and had always done so, and when their returns had been low, it had been in consequence of the Government allowing the roads to get out of order, and then having to expend larger sums in order to put them right. The President of the Council had spoken of the benefit derived by Nova Scotia from these railways, and no doubt they were a benefit, so long as they were supported by the Dominion. The only thing he feared was that while at the present moment they might get rid of the Nova Scotia roads, when the Intercolonial was joined on to them, no one would be willing to touch them.

**Hon. Mr. ANGLIN** thought the member for Fort Yarmouth was mistaken in saying that the New Brunswick Railway had always failed to pay enough to cover working expenses, for ever since its opening it had always paid something beyond its expenditure. He was not prepared to say whether or not a private company could work the Railways better than Government, but he knew of no serious complaints as to the management hitherto, with the exception of that which had arisen when Mr. Carvill had attempted to raise the scale of charges to nearly the rate charged in New Brunswick, in consequence of which that gentleman had been driven from the Province.

**Hon. Mr. TUPPER** asked whether the hon. gentleman was aware that the Railway charges in Nova Scotia were higher than those in New Brunswick.

**Hon. Mr. ANGLIN** could not speak to that point, but he knew what a storm had been raised when Mr. Carvill attempted to raise the rates. They had heard a great deal of the value of these roads and the President of the Council had asked whether the House was prepared to sell the people of Nova Scotia, but he thought it would be very difficult to sell an undertaking with an expenditure larger than its receipts. Through the pressure of the representatives of Nova Scotia, the rates had been kept down to such a degree, and the expenses had been kept up to such a degree that the revenue was

largely defunct, and he asked who would take railways under such circumstances. There was a strong contrast, however, in the management of railways under the Government of Nova Scotia, and under that of the Dominion. In the former case the system had been to spend nothing on the railways, and to get as much revenue as possible, while under the present management they had been greatly improved. He trusted the question would receive the consideration of the whole House as it was no party question. He did not see any reason to find fault with the action of the Government in the matter, and he was not prepared to say that he would agree to part with the roads to private parties, and he thought it very remarkable that with so large a revenue there should be a deficiency year after year. He thought when the connecting links in the system were supplied the traffic would largely increase, and did not in any way share the apprehensions of the member for Charlotte as to the failure of the Intercolonial, although it might be some years before it became a success, but he was glad to see that the Commissioners were constructing it in a most substantial manner, so that it would require no further expenditure for many years.

**Hon. Mr. HOWE** said if the Nova Scotia railways were not built by private companies it was not the fault of the Province. Every inducement was offered to companies to build them, but none would undertake them, and he very much doubted whether any could be got to buy them now and guarantee to run them. These roads had been built in 1854, and when the Dominion Government got control of them, it was nothing wonderful that they should be found pretty well worn down after thirteen years of constant use. The Dominion Government wisely undertook the work of improving them, and it was not strange that it should have been found necessary to expend a good deal of money on them. But that money was well employed, and would yield a good return.

**Mr. MACDONALD (Glengarry)** was of the opinion that the sooner the Government could get rid of those roads the better. It was a waste of money to manage them at such a distance. The manager was under the control of the Government, and could settle none of the difficulties that might arise without much delay. He believed it was unfair to charge the difficulties of the road to the Dominion. The Province which was benefitted by the roads should pay for them, if they did not pay for themselves, unless they were transferred to private companies.

**Hon. Mr. TILLEY** believed that the time was coming when it would be to the advantage of this Dominion to get rid of the management of these roads.

**Hon. Mr. HOLTON:** Why not now?

**Hon. Mr. TILLEY** said it would not do to part with them until the system was completed. Their value would then be very greatly increased and they could be disposed of to much greater advantage.

**Hon. Mr. SMITH (Westmorland)** said he took a very different view of the management of railways from hon. members who had spoken tonight. It was all very well to leave productive works to private companies but where lines did not yield fair returns, it was

better to be able to draw on the public treasury for assistance. Did anyone suppose that the Grand Trunk would be worse served if it were managed by the Government? He trusted that the hon. mover of these resolutions would withdraw his resolutions for the people of New Brunswick, at least, would be opposed to giving the control of the Government railways to private companies. He would oppose any attempt to make such a transfer. (*Hear, hear.*)

**Mr. GRANT** regretted to hear the hon. mover speak of the Intercolonial railway as an enterprise that was to be an incubus on the country. He was sure that it was an important work from which we were to derive many advantages. The country through which it passed was no barren wilderness, but would be one of the most fertile parts of Canada when opened up and settled. As a section of the future Intercolonial Railway it was a necessity to the Dominion, and he hoped the hon. member would not interfere with the progress of the work by opposing it.

**Mr. YOUNG** contended that the accounts of the receipts and expenditure of Government railways clearly proved that it would be desirable to have them placed under the management of private companies. With regard to the Grand Trunk, it was believed by a good many people that the bad state of that road was due to the fact that there was a close connection between its Manager and the Government, and if the road were entirely handed over to the Government the matter would only be worse.

The debate was then adjourned.

**Hon. Sir GEORGE-É. CARTIER** moved the adjournment of the House.

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#### A QUESTION OF PRIVILEGE

**Hon. Mr. McDOUGALL (Lanark North)** rose to speak on a question of privilege. He thought as long as he acted in accordance to the rules of the Parliament, he thought he was entitled to the protection of the House. He had occasion to quote another gentleman's words from a newspaper report to sustain his position, and had employed that gentleman's name, but disavowed any intention of saying anything derogatory to his position. That gentleman happened to be in the gallery at the time and had taken offence at it, and had afterwards referred to him (Hon. Mr. McDougall) in the Senate in the most scurrilous manner. He (Hon. Mr. McDougall) would not take the trouble to notice this attack, than to point to his public record for the last twenty years as a sufficient refutation of it. During his visit to New Brunswick he had the satisfaction of reading in the public papers, and here amongst all the classes to whom he had addressed himself on subjects of great political importance to them, they had listened to him with the kindest attention and courtesy, and if that was "political vagabondism" he should like to know it.

**Hon. Mr. McDOUGALL (Lanark North)** then referred to the 13th rule of the House to show how contrary the course of the hon.

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Senator had been to Parliamentary usages. He also quoted from British authorities in support of his argument that no hon. member of another House should refer to remarks made in another Chamber during debate, because the hon. member making such observations could not be present to reply. He contended if the body before whom these remarks of which he complained would not take cognizance of this transgression of Parliamentary rules and usages, he (Hon. Mr. McDougall) would take advantage of the first opportunity afforded him of replying when the hon. member should be present. (*Cheers.*)

**Hon. Mr. HOLTON** wished to know if the leader of the Government had nothing to say respecting this attack on the privileges of this House.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member for

North Lanark had stated his case and his intention to pursue a certain course without asking the House to take any action on the matter. He (Hon. Sir George-É. Cartier) could therefore say nothing.

**Hon. Mr. HOLTON** said the leader of the Government should be the custodian of the privileges of the House. Since, however, the hon. member had refused to take any action in the matter, he (Hon. Mr. Holton) felt it his duty to condemn this assault, for it was an assault made by a member of another branch of this Parliament on a member of this House, as a gross, wanton and utterly unprovoked assault—utterly unprovoked by any language made use of by the hon. member for Lanark North. (*Cheers.*)

The House adjourned at 11.15.





March 7, 1871

## HOUSE OF COMMONS

Tuesday, March 7, 1871

The **SPEAKER** took the chair at 3.25 p.m.

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*Prayers*

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Several petitions were presented.

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### COMMITTEE REPORTS

**Mr. BROSSÉAU** presented the report of the Joint Committee on Printing.

**Mr. MACFARLANE** presented the fourth report of the Committee on Standing Orders, and moved that the time for receiving petitions for private Bills, be extended to the 22nd instant, and for receiving private Bills to the 29th instant.

The motion was carried.

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### POSTAGE STAMPS

**Hon. Mr. TUPPER** presented a statement of sales of postage stamps for the past year.

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### PUBLIC WORKS

**Hon. Mr. LANGEVIN** presented the report of the Minister of Public Works for the year ending 30th June, 1870.

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### BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** gave notice that on Friday next he would move that the House should resolve itself into a Committee of the Whole to consider a series of Resolutions respecting the admission of British Columbia into the Dominion of Canada.

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### INDEPENDENCE OF PARLIAMENT

**Hon. Sir GEORGE-É. CARTIER** also gave notice that on the same day he would introduce a Bill to amend the Act to further secure the independence of Parliament.

### MILITIA AND DEFENCE

**Hon. Sir GEORGE-É. CARTIER** also gave notice that he would introduce a Bill to amend the Act respecting Militia and Defence.

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### THE METRIC SYSTEM

**Hon. Mr. MORRIS** said that he would move on Friday the consideration of the resolutions respecting weights and measures, and to permit the use of the Metric System.

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### INSPECTION LAWS

**Hon. Sir FRANCIS HINCKS** gave notice that on Friday he would move the House into Committee of the Whole on the resolutions respecting the consolidation of the Inspection Laws.

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### CENSUS ACT

**Hon. Mr. DUNKIN** moved the third reading of the Bill to amend the Census Act. Carried. He then moved that the bill should pass and be entitled "an Act to Amend the Census Act". Carried.

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### CURRENCY

**Hon. Sir FRANCIS HINCKS** then moved concurrence in the first of seven resolutions reported from Committee of the Whole for the assimilation of the currency throughout the Dominion:

1. *Resolved*, That it is expedient to establish one uniform currency, for all *Canada*, and for that purpose to provide, that on and after the *First day of July 1871*, the currency of the Province of *Nova Scotia* shall be the same as that of the Provinces of *Quebec*, *Ontario*, and *New Brunswick*, in all of which one currency of uniform value, is used.

2. *Resolved*, That it is expedient to provide, that on and after the said day, the currency of *Canada* shall be such that the British sovereign, of lawful weight, shall be equal to and shall pass current for four dollars and eighty-six cents and two thirds of a cent of the currency of *Canada*, and that all public accounts throughout

*Canada* shall be kept in such currency; and that in any statement as to money or money value, in any indictment or legal proceeding, the same shall be stated in such currency, and in all private accounts and agreements rendered or entered into on or after the said day, all sums mentioned shall be understood to be in such currency, unless some other is clearly expressed, or must, from the circumstances of the case, have been intended by the parties.

3. *Resolved*, That it is expedient to provide, that all sums of money payable on and after the said day to Her Majesty, or to any party under any act or law in force in *Nova Scotia*, passed before the said day, or under any bill, note, contract or agreement made before the said day in *Nova Scotia*, or with reference thereto, or made after the said day out of *Nova Scotia* and with reference thereto, and which were intended to be, and if such alteration of currency had not been made, would have been payable in the present currency of *Nova Scotia*, shall, on and after the said day, be payable, respectively, by equivalent sums in the currency of *Canada*, that is to say, for every seventy-five cents of *Nova Scotia* currency, by seventy-three cents of *Canada* currency, and so in proportion for any greater or less sum; and if in any such sum there be a fraction of a cent in the equivalent in *Canada* currency, the nearest whole cent shall be taken.

4. *Resolved*, That it is expedient to provide, that on and after the said day, no Dominion note or bank note payable in any other currency than the currency of *Canada*, shall be issued or re-issued by the Government of *Canada*, or by any bank, and that all such notes issued before the said day, shall, as soon as practicable, be called in and redeemed or notes payable in the currency of *Canada* shall be substituted or exchanged for them.

5. *Resolved*, That it is expedient to provide, that any gold coins which Her Majesty may cause to be struck for circulation in *Canada*, of the standard of fineness prescribed by law for the gold coins of the United Kingdom, and bearing the same proportion in weight to that of the British sovereign, which five dollars bear to four dollars eighty-six cents and two-thirds of a cent, shall pass current and be a legal tender in *Canada* for five dollars, and any multiples or divisions of such coin, which Her Majesty may cause to be struck for like purposes, shall pass current and to be a legal tender in *Canada* at rates proportionate to their intrinsic value respectively and that any such coin shall pass by such names as Her Majesty may assign to them in her proclamation declaring them a legal tender, and shall be subject to the like allowance for remedy as British coins.

6. *Resolved*, That it is expedient to provide, that the coins which Her Majesty has caused to be struck for circulation in the Provinces of *Quebec*, *Ontario* and *New Brunswick*, under the Acts now in force in the said Provinces respectively, shall continue to be current therein, and shall, on and after the said day, be current in the Province of *Nova Scotia*, at the rates in the said currency of *Canada*, now assigned to them respectively by the said Acts, and under such conditions and provisions as are mentioned therein; and that such other silver, copper or bronze coins as Her Majesty may

cause to be struck for circulation in *Canada*, being of the proper weight and fineness, shall pass current in *Canada*, at the rates to be assigned to them respectively by Her Majesty's Royal Proclamation; all such silver coins as aforesaid being a legal tender to the amount of ten dollars, and such copper or bronze coins to the amount of twenty-five cents, in any one payment; but no other silver or copper coins than those which Her Majesty shall have caused to be struck for circulation in *Canada* or in some Province thereof shall be a legal tender or pass current in *Canada*; and that Her Majesty may by Proclamation, from time to time, fix the rates at which any foreign gold coins of the description, date, weight and fineness, mentioned in such Proclamation, shall pass current in *Canada*.

7. *Resolved*, That it is expedient that all Acts or Laws inconsistent with the foregoing Resolutions be repealed, and that one Act for giving effect to the same, and applying to all *Canada*, be passed.

The resolutions being read, **Mr. CHIPMAN** moved in amendment that all after the word "expedient" be struck out, and that instead there should be inserted, "that the currency of Nova Scotia should remain unchanged and should not be assimilated with that of the rest of the Dominion." He stated that he had just received a telegram from the leader of the Government in Nova Scotia, advising the transmission by steamer *Carlotta* of a petition against the proposed change, numerous and respectably signed by all parties. He urged, first, that the Provincial Legislature had passed a series of resolutions opposing assimilation, and second, the forwarding of the petition, and asked that for these reasons, and in consideration of the state of feeling in Nova Scotia, the consideration of the resolutions might be postponed until the petition could be laid before the House.

**Hon. Sir FRANCIS HINCKS** said that it was perfectly clear that the postponement of the consideration of the resolutions would imply an abandonment of the whole measure for the present session. The whole matter had been fully considered by the Government. They were fully aware of the feeling in Nova Scotia, but they thought the case one in which the rest of the Dominion could not yield any longer. He had heard the opinions of many people in Nova Scotia on the subject, and one and all admitted the necessity of an assimilation, and the question, therefore, was in which direction that assimilation should be made. The currency could not be changed to that of Nova Scotia, as that would be adopting a currency at variance with that of the rest of the continent; and he was sure that before many months had elapsed Nova Scotia would perceive the great advantages derived from the change. The matter had already been delayed two sessions in deference to Nova Scotia, and the prospect of an International Currency, but that prospect no longer existing, he saw no reason for further adjournment.

**Hon. Mr. DORION** thought the question was not whether the Government would abandon their measure for another session, but

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whether in deference to the people of Nova Scotia they would simply delay its consideration for a few days until the petition spoken of could be received. That petition might contain arguments not previously advanced, but at all events he thought the Government might accede to the request of the member for Kings and allow a short delay.

**Hon. Sir GEORGE-É. CARTIER** thought that the object of the request for postponement was chiefly to change the day on which the Act should come into operation, from the 1st July to the 1st January. The Minister of Finance merely asked for concurrence in the resolution on which he intended to base his Bill. If that concurrence was acceded to, as no doubt it would be, the Bill would have to be submitted to the House, and could hardly be read for the first time before Friday, but if it should possibly be read a second time on Friday, it would still have to go into a committee, which could not be before the following Tuesday, and, therefore, the House would see that before the Bill could possibly become law, there would be plenty of time for receiving the petition and taking it into consideration.

**Mr. CHIPMAN** had listened with surprise to the hesitancy of the Minister of Finance to concede the very slight delay he had asked, as he would have thought that policy would dictate that every opportunity should be afforded the people of Nova Scotia to express their opinions, so that if the decision should chance to be in opposition to their views, they might have the satisfaction of knowing that all consideration had been accorded to them—and he therefore again pressed on the Government that they should not force a discussion, but should allow the resolutions to lie over, and he thought such an act would be very graceful on their part.

**Mr. MAGILL** fully agreed that the people of Nova Scotia deserved every consideration, but that they had already received all the consideration they could ask. He thought that if there was any particular in which the provinces ought to agree with each other, it was in that of the currency. The member for Kings had urged that the measure was objectionable to the people of Nova Scotia, and so it might be, but he thought the time had come when Nova Scotia ought to yield something to the wishes of the other parts of the Dominion. As to the time at which the change should commence, there was no doubt that the 1st July was far the best time that could be selected. He was glad to see the measure propounded by the Government and was sure it would make the people of the Dominion feel more like one people.

**Hon. Mr. CAMPBELL** regretted very much that the story of Nova Scotia grievances had again been revived, as he thought that story ought now to be a matter of the past, and that the general good of the country should be considered, and he thought that the people of Nova Scotia fully understood that the time had arrived when they must yield in the general interest to an assimilation of the currency. There was no doubt that the petition would have but little effect on the minds of the members of the House, and it would only be using improperly the time of the House to ask for a postponement to allow of its being taken into consideration.

**Mr. JONES (Halifax)** thought that questions of this kind should not be forced on the consideration of the House until the views of the people of Nova Scotia had been fully brought forward. He thought the petition, signed, as it no doubt was, by the chief commercial men of the Province, deserved all attention, and he trusted the government would reconsider their decision and allow the matter to be postponed.

**Hon. Mr. HOWE** thought that, as the Minister of Militia had explained, in the natural order of things the petition would be received in full time to be taken into consideration, the matter should not be pressed further. He could scarcely think that the petition could contain any new arguments, as the matter had already received the fullest possible discussion and consideration. The matter had already been postponed for two sessions, and though it pained him to have to differ with other representatives of his Province, he did not think that Nova Scotia could expect any further postponement.

**Hon. Mr. TILLEY** said he would be very sorry that there should be any feeling in the minds of the representatives of Nova Scotia that the Government was not disposed to give them ample justice and consideration. He showed how, in 1869 and 1870, the Government had postponed the consideration of the matter, and had withdrawn their measures in deference to the opinions and views of Nova Scotia, notwithstanding larger petitions from New Brunswick in favour of an assimilation, urging the great loss and inconvenience sustained by that Province. Postponement had, however, only been granted in view of the probability of an international currency, and when that ceased to be a possibility, surely no further delay could be asked. The member for Kings had stated that he thought policy should dictate that Government should accede to his request, but he (Hon. Mr. Tilley) thought policy dictated the opposite course. He thought a further postponement would rather tend to increase than diminish the dissatisfaction in Nova Scotia, as they would imagine that the delay implied yielding, and then when finding such was not the case, they would be more than ever dissatisfied. He could say that the Minister of Finance would undertake not to pass the second reading until the petition had been received, and with that assurance he trusted the hon. gentlemen would not press the matter further.

**Hon. Mr. HOLTON** said this was the proper stage of the measure on which to take exception to it. To deny the delay asked for was to say that no objection would be listened to. The Government could lose nothing in point of time, and certainly nothing in point of dignity in granting so reasonable a request.

**Mr. McDONALD (Antigonish)** did not think the Government were treating the petition with disrespect in refusing to grant the delay. The majority in this House was in favour of the proposed change, and no good purpose could be served by waiting for the petition. If, when it should arrive, reasons should be urged of sufficient weight to change the opinions the House entertained at present, it would not be too late to alter their policy. He hoped some consideration would be made in favour of the railway contractors of

Nova Scotia, who would be seriously injured by a change in the currency. They would be obliged to pay in the proportion of \$1 to every 97 cents under the present arrangement.

**Mr. BURPEE** thought the question had been fairly discussed. He congratulated the Government on having taken up this matter, for this House had been too often charged with having, in their Legislative enactments, done those things which they ought not to have done and left undone the things which they should have done.

**Hon. Mr. TUPPER** could not understand the object of the hon. member for Hochelaga in paying this empty compliment to Nova Scotia. Since the time of Confederation the assimilation of the currency had been looked forward to by commercial men, for there was nothing which tended more to facilitate their business transactions than a uniform currency. In prospect of the adoption of an international currency, the Government had postponed this change, but there seemed to be a very slight prospect of such a comprehensive assimilation taking place and it was time for the Government to assimilate our own currency. It would be ungenerous for him to object to carrying out a change which was accepted as one incidental and necessary to Confederation by the majority of the people of Canada. In assimilating the currency, it was necessary to adopt a system which would suit the majority of the people. The currency of Nova Scotia was a depreciated currency, and a large portion of the Legislature of that Province previous to Confederation held the view that it would be better to reject it and adopt the currency of Canada and the United States. He would endeavour to relieve the hon. member for Kings of some of the apprehensions which he entertained as to the manner in which his constituents would receive this change. He (Hon. Mr. Tupper) held in his hand a letter from one of the most influential electors in that constituency, congratulating the Government on having undertaken the assimilation of the currency of the Dominion. The same gentleman stated in his letter that there was not a worse currency in circulation than that of Nova Scotia, which would not be accepted at its face value outside of the province. He (Hon. Mr. Tupper) regarded the matter in the same light, and he hoped that the hon. member for Kings would not press for a delay, which, if granted, would excite hopes in Nova Scotia, which could not fail to end in disappointment.

**Mr. SAVARY** said this was a most important measure, being nothing less than one of the first steps towards making us one people. He was not disposed to hasten the passage of these resolutions or to refuse the petitioners an opportunity to express their views against them. He believed petitions had already been presented against an assimilation of the currency, but he would also remind the hon. member for Kings that there was a large section of the people in Nova Scotia in favour of such a change. The constituency which he represented agreed to the temporary inconvenience resulting from the assimilation, for the ultimate benefit which it would confer on them in common with the rest of the Dominion. There might be some good reason for postponing the change till the first of January, but if the Government thought it best

for the whole Dominion to have it go into operation sooner, he would not oppose the measures.

**Mr. MILLS** said that a good many hon. members had spoken on this question as one of profit and loss, but he did not see how any loss was to be occasioned by the change of full value. If a fifty cent piece were accepted as a unit here and were accepted as only half a unit under the United States system, there would be no real difference in the actual value of the coin, though it might be called a dollar in our country and half a dollar in the United States. It was purely a matter of convenience and nothing else, and till it could be shown that it was something more, there was no reason why the measure of the Finance Minister should not become law.

**Mr. OLIVER** said while dealing with this question he would like to urge upon the Hon. Finance Minister the necessity of increasing the number of small bills in circulation. Much inconvenience was felt from the want of them. There was another matter also, to which he would like to refer. In the section of the country from which he came, there was still a large amount of American silver in circulation, and he hoped Government would endeavour to withdraw it from the country and substitute for it a Canadian currency. There could be no reason for delaying the assimilation of the currency. It was one of the principal inducements held out to the people to induce them to accept Confederation. The claims put forward in behalf of the Intercolonial Railway contractors should not be allowed to stand in the way. The Intercolonial had already cost the country a great deal, and it would be time enough to consider the claims of contractors when they should be put forward by those gentlemen themselves. The country had suffered long enough from the want of uniformity in our currency, and he hoped this measure would be carried.

**Mr. CHIPMAN** said he occupied a position of independence in the House, and he held his seat to protect and further the interests of his constituents. He came here unpledged in regard to any action he might see fit to take on each measure that came up for consideration before the House. Therefore there could be no claims upon him to prevent him from giving an unbiased and untrammelled consideration to any Bill which might come up, and if there was any error whatever in his action, it could simply be one of judgment. He had taken pains to obtain the views of his constituents on this subject before the House, and though he was satisfied that the resolutions would be carried by a large majority he deemed it his duty to oppose them. It was no use for him to attempt to prove that the currency of Nova Scotia was the best for the people there, though he believed the fact was susceptible of proof. He believed that the House was not unanimously in favour of the measure of the Finance Minister, and he would therefore press his amendment to a vote.

The amendment of Mr. Chipman was declared lost on a division, and the first resolution was then given second reading. Resolutions 2 to 7 were also given second reading.

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**Hon. Sir FRANCIS HINCKS** moved for leave to introduce a bill entitled: An Act to establish one uniform currency for Canada.—Carried. The motion that it be read a second time on Tuesday next having been offered, Hon. Sir Francis Hincks stated that in order to meet the views of his Nova Scotia opponents as fully as possible, he would not then press for that stage should the petition not have arrived. (*Hear, hear.*)

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### THE ELECTION BILL

**Hon. Sir GEORGE-É. CARTIER** moved second reading of the Bill to make temporary provision for the election of members to serve in the House of Commons of Canada.

**Mr. YOUNG** said it must be satisfactory to the House to know the Government had withdrawn the very objectionable bill introduced during the two previous sessions. He considered it very objectionable, and if it had been carried they would have seen in the various Provinces thousands of people disfranchised; and with the very complicated machinery which that bill created an army of officials would have been brought into existence, involving a very great expenditure. Looking at it in those points of view, the bill was one of the most dangerous character. He was therefore glad to know that it had been given up. It would have been very unpalatable throughout the various Provinces, particularly in the smaller, as it must have interfered to a great extent with the privileges they hitherto enjoyed. The old bill was received, as they all knew, with a great deal of dissatisfaction by members of the House and multitudes throughout the country. He believed the House was indebted to a considerable extent to members on the ministerial side for the withdrawal of the measure. If he was correctly informed, they had told ministers plainly last session that if the Bill was pressed they would feel it their duty to vote against it. The proposition the Government now brought forward was one which adopted in the main the views so ably put forth by the hon. member for Hochelaga and others on the same side of the House. He only regretted that, while accepting several good points, Government had introduced various features of a most objectionable character. He observed the second clause of the bill re-enacted the old election laws existing in the different Provinces at the time of Confederation in 1867.

Now he thought it was very doubtful whether it was possible for this House to re-enact some, at least, of those laws, unless they were expressly stated in the body of the Bill. It was a fact that several of them had been rescinded or abolished by the Local Legislatures, and yet they were here, as he understood the Bill, re-enacted by the second clause. In addition, he saw no good reason why this House should go back to those laws of 1867 when they knew that since that time the Local Legislatures had adopted new laws believed to be an improvement upon them. He could see no good reason for passing even a temporary law. They should take the laws existing in the various Provinces instead of returning to their predecessors of 1867. He particularly regretted to see in the Bill a

special clause inserted to prevent the elections in Ontario taking place simultaneously. The Minister of Militia had seen fit to forbid what nine-tenths of the people of Ontario believed would be an improvement—that is the elections being held all on one and the same day.

They knew that during the last general elections in Ontario there was a very large amount of excitement, bribery and corruption and a good deal of violence. As regards other Provinces, they were aware that much violence was witnessed at Kamouraska, in Quebec, and in Toronto West and other Ontario constituencies much corruption was resorted to. (*Hear, hear and laughter.*) It had been argued that holding the Ontario elections on one and the same day would, to a considerable extent, exempt them from the present evils. The Government however, had seen fit to prevent this reform. Although this was but a temporary measure, he was in hopes it would be found possible to continue it on a similar measure with improvements. He saw no reason why they could not in settling the election law for all time adopt machinery created by the old legislature. They knew it had been the course pursued in the United States, ever since they became a nation, to receive members of Congress elected under the laws made, and in operation under the control of the legislatures of the different states. In this country he believed they would find no practical difficulty in managing the elections for members of this House, by simply using the machinery brought into being by laws of the Local Legislatures. For one he must strongly insist on some such provision being made one of the subsections. It would enable the people of Ontario to have the elections held simultaneously as in New Brunswick and Nova Scotia.

**A MEMBER:** Not in New Brunswick.

**Mr. YOUNG:** They have in Nova Scotia, and he saw no reason why the right should be withdrawn from the people of Ontario. In New Brunswick they had privileges or rights not enjoyed here, including the ballot. They had in Nova Scotia the right to the ballot, but under this Bill he fancied that in the elections for the House of Commons they would be deprived of voting in this manner. The people ought not to be deprived of the ballot. He believed the time would come when the inhabitants of all the Provinces would enjoy the ballot. He thought experience had proved that where the system had been introduced on a great scale such as in Australia, it had proved a great advantage at the time of elections. They had the authority of the present First Lord of the Admiralty in England, for the statement that the effect of the ballot in Australia had been largely to reduce the cost of elections, corruption, bribery and violence. In the mother country it would soon be law. Instead of depriving Nova Scotia of the ballot, it would have been well to extend it to all the other Provinces.

Whatever action might be taken with regard to the Bill generally, he hoped some member would propose an amendment to that provision respecting the election laws of 1867 instead of those now in existence. He could see no good principle in refusing to adopt the good election laws on the Statute books of the various Provinces. They knew the Ontario Act, under which the elections were

proceeding, differed very considerably from the law of 1867. He was anxious to know the reason for the departure in this instance. He hoped the Ontario members would insist that the law should provide for the taking of the election simultaneously. There could be no difference of opinion as to the feeling throughout Ontario on that subject. Unless the hon. gentlemen opposite were prepared to concede that point, and to allow the present law to stand, he should feel it his duty to move an amendment, and take the sense of the House on the point. (*Cheers.*)

**Mr. HARRISON** said there were two objections to the hon. gentleman's proposition to have the elections simultaneously, and one was that he did not think it would afford a proper representation to property. A man who owned property in different constituencies, would not be properly represented unless he could divide himself into several, and go all over the country on one day. There was another objection: A man might become very eminent in serving his country and yet become locally unpopular, displeasing to the people of his particular constituency. With the elections all in one day being objectionable to his constituents, his services would be lost to the country, whereas if the elections took place on different days, there would be a chance in other constituencies for him, and thus his talents might be saved to the country. (*Cheers.*) It always appeared to him that these were two formidable objections. The experiment had been made in Ontario of having the elections all on one day. The experiment had yet to be proved; whether it would work well or not remained to be seen. It would be time enough to think of introducing it here, if the experiment proved a success. The hon. gentleman said that at the last election for Toronto, there was bribery and corruption. That hon. member knew more about it than he did. There was none on his (Mr. Harrison's) side, and he must have been speaking of what was done on the side of the Opposition. (*Cheers and laughter.*) He had heard no good reason yet for holding all the elections on one and the same day. Until his two reasons were answered, and the experiment in Ontario proved successful, he thought it would be premature in the House to adopt the principle. (*Cheers.*)

**Mr. MILLS** said he was pleased with the progress the Government had shown in this matter last session, and he hoped before the Bill became law, they would see further progress. He thought there were some features in the Bill which might be materially improved. He thought they were not likely to hear in the discussion of this Bill the kind of arguments used in the defence of the Government Bill last year, nor likely to hear so much about the beauty and importance of uniformity. He remembered pointing out the effect of the old bill on the provinces not yet in Confederation, and distinctly putting the question to the Government, whether if a province was created in the North West, they proposed to apply the principle of uniformity with regard to its representatives; and among the defenders of the bill of last year, he did not think there was anyone who laboured more zealously than the hon. member for Toronto West. He had laid down a principle with regard to that bill, which he thought would carry him much further than the provisions of the bill itself. He said that if all the elections took place on the same day the principle would be very objectionable, that it would

be quite impossible for any gentleman to divide himself into a certain number of personages and to make his appearance in various constituencies in the same day.

There was just this to say in reply. If "A" had property in Essex and also in Elgin, he did not see anything to prevent the Government holding the elections in those two places, and if they did it would be quite impossible for the gentleman to be in two places at the same time. He supposed the hon. gentleman would insist on the Government amending this bill, and upon every property holder owning property in more than one place having the right to stay an election because it might hinder him from giving two votes. It was of the utmost consequence, he told us, that property should be represented, and the only way this could be done was to begin on a certain day at one end of the country, and that one election a day be held till all the members were elected. Unless this were done some elector might be cheated out of his rights. "A" might have a very large amount of property in one constituency and "B" a much smaller amount divided between two. Under this principle "B" would have a right which he (Mr. Mills) thought he ought not to have to vote in two while "A," the richer man, could vote only in one. The hon. member, for Toronto West, would oppose the one arrangement, and grant that person having the largest amount of property, the greatest interest in the election. If "A" owning \$1,000 worth of property, had a right to one vote, "B" possessing \$2,000 would have a right to two. This was the logical consequence flowing from the very sound proposition of that hon. gentleman.

He was sure the hon. member would not be satisfied with the very imperfect representation of his scheme in the Bill now before them. It seemed to him that in this House, where the questions of property and civil rights were taken from their province and placed under the control of the local legislatures, the tendency of the representation must be altogether in a different direction. The time could come when those who contributed to the revenue of the country and took part in its defence, would have some say in the Government of the country. There was a time when those who had property were entitled to the vote in a different sense from the present, because they contributed most to the revenue. But now it was only just and fair that those upon whom the public responsibilities, debts and burdens were imposed, should have a say in the Government of the country. He did not propose to bring this matter under the consideration of the House at present. He thought the Government had now taken a step a long way toward the adoption of their views, making the local law of each Province that upon which the representation in the House should be based. He believed Government might go further, and have all the elections on one and the same day. It was a very important matter no doubt to an administration that felt that they were not entitled to the confidence of the country, that they should have the power to influence all those looking for positions or favours from the Government.

There was always a number of men in every constituency looking for public favours, and it was to the interest of the Administration to bring on the elections first in those places where they had the

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greatest chance of success, that those in respect to which they were doubtful might be influenced. Elections under this principle prevented Parliament from becoming a fair representation of public opinion. It interfered with the independence of the electors for it was not more important that they should be protected from coercion by the Government. The object of this Bill was to give ministers an unfair advantage over their opponents, which they ought not to possess, and when it reached Committee he would propose that it be so amended that all the elections in the Dominion should take place on the same day.

**Hon. Mr. DORION** said this was the third effort of the Government to bring in an Election Bill. They introduced one in 1869 and another in 1870, at that time they were informed the Government could not allow the local bodies to have anything to do with the elections, or with the regulation of the qualification. The elections, moreover, were to be uniform throughout the whole country; and nothing except the entire control of all these matters by this House would satisfy the Government. The opposition having forced amendments last year, Government found they could not carry their Bill to their satisfaction and it was dropped. He complimented them on submitting an improved Bill this year; although this Bill adopted the qualifications prescribed in the several provinces, and did away with the necessity for a double set of officials and all the machinery by which the list of electors was, last session, proposed to be made, there were yet apparent many deficiencies. He thought the subject of qualification of electors was very properly left to the Local Legislatures, yet as the elections must be conducted by officers of this Government alone, the mode of securing the elections might well have been uniform for the Dominion. The Government would have greatly improved the measure had they adopted the improved method of carrying the elections in force in Ontario and Nova Scotia. They did not want to have uniformity at all—not even in the mode of securing the elections.

Instead of a uniformity law on the subject, they were multiplying laws. They took a portion of the laws prevalent in the different Provinces, and even a part of those of 1867. They had entirely ignored the principle of uniformity. A portion of the proposed measure would lead to great errors which might have the effect of annulling the elections. If they did not enact uniformity, they might adopt the laws in force at the time of the elections in the several Provinces. He was a strong advocate of another amendment, namely, all the elections on one and the same day. This would avoid excitements or shorten them, to the advantage of the country. While elections took place in rotation, detrimental excitement and distraction were maintained. Moreover he did not like the clause giving the Returning Officer greater power than he had before—namely, by appointing a great many sub-officers, deputy returning officers, and poll clerks, to suit the new districts created, each of which was to consist of two hundred voters.

It was also proposed to confer upon Government larger powers in some respects than hitherto. He thought one or two officers should have been held in the several districts responsible to the

Government. They, feeling their responsibility towards the public appointing them, would have acted properly. The Government might thus carry their elections, but they might not long be in power. Another might succeed them, and it would be best that the returning officers should be selected from well known public officers. If not that, let Government name permanent officers, as in the Province of Quebec, such as the sheriff. He would prefer the selection of the Warden or Secretary-Treasurer of each county, considering their greater powers. Besides, the subdivisions would be more fairly made by a well known officer than by any other. The lists would have to be subdivided according to the county subdivisions, and who would be better qualified for the work than the municipal officers therewith connected? The returning officer would have to make the subdivision of the electoral lists. The Municipal Council would be better qualified for that duty. He would propose it should make the subdivisions, and that if it did not do so till the issue of the writs, it should be the duty of the returning officer to make them. The Council, however, would do the work much better than the returning officer.

Another abuse under the old law related to the assumption of the power of annulling voters' lists by returning officers. Thus large numbers of voters were disfranchised by persons assuming the duties of Parliamentary election committees. This stretch of authority had been in some instances the occasions of great trouble and difficulty in Kamouraska. Exasperated electors finding they were cheated out of their rights had prevented the elections taking place. He supposed that the same thing would have occurred in any other constituency under similar provocation. To avoid such abuses hereafter, he will move that no returning officer should have a right to question the validity of any list he might find registered at the registry office, and that he should use the list whether regular or not, and leave the matter to the trial of the proper tribunal, a Parliamentary Committee. Unless this were done they would witness a repetition of the scenes enacted in Lower Canada on several occasions. At least in ten instances masses of the electors had been disfranchised by these returning officers. In one case because an informal term was used by a certifying officer, "true copies" instead of "duplicate" in reference to lists of voters, the returning officer took upon himself to declare the lists illegal. A more monstrous abuse he had never heard of.

This Bill was an improvement in the clumsy one of last year, and because the views of the Opposition had in a great measure been adopted. At the same time that he would accept the Bill he would move two or three amendments to remedy the abuses or defects; he had indicated, namely, to give power to the Government to select returning officers from certain county officers, and limit the power of these officers to make subdivisions of electoral districts only in cases where the local municipality should not have done so; and also to limit the power of the returning officer, so as to prevent him from doing what had been done with so much abuse hitherto, namely, declaring whether a poll should be held here, there or elsewhere. (*Cheers.*)

It being six o'clock the House rose.

**AFTER RECESS**

**Mr. OLIVER** resumed the debate. He said the old bill passed in 1869 and reproduced in 1870 did not give satisfaction. It was objectionable because of the expense which it involved. The opposition to that measure was so strong on both sides of the House the Government were obliged to withdraw it. He had no objections to the general provisions of the measure now before the House, but he did not approve of the absence from it of the clause providing that all the elections should be held on the same day. It was found under the old law that when the elections were held on different days in different constituencies, that it led to corruption. So generally was this known and condemned that Ontario was opposed to any measure which permitted it, and he could not see why in Ontario, at least, the elections should all be held simultaneously. He regretted also that the system of voting by ballot had not been adopted throughout the Dominion as in Nova Scotia. It was the only true system of securing a fair representation of the people.

He objected also that no provision had been made to prevent gentlemen who were strangers in the country for years, from coming in and getting some candidate to step aside and allow him to run as representative of a constituency of which he could have but little knowledge. In certain constituencies it was well known that bribery was practiced. In the city of Toronto, especially, it was well known that the candidate with the largest purse generally carried the elections. Simultaneous voting, he believed, would be the best preventative of corrupt practices and if it could be extended to the whole Dominion, and the elections could all take place on one day, it would prove to be a most beneficial measure to the people.

**Mr. SCATCHERD** said that the law of 1842, which had been placed on the statute books by the present Finance Minister, remained almost unaltered to the present day, with the exception of the adoption of the registration system in 1853, so that during the last thirty years the law had remained almost unchanged. He approved of the amendment to hold all the elections on the one day, and would vote for a motion to that effect.

The Bill was read a second time, and referred to a Committee of the Whole House on Friday next.

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**SUPPLY**

**Hon. Sir FRANCIS HINCKS** moved the House into Committee of Supply, **Mr. STREET** in the Chair.

A few items were formally passed, dealing with the expenses of the Governor General's secretary, the Privy Council Office, and the Department of Justice. The Committee rose and reported, and asked leave to sit again.

**EXPENSES OF FENIAN RAID**

**Hon. Sir FRANCIS HINCKS** moved the House into Committee to consider certain resolutions affirming the expediency of indemnifying the Government for having authorized the issue of a special warrant for \$200,000, to provide for the defence of the Dominion in repelling the Fenian invasion in the month of May last. **Hon. Mr. GRAY** in the chair.

The Committee rose and reported concurrence to be taken on Friday next.

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**SAVINGS BANKS**

**Hon. Sir FRANCIS HINCKS** moved the House into Committee to consider certain resolutions on the subject of Savings Banks. **Hon. Mr. GRAY** in the chair.

**Hon. Sir FRANCIS HINCKS** said that in proposing the resolutions he would endeavour as briefly as possible to place before the House, the position of the Government on the question. There had been an old Act of the Province of Canada with regard to Savings Banks, regulating the mode in which these institutions should be conducted, which expired at the end of the last session, but was then renewed until the end of the present session. It then became absolutely necessary for the Government to consider the whole question as to the best mode of regulating these banks, and of making proper provision as to the manner of receiving deposits. On examining into the matter it was found that in all the Dominion there was but one Savings Bank, conducted strictly as a Government Savings Bank, and which invested all its deposits in Government securities, and that bank was in Nova Scotia. In the Province of New Brunswick there was a system under which a number of Collectors of Customs were agents for the Government in the management of Local Savings Banks, very much on the same principle as the Post Office system in Ontario and Quebec; that is, receiving the deposits and paying them over to the Receiver General, but in the city of St. John there was an institution managed by trustees, and therefore not strictly a Government Savings Bank, but which invested all its monies in Government securities. With reference to Quebec and Ontario, a law was passed very soon after the Union of the two Provinces, which established a system under which certain Savings Banks had been and were now conducted. Those Banks numbered five: three in Quebec and two in Ontario. Another law was subsequently passed, prohibiting the organization of any new Banks, but not interfering with existing institutions.

There were also in Ontario certain Building Societies which were allowed to receive deposits on certain conditions prescribed by law, and with these it was not the intention of Government to interfere beyond making stricter provisions as to returns, and particulars of transactions. Then there was the system of Post Office Savings Banks, which had been in



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operation for a considerable time, and had been attended with great success, but this system had never been extended beyond Ontario and Quebec. The amount now held in deposit by the Post Office Savings Banks was \$3,353,205, and of that amount \$293,717 only, had been deposited in Quebec, and the remainder, \$3,059,488, in Ontario; and it would therefore be seen that the Post Office Savings Bank system had been almost entirely confined to Ontario, the Province of Quebec having peculiar institutions of its own.

He desired most particularly to state that endeavouring to put the Savings Banks on a different footing, he had no reason whatever to doubt that the institutions in Quebec had been managed most creditably, and the Government in considering the question and submitting the resolutions, were actuated by no want of confidence in those institutions, but by the belief that the principle on which they were based was wrong in theory, although hitherto it might have worked well in practice. There were also in Ontario two small Savings Banks conducted on the same principle as those of Quebec, but which were comparatively unimportant. These Banks had absorbed the great bulk of the savings in Quebec, while in Ontario the bulk had been absorbed by the Post Office Savings Bank, and the remainder by the building societies. The Government proposed as far as Nova Scotia was concerned to make no change whatever, but simply to develop the system already in operation by letting the Banks there have branches in the different towns of the Provinces. With regard to New Brunswick they proposed to put the Bank at St. John which had hitherto been managed by Trustees, on the same footing as that at Halifax, placing all the other Savings Banks in the Province in the position of subsidiary offices, instructing them to deal with the head Bank at St. John in the same way as the Post Office Savings Bank of Quebec and Ontario communicate with the offices at Ottawa. Thus with regard to Nova Scotia and New Brunswick the change would simply consist in the development of the system now in operation.

He might mention that in all cases of Savings Banks which had been in operation for a number of years, there were certain sums that would never be called for and there had been correspondence between the Dominion and Local Governments as to the disposal of these sums, and it was now proposed that in the case of all accounts in which there had been no transactions, either of deposit or withdrawal, since the 1st of July 1867, the amounts of those accounts should be considered as placed in suspense, the Province not being charged with interest, but if at any time hereafter any such amounts should be called for they should be placed against the Province.

**Mr. YOUNG** asked what percentage those uncalled for amounts formed of the total deposits.

**Hon. Sir FRANCIS HINCKS** could not say as to that. With regard to such Banks as came under the Act to which he had referred as expiring at the end of the present session, he proposed

that that Act should be continued up to the end of the next Session, and that in the meantime the Banks should not have the choice of taking three different modes of putting themselves in a different position. Under the present circumstances, there were a certain number of gentlemen acting as Trustees, no doubt with the most benevolent feelings, and, of course, if it could be considered a sound system to expect that persons would always act in that manner, there would be no necessity for change, but these gentlemen had no interest whatever and no responsibility, and they received and dealt with large sums of money, the surplus profits of which were given to charitable institutions. However well that system might have worked hitherto, and he believed that in the generality of cases it had worked well, there had been exceptions to the rule both in Ontario and Quebec, and he could not think the system was so sound as to justify its being continued. Of the three alternatives proposed to be offered to the Banks, the first was to arrange their matters with the Government, handing over to them their assets, and allowing the Government to manage them as a Government Savings Bank.

The next proposition was that they should incorporate themselves with any chartered Banks in the Dominion, and become part of those chartered Banks, in that way affording depositors the security of the paid up capital of such Banks. The third alternative was that they should become incorporate themselves with a paid up capital, the minimum of which should be say \$200,000, but which they could extend as they might desire, and paying up 25 per cent of that capital by instalments, 10 per cent on organization, and the remainder subsequently, and being allowed to receive deposits on the same class of securities as they were now allowed to invest in, up to the amount of their capital, but beyond that investing in Government securities. With regard to the surplus which most of the Banks possessed, which had accrued out of past transactions, up to the time of their going into their new positions, it was proposed that that surplus should be invested in Government securities for the benefit of charitable institutions. The other parts of the resolutions referred to the returns to be made. If the Banks did not choose to accept any of the alternatives proposed, they would remain in their present position to the end of next session, and it would then be for Parliament to decide what should be done further—on which point, however, he did not wish to express any opinion prematurely. He trusted he had sufficiently explained the object of the resolutions.

**Hon. Sir A.T. GALT** suggested that he had said nothing as to that portion of the resolutions referring to the circulation of Dominion notes.

**Hon. Sir FRANCIS HINCKS** said that inasmuch as there would no doubt be principal Savings Banks at Halifax, St. John, Montreal, Toronto, &c., it had been thought that it would be very convenient to make the officers in charge of these Banks agents for issuing Dominion notes, as in no other way could that be accomplished more economically or satisfactorily.

**Mr. WORKMAN** asked whether under these circumstances the present arrangement with the Bank of Montreal would continue.

**Hon. Sir FRANCIS HINCKS** replied that that arrangement would then necessarily terminate, and in that way he calculated on a saving of \$157,000, the amount paid to the Bank of Montreal as compensation for abandoning their issue of notes.

**Hon. Sir A.T. GALT** thought that the reference to the redemption offices in Montreal, Toronto, and elsewhere disclosed the real object of the resolutions. The Minister of Finance proposed to make no change in Nova Scotia and New Brunswick, and he might add in Ontario also, but he proposed to give the Quebec institutions the chance of three alternatives. So far he did not see any great objection to the proposals, except as to the principle of the Government endeavouring to get all the Savings Banks of the country into their hands, which he thought might be carried too far. He thought the House would require some further explanation of the matter, and he trusted the Minister of Finance would be prepared to state the conditions on which the institutions could become incorporated, or could attach themselves to Banks already chartered. In his opinion the whole object of the resolutions was to establish a Bank of deposit for the Government. As the Minister of Finance intended to make the offices, offices for the issue and redemption of Dominion notes, they would have to have on hand the specie necessary for that redemption, and he also proposed that they should open Banks for Dominion stock, and that they should also be Banks of Deposit; and in fact they were banks of issue, the only difference being that in the mode of dealing with the sums received as deposits. He certainly had not anticipated the nature of the resolutions, and although there would be a future opportunity of discussing the matter, he felt it his duty to point out that the proposal was the establishment of Institutions having all the characteristics of a Bank of Issue except the name.

**Hon. Mr. DORION** said that as the Banks in Quebec had been well managed hitherto, as there were no complaints, as they had always paid the highest interest that could be obtained to their depositors, and at the same time had distributed larger sums among the Charitable Institutions, he did not see that the Government were in any way called upon to interfere. And as to the argument that the only security consisted in the character of the Trustees, he replied that hitherto that security had always been found sufficient. The two principal objects at present attained by these Banks, the payment of the highest possible rate of interest to depositors, and the distribution of a large sum among charitable institutions, would not be nearly so well secured by any of the alterations proposed by the Minister of Finance. If the Banks became incorporated with chartered Banks the interest would be reduced and the surplus applied to the benefit of the chartered banks, while if they became Government banks the Government would have the sole power of fixing the interest, and would appropriate the surplus.

He was glad, however, to see that it was not proposed that the surplus which some of the banks had accumulated should, on the banks becoming incorporated, go into the pockets of the incorporators, as had been the case in a measure formerly submitted, but that it should go to the purpose for which it was originally

intended—namely to charitable institutions. He thought the scheme proposed shewed a desire on the part of the Government to get control of all the spare funds in the Provinces. He had no objection to the rules as to returns being made more stringent, but he certainly thought that it would be much better to leave the institutions alone.

**Hon. Mr. HOLTON** asked the Minister of Finance whether he intended to meet the very strong point made by the hon. member for Sherbrooke, with reference to the proposed establishment of Sub-Treasuries, which his hon. friend had characterised as meaning in fact a bank of issue.

**Hon. Sir FRANCIS HINCKS** was certainly not aware that the hon. member for Sherbrooke had made any “strong point,” as he thought his hon. friend was the last in the House who could make a charge on the ground of the supposed establishment of a bank of issue, for his hon. friend had made much greater strides in that direction than he (Hon. Sir Francis Hincks) had ever made. His hon. friend had once attempted to establish such a bank, while he (Hon. Sir Francis Hincks) had always considered that the country was not prepared for it.

**Hon. Sir A.T. GALT:** Are you going to do it now?

**Hon. Sir FRANCIS HINCKS:** No. He entirely denied that the resolutions he had moved could in any way be construed to assimilate to a Government Bank of Issue. The amount of notes which the Government could issue was already prescribed by law, and it was neither the intention nor the desire of Government to seek an increase of that amount. His object was to devise ways and means of getting circulation about equal to that they had had through the Bank of Montreal, and he could say with the utmost sincerity that in bringing forward the resolutions under discussion, the Government had no desire whatever to endeavour to establish what the hon. member had called a Bank of Issue, or to force the circulation of Dominion Notes, but they had thought that the Savings Banks would be a convenient means of distributing those small notes, which it was their duty to supply, and it would be found a convenient way of keeping those notes in circulation. The word “Sub-Treasury” had also been used. In the United States that word was understood to mean a place of deposit for Government money, and he therefore desired to say that there was no intention to use the Savings Banks in any such way.

With regard to the remarks of the hon. member for Hochelaga, he wished to say that he was not proposing to interfere with any of the Banks at present. The resolutions offered three modes of organization on principles, and if the Banks did not accept any of those modes they would remain in their present position to the end of the next session, and it would then remain for Parliament to deal with them. As to the management of the Banks, it was quite possible that for a given term of years the management might be entirely satisfactory, and still the system might be unsound, and their having been managed well in the past was no proof of continued good management, and he remembered distinctly a case in Toronto, and another in Montreal, in which institutions of a

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precisely similar nature to those now intended to be dealt with had come to grief and had occasioned great loss. He considered that the resolutions would tend very much to increase the security of the public, and he could see no objection whatever to them.

**Hon. Mr. DORION** thought the depositors were the best judges of the security offered by different institutions, and that they ought to have a free choice in the matter. He instanced the deposits in the Montreal Savings Bank as being more than the deposits in any other Savings Bank as a proof that the public considered the principle on which that Bank was conducted sound, and while he did not object to any number of Government Savings Banks he thought the present institutions should not be interfered with, and that the public should be allowed to choose whatever Bank they pleased.

If the present managers of the Banks became incorporated, and were held responsible to the extent of their shares, they would expect some remuneration for their risk; and in consequence the profits going to the depositors and charitable institutions would be greatly reduced. Therefore he would say—let the Institutions alone, and let the depositors judge between the two systems.

**Hon. Mr. HOLTON** pointed out that two out of the three Savings Banks in Lower Canada possessed special charters, and would therefore not be touched by the resolutions, as they were not affected by the Act to which those resolutions referred. It therefore seemed to him that the resolutions, if they were intended to affect these Banks, were incomplete.

**Hon. Sir FRANCIS HINCKS** repeated that he did not think the resolutions necessarily affected any Bank.

**Hon. Mr. HOLTON:** Then he would say that the resolutions did not reach those Banks as they were in no way dependent on the Act that would expire at the end of this session.

**Hon. Sir FRANCIS HINCKS** said there was no desire to interfere with the charters of existing banks. This simply gave them power to organize in a different way if they chose, but there was no coercion exercised, it was purely optional with them whether to adopt these regulations or not.

**Hon. Mr. HOLTON** said it was quite clear that these resolutions did not embrace the special elections to which he referred, and they should therefore be amended. He quite agreed with the Hon. Minister of Finance that these institutions were not founded on a secure basis. It was advisable that they should be placed in a sounder position before anything should occur to shake the public confidence in them. The system was quite indefensible, and if serious disasters had not occurred under it during the last thirty years, it was only through the excellent management of those under whose control they had been.

**Mr. POPE** said that although the hon. minister proposed to allow these banks to comply with the Act or not, the Bill was so framed that unless they did so comply with its provisions they could not avail themselves of its provisions. It seemed to him (Mr. Pope) a scheme to squeeze the banks out of existence or bring them under the control of the Government.

**Hon. Sir FRANCIS HINCKS** said the only chartered bank that could be at all interfered with by these resolutions was the Bank of Montreal.

The Committee rose and reported and asked leave to sit again on Friday next.

**Hon. Sir FRANCIS HINCKS** presented a statement of receipts and payment to the 31st December, 1870.

The House adjourned at 10.15 p.m.



March 8, 1871

## HOUSE OF COMMONS

Wednesday, March 8, 1871

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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Several petitions were presented.

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### NEW BILLS

**Mr. YOUNG** introduced a Bill to incorporate the Dominion Life Association.

**Mr. CRAWFORD** called attention to the fact that there was a company in existence with almost the same title.

**Mr. YOUNG** thought it would be found that the title of the company he wished to incorporate was different from that of any now in existence.

**Mr. BEATY** introduced a Bill to incorporate the Toronto Corn Exchange Association.

**Mr. POPE** asked for leave to introduce an Act to authorize the Northern Railway Company of Canada to make agreements for the leasing, using and working of the lines of other companies in connection with their own.

The Bill was read a first time.

**Hon. Mr. LANGEVIN** presented a return of the distribution of the Statutes of 1870.

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### LACHINE CANAL BRIDGE

**Hon. Mr. HOLTON** asked the Minister of Public Works whether the papers relating to the construction of the bridge over the Lachine Canal would soon be brought down.

**Hon. Mr. LANGEVIN** replied in the affirmative.

### MONTREAL POST OFFICE

**Mr. WORKMAN** in the absence of Mr. Ryan, asked whether it is the intention of the Government to include in the Estimates this year an appropriation for the erection of a suitable building for a Post Office in Montreal.

**Hon. Sir FRANCIS HINCKS** said that the Postmaster General was perfectly aware that it was very desirable to have a new Post Office erected in Montreal. He had been for some time negotiating for a site, but had not yet been able to obtain a suitable one on terms that he considered reasonable. He was still engaged in looking for it very carefully, and was very anxious to secure a suitable site.

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### EASTERN AND NORTH AMERICAN RAILWAY

**Mr. WALLACE** asked whether it is the intention of the Government to make provision for a greater supply of rolling stock on the Eastern & North American Railway, so much needed to accommodate the rapidly increasing traffic on the road.

**Hon. Mr. LANGEVIN** said, the Government asked for a vote on the estimates to provide rolling stock for the Intercolonial Railway. The cause of the pressure on the Eastern & Northern Railway at present was that a large portion of their rolling stock was required on the Intercolonial, and the moment this fresh stock was supplied the pressure would no longer be felt.

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### COMMUNICATION WITH MANITOBA

**Mr. BOWN** asked whether any and what arrangements have been effected for the conveying of Immigrants *via* the Canadian route from Fort William to Fort Garry, during the next season of navigation, and if so, why the same has not been announced.

**Hon. Mr. LANGEVIN** said the Government had made arrangements for the conveyance of immigrants from Toronto to Fort Garry. The charge from Toronto to Fort William would be \$5 each, children under 12 years half price. Each immigrant would be allowed 150 pounds of personal baggage which would be conveyed free. Extra baggage would be charged at the rate of thirty-five cents per 100 pounds. Horses, cattle, farming implements, &c., would be conveyed at the rate of 35 per cent under tariff charges. From Fort

William to Lake Shebandowan, there was 45 miles to travel by waggon. Then 310 miles, by rowboats and steam launches, to the North West angle of the Lake of the Woods. Lastly, 95 miles by road in carriages from the North West angle to Fort Garry. The charge for the entire distance from Fort William to Fort Garry would be \$25. Children under 12 years of age half price. This sum covers 150 pounds of baggage for each immigrant, extra baggage being charged \$1.50 per 100 lbs. The route would be in readiness by the 15th of June next.

**Mr. BOWN:** Are any posts prepared for shelter on the way, and are provisions provided for immigrants?

**Hon. Mr. LANGEVIN** said the Government had provided places of shelter at the different portages on the way, and, of course, they would see that the Immigrants were not left without food.

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#### MILITIA ACCOUNTS

**Mr. PÂQUET** asked whether the Government is aware that accounts have been transmitted to the Militia Department—approved and signed by the Volunteer officers of the Berthier Company in connection with the annual drill of 1870, and that to this day the said accounts have not been paid; and whether it is their intention to repair this oversight which is of a nature to injure the cause which the Volunteers of that Company have, up to the present time, nobly served.

**Hon. Sir GEORGE-É. CARTIER** said that claims for drill had been regularly paid. A small claim of Captain Gagnon had been struck out, to be presumed, because it did not come under the head of drill expenses. If forwarded to the proper office it would have been attended to.

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#### STERLING EXCHANGE

**Mr. WORKMAN** asked whether the Hon. Minister of Finance notified all the Banks simultaneously when he asks them for tenders for Sterling Exchange, and whether any information is given, directly or indirectly, to any Banking Institution in advance of another.

**Hon. Sir FRANCIS HINCKS:** The Banks are notified simultaneously when such tenders are asked for, and no information is given, directly or indirectly, to any banking institution in advance of another. (*Applause.*)

#### SALMON POINT LIGHTHOUSE

**Mr. ROSS (Prince Edward)** asked whether it is the intention of the Government to place in the Estimates a sum for the erection of a lighthouse or a fog whistle at Salmon Point, in the County of Prince Edward.

**Hon. Mr. TUPPER** said the attention of the Government had been drawn to the subject and the matter was now under the consideration of the Government.

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#### TARIFFS OF GOVERNMENT RAILWAYS

**Mr. BOLTON** moved for an order of the House for copies of all correspondence between the Government or Department of Public Works and the manager, and previous managers of the Government Railways in Nova Scotia touching the management of and rates of Tariff to be enforced on said road since 1st July, 1867, with statement of tariff charges now in force, and of any and all changes that have been made in said tariff since date aforesaid, with copies of all reports and detailed statement of accounts of income and expenditure rendered by said managers since said date. He made some remarks which were indistinctly heard in the gallery, but was understood to say that the Minister of Public Works must have discovered that there was a deficiency instead of a surplus in the receipts from the line during the last year.

**Hon. Mr. LANGEVIN** said he did not see how he could be gratified to find that instead of having a surplus there was a deficit. But if the hon. member would add to the working expenses of the railway the extraordinary repairs required, and make allowance for the excessive expenditure, he would find that there was an increase in the receipts of the lines. He (Hon. Mr. Langevin) contended that, taking an average of the working expenses of the different years, there was this year a surplus of \$3,000, and last year a surplus of \$14,000, and he really believed the surplus was increasing, and the hon. member would be gratified next year to see a surplus.

**Hon. Mr. McDOUGALL (Lanark North)** said it was undesirable an impression should go abroad that these lines were in such a satisfactory condition. He believed, when the returns now moved for were brought down, and the matter should be fairly considered, that if the repairs of the roads were taken into account, the keeping up of the rolling stock, the expenditure which was necessarily connected with railways to be made from year to year, and which really formed the true running and working expenses—when all that was taken into account, he thought the hon. member would find that he was leading the House to believe that the state of affairs was more satisfactory than the facts warranted. It was desirable that those roads, in every point of view, should pay something more than working expenses after making a fair allowance for repairs, but, at present, the traffic over those lines and the expenses of working them, especially by the Government, were

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such that they could not hold out any hope to the people of this country that any profit would be derived from them.

**Hon. Mr. LANGEVIN** said that his remarks about the state of the roads, culverts, bridges, &c., applied to the rolling stock also. Large expenditures had been made in all these matters.

The motion was carried.

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#### THE FRANKING PRIVILEGE

**Mr. THOMPSON (Haldimand)** moved that an order of the House do issue directing the Postmaster General to instruct each Postmaster in the Dominion to take an accurate monthly account of all franked or free matter deposited or received at their respective offices, for twelve months, commencing 10th March next, and to make a special report to this House embracing the following particulars: vis, the number of franked or free letters, and amount of postage that would be chargeable thereon at the established rate of postage; the weight of franked or free matter other than letters, and the amount of postage that would be chargeable at the established rate of postage; also that the Clerk of this House furnish a detailed statement of amount paid for telegraphs by any officer of this House or by heads of Departments or employees of the Government. He was understood to say that he intended to introduce a measure to do away with the franking system.

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#### CONVICTS IN PENITENTIARIES

**Mr. HARRISON** moved for returns of all convicts in Kingston, St. John, and Halifax Penitentiaries. The motion, he said, had been amended in accordance with the suggestion of the Hon. Minister of Militia, and the initials of convicts was all that he asked for.

**Hon. Mr. HOLTON** said he did not see the necessity of taking this precaution. The returns would hardly go forth to the public.

**Hon. Mr. McDOUGALL (Lanark North)** entirely dissented from the view taken by the Minister of Militia. The sentences passed on criminals were not only as a punishment for them, but as a warning to others, and he thought it inconsistent with the principles of Criminal Justice that their sentences should be forgotten. He thought it most desirable that all the names of all the prisoners should be published, as in many cases circumstances might have occurred which mitigated the guilt, and justified their release, but having no friends and no influence at court, they had no means of obtaining a reconsideration of their case. As to the names being withheld in consideration for the prisoners, he thought they had no right to any such consideration.

**Hon. Mr. CAMERON (Peel)** said he thought the hon. gentleman had replied to his own argument. He had said it might turn out that many persons were not so guilty as had been supposed. Then why publish their names?

**Hon. Mr. McDOUGALL (Lanark North):** So that their cases could receive consideration.

**Hon. Mr. CAMERON (Peel)** thought the names should be withheld in consideration of the unfortunate families of the prisoners. The principal object of his hon. friend who had made the motion, was to ascertain whether there was any uniformity in the mode of administering criminal justice through the Dominion. He believed there was a very great difference in cases where the punishment was discretionary. He remembered a case in England of two Judges who had very different views of a certain description of larceny. On one occasion two men robbed a hen roost and one being caught was sentenced by the more lenient Judge to three months imprisonment. Thereupon the other gave himself up trusting to receive similar punishment, but chancing to be brought before the severe judge he was sentenced to seven years transportation.

**Mr. HARRISON** said in bringing the motion, his object had been as stated by the hon. member for Peel, to ascertain the amount of uniformity existing in the administration of criminal justice throughout the Dominion, and he considered his object would be fully attained by the publication of the initials. The convicts had been punished for crimes, but he did not think their relatives should have any unnecessary punishment.

**Mr. YOUNG** with reference to the remarks of the hon. member for Peel, he himself remembered an instance in which two lads having been convicted of the same crime, one had been sent to the Common Jail for twelve months and the other to the Penitentiary for life, simply in consequence of being tried before different Judges, and no doubt many such cases had occurred.

**Mr. HARRISON** also remembered an instance in which two men having jointly committed an offence, one was sentenced by a lenient judge to six months in the Common Jail, and the other by a severer Judge to six years in the Penitentiary.

The motion was carried.

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#### IMPORTS OF GRAIN, FLOUR, &C.

**Mr. ROSS (Dundas)** moved an address for a return of the quantity of grain, flour, and meal imported into the Dominion for the year 1870, shewing the amount imported free, and the amount paying duty, and hoped the return would be brought down very shortly.

**Hon. Mr. TILLEY** said there would be no objection, and the return would be furnished with the least possible delay.—Motion carried.

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### GRAND TRUNK RETURNS

**Hon. Mr. HOLTON** moved for an order of the House directing the Grand Trunk Railway Company to comply forthwith with the order of this House issued on the 17th February. He said certain returns had been moved for in the early part of the session, which unless furnished immediately would be too late to allow of any action during the present session. If the books of the Company were properly kept, any expert accountant could prepare the returns asked for in two days.

**Hon. Mr. CAMERON (Peel)** said that he had been informed that the information had not yet been supplied, because the returns had not been completed.

**Hon. Mr. HOLTON** asked whether the hon. gentleman could say when they could be completed. He thought the officers of the Grand Trunk Railway should not try to thwart the House in that way, as there was no doubt that the returns might have been completed a fortnight ago.

**Hon. Mr. CAMERON (Peel)** was informed that it was utterly impossible that the returns could have been completed sooner, and they would be supplied in the course of a fortnight. There was no desire on the part of the Company to place any difficulty in the supplying of the returns.

**Hon. Mr. HOLTON** said Mr. Brydges had written a letter, stating that the returns were not in the possession of the company, but that the statement would take a considerable amount of preparation. The returns ordered by the House included the gross earnings of the Railway during the years 1867, 1868, 1869 and 1870, the working expenses for each of those years, and the sum paid as interest on debt; and he maintained that there was nothing in the nature of these returns which have prevented them being furnished a fortnight ago, and he thought that the statement, that another fortnight would elapse before the returns could be obtained, was equivalent to treating the orders of the House with utter disregard, and he trusted the House would know how to preserve its dignity, if its order was not immediately complied with.

**Hon. Sir GEORGE-É. CARTIER** was surprised to see the hon. gentleman in such a state of unnecessary fury and excitement.

**Hon. Mr. HOLTON** raised a point of order; that the hon. gentleman was not justified in saying he was in a state of fury and excitement.

**Hon. Sir GEORGE-É. CARTIER** said that when patients got excited and confused about nothing, physicians sometimes found the best thing to be done was to make them laugh, and noticing by the smile on the hon. gentleman's face that he had accomplished that object he acknowledged the call to order. The Return asked for was of very great magnitude, and considering the immense size of the Grand Trunk, the fact that it was divided into sections, each with its centre, he thought it could not be said that there had been any unnecessary delay, for even with the advantage of having all information on the spot, Government often found themselves unable to supply returns asked for without considerable delay. He was sure that no delay had been caused by the Grand Trunk intentionally, although they might take exception to making any returns beyond those prescribed by law, but he was sure they desired to meet the wishes of the House in the matter.

**Hon. Mr. CAMERON (Peel)** said that the returns prescribed by law were made in the months of April and October, and the information asked for had already been published up to the 1st July, 1870, but it could not be furnished up to the end of that year until the returns had been audited, but he was authorized to say that the whole matter would be before the House within a fortnight.

**Hon. Mr. HOLTON** said he was somewhat surprised to hear the Minister of Militia affirm that there could be any doubt as to the right of the House to order the returns in question, especially as the Grand Trunk Railway appeared in the public accounts a debtor to the extent of \$25,000,000.

**Hon. Sir GEORGE-É. CARTIER** said when he had explained this matter, he thought the hon. member for Châteauguay would see that he was correct. He had intended that the Grand Trunk Railway might object to furnish every information that might be asked by any member of that House, on the ground that it related to their private affairs. For instance, if he were to take a particular section of the road, say from Toronto to Stratford, and ask for a return showing the undue profits of contractors and stating in what condition the road had been when handed over by the contractors, would not his request be fairly objected to? The Grand Trunk were not obliged by their Act of Incorporation to make the returns asked for, but knowing that they were subject to the Legislature they were desirous of complying with its wishes.

**Hon. Mr. DORION** said the rule as to information that could be obtained was very simple. All corporations created by Parliament were bound to make all returns demanded by a majority of that Parliament. The point had been set at rest years ago, when the late Mr. McKenzie had moved for a return of the names of Directors of Banks. That motion had been opposed by the Government, but the majority of the House had adopted it, and since then the right of the majority to ask for any information they chose had never been questioned.



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The motion was then carried.

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### PRESQUE ISLE

**Mr. KEELER** moved an address for copies of the correspondence between the Department of Marine and Fisheries and the Government of Ontario respecting lands on the peninsula of Presque Isle, Township of Brighton, with the report of the late survey and valuation of the said lands.

**Hon. Mr. TUPPER** said there would be no objection to the production of the correspondence asked for.

Motion carried.

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### ARRIVAL AND DEPARTURE OF MAILS

**Mr. MILLS** moved that an Order of the House should issue for returns of hours of arrival and departure of mails at Montreal, Kingston, Ottawa, Toronto, and Sarnia, with the regulation time for the arrival and departure of the said mails.

**Hon. Mr. TUPPER** suggested that some time should be named over which the information was desired to extend, and there would then be no objection to its production.

**Mr. MILLS** amended his motion so as to require the information since the 1st October, 1870.

Motion carried as amended.

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### ST. PETER'S CANAL

**Mr. MACDONALD (Glengarry)** moved an address for a statement of tolls collected on the St. Peter's Canal since it was opened; also the number of vessels which pass through the canal, with their names and tonnage; also the names of employees on the canal, with their emoluments; and the report of the Engineer or Superintendent in charge.

**Hon. Mr. TUPPER** in the absence of the Minister of Public Works, stated that the gentleman, finding that no tolls had ever been collected on this canal, had addressed a letter to the hon. member for Richmond, enquiring as to a proper rate of tolls, and had been informed in reply, that there had been an understanding that no tolls would be collected for the first three years, and that correspondence

was still going on to ascertain what the understanding amounted to, and on what it was based.

**Hon. Mr. McDOUGALL (Lanark North)** asked between what parties the understanding was alleged to exist.

**Hon. Mr. TUPPER** said that Mr. Le Vesconte had merely stated that such an understanding existed.

**Hon. Mr. McDOUGALL (Lanark North)** thought that the Minister of Public Works should be corresponding with someone in Nova Scotia to ascertain whether some person had made an arrangement with some one else that no toll should be collected,—as no arrangement that could be supposed to exist could possibly be binding on the Government of the Dominion, it seemed to him that the principle involved should be at once repudiated when brought before the House.

**Hon. Mr. LANGEVIN** said that the question of levying tolls on this canal had not escaped his attention, and he had caused a tariff to be prepared, and had consulted the Hon. Mr. Le Vesconte as to whether that tariff would be suitable. That gentleman thereupon informed him that when the canal was undertaken it was understood the tolls would not be collected for three years after its being opened. He (Hon. Mr. Langevin) had thereupon taken means to ascertain the nature of that understanding, and of the document on which it rested. The tolls could not be enforced till the spring, and therefore no time would be lost, but he had thought himself bound to make proper enquiry as to the alleged understanding, but he had no intention of leaving the canal free from tolls, unless there should be any binding arrangement in the matter.

**Mr. MACDONALD (Glengarry)** had noticed that there had been no tolls collected, and had consequently placed his motion on the paper, as he thought it strange that an enlargement should be contemplated in a work from which no revenue was derived. He certainly had never before heard such an explanation as had been given in this matter, and when the question of the Bay Verte Canal should come up, he thought it would be necessary to make the strictest enquiry into the matter, before allowing any expenditure. He believed the St. Peter's Canal was in a very bad condition, and perhaps, as it yielded no revenue, the sooner it was closed the better.

**Hon. Mr. HOWE** was not aware of the very bad condition of the St. Peter's Canal, but as the contractor had come from Glengarry such might be the case. When Nova Scotia was constructing her railways, Cape Breton came forward, asking only in return that this little canal should be cut, giving access to one of the most magnificent inland sheets of water in the Dominion, opening up an important fishing settlement, and opening up the coal mines of the interior. While in progress he had great doubts as to its utility, but he was now persuaded that it would prove of great value as a commercial communication. He might say that he had no

cognizance whatever of any arrangement for freeing the canal from the payment of tolls, but as Mr. Le Vesconte, who was more intimately acquainted with the matter than any one, had stated that such an arrangement did exist, the Minister of Public Works had only made proper enquiry into the matter.

**Mr. ROSS (Victoria)** said the canal was of the utmost importance to the people of Cape Breton, and a very large amount of tonnage had passed through it, and as it was now necessary that it should be enlarged, he urged the Government to put something in the estimates for the purpose.

**Hon. Mr. McDOUGALL (Lanark North)** thought they had not received much light on the matter of the alleged agreement. It was usually understood that two parties were necessary to an agreement, but in this case, although the Nova Scotia Government might prove to be one of the parties, no one could tell who the second was. He was not at all opposed to the St. Peter's Canal, and would vote for a sum of money to put it in repair. The work had been a long time under construction, having been begun years ago by Mr. Le Vesconte and another gentleman, who, acting as Commissioner, had gone to the place and hired people in the vicinity and commenced the work. Subsequently an engineer was sent down, but the local parties took the matter into their own hands, and pulled up the stakes, and the engineer left in disgust. The work was still in course of construction at the union, and had then been taken in hand by the Department of Public Works and been given to a contractor. The depth of the canal was 74 feet, cut down through a ridge of land, and consequently the sides were very liable to fall in. The original estimate for the construction was £36,000 but Nova Scotia had expended \$160,000, and the Dominion over \$90,000. He thought this a further illustration of what he had stated on a former occasion, that before any works were taken in hand the most accurate and reliable information and details ought to be obtained. He did not wish to deprecate this canal, but he thought it would be found that the 500 vessels which, it had been alleged, had passed through, consisted of some half dozen passing backwards and forwards.

**Hon. Mr. TILLEY** said he merely rose to take exception to some remarks which had fallen from the hon. member for Glengarry, who had referred to a very important work to New Brunswick, the Bay Verte Canal. Those remarks were peculiarly objectionable to the people of the Lower Provinces, because in the event of a change of Government ever taking place it was understood that the hon. member would be Minister of Public Works, and therefore the spirit manifested by that hon. member was anything but encouraging to the Maritime Provinces, as he had indicated an exceedingly sectional feeling. He (Hon. Mr. Tilley) only regretted that the hon. member's visit to those Provinces had not enlarged his views, and he would therefore certainly urge him to repeat that visit. Although much had been said about handing over the railways and canals of New Brunswick and Nova Scotia to the Government, not a single member ever suggested that those of Quebec and Ontario should be handed over, and yet, looking at the whole canal receipts of the Dominion, the receipts were not much

beyond the expenditure. It was with deep regret, therefore, that he had listened to the remarks of the hon. member for Glengarry, and he only trusted that his views would become more enlarged.

**Mr. JONES (Leeds North and Grenville North)** thought the hon. member for Glengarry should become Minister of Public Works; if he only continued to manifest the same economical spirit, he would be the most popular man the country had had for some time. The system of log-rolling, far from merely prevalent in Ontario and Quebec, seemed to have existed in the Lower Provinces. Because one place received a railway, another had to get a canal.

He thought this system of log-rolling should cease all over the Dominion. While fifty millions had been spent in the construction of railways and canals along the frontier of the country abutting upon the American border, nothing was devoted by the Government to opening up the interior of the country, to building railways or canals by the Ottawa valley. Interior works of this kind could secure a saving of many miles in carrying goods and passengers between the east and west. He would vote for no canals or other public works in whatever locality till the interior of the country received justice in the manner he had indicated—till the Ottawa region has been properly thrown open to trade and commerce. (*Cheers.*)

The motion was carried.

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#### STERLING EXCHANGE

**Mr. WORKMAN** moved for an address for a return of the total amount of sterling exchange purchased by the Dominion Government during the year 1870 and to the present, shewing the rates paid and from what banks purchased, stating the amount in Canadian Bank Bills, and the amount in Bills drawn outside the Dominion.

**Hon. Sir FRANCIS HINCKS** stated the Government had no objection to the motion. Carried.

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#### RIVER SURVEY

**Mr. COSTIGAN** moved for an address for the report of the officer sent to make surveys of the Rivers Madawaska and Saint John. He spoke in support of his motion, but was for a part of the time inaudible in the reporters' gallery. He did not agree with the Commissioner of Public Works as to the diminished importance of improving those rivers in the interior of New Brunswick, in view of the construction of the Intercolonial and Woodstock and St. Andrews railways. He urged the need of the improvement of those streams, and pointed out their utility in the promotion of the

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development and trade of the country. North eastern New Brunswick had been rather neglected in this matter, he feared. The improvement of the Madawaska and Saint John was absolutely necessary, and hardly any other boon would be a compensation for it.

**Hon. Mr. LANGEVIN** said, Government had no objection to grant the address. He did not seem to have made himself understood the other day when he spoke on this subject. He had said, that certain indispensable improvements on works would be provided for, but as to the larger improvements they would have to be considered in connection with the route of the proposed railway along the Saint John. If there was to be a railway, it would materially affect, perhaps, the prospects and position of river or canal ameliorations. All that was thought wise and needful would be undertaken at the present.

The motion carried.

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#### HAMILTON-PORT DOVER ROAD

**Mr. THOMPSON (Haldimand)**, moved for the Engineer's report and correspondence respecting the Hamilton and Port Dover Plank and Stone Road Company. He gave some information to the House on the subject of his motion. The parties interested in this matter called upon the Government to do them justice in regard thereto. Their previous communications with the Government had unfortunately borne no fruit. He hoped for an end of delays, and some becoming action at last. (*Hear, hear.*)

**Mr. LAWSON** said he could confirm what had been stated as to the great need of the road referred to, and the great inconvenience to the people of the region suffered under the present circumstances. The Government should take immediate steps to supply the want felt, and to give a useful communication to a section devoid of railway facilities. If there were any additional papers since 1869, they might be added to those already asked for. (*Hear, hear.*) He would move to this effect if necessary.

**Mr. MAGILL** said he was glad this motion had been proposed. The matter was undoubtedly important, and he hoped the Government would so regard it. The road to which the motion referred ran through an important section, furnishing the communication between Lakes Erie and Ontario. The road was so bad that he thought the people in that section had just cause for complaint. Now that they were so anxious to have Canadian railroads and canals improved, he thought a road so useful as this demanded efforts on the part of the Government, to remove defects that constituted a substantial grievance, and one that had existed too long. This was a question of practical utility, the merits of which the country could understand. (*Hear, hear.*) He did believe the loyal people of that region deserved some consideration in this matter.

They should not, by gazing at schemes a long way off, lose sight of projects of value near at hand. (*Cheers.*)

**Mr. RYMAL** concurred in the remarks of the hon. member as to the necessity for the improvements mentioned, and the claims of the people therein interested. The road had long been in a wretched state so that it was indicted as a nuisance at the Wentworth Assizes, and the tolls were ordered to be taken off. In spring it would be utterly impassable by teams. It was one of the most important in Canada, connecting two important points of country. He hoped, therefore, the Government would exhibit some policy in reference to a great public road of this nature. (*Hear, hear.*)

The motion was carried, in a form to embrace information accruing since the last return.

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#### THE INTERCOLONIAL RAILWAY RETURNS

**Hon. Mr. HOLTON** inquired of the chairman of the Intercolonial Railway Commission when the various returns ordered by the House would be brought down. That gentleman was aware the Committee of Public Accounts had had to stand still for want of them. Some of them were voluminous, but others were not so voluminous as to prevent their early submission.

**Mr. WALSH** replied that the whole of the returns ordered by the House would be brought down tomorrow. He had thought it more convenient in the interests of the Public Accounts Committee that they should all be brought down together.

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#### INDIAN TREATIES

**Hon. Mr. HOWE** submitted returns in answer to an address of the House dated 3rd March, 1870 for copies of all treaties, surrenders of lands, or agreements between the Crown and any of the Tribes of Indians located within the Provinces or Territories comprised within the Dominion of Canada; also between the Hudson's Bay Company and any Tribe of Indians, so far as such documents may be in possession of Government. (Sessional Papers No. 30.)

**Hon. Mr. HOWE** said they seem very voluminous, but he left it to the House to decide what should be done with them—how much should be printed and in what form. If there was anything which the people and the Government of the country could look back upon with considerable pride, it was their transactions with the Indians within their territory. It was quite a question whether this file of papers, which included records so honourable to the whole people

of this Dominion, should not be prepared and presented in some acceptable form. He threw out the suggestion to the House as timely. When they contrasted the manner in which the Indians in British America had been treated, with that in which those on the other side of the line were, it was impossible to deny that the policy of the British Americans had been not only just and generous, but successful. He moved that the returns be submitted to the Committee on Printing.—Carried.

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#### PROVINCIAL BUILDING AT HALIFAX

**Hon. Mr. HOWE** also laid on the table copies of all correspondence between the Government of the Dominion and that of Nova Scotia touching the public buildings at Halifax.

**Mr. LAWSON** who was indistinctly heard in the gallery, recommended the printing of portions of the Indian papers, embracing their names.

**Mr. CAMERON (Huron South)** ridiculed the notion of printing so much as was recommended. He thought it would be perfectly absurd to get these returns printed, when, he ventured to say, not one in a thousand would ever read them. (*Laughter.*)

**Mr. LAWSON** said it was considered, as far as the Government were concerned, an important matter. Although the last speaker might have no taste for such matters, they had no reason to be ashamed of the treatment of the Indians, but there were some complaints on the part of certain tribes that the treaties had not been carried out. When he moved in this matter he did not think the papers would have covered so much ground; but it seemed to be the wish of the members and of the Government that he should proceed, and he had done so. The country, and the people he sought to benefit, would know how to appreciate the motives of the hon. gentleman who ironically suggested the printing of the names of the Indians.

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#### INSURANCE RETURNS

**Hon. Mr. HOWE** submitted returns showing the number of Insurance Companies which had made deposits according to the Act.

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#### THE SUPPLIES

**Hon. Sir FRANCIS HINCKS** moved that the House receive the report of the Committee of Supply.—Carried. The items previously adopted having been concurred in, the Finance Minister moved that,

on Friday next, the House resolve itself into Committee of Ways and Means.—Carried.

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#### EXTRADITION BILL

**Mr. MILLS** moved the second reading of the Bill to authorize the extradition of persons from the Dominion of Canada charged with having committed crimes in the United States and other foreign countries.

It being six o'clock the House rose.

#### AFTER RECESS

**Mr. MILLS** said in submitting the present Bill for a second reading for the approval of the House: I feel that I am doing an act in the interests of civilization. I am sure that no one in Canada can be desirous that this country should be made a land sacred to every species of human villainy committed abroad. By this Bill I only propose to confer upon the executive department of the Government a power that many able lawyers and jurists have held it possesses. At the present time a different doctrine prevails; and the ministry here would not advise the surrender of a criminal, however atrocious his act might be, unless required to do so in fulfilment of some treaty obligation. Sir, I have no fear that the power conferred by this Bill upon the administration will be abused. I have never proposed any great degree of confidence in the Minister of Militia or his colleagues, but I am not afraid that any ministry responsible to Parliament for their conduct will so far abuse their power as to make this country an insecure asylum to those who have been elsewhere simply political offenders. It is well known to members of this House who have considered this subject that three distinct doctrines have been held by jurists and writers upon public law. 1. That to surrender a criminal who has taken refuge in a foreign country, is a matter of perfect obligation. 2. That it is a matter of imperfect obligation or comity resting with the Executive Department of the Government to exercise upon its own discretion. 3. That it is not even a matter of comity unless made such by positive law. If we look, sir, into the history of this question, we will find that each doctrine was the outcome of peculiar political circumstances and of the laws of social growth. Each in its own age, in some degree at least, shows that the instincts of humanity have always succeeded in devising means of keeping in check the instincts of violence. Under the Dominion of the Roman Empire the doctrine of perfect obligation was necessarily recognized, and it is not difficult to understand that the Government which would refuse to surrender a criminal to the republic was looked upon as a party to the offence. I don't wish to be understood as maintaining that there was then such a thing as public law. The law of nations then was used in contradistinction to the law of the Quirinal and as

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synonymous with the law of nature. It was a name given to those features of the municipal law which were everywhere the same, and which, from the power of the Republic and the Empire gave to it some of the characteristics of modern Public Law.

The second doctrine is that extradition for crime as a matter of comity grew out of the state of society during the middle ages. It is of feudal origin, and had not reference so much to ordinary crimes as to political offences. Ordinary criminals seldom sought refuge abroad. It was unnecessary. The forests were in every country large, the places of concealment numerous, the topography of every country but imperfectly known, the criminal class large, so that the robber or the assassin seldom felt that it was necessary to go beyond his own frontier in order to find a safe retreat. When the struggle in Western Europe began between the Great Barons, or between rival houses of the nobility, it was common for the defeated party to seek safety abroad. He could not, or at least would not, seek safety in obscurity within his own country. There was something chivalrous in making a country a secure retreat for the nobleman who had been compelled to fly from the *concilium regium* of his own country, to become an exile at a foreign court. Each country became to political offenders from every other, what the church and the monastery had long been to offenders of an earlier period—a safe retreat to the helpless; and the surrender of a political refugee was generally viewed as an act dishonourable to the government which made it. There was as yet no such thing as Public Law.

After the downfall of the Roman Empire which from its extent imperfectly served to meet the wants which the absence of International Law created, the instincts of man suggested a substitute. There was in the political as in the religious world, a longing for the just and the true, and with Otho the Great, came the Holy Roman Empire which was to serve as an arbiter between the States of Europe. It was not until modern society had made a good deal of progress, and the period of violence had come to an end, that it became common to surrender criminals. There was, in fact, before no necessity for it. The crusades had done much to break down the barriers of national ignorance and isolation. The growth of commerce had done still more. The products of the interior had forced the highways to the coast. The executive of every country turned its attention from internecine wars, to the array of criminals that had grown up in the heart of the state from neglect, and the criminal sought abroad the safety he could no longer find at home. But the idea which had grown up in connection with the surrender of political offenders had taken too firm a hold upon the minds of public men to permit the ancient doctrine of perfect obligation ever again to regain the ascendancy.

It will be seen from what I have said that the doctrine is much broader than the class of facts in which it originated would warrant. Writers like Grotius and Vattel had asserted the doctrine of perfect obligation, but in doing so they reasoned rather from principles they believed to be just, than from well established usage. It may be confidently asserted that from the day of Philip Augustus to the Revolution in France, and from the period of Edward IV to the fall

of the House of Stuart in England, the monarch gained power at the expense of the aristocracy, and during this period, as a matter of practice, the right of asylum, notwithstanding treaties of extradition, was strongly asserted.

Then, whenever a representative body became the aggressive element in the government of the State, and won back to itself by slow degrees that power which the king in the former epoch gained from the decaying power of the barons, this spirit of limiting the prerogative power of the executive was not confined to the legislative departments of the Government but extended itself to the courts. In England, especially since the accession of William III, the courts have on the whole shown a strong inclination to act in consonance with the spirit of the commons, and to admit no power of prerogative simply growing out of the nature of the functions to be performed, but, on the contrary, to deny the existence of every power, which cannot be traced to direct legislation, or to well established and long continued practice. The power of the Crown, therefore, to make surrender of criminals who may have sought an asylum upon British soil has been denied by the courts, not because of any obvious abuse that could well grow out of its admission; this denial is only a manifestation of the wakefulness of the spirit of liberty—jealous, yet uninstructed—always active—always vigilant—groping its way slowly along the confines of political knowledge, and sweeping away before it in the interest of freedom, powers which made the executive efficient as well as powers which made it dangerous. The moment, under our English system that it began to be denied that the extradition of criminals was a matter of perfect obligation, it was obvious that the Crown could not maintain its claim to exercise this power as a matter of comity. Why it could occupy this middle ground is easily understood. It would indeed be absurd to say that a State was under obligation to extradite criminals, and at the same time to maintain that no department of the Government had the power to execute the obligation that public law imposes upon the nation. When extradition began to be treated by publicists as a matter of comity, it is not difficult to understand how it was that the existence of a discretionary power in the Crown began to be denied. In fact this prerogative right to extradite criminals is one that could only live while it had a perfect obligation to support it.

**Mr. MILLS** here reviewed at length all the English, Canadian, and American cases of extradition, and showed the change in the opinion of the Courts without any legislation upon the subject. He referred to the opinion expressed by the court in a celebrated case at Calcutta, to the opinions expressed by the Law Lords in the Creole case, and to a speech of Sir Samuel Romilly on the alien Bill as early as 1818. He said:— I don't think it ought to be a task of either great difficulty or great delicacy, to provide that when a criminal flies to this country, that he shall not find here immunity from the punishment his crime deserves: I trust, therefore, in undertaking to confer this power upon the Executive of Canada, I shall not find in this House any fear of a reform so necessary, or any feeling of dislike or distrust in the United States that will prevent us doing an act, not so much of justice to them, as to ourselves; an act that will

go far to prevent this country becoming a place of refuge for a very dangerous class of persons. We cannot have any wish to win the admiration of a class of desperate men by making them feel that so long as they keep outside of the treaty they will find this country a land of safety and peace to human villany.

We have had of late striking illustrations of the tendency of events in this particular. We have had men seeking legal advice with the view of ascertaining whether certain acts would bring the doers within the terms of the Extradition Treaty or not. I say to permit any such persons, deliberately employing the instruments that have been called into existence for the security of life and property, the promotion of justice, and the defence of innocence against fraud and outrage, to feel that there is in any civilized country immunity for such offenders, is the disgrace of our age. It is notorious that the criminal law has not kept pace with the progress of society, and rules and principles that were sufficient in a former epoch are altogether unequal to the exigencies of our times. In most of the States of Continental Europe the criminal law is held to be personal, and, being personal, accompanies the party wherever he may go. The Prussian or Dane who commits murder in England, is guilty of murder by the law of his own country as well as by the law of England. If he escapes to his native country he is not extradited, because he had made himself liable to be there punished.

The criminal jurisprudence of the common law is of very different principles. Wherever it prevails, crime is territorial, and a British subject who has committed a crime abroad, not embraced in any treaty stipulation, or any crime in a country with which England has no treaty, is not less secure from punishment than a stranger and alien, except when by legislation the Common Law principle has been departed from, and it is because this is the case that in England and the United States when a party is charged with a crime under the Extradition Treaty, his nationality is immaterial. I have no doubt whatever this may be, I think the criminal for all ordinary offences should be extradited to the place where his crime has been committed. The witnesses both for the prosecution and the defence are most likely to be there. To try a man far away from the locality in which the crime with which he is charged has been committed; with none of the witnesses by which his defence may be made good near; with no power to compel their attendance, might sometimes prove a practical denial of the necessary means of defence. It is in the locality in which the crime has been committed that justice calls most loudly for the punishment of the offender. It is there that the example of the punishment is most needed. It is there, too, that the right and burden of retribution properly belongs.

Let me give an illustration of the importance of this measure. A gentleman from Prescott, with his family, might cross the St. Lawrence to Ogdensburg, his wife and his daughters might there be grossly outraged, and the criminal might cross the river to Prescott and he is secure. As our law now stands he is safe from punishment,

even though he is a resident of Prescott. This, no doubt, we can remedy by the necessary legislation, and it ought to be done. But can we provide here for the punishment of an American for an offence committed upon American territory and within the jurisdiction of the American courts? We can, in effect, do this by his extradition; we can enable our Government to send him back to await there the punishment due to his crime. I do not propose to go further than to enable our Government to treat this matter of extradition as a matter of comity; but it ought never to be forgotten that although a matter of comity, it is a power that should be exercised as readily and as promptly in the interests of justice and good neighbourhood, as if it were a matter of obligation. I think, too, we ought not to stand up and say to a foreign state, "We will not permit you to punish for any other than the specific offence for which the party has been extradited," when that other offence is one for which he might have been extradited. He is extradited for forgery, but on the trial it clearly appears that the crime was larceny, and he is acquitted, and escapes punishment altogether; or, like Lamirande, is convicted notwithstanding the evidence to the contrary. If we, in this matter, seek for a general principle upon which to base our policy and by which, as a matter of jurisprudence, it can be explained and defended, we shall find no other than this, that once the party charged with crime is in the hands of the Government demanding him, their power over him, as a matter of right, should extend to every crime for which extradition may be had. A more narrow and less rational basis can serve no other purpose than to occasionally defeat the ends of justice.

Mr. Mills then defined the provision of his Bill as to piracy by the Law of nations. He explained the decision of the Court of Queen's Bench in England in the case of the *Gerity Pirates*, and read the opinion of Lord Chief Justice Cockburn, to which he sought to give effect. He pointed out the mischiefs that might arise under the treaty as it had been interpreted. He said:—We legislate to protect the lives and property of our people. We make sanitary laws to preserve their health, and I ask, can it be for a moment supposed that we may not prevent moral contagion? Shall we say to the man with cholera, you cannot come upon our shores, but are we unable to say to the man festering in moral corruption you are free here; we have no power to arrest you, although if you were one of our own people, we would feel it our duty to provide you a lodging in the penitentiary? The very existence of the power conferred by this Bill will, in great measure, supersede the necessity for its exercise.

I am glad to know, sir, that this is a matter in which we need not wait for reciprocity. It is not a good alone done to the people and Government of the United States; we do an even greater good to the people of this country by removing from amongst them a desperate and dangerous class of persons. Gibbon, in the earlier part of his great work on the Decline and Fall of the Roman Empire, gives as the principal reason for the success of the emperors in crushing out the spirit of disaffection, the vastness of the empire. There was no place, in all the world, to which the leader of a defeated party could

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safely retire. The whole world was a vast prison house. The hopes and spirits of those who cherished the memory of the rule of the Conscript Fathers, or of the Tribunes of the people, withered at the thought of the omnipresence of imperial power. May we not hope that by making bad men feel—men whose conduct is such that there can be no generous thought to sustain or to approve—that from the Gulf of Mexico to the frozen north, and from the Pacific to the Atlantic, they may be pursued and brought to justice. I say may we not hope to materially diminish crime and thus render life and property more secure.

**Hon. Mr. CAMERON (Peel)** said the whole of the hon. gentleman's speech consisted of a *petitio principit*. He assumed all through that the Government of Canada had the power to make a treaty, which it certainly had not. Besides this grave defect in his case many of the clauses of the bill were objectionable. The power to extradite British subjects was an Imperial power solely, it was not a colonial power derived from Imperial authority.

**Mr. MILLS:** This power was exercised in Upper Canada.

**Hon. Mr. CAMERON (Peel)** replied it was exercised under peculiar circumstances, but its exercise on that occasion did not prove it was rightly exercised. The Crown itself could not deal with criminals apart from Parliament, and because it alone had power to deal with the right of the subject. So far as the colony dealt with extradition, it dealt with it under Imperial authority and under no other. Although the Crown should make a treaty of extradition, Parliament would be required to give it effect. We might do things affecting the method of procedure, but the moment we touched the business of extradition we invaded an Imperial right. The hon. gentleman stated he had no idea of compelling the Government to give a criminal up. If not, what was the benefit of the Bill—of assuming the power proposed? If we had the power, and only exercised it at particular periods, the results might not be satisfactory. If we had it, let it be exercised. If we had it not, why attempt to exercise it? The very course of the hon. gentleman, in not placing the two acts in the same position, showed he was in doubt of the very power he mooted.

With regard to the results of extradition, there had not been a single trial of a criminal given up, except that by Judge Lynch of the unfortunate men recently handed over, and who were hanged. If we were even to have a treaty it must be on the principle of that between France and England, according to which each Government gave a pledge that the returned criminal should be tried for the offence charged, or if not, restored to the country, where he had first sought shelter. Let us not pass a law of the kind proposed until we are certain of our power in the matter, and received some assurance that the extradited criminals would be tried. Till we are satisfied on those points, let us act under the Imperial authority as at present.

**Mr. HARRISON** said that the hon. member who had introduced this measure deserved the thanks of the House for having brought such an important question before the House. He agreed with the hon. member that in the absence of an extradition treaty or statute, there was no obligation on the part of a Government to deliver over a criminal to another Government, but it was a question whether, without such a treaty, there was that power. The only treaty in existence between Great Britain and the United States at present, was the Ashburton Treaty, which was wholly insufficient to meet the requirements of the two countries. It extended to seven crimes, among which were not included larceny and embezzlement, the two crimes of most frequent occurrence. Without including these two crimes the treaty was defective. The reason why they were not so included was, that slavery was in existence in the United States when the treaty was signed, and it was feared that, under color of the term larceny, masters would follow their slaves here and arrest them for the larceny of the very clothes that they wore, as being the property of their masters. There was this fear of aiding slavery, but now this reason was buried forever, and the Ashburton Treaty should be amended to include larceny and offences of that kind. In the case of the express robbery referred to where an express train was robbed of \$200,000, and the robbers, after the Commission of the crime, fled to Canada, the defence set up was that the express agent aided the robbers. It was alleged to be a preconcerted game to which the guard was a party, and it was therefore, no robbery, but simply a larceny. If that defence had been successful there would have been no extradition in the case, and the criminals were quite surprised that they were not allowed to remain in the country and increase our capital by \$200,000, (*hear, hear, and laughter*) and he might say, our population in a very undesirable manner.

After citing other cases to show the necessity of amending the Ashburton Treaty, Mr. Harrison continued, there were great difficulties in the application of the treaty even as it stood at present, and he hoped if this discussion would have no other result, it would induce the Government to take action to have the treaty extended to offences not now included in it. He was not so clear that the House had not the power to put criminals out of the country: It seemed to him a mere police power. Surely if we had power to protect our lives and property and pass laws for that purpose, we had the right to say that foreign outlaws should not be allowed to remain with us; still he was not so sure of it and he was all the more inclined to hesitate after hearing the opinion of the hon. member for Peel. He would like to have some assurance from Government that they would take the matter in hand at an early day.

**Hon. Mr. SMITH (Westmorland)** said that while he was impressed by the elaborate and able speech of the hon. member who had introduced the measure, he did not agree with all his remarks. He thought this was a subject for national negotiation, and it had so been declared by Great Britain and the United States. It was necessary first to have a treaty and then to give it effect by legislation. Therefore it seemed to him that this was a subject with which the House should not deal at all. He observed

that the hon. member proposed in his measure to alter a very old and important principle, namely to class piracy on the high seas as a crime for extradition, whereas it had always been regarded as an offence against all nations. The pirate was the enemy of mankind and could be punished by the laws of any country. The term "piracy" in the Ashburton Treaty was not the same offence, but was a crime against the United States, created under the municipal law of the country. The crime of piracy mentioned in the measure before the House should not be regarded as extraditable, and should hardly be dealt with by a law of this kind.

**Hon. Mr. GRAY** differed from the views expressed by his hon. friend from Westmoreland. Countries that were independent had power to legislate on such a subject as this without a treaty, but in a colony like Canada there was no such power. It was a very questionable point, however, and the view taken by the hon. member for Peel deserved great consideration in this House. The policy of this law was sound and good. No one was desirous to protect criminals from justice. The law had been laid down that where there were long coterminous boundaries between two countries where criminals could easily escape from the one to the other, it was a matter of sound policy that extradition treaties should exist. But it was only possible for this House to pass a law to punish a criminal for crimes committed in the Dominion. His prejudice was strongly in favour of the view that the Dominion had the power to pass such a law. But the question must be viewed in two lights—in its legal aspect and practical application. Admitting that the Dominion had the power to enact such a law, its practical application would be at present impolitic. Instead of operating as a check on criminals to prevent them from coming into this country it would have the opposite effect. If Canada should pass such a law and the United States should refuse to enact one similar to it the consequences would be that every rascal in the United States who could, would make this country the scene of his operations. He would rob and steal here and go back to the United States from which he could not be extradited. (*Hear, hear.*) Now, if the United States would reciprocate in passing such a law, there could be no objection, but rather a universal wish, to have an extradition law on our statute books. It was fortunate for us that there was at present a Commission in session at Washington which could settle this matter, and the expression of the opinion of this House would no doubt influence our representative in the United States to endeavor to secure a settlement of this difficult question.

**Hon. Mr. ANGLIN** said that even the Speaker seemed to be agreed as to the necessity of some such Bill as that proposed. The country was troubled to a very great extent by the visits of those designated as rascals, and he actually knew of instances in which the police authorities themselves had been employed in illegal acts of seizing men and sending them to the United States for punishment. He did not think it at all desirable that such a state of things should continue, and he was rather surprised at the argument of the hon. member for St. John, that such an Act as that proposed would encourage rascals to come to Canada. He thought all arguments of the past might be dispensed with, and the question

dealt with on its present requirements. Either they had or they had not the right to deliver up offenders against the laws of other countries. His opinion was that they had the power. He thought the best way would be to pass the Bill, and then, if it should prove that they had not the power to do so, the Imperial Government could disallow it. At all events something should be done as the population was increasing, and crime was increasing more largely still.

**Hon. Sir GEORGE-É. CARTIER** desired to make a few remarks on the subject before it should be submitted to a vote of the House, and although it was generally supposed that when lawyers once got up they never knew when to sit down, he hoped he should not prove very tedious. He considered the Bill objectionable in several respects, but the first question was whether the House had the power to pass the Bill at all.

**Mr. MILLS:** Yes.

**Hon. Sir GEORGE-É. CARTIER:** Of course, the House might pass any Bill, but would it hold good afterwards?

**Mr. MILLS:** Yes.

**Hon. Sir GEORGE-É. CARTIER** did not think so. Could they deprive any individual of the right of the *habeas corpus*, or if they could, ought they to do it? The *habeas corpus* was to secure the liberty of every British subject including all foreigners taking up their residence within British Territory, but the object of the Bill was to deliver up these foreigners. His hon. friend the mover of the Bill was to deliver up these foreigners. His hon. friend the mover of the Bill was a great liberal and a great "reformer," and yet his Bill was in effect to restrain liberty. He considered that the Bill showed great confidence in the Government, as it gave the Governor in Council discretionary power to deliver up any offender against foreign justice, but though the Government desired the confidence of the House and the confidence of the country, they did not desire the trust now intended to be reposed in them, the trust of having at their disposal the liberty of any one accused of an offence in a foreign country. The Bill could be of no effect whatever, and he was surprised that his hon. friend should have proposed such a measure—although he did not doubt that his motives and intentions were good. He considered that the Americans themselves were the parties most interested in the passing of such a measure as that before the House, and that, therefore, it should be left to them to move in the matter.

Referring to the Naturalization Laws, he said those laws, though passed by the different Provincial Parliaments, had never had any effect outside the Dominion, as if any person naturalized by those laws had gone to a foreign country and there got into trouble, the Imperial Government would not have recognised him as a British subject, and protected him as such. The matter had been discussed at the London Conference, when the Imperial Government had given them to understand that on the formation of the Dominion,



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endorsing the Naturalization Laws. At present, however, any such laws could not extend beyond the limits of the Dominion.

**Mr. MILLS:** Quite sufficient.

**Hon. Sir GEORGE-É. CARTIER** did not think it was sufficient. He then referred to the Treaty of Extradition between England and France, under which every British possession was pledged to deliver up to France any French criminals resorting to British soil,—which was altogether an Imperial enactment—and did not leave the delivery of the offender to the discretion of the Governor in Council, as proposed by the present Bill, but made it imperative. His hon. friend had also referred to piracy, but the Canadian Government could not legislate as to crimes committed at sea, and how, therefore, could it legislate as to the surrender of those committing such crimes. The hon. member quoted a statute passed in Upper Canada, but that statute had never been acted upon, and was now repealed. He explained the character of the law passed after the St. Alban's Raid, to show the difference between its principles and those of the Bill before the House. The Imperial Government considered the enactment of the right of *Habeas Corpus* a sufficient protection to all foreigners.

**Mr. MILLS:** You suspended it several times.

**Hon. Sir GEORGE-É. CARTIER** stated it was done to meet the Fenian danger, and advisedly, by consent of Parliament. This Bill, however, would place the freedom of all foreigners in Canada at the discretion of the Governor in Council. Personally he admitted, the Canadians and Americans ought to extend the extradition law to cover crimes not now provided for. But this act should be preceded by a treaty. Larceny might be made an extradition offence, the circumstances which prevented Lord Elgin consenting to it having ceased to operate. Slavery was no more. Any law we might pass would be confined in its operation to our own jurisdiction. (*Cheers.*)

**Mr. LANGLOIS** said the basis of our authority or power to legislate was laid down in the Confederation Act. We could make laws for the peace, order and good government of the country. The Act did not give us the right to legislate on international matters. A thief coming here did not endanger our peace; nor did his presence necessarily expose our laws to violation. He criticised the first and second clauses of the bill, in arguing our courts had no right to try for such a crime as piracy. Consequently we had no right to arrest or extradite for such a crime. He cited the law to show Canada had no jurisdiction in respect to offences committed on the high seas. The Admiralty in England alone had power in regard to them.

In reply to Mr. Mills,

**Mr. LANGLOIS** stated, the Canadian law officers could only arrest a pirate within Canada, but would have to send him to

England for trial. So long as we remained a colony we could have no jurisdiction in matters of international law.

**Hon. Mr. McDOUGALL (Lanark North)** said the legal members all seemed to disagree, and argue from different stand points. It seemed strange that though Canada could arrest, try, and even hang criminals, it could not send offenders out of the country for trial in the country wherein their offences were committed. Such was the substance of some of the arguments to-night. He knew it was intended in the Confederation Act to enable Canada to make laws not only in relation to the peace, order, and good government of Canada, but in regard to all matters not specially delegated to the Local Governments. The constitution empowered Parliament to legislate on all subjects connected with the interests of the country, and necessarily in a mere matter of police. The Government had hesitated to enact a Bill last session the constitutionality of which was disputed at the time and which necessitated an Imperial Act to give it validity now or set the doubt at rest. What should cause such a singular change of mind on the part of ministers with respect to their powers under this Act of 1867. He believed, with regard to the present Bill that the country should not be made a safe refuge for criminals. The present condition of the law was demoralising and injurious. In the interest of the country it was desirable to give every facility to hand back criminals to the parties whom they had injured. He did not belong to the regular Opposition (*hear, hear, and laughter*), and could not speak for it; but was surprised at the readiness of some of its members to place such large discretionary powers in the hands of the Government. In the interests of the people of this country some action should be taken in this matter; and if the Government would take action, he doubted not that the mover of the Bill would gladly leave it in the hands of ministers. At any rate there was an urgent necessity for legislation to remove a class of evils that undoubtedly existed in the present state of the law.

**Hon. Mr. CHAUVEAU** urged that unless there was something in the Confederation Act giving us power, he did not think we should assume it our own responsibility. If not as a matter of strict constitutional law as a matter of expediency, we should not embarrass the Empire by giving over, without any consideration, that which was not only not ours, but which belonged to the right and power of the Empire itself. He repudiated the slur cast upon the legal profession in some of the remarks of the last speaker, touching the interest supposed to exist, sometimes, in the presence here and retention of wealthy criminals.

**Mr. LANGLOIS** moved that the Bill be not read now but this day six months.

**Mr. MILLS** in reply, contended it was better to deal with extradition by a simple Act of the Legislature than by a treaty. He thought it would be better to sweep away the treaty altogether, and deal with the simple matter of comity, keeping in view the bounden duty of the country to hand over criminals under all circumstances.

He went on to reply to several of the arguments advanced against his Bill. He concluded by saying that he believed this country had the power to pass this law, that it was a mere police regulation, and that it was to the interest of this country that such a law should be enacted.

The House divided on the amendment, which was carried—yeas, 61; nays, 33.

## YEAS

## Messieurs

Baker	Beaty
Beaubien	Bellerose
Bertrand	Blanchet
Brown	Cameron (Inverness)
Cartier (Sir George-É.)	Chauveau
Chipman	Crawford (Leeds South)
Currier	Dobbie
Drew	Dunkin
Fortin	Gaucher
Grant	Gray
Grover	Harrison
Heath	Hincks (Sir Francis)
Howe	Hurdon
Jackson	Jones (Halifax)
Keeler	Kirkpatrick
Lacerte	Langevin
Langlois	Lapum
Lawson	Little
McDonald (Antigonish)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Trois-Rivières)	Merritt
Moffatt	Perry
Pope	Pouliot

Renaud  
Ross (Champlain)  
Savary  
Simpson  
Sylvain  
Tourangeau  
Walsh  
Willson—61.

Robitaille  
Ross (Victoria)  
Simard  
Street  
Tilley  
Tupper  
Webb

## NAYS

## Messieurs

Anglin	Ault
Barthe	Bourassa
Bowman	Cheval
Coupal	Delorme
Dorion	Fournier
Hagar	Holton
Kempt	Macdonald (Glengarry)
MacFarlane	Magill
McDougall (Lanark North)	Mills
Morison (Victoria North)	Oliver
Pelletier	Redford
Ross (Prince Edward)	Rymal
Scatcherd	Snider
Stirton	Thompson (Haldimand)
Thompson (Ontario North)	Wells
Whitehead	Wright (York West)
Young—33	

So it was resolved in the Affirmative.

Then the main Question, so amended, being put; Ordered, that the Bill be read a second time this day six months.

The House adjourned at 11.15.

March 9, 1871

## HOUSE OF COMMONS

Thursday, March 9, 1871

The **SPEAKER** took the chair at 3.10 o'clock, p.m.

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*Prayers*

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After routine, which included several petitions:

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### RAILWAY ACT

**Mr. KIRKPATRICK** introduced a Bill to amend the Railway Act of 1868. He explained that the object of the Bill was to permit railway companies to acquire lands after the completion of their lines. This they were not permitted to do under the Act of 1868.

\* \* \*

### COTEAU LANDING RAILWAY

**Mr. MACDONALD (Glengarry)** introduced a Bill for the construction of a railway from Coteau Landing to connect with Canada Central Railway at Ottawa.

The **SPEAKER** said it was a private Bill and must first be reported on by the committee on Standing Orders. The Bill was postponed.

\* \* \*

### INSOLVENT ACT

**Mr. GODIN** asked for leave to introduce a Bill to amend the Insolvent Act of 1869.

**Hon. Mr. ABBOTT** did not approve of the Bill, which provided that the custodian of an estate could hold it until he was paid his fee. He suggested that the Bill be referred to a special committee.

**Mr. GODIN** assured the hon. member that the suggestion would be complied with.

**Mr. SCATCHERD** said the Bill was the same as the one which was rejected by the House last Session.

The Bill was read a first time.

\* \* \*

### HALIFAX HARBOUR MASTER

**Hon. Mr. TUPPER** laid on the table returns of all petitions and papers, relating to the appointment of a harbour master for the Port of Halifax.

**Mr. RENAUD** asked whether it is the intention of the Government during the present year to make the Port of Cocagne, county Kent, N.B., an Inland Port, in compliance with the petition of the merchants and principal inhabitants of Cocagne.

**Hon. Mr. TILLEY** said the Government had carefully considered the matter, but did not feel justified in incurring the expense.

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### TROOP WITHDRAWAL

**Mr. CARTWRIGHT** wished to know when the papers relative to the withdrawal of the troops from Canada would be laid on the table.

**Hon. Sir GEORGE-É. CARTIER** replied, that very great progress had been made with regard to the collection of these despatches, and he said that during the course of this week they would be forthcoming.

\* \* \*

### TORONTO POST OFFICE

**Mr. YOUNG** moved for returns of tenders or papers connected with the contract for the construction of a new Post Office at Toronto.—Carried.

\* \* \*

### MILITARY EQUIPMENT

**Mr. MASSON (Terrebonne)** moved for a return of the number and description of arms, &c., handed over by the Imperial to the Dominion Government since 1<sup>st</sup> January 1870. He reminded the hon. Minister of Militia last summer, when the change of policy on

the part of the Imperial Government towards Canada brought about the withdrawal of the regular troops and a large quantity of military stores belonging to them, from the Dominion, at the time the hon. Minister of Militia led the House to believe that about 40,000 rifles, the property of the Imperial Government would be by the liberality of Her Majesty's Government transferred to the Dominion authorities. He (Mr. Masson) thought it was important that the House should know in what condition the military stores of the Dominion were, in case an emergency should require them to be used. There was a rumour current that no stores but a few old arms had been left, and he asked for these returns in order to relieve the apprehensions to which this rumor had given rise.

**Hon. Sir GEORGE-É. CARTIER** said he was glad that the hon. member had brought this matter before the House. There could be no objection to furnishing the returns asked for, but he believed the information required would be found in correspondence already in course of preparation to be submitted to the House. He would inform the hon. member, however, that the Imperial Government had made a gift of Snider and Spencer rifles to the amount of something like 40,000 stand of arms to the Dominion Government.

The motion was allowed to stand.

\* \* \*

#### THE ARBITRATION AWARD

**Hon. Mr. DORION** moved that an humble Address be presented to Her Majesty, representing that an equitable and satisfactory division of the surplus debt of the late Province of Canada, between the Provinces of Quebec and Ontario is not likely to be effected in the manner provided by the British North America Act, 1867, and that the difficulties which beset the question have been greatly aggravated by the award rendered by the Arbitrators appointed by the Dominion Government and by the Government of Ontario, in the absence of any Arbitrator for the Province of Quebec, which is regarded by the Government and the people of Quebec as illegal and unjust, and praying that Her Majesty be pleased to recommend the passing of an Act by the Imperial Parliament so amending the British North America Act as to authorize the Parliament of Canada to deal by Legislative enactment with all questions connected with the said surplus debt.

He said he had heard that the Dominion Cabinet proposed to refer this question to the Privy Council for settlement, but he hoped that the Quebec members did not join or acquiesce in this determination. He saw by some of the papers published in the Province of Quebec that this was the best thing that could be done, that it would remain ten years before that tribunal, which would not prove beneficial to Quebec, but he did not approve of allowing this question to remain rankling between the two Provinces. This delay would only aggravate the difficulties which now beset the question, because the balance of population would be still greater against Quebec ten years hence than it was now. Another reason for

promptitude was that, taking the basis of population of 1861, Ontario should have paid a great deal more interest on the debt than was assigned to her. Doubtless her population had increased more in the period between 1861 and 1867 than had the population of Quebec. Thus it would be found that Quebec was losing as to population, while the difference against her as to subsidy was on the increase. If Ontario had about two millions of people in 1867 and Quebec 1,400,000, by making the calculation on this basis, it would be seen that Quebec was losing yearly \$300,000, which should have been allowed her, and that Ontario was receiving that amount more than was due her even on the basis of population. He had stated that the basis of the division should have been made on the revenue paid by the Provinces respectively, and by this test also it was plain that Ontario had been granted more than she was entitled to. The question should be settled as soon as possible, in the interest of Quebec. A delay must complicate it by the increase of representatives in the House, from Ontario, which must result from the increase of population in the Western section of the Dominion. Canada should obtain permission to settle the question of the division of assets and debts and all other questions therewith connected. He was convinced, as he had been all along that the best plan would be for the Dominion to assume the surplus debt and give equitable compensation to the Lower Provinces. In so doing, they would bring that surplus into the exact position it occupied before 1867, when both Provinces were equally responsible for it.

**Hon. Sir GEORGE-É. CARTIER** said that the course pursued by the hon. member for Hochelaga was the most premature and hostile to the interests of Quebec which could possibly be followed. The motion was mere clap-trap, and was worded merely to commend the vote of Lower Canada in the coming general elections. The hon. members opposite had been trying that dodge for the last twenty years, and the result of it all was to leave them in the pleasant position which they occupied, to the left of the speaker. The motion was exceedingly awkward and likely to defeat the end which the hon. member professed so great a desire to attain. It was an insult to the members from the Lower Provinces, imputing a doubt as to their honesty and fairness. But this was not the first occasion on which the hon. member for Hochelaga had risked the interests of Lower Canada by his awkwardness. He (Hon. Sir George-É. Cartier) would not consent to submit the legal position of Quebec in this matter to a risky decision of a majority of this House. The Government had decided not to take any action on this question till the Committee of the Privy Council had solved the legal point which might be submitted to them. In case that the decision should be unsatisfactory and be appealed from and set aside, another trial of the question would have to be demanded in order that justice might be done to the Province of Quebec. Supposing that this award should be maintained by the Privy Council, the people of Lower Canada would believe that they had been subjected to a grievance. It was incorrect to declare in advance that any grievance existed. He thought he had now proved that the motion of the hon. member for Hochelaga was untimely, imprudent, and unjust. As he (Hon. Sir George-É. Cartier) had promised, he would meet it in a fair, open and direct manner by moving an amendment so as to make the motion read thus: "That the validity

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of award rendered by the Arbitrators appointed by the Dominion Government and by the Government of Ontario, in the absence of any Arbitrator from Quebec, being contested by that Province, and the Government of Canada having come to the conclusion not to act on such award until its validity shall have been determined by a competent judicial tribunal, this House refrains from expressing an opinion on the award so rendered.”

**Hon. Mr. CHAUVEAU** concurred in some of the views expressed by the Minister of Militia, but considered the motion of the hon. member for Hochelaga open to objection, an objection which was fatal both to Upper and Lower Canada. That motion prayed the Imperial Government to put it into the power of the Dominion Parliament to deal with the matter as it might seem fit. He certainly did not think it would be prudent on the part of the Province of Quebec to put itself in that position, as that position would be inferred to be the one it now occupied. He believed, however, that the amendment of the Minister of Militia was perfectly consistent with the position the Government was obliged to assume in the matter, and he could easily understand why the Government with its responsibility to the country had taken the steps it had taken, and had asked that for the present the matter should be left alone, but he believed the House, and the whole Dominion, should consider the question, and see whether the existing difficulties could not be removed. Although the motion of the hon. member for Hochelaga did not meet his views, and although it would have the fatal effect of placing the position of Quebec in the hands of the House, in which the representatives of that Province were the minority already, and would be still more so after the next census, he was prepared to vote in the direction of the idea brought forward in that motion, as he thought it behoved the whole of the Dominion not to let this bone of contention continue forever, but to see whether it could not make some sacrifice, in order that the difficulty might be removed. He should therefore move an amendment to the amendment prepared by the Minister of Militia so that the motion would read: —That it is highly desirable that the difficulty now existing between the Provinces of Ontario and Quebec concerning the division and adjustment of the debts, liabilities, credits, properties, and assets of Upper and Lower Canada, provided for by the British North America Act, be speedily set at rest, and that this House will give its most favourable consideration to any measure to be introduced by the Government, having this object in view, and involving any aid on the part of the Dominion commensurate with the importance of the object itself, and with our resources, due regard being had to the rights of the other provinces.”

He then proceeded to say, if the award should be decided to be legal, would the question then be ended? Certainly not. The people of Quebec were unanimous in feeling that they had not received fair play, that the award was unjust, that the injustice was evident and apparent. He believed in other arbitration cases manifest injustice had sometimes served to make the award a nullity, and also when arbitrators had exceeded their powers, as it was perfectly clear had been done in the present case—they had exceeded their powers most unmistakably as far as the assets were concerned—the British

North America Act provided that certain assets should be the property of the two provinces conjointly, and it was certainly hard to understand how, under such a provision, forty millions could be given to one, and only four millions to the other. The hon. member for Hochelaga, on first addressing the House, had referred to the figures shewing the assets given to Ontario, but if he would look more closely he would find that a large number of assets had been given to that province for which no specific amounts had been named, but which amounted in reality to more than two millions. On the other hand, a great many of the assets awarded were no assets at all, but were mere book balances of no value. Such, for instance, was the Aylmer Court House, in which case the Province was to receive a certain sum of money under certain contingencies which would never take place, and the Montreal Court House was in the same position.

Taking these and other similar instances into consideration, he found that while Ontario, under the award, would receive \$40,241,000, Quebec would only receive \$4,049,000. The position taken by the counsel for Quebec was a very strong one in point of equity, and was sustained by the peculiar wording of the Union Act, which certainly intended that the debt existing at the commencement of the union of the two Provinces should be taken into consideration. Every one remembered that at the time of the passing of the Union Act by the Imperial Parliament, the saddling of the debt of Upper Canada and Lower Canada was denounced in the strongest terms, both in the House of Commons and in the House of Lords, one having termed it “downright robbery.” Without going into the question of law, and particulars of public accounts, he asked the House to look simply at the result of the Arbitration, and at the position of Quebec under the award that had been pronounced. He remembered reading in stories for children of a mill in which old people were ground young, and certainly the Arbitration had proved a mill into which one Province had gone rich and had come out the reverse; while the other had entered with a debt of five millions, and had come out not only with the debt wiped off, but with assets in excess of the amount of seven or eight millions.

He thought, therefore, that in all its bearings and consequences the question was more of a political question than legal—and it was impossible to suppose that Quebec would submit to such injustice, seeing that while it entered the union with Upper Canada with a balance in its hands, and Upper Canada a large debt, at the end Quebec should have a large debt, and Upper Canada, assets to an enormous amount in excess of its share of the debt. He did not desire to criticise the Union Act, as no doubt very great difficulties existed at the time it was framed, but while everyone, seeing the benefits of Confederation, and the proud position to which it was raising the people of Canada, would bless Confederation, yet they must regret the defects in the Act which had resulted in raising such difficulties. The only way now of speedily settling the question, and the best way of settling it was for the Dominion to assume the whole debt, and if it could not assume that debt without some compensation let it take some of the assets, as the circumstances of the Provinces might justify. In following the course implied in his

amendment the Dominion Government would be securing the stability of the institutions of the country, and also her prosperity, and would remove a great difficulty, in which the amount of money sank into utter insignificance compared with the harm that might ensue from the fact of one section of the country being in antagonism to another.

He did not desire in any way to blame the Government; he perfectly understood that the course they had taken was the only one hitherto open to them, and he also believed that those members of the Government who were connected with the Province of Quebec had done the best they could under the circumstances, but it behoved the people and representatives of that Province to call the attention of the House, and of the whole Dominion to the importance of a real settlement which would be satisfactory to both Provinces. His great objection to the motion of the hon. member of Hochelaga was that it left the question to the Dominion Parliament, to be dealt with in any way they might think proper.

**Hon. Mr. DORION:** Your motion does the same.

**Hon. Mr. CHAUVEAU:** Certainly not. He invited the Government to deal with the matter in a stated way, and he thought the hon. member for Hochelaga would have done better if he had kept to the idea of the resolutions he had first submitted, instead of asking the Imperial Parliament to deal with the matter, without pointing out any way in which the difficulty could be removed.

**Mr. MILLS** said that as the amendment to the amendment now proposed involved an appropriation of money, it could only come before the House in a message from His Excellency.

**Hon. Mr. CHAUVEAU** maintained that his motion was in order, and quoted previous decisions of the Speaker in similar cases.

**The SPEAKER** read the amendment, and decided that as aid was spoken of, the question was certainly one of money, and the amendment was therefore out of order under the rules of the House.

**Hon. Mr. HOLTON** said that he desired to move an amendment to that proposed by the Minister of Militia, that would bring the subject back to the manner in which it had been treated in the Resolutions previously proposed by his hon. friend from Hochelaga, and as the Premier for Quebec had expressed his regret at the withdrawal of those resolutions, he trusted to have his support in the present motion. He moved that all the words in the amendment after "that" be left out, and the following inserted instead thereof: This House regrets that His Excellency the Governor General has not been advised to recommend to this House to adopt an address to Her Majesty representing the division between the Province of Ontario and the Province of Quebec, of the surplus of the debt of the former Province of Canada, over and above the sum of \$62,500,000 assigned to the Dominion of Canada, by the British North America Act, presents great difficulties, which

have not yet been overcome in a satisfactory manner; that the difficulties resulting as well from the uncertainty of the amount, as from the absence of an acceptable basis for making such division, threaten to give rise to serious embarrassment, and that for the avoidance of such difficulties the debt of the former Province of Canada should be assigned entirely to the Dominion, as if it had been so from the first, compensation being made to the Provinces of Nova Scotia and New Brunswick for the share which those Provinces would have paid of the surplus of that debt—and praying that Her Majesty would be pleased to recommend to the Imperial Parliament, the passage of an Act to amend the British North America Act, in accordance with such representations."

**Hon. Mr. HOLTON** said that a good many comments had been made on the motion made by his hon. friend from Hochelaga, and, among others, the Hon. Minister of Militia had endeavoured to induce his audience to regard the reference to the Government and people of Quebec, as implying a want of confidence in the representatives of the other Provinces, but the hon. gentleman must have been aware that that reference was merely a reason, and a most cogent reason for that dissatisfaction which existed, and which it was the object of the motion to remove. His confidence in the representatives of the people of all the Provinces was shown most conclusively by his principal position, which was to bring before the House the whole question of the solution of the difficulties. He did not desire to traverse the ground which had been already gone over as he could add nothing to what had been stated by his hon. friend from Hochelaga, and he would therefore at once place his amendment before the House.

**Mr. DELORME (Saint-Hyacinthe)** regretted that they could not discuss every question without angry words. The real question, on every occasion should be whether the motion before the House was right or wrong. He regretted very much that he was not able to vote for the amendment proposed by the leader of the Government, but he could not do so, as he thought it very important that the question should be decided. It was all very well for the Minister of Militia to say that the question be left to a judicial tribunal, and supposing the matter to be decided against Ontario that would be all very well, but if it were to be decided against Quebec, how were they to stand. He thought some measures should be at once taken to settle the matter amicably.

**Hon. Mr. CAMERON (Peel)** said the Hon. Premier of Quebec and others of that Province had treated the question as if it concerned Quebec only, but he thought that Ontario should also be thought of. The motion of the hon. member for Châteauguay was simply one of those flank movements for which he was so celebrated, but he did not think he would catch any of the representatives of Ontario in the net he had prepared for them. That hon. gentleman had made a motion which he well knew to amount to a vote of want of confidence in the Government and he (Hon. Mr. Cameron) for one was certainly not prepared to agree to such a vote in this case. His view of the case was that Ontario had a perfect right to say that the award was legal and valid, and they would

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continue to say so until some competent authority decided otherwise. Ontario had not the slightest desire to come into collision with Quebec, or to take from that Province anything to which it was not entitled, but in every case of arbitration, the award was invariably unsatisfactory to both parties, and that was certainly the case now. If any complaint was to be made against the Government, he thought it should be on the part of Ontario, on account of the award not being acted upon. The Government had however intimated that it was not desirable that the award should be carried into effect until a competent authority had pronounced upon it, and he believed the majority of the people of Ontario were willing that such should be done.

**Hon. Mr. McDUGALL (Lanark North):** No, no.

**Hon. Mr. CAMERON (Peel)** said, of course he merely expressed his personal belief in the matter, but he thought the majority in Ontario were satisfied, because the effect of the enquiry, if it maintained the award, would be to give them all they contended for, and if that award had created those heartburnings of which the gentleman from Quebec had spoken, the people of Ontario would be most willing to agree to some mode of arrangement which would remove those heartburnings. He believed that two arbitrators had given a fair and honest award according to their judgment.

With regard to the point raised by the Premier of Quebec in connection with the assets, that the word "jointly" in the Act meant "equally," and that the assets could not therefore come within the powers of the Arbitrators, he might say the Arbitrator for Quebec had agreed with the Arbitrators for Ontario and the Dominion in the discussion arrived at on that question. He believed that the present difficulties never would have arisen if the Quebec Arbitrator had remained in his position, dissenting from the award if he thought proper, instead of throwing up the whole matter, and leaving it in the hands of the others to decide as best they might.

Referring to the amendment of the hon. member for Châteauguay, he asked how could the representatives of Ontario say that they regretted Government had not taken action as stated in that amendment, when they insisted on the validity of the decision already made by the arbitrators. How could they agree to set aside the rights of Ontario under that award without having any decision on the matter from a competent judicial authority? They could not do so. The people of Ontario might be, and he believed they were rather than there should be any heartburnings, prepared to deal with Quebec fairly and honestly, and although they had a perfect right to go to the Government and say you ought to have acted upon and carried out the award that has been made, they were willing to wait till such time as a judicial opinion should be given, and they would also be willing to allow the Province of Quebec the greatest possible latitude as to the questions to be submitted to the judicial Committee, that should be called upon to decide—for the people of Ontario felt that if they were not legally, equitably and morally entitled to what the award had given them, they would rather not

have it. Why then should there be any hesitation on the part of Quebec?

Referring to the amendment of the Minister of Militia as to the House not desiring to express an opinion, he thought it should not desire to express an opinion until it was thoroughly acquainted with the matter. The case was complicated in its nature and would require careful study for hours and days before a fair conclusion could be arrived at. He thought moreover that the House should not express its opinion which would not amount to a decision, but that the question should be settled in the only way in which it could be settled, namely by submitting it to a judicial Committee. If the gentlemen from Quebec were so confident that law and equity was in their favor why were they afraid to go before that Committee? Ontario was not afraid, as they believed the award could be retained in equity, in fact, and in law, but if it should prove to be bad, they would not press its being carried out, and Quebec might rely on their generosity to do neither harm nor injustice and to take away nothing to which they had not a perfect right. He could not vote for the amendment of the hon. member for Châteauguay, even if it had not implied a vote of want of confidence in the Government.

**Hon. Mr. CHAUVEAU** said the hon. member for Peel had alluded to the position assumed by the Quebec arbitrator, and also to what he had said about the assets, and he could not allow those allusions to pass without a few remarks. He (Hon. Mr. Cameron) had not only alluded to the question of the assets being taken into consideration, but to the distribution of the assets, and he said that the terms of the Union Act implied that if the assets were divided, they should be divided equally. That was the position he had taken, and both questions could still be brought before the Privy Council. The disproportion in the division of the assets was most extraordinary. He admitted that the member for Peel had shown a very great spirit of moderation and conciliation, and he only replied because he felt that he must set the Government of Quebec right in its conduct in the arbitration.

The member for Peel had accused the Quebec arbitrator of throwing up his position at a wrong time, but such was not the case. Their arbitrator had held strong views on the question of taking into consideration the old debt, and he resigned not only because his views on that point were set aside but because such a judgment was given as shut the door to any consideration of the views he held, and because that judgment, by a most extraordinary contradiction, took as a basis for the apportionment, the origin of the local debt. The Quebec arbitrator therefore considered that it was of no use for him to remain there after such a decision. He read an extract from the dissent of Mr. Justice Day, confirmatory of what he had said.

**Hon. Mr. McDUGALL (Lanark North)** understood that the point raised by the hon. member for Peel was that the whole of the Arbitrators had agreed that the word "jointly" should not be taken to mean equally.

**Hon. Mr. CAMERON (Peel)** explained that what he had said was that the question submitted to the Arbitrators was that by the terms of the Act the assets were settled, and did not come within their jurisdiction, and that finally Arbitrators had agreed unanimously that they did come within their jurisdiction.

**Hon. Mr. HOLTON** here suggested that it being six o'clock the House should rise, it being understood that the debate should be continued after recess, so that it might be settled.

**Hon. Sir GEORGE-É. CARTIER** thought it much better that the debate should be adjourned till Monday, as the papers being now in the hands of the members, they would by that time have had an opportunity of considering the question, and there being no other important business before the House, he moved that the House should adjourn till three o'clock tomorrow.

The House then adjourned.



March 10, 1871

## HOUSE OF COMMONS

Friday, March 10, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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Several petitions and committee reports were presented.

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### NEW BILLS

**Hon. Mr. ABBOTT** introduced a Bill respecting the Merchant's Bank.

**Mr. MACDONALD (Glengarry)** introduced a Bill for the construction of a railway from Coteau Landing to Ottawa city.

**Mr. PICKARD** introduced a Bill to incorporate the Fredericton and St. Mary's Bridge Railway Company.

**Hon. Mr. CAMERON (Peel)** introduced a Bill to amend and explain the Act to amend the Charter of the Ontario Bank; also a Bill to amend the Charter of the Dominion Bank.

**Hon. Sir GEORGE-É. CARTIER** introduced a Bill to amend the Act further deciding the independence of Parliament. He explained that the principal provision of the Bill was to restore the independence of members as it was under the regime of the old Parliament of Canada, viz: that the Government could not employ annually, monthly, temporarily, or at all, any member having a seat in the House. Also a Bill to amend the Act respecting Militia and Defence. He explained that the Bill was to extend the Militia Act to Manitoba and British Columbia.

All these bills received first reading.

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### RED RIVER CHAPLAINS

**Hon. Sir GEORGE-É. CARTIER** laid on the table a correspondence between the Dominion Government and Reverend Morley Punshon, concerning the appointment of Chaplains to the

Red River expedition. The correspondence between himself (Hon. Sir George-É. Cartier) and Mr. Punshon was also included.

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### NORTH WEST TERRITORIES

The **SPEAKER** announced that a Bill entitled, "An Act to make further provision for the Government of the North West Territories" had been received from the Senate, which requested the concurrence of the House.

**Hon. Sir GEORGE-É. CARTIER** moved first reading of the Bill.

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### TIME OF THE HOUSE

**Hon. Sir GEORGE-É. CARTIER** moved that every Wednesday during the remainder of the session be a Government day.—Carried.

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### WAYS AND MEANS

**Hon. Sir FRANCIS HINCKS** moved that the Speaker do now leave the chair, for the presentation of the budget in the committee of Ways and Means.

**Hon. Mr. HOLTON** suggested that the Minister of Finance should make his statement with the Speaker in the chair.

**Hon. Sir FRANCIS HINCKS:** I am deeply sensible, sir, of the importance of the duty which devolves upon me on this occasion, and as I am fully conscious of my inability to discharge this duty in a manner satisfactory to myself, I can hardly hope to be able to discharge it with satisfaction to the members of this House. I therefore feel it necessary to throw myself upon their indulgence, assuring them I will do everything in my power to place before this House and the country a statement of the exact financial position of the Dominion. I regret very much that some important members of the House are absent on this occasion, because a great deal of discussion took place during the recess upon the object of the finances and by some of those gentlemen statements were made, calculated, in my humble opinion, seriously to alarm the people of

the country with regard to its financial state; and I felt it my duty myself to take an early opportunity—almost the only opportunity that I had during the recess—of affirming that those statements were grossly incorrect, and of pledging myself that, if I lived to meet one hon. gentleman (not now here) in Parliament, I should expose the misstatements he had made on this subject. Now, during the recess, at a large public meeting which was held in a western county, it was affirmed that it was impossible for any man to take up the public accounts and ascertain the amount of the debt; that the Government knew there was an annual deficit, and that if they imposed taxation to the extent necessary to meet the public requirements they would be called to account, and that therefore they sought to hide the true state of affairs. And it was said, in addition, that on this ground there existed a reason or motive on the part of the Government for framing the Insurance Bill passed in 1808, and that the effect of it was to place \$4,460,429 in the hands of the Government, which represented a large increase of the public debt from that source.

I felt it my duty to endeavour, when the public accounts for last year were presented, to have a statement carefully compiled, showing the exact state of the public debt at the time of the Union on the 1st July, 1867, and also at the period of 1870. This statement has been some time in the hands of hon. members, and it will be seen from it, that, so far from it being correct as to a great increase of the public debt, the total increase of the debt since Confederation has been but \$2,481,101.71 while there has been, during the same period, an expenditure on account of public works, chargeable to capital account, of \$4,759,335.08 leaving a capital expenditure for the three years of \$2,278,234.79. I think this is a very satisfactory state of things. (*Cheers.*)

In order to remove all possible ground of exception to this statement—because we have had discussions during last session about the manner in which certain items were charged to capital account of public works—I would throw over the public works altogether, the ordinary public works, although it was expressly understood they were to be so charged. Authority was given to borrow money for the completion of those public works. However, I will dispense with them, and confine myself to two particular items, about which there can be no possibility of doubt. There was an expenditure upon the Intercolonial Railway of \$1,778,450, and upon the acquisition and opening up of the North West, specially provided for by loans, and which expenditure amounted on the 30th June to \$1,828,877, making together a total of \$3,607,327. But the aggregate increase of the debt was but \$2,277,234. A great deal was said on the subject of the Insurance Companies' deposits. The most sinister motives on this subject were attributed to the Government. It was asserted the deposits or guarantees were not exacted for the protection of the public so much as for the obtainment of money by the Government.

**Hon. Mr. HOLTON:** Hear, Hear.

**Hon. Sir FRANCIS HINCKS:** I believe that at present very few have any reason to think so, or that it was other than a most

desirable thing that in the interest of the country there should have been this protection to policy-holders provided by the Act, more especially as regards foreign Insurance Companies. I only refer to this matter at present because it has been so prominently raised. It was stated in that speech to which I have referred, delivered in the West, and, doubtless to the belief of every hearer—because there was nothing but cheers and laughter throughout the address—that Government had got hold of all the money required by the Act, amounting to \$4,460,429, while it appeared by the last return, made up to that time, that the total the Government had received was but \$1,837,000. This is the sort of accuracy that characterised the statements of that speech. (*Cheers.*)

I frankly admit that four millions is the amount the Insurance Companies have deposited, but a great portion of their securities are in British Consols, United States Securities, and Government Debentures of various kinds, all of which produced no effect upon the public debt; so that the amount I have already given (\$1,837,000) is the amount actually paid into the Government and invested in Dominion stock. A similar erroneous statement was made with regard to the Savings Banks. It was alleged the Post Office Savings Banks gave the Government \$2,387,650, whereas they yielded but \$1,859,000. An old story was, on the occasion I refer to, raked up in relation to the Intercolonial Railway Loan. It was asserted the money (\$6,575,410) intended for the building of the road was diverted to Government uses. The same remark applied, it was said, to the Great Western Railway Bonds. This subject of the Intercolonial Railway has been so often discussed, so much has been made of it, that it may not be uninteresting, after all that has been taken place, to explain the state of the matter. As to the Imperial Loan, the people in England were led to believe that the money had actually been taken to build the edifices in which we are now sitting. All sorts of stories were told on this subject, while the fact is the whole amount of the Imperial Loan is bearing interest and on deposit in the Bank ready for use when required for railroad purposes. (*Cheers.*) The whole amount of the Exchequer Bonds—those wonderful bonds—which at one time was represented as \$6,600,000, is only \$399,660, which will be paid out as the Intercolonial Railway advances.

I think the hon. gentleman who preceded me in office adopted a wise policy when he paid our debts, some of which bore six and some seven per cent interest, with money borrowed so cheaply, and knowing perfectly that, long before it was wanted, it would come back from sources about which there was no doubt whatever. Some of these sources are those to which reference has been made now—the Savings Banks, Insurance Deposits, and Great Western Railway Bonds—all of which it was quite certain would be realized in due course. To have allowed this money to have remained, as it was contended by hon. gentlemen of the Opposition would have, at an interest of 1.5 to 2 per cent in London, instead of paying with it debts carrying a high rate of interest, would have been, in my opinion most mistaken policy. (*Cheers.*)

But the public debt was not the only subject which engaged the attention of the meeting to which I have referred. There was a

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serious charge made with regard to the Civil Service—namely, that there has been an increase of nearly \$70,000 in two years, owing to the naturally bad system of government that existed under the coalition. The statement as to this extraordinary increase was a total mistake. One cause of the error—because I will not suppose any intentional misrepresentation was made—was taking the actual expenditure in one year and comparing it with the estimate in another year. I cannot better show the fallacy of such a mode of calculation done by merely adverting to the fact that in their last year the estimate for Civil Government was \$701,051.66, whereas the expenditure was \$620,348.73, showing a reduction of \$80,702.93. There are many items comprised under the head Civil Service, and unless a just comparison is made it is impossible to arrive at a satisfactory result.

I am not going to deny there has been an increase in the Civil Service outlay. I do not want to shrink from the admission of the fact, nor from the defence of this increase. It is utterly impossible in a country like this, whose business is developing at such a rate, to avoid this increase. I will take, for instance, the Department in which the greatest increase, I believe, has taken place—namely the Post Office Department. Not only has there been a very great addition to the work in this Department, through the new Post Office Savings Banks' system, which alone is a very important addition, but there has been no less, since Confederation, than 10 per cent of new post offices added to the service. In the Post Office service the increase of expenditure rose from \$41,000 in 1866-7 to \$52,000. This is the Department where the greatest augmentation has taken place. But it is possible, in a Department where such an immense increase of business and revenue appears as in the Inland Revenue Department and the Customs, which have augmented at a most extraordinary rate and are still augmenting, that they could go on with the same old limited staff. (*Cheers.*) Then there is another Department which has shown a very large increase of business—I mean the Agricultural—with its labours in regard to patents. (*Hear, hear.*) It is therefore not at all surprising there should be a trifling increase in the expenses in connection with these branches of the service, which I am sure will be found not to have proved in any sense excessive. (*Cheers.*)

I referred last year, Sir, to the very satisfactory position of this country as compared with that of other countries—our immediate neighbours to the south of us, and the Mother Country,—both with regard to the rate of taxation and the amount of debt. I will not trouble the House by going any further into that matter now, but there is one point which I think is deserving of attention, in reference to the position of the country, and that is that Canada has in the last year, with regard to its business transactions with the Mother Country, risen from the rank of No. 11 on the list to that of No. 8.

**Hon. Sir GEORGE-É. CARTIER:** Hear, hear.

**Hon. Sir FRANCIS HINCKS:** The exports to Canada exceed those to Russia, China, Brazil, and Turkey, all countries having a very large trade with Great Britain. But there is a very important fact in connection with this, which should not be lost sight of, that

there is no country which trades with England that receives from her so large a proportion of her goods as Canada in proportion to her population. (*Cheers.*) I have ascertained from statistics that the United States with forty millions of people, took during the last nine months, the returns of which I have been able to get, 20,000,000 sterling worth of goods, being at the rate of ten shillings per head of the population. During the same period, Canada with 4,000,000 of people took 6,000,000 sterling worth, being at the rate of 1 pound sterling 10s. per head, or exactly three times as much for our population as the United States. (*Cheers.*)

**Hon. Sir GEORGE-É. CARTIER:** Each of us is worth three Americans. (*Laughter.*)

**Hon. Sir FRANCIS HINCKS:** When you look to other lands which are put down as being the great countries with which there is trade, to British India, for instance, which stands very high after the United States, the difference is even greater. It must be remembered that British India has a population of 155,000,000, and, therefore, the exports to that country amount to about two shillings per head. Russia receives 1s. 6d. per head; Germany, which also stands very high on the list, about eight shillings per head; so that we have the satisfaction of knowing that this country is the one which in proportion to its population carries on the most commerce of any country in the world. (*Cheers.*) This is a very satisfactory statement of our relations with the Mother Country. I desire, Sir, in reference to the public debt, before closing my remarks on that branch of the subject, to make some reference to a work which I have no doubt is familiar to nearly every member in this House, but which I am sure they cannot be too often reminded of in connection with this matter. I think it is important to call their attention to it at this moment, because the probability is, that at no distant day, looking at the state of public opinion, that works of considerable magnitude will be undertaken, and it is important that people should not be alarmed as to the state of the finances—that they should not be alarmed at a debt, which, considering the resources of the country, I own I do not look upon with the slightest apprehension.

I wish, Sir, to call attention to that celebrated passage in Macaulay's History of England, where a reference is made to the English debt. In describing the history of the period when that debt first originated, he refers in most eloquent terms to the state of public opinion at various times as to the public debt of the nation. He says:

“Such was the origin of that debt which has since become the greatest prodigy that ever perplexed the sagacity and confounded the pride of statesmen and philosophers. At every stage in the growth of that debt the nation has set up the same cry of anguish and despair. At every stage in the growth of that debt it has been seriously asserted by wise men that bankruptcy and ruin were at hand. Yet still the debt went on growing, and still bankruptcy and ruin were as remote as ever.”

“Not less gloomy was the view that George Grenville, a Minister eminently diligent and practical, took of our financial situation. The nation must, he conceived, sink under a debt of one hundred and fifty millions, unless a portion of the load were borne by the

American colonies. The attempt to lay a portion of the load on the American colonies produced another war. That war left us with an additional one hundred millions of debt, and without the colonies whose aid had been represented as indispensable. Again England was given over, and again the strange patient persisted in becoming stronger and more blooming in spite of all the diagnostics and prognostics of State physicians. As she had been visibly more prosperous with a debt of one hundred and fifty millions than with a debt of fifty millions, so she was visibly more prosperous with a debt of two hundred and fifty millions. Soon, however, the wars which sprang from the French Revolution, and which far exceeded in cost any that the world had ever seen, tasked the powers of public credit to the utmost. When the world was again at rest, the funded debt of England amounted to eight hundred millions. If the most enlightened man had been told, in 1792, that in 1815, the interest on eight hundred millions would be duly paid to the day at the bank, he would have been as hard of belief as if he had been told that the Government would be in possession of the Lamp of Aladdin, or of the purse of Fortunatus.”

“The beggared, the bankrupt society not only proved able to meet all its obligations, but, while meeting those obligations, grew richer and richer so fast that the growth could almost be discovered by the eye. In every county we saw wastes recently turned into gardens; in every city we saw new streets and squares, and markets, more brilliant lamps, more abundant supplies of water; in the suburbs of every great seat of industry we saw villas multiplying fast, each embosomed in its gay little paradise of lilacs and roses. While shallow politicians were repeating that the energies of the people were borne down by the weight of the public burdens, the first journey was performed by steam on a railway. Soon the island was intersected by railways. A sum exceeding the whole amount of the national debt at the end of the American war was, in a few years, voluntarily expended by this ruined people on viaducts, tunnels, embankments, bridges, stations and engines. Meanwhile, taxation was almost constantly becoming lighter and lighter, yet still the exchequer was full. It may be now affirmed without fear of contradiction that we find it as easy to pay the interest of eight hundred millions as our ancestors found it, a century ago, to pay the interest of eighty millions.”

He goes on—“A long experience justifies us in believing that England may in the 20th century be better able to pay a debt of 1,600 millions than she is at the present time to bear her present load.” Now, Sir, have we nothing to show of a similar kind? Why, Sir, I had a statement put into my hand the other day which I have not had an opportunity of verifying, but I have no doubt it is substantially correct and carefully prepared. It gives the following figures. In the year 1828, just a couple of years before I came to Canada, the population of the whole Home District was only 21,329, and the entire assessed value of property amounted to \$1,269,252. That district, Sir, the capital of which was then Little York, with a population of 4,000, comprised York and Simcoe. At the present time that same division has the city of Toronto, three Ridings of York, two Ridings of Simcoe, two Ridings of Ontario and the County of Peel. The population in 1861 had risen from

21,329 to 218,000, and I dare say, in a few weeks, we will find that the increase during the past ten years has been in even a greater ratio. In 1861 the assessed value of property had risen from \$1,269,252 to the enormous extent of \$69,077,000—an amount not very far short of the whole amount of the Dominion debt. Well, Sir, I think we find the country progressing in a very satisfactory manner. This is only one instance, and I believe almost as great progress has been made in other parts of the Province of Ontario. I am sure there is no part of the Province of Ontario where one sees greater signs of improvements and progress than in the city of Montreal. (*Hear, hear.*) I have not had such an opportunity of judging of the increase in other parts of the country, but there is not the smallest doubt that the development of railways, added to our splendid water communications—that these have tended to make this country advance in a ratio which is not exceeded in any other country in the world. (*Cheers.*)

I have now, Sir, to come to the really important part of my duty, having explained exactly, what the real increase of the debt is—that, in point of fact, although the debt has, apparently, increased very much, at the same time the assets have also very considerably increased, and that the real *bona fide* addition to the debt is, as I have said, something under \$2,500,000 since Confederation. I will now, Sir, come to the transactions of the year which has just closed, as shown by the public accounts. The estimates made by my predecessor of the revenue for that year was \$14,650,000, and he estimated there would be a surplus of about \$300,000. It has turned out that this estimate has been very largely exceeded, that the actual receipts were \$15,512,225, showing a surplus over the estimate of \$862,225. The expenditure, on the other hand, shows an apparent saving of \$544,595.54, but there is a sum of \$209,656.69 which should have been applied to the sinking fund of that year, but was not carried to the account during the year, and therefore, falls into the current year, so that that, strictly speaking, ought to be deducted from that amount. There are also certain public works which were not constructed, and it is not fair to treat the money appropriated for them, but still unexpended, as a saving. The result of it is that the money is in the chest instead of being expended, and it is not, strictly speaking, saved, as the works will have to be constructed another year. By that means the actual expenditure was brought down to \$14,345,409.58. The actual receipts for the year having been \$15,512,225, there was therefore an excess of \$1,166,816, but from that is to be deducted a further sum.

I would remind my hon. friend opposite that great complaints were made last year, with reference to certain items in the public accounts. These were charges against the public works which, it was said, ought not to have been made against capital, but should have been charged against income. It very often happens that there is a good deal of difficulty in classifying these items under the head of public works, and I have been always sensible that there has been ground, at all events, for complaints on that score. I have, however, caused the sum of \$164,988.18 to be written off against Consolidated Fund—or to be taken from capital account and transferred to income account since the accounts were published. If any hon. gentleman has got the public accounts, I could at once

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refer him to the place. It will be found at page 177 of the Public Accounts. There are number of items, such as stores in excess of issues since June, 1870, amounting to \$36,152.66, another amount on the Parliamentary and Departmental Buildings in Ottawa,—that account has always been treated as capital account in consequence of the buildings themselves having been constructed on capital account—but still there are several items in that such as care of grounds, payment of clerks, etc. The aggregate amount is \$39,921.19; and there is another item of the various charges connected with the Welland and Cornwall canals of \$88,914.33. Those items have all been carried to capital account in reduction of that amount; but it is satisfactory to know that there is really an actual surplus of nearly \$1,000,000 on the transactions of the year. I desire to call attention to the manner in which that surplus has been attained, and how our Estimates were at fault. In that year there was an excess of revenue over the preceding year, in the articles of sugar and molasses alone, of \$371,000. Tea was in excess, \$224,000; brandy, gin, and spirits, \$135,000; wine, \$40,000; iron and hardware, \$35,000;—the total being \$805,000. There was, also, an increase in Excise of \$909,594. (*Hear, hear.*)

In this way we have got, then, a large surplus for the year 1870. I shall now come to the current year. The estimates for the year—the original estimates I made last year were \$8,600,000 for Customs; to that we added \$950,000 as an estimate for the new duties, giving an aggregate of \$9,500,000. According to our present estimates, we believe that the Customs Revenue for the current year will reach \$10,500,000, giving an excess over our estimates of \$950,000. According to our present estimates, we believe that the Customs Revenue for the current year will reach \$10,500,000, giving an excess over our estimates of \$950,000. Here again, I will call attention to the articles in which this increase has taken place. I stated, the articles on which the great increase took place in the previous year 1869 and 1870. During that year there was no material increase; in fact, I am not sure there was any in the great staple articles of cottons and woollens, from which a very large revenue is derived; they were about the same as the previous year. But during the past half year, we find there has been an increase in a number of articles—nearly all staple articles—of import, of which some of the articles to which I have referred, bear a very small part. But there is no material increase in the tea duty; in the sugar duty there is an increase of \$61,000, in brandy there is an increase over the previous year of \$33,000; gin, \$45,000; wine, \$30,000; cigars, \$22,000. There is also a very considerable increase during this current year in some other articles—namely, on woollens, \$261,000; on cottons, \$126,000; on silks, \$63,000. There is, also, an increase on many other items, making altogether an increase of \$858,000 in the first six months. (*Hear, hear.*)

In Customs there will be a very considerable increase beyond what we anticipated. The Excise will give \$775,000 above the estimate. The estimate on spirits was \$2,375,000, and we expect \$2,750,000. We expect from malt, \$250,000; and tobacco, \$630,000; and we also anticipate an increase from petroleum. We expect \$4,200,000 from Excise, giving us a surplus above the estimates of \$775,000. I expect to get \$25,000 from stamps, and

smaller sums from miscellaneous items, with which I need not now occupy the attention of the House. The total result will be to give us a revenue during the year of \$17,360,000. In the estimates for the year \$15,000,000 is the sum stated to be needed, but there are some items to be added. For instance, the sinking fund of the previous year, which falls due the present year, though it does not belong to this year. Some balances will also be carried forward. For frontier expenses, the sum of \$119,000 will have to be added. The total sum therefore would be \$15,588,927, as the aggregate estimate. I may here state, that there is some addition to the subsidies in consequence of the new Province of Manitoba being brought into the Dominion, and also a charge in connection with the silver, both which will amount to \$311,616; so that the aggregate estimate we calculate may reach \$15,900,543. There may yet be some saving. I find there is an estimated saving in the Militia of \$295,000; but against that I am rather inclined to think that the Minister of Militia has a supplementary estimate.

**Hon. Mr. HOLTON:** Hear, hear.

**Hon. Sir FRANCIS HINCKS:** This supplementary estimate will more than absorb that amount. But still there is a saving on the Militia Estimates of last session. The estimates for premium and discount will be reduced by \$10,000; nearly all the exchange bought the present year being under par. There has been a saving in miscellaneous items under the head of “unforeseen expenses.” In the charges for Public Works, we expect to save \$75,000; altogether we anticipate a saving of \$433,470; which will leave us an actual expenditure for this year of \$15,467,373. That, deducted from the estimated revenue, as taken from the best information, will leave us a surplus of \$1,892,627 for the current year; from that we will have to deduct anything that may be voted by Parliament for the services of the current year.

I have now to approach the year that is to come—the year ending the 30th of June, 1872. In the estimates which have been submitted, it will be found that the aggregate amount, including what is provided by permanent acts is \$25,682,000. Of that sum, \$7,846,900 belong to Public Works, chargeable against capital—such as the Intercolonial Railway. Deducting that sum for Public Works there will remain \$17,835,472; and from that two deductions are to be made—one the amount of redemption of debt to the amount of \$1,040,000, which will be redeemed during the year. There is, besides, a re-vote of \$400,000 for the North West, which, of course, is already provided for by the Act, as a charge on capital. The aggregate of these is \$1,440,000, leaving the estimates at \$16,394,000. That is a large estimate, certainly, and it is in excess of what it has been usual to bring down. Therefore it is desirable to call attention to the leading items in it, which have an unusual character.

In the first place, there is a large item for the taking of the census, an item of \$360,000. Then there is a special amount required for the purposes of the Militia—the sum of \$276,000—not for ordinary militia services, but for the purchase of various arms, under an arrangement of a very desirable kind, made with the Imperial Government. There is another item which is of quite an unusual

character, though it will have to appear in the estimates—the item of \$50,000 for a boundary survey between the Province of Manitoba—on the North-West—and the United States. There has been a dispute about this boundary, and a proposition was made to the Imperial Government with reference to having a new survey by a joint commission, and at a joint charge. The Imperial Government, under all the circumstances, considering the independent, or semi-independent state, we have become, has dealt with us in a very fair spirit. They have proposed, in accepting the proposition of the United States, for a joint survey, to pay one-half of the British share of the expenses if we paid the other. Under the circumstances, this was a reasonable proposition. We are interested in the matter, and cannot complain. The Public Works—chargeable against income—are considerably in excess of what is the usual charge. This is necessary, from the construction of several public works, which are urgently demanded. The works are of urgent necessity, and I trust will, when the time comes, commend themselves to the favourable consideration of the House. These items, which are quite exceptional, amount to \$1,186,000 in the aggregate.

The question now is, what is our position with regard to ways and means. I estimate that our revenue will be from Customs \$10,000,000; inland revenue \$4,300,000; Post office \$500,000; Public Works, \$1,000,000; Stamps \$100,000; miscellaneous, \$850,000; and taken together the aggregate will be \$16,810,000. I have reason to believe however, that there will be a supplementary estimate which will add something to our expenditure—about \$300,000. My hon. friend beside me (Hon. Mr. Morris) has a measure to bring forward—a new system of weights and measures, the introduction of which system will cost about \$50,000. There are some other matters connected with the Public Works, which we shall have to deal with; and we have some items to put on yet, which will swell the amount. Still, there will be, in the amount of estimated revenue, a surplus of \$300,000.

I think, sir, that the statement I have made with regard to the actual results of the operations of the last two years, and my anticipations of the year to come, are very satisfactory; and possibly there are many Members who think they will justify a much larger reduction of taxation than the Government feel justified in proposing. It may perhaps seem hardly regular to consider these points before going into Committee of Ways and Means; still I may mention what we propose to do with regard to taxation. It will not be found that there is anything very serious contemplated. I dare say there will be some disappointment expressed by certain Members when they find that their particular hobbies are not likely to be realized. But I trust I shall be able to give reasons that will satisfy even those Members, that at the present time, it is not expedient to adopt the course which a great many are anxious we should adopt. I am anxious, before touching on that subject, to state what the Government are prepared to propose.

The very first step to be expected from the Government in making a reduction in the duties, would be the removal of the additional five per cent on all duties imposed last session. Then the next step that would naturally engage our consideration would be those duties to which so much opposition was made last session; I

refer to the duties on coal and flour. But I feel quite sure that the House will consider with me that this is not a suitable time for dealing with that question. (*Hear, hear.*) I think a more unfortunate time could not be selected for taking up that question. At present, as we all know, negotiations are going on at Washington, and it is not improbable that this very question of duties of commercial relations between the two countries, will receive consideration at the hands of the Commissioners. I therefore think that alone, if no other reason could be offered, is sufficient to prevent the Government taking up that subject at the present time.

It is not on account of the great amount of revenue to be derived from these articles that the Government desire to postpone the consideration of the removal of those duties, because really and truly if the Government felt it advisable at present to deal with that particular question, the consideration of revenue would not be a serious one. But we may be told “if you are not prepared to deal with those duties, why refuse to reduce the duty on other articles?” Well, I do not think it is expedient to do so in the face of the probable large demands which will be made upon us for the construction of great public work; although the subject of constructing these great works has not yet engaged the consideration of Parliament, it cannot be doubted that some of them at least will have to be undertaken. I do not think that it will be contended that the taxation now levied on the people is causing any public inconvenience, or that any serious complaints are being made respecting it—passing over the particular question with regard to the coal and flour duties, respecting which I admit there is a considerable amount of dissatisfaction. That being the case, and looking to the future when we shall have to go into the market to borrow money to meet the large expenditure which we will, no doubt, have to incur before very long, we thought it advisable to keep up the revenue so that the credit of the country might be increased, and we might be able to borrow upon more favourable terms than we otherwise could. I believe, therefore, that it will be found a great deal more advisable to avoid taking off any other duties, and more especially as it is within the bounds of possibility and even of probability that the duties on coal and flour will be taken off.

There has been a constant demand by many members of this House, and by various sections of the people for a reduction of the duties upon various articles which are either raw materials, or *quasi* raw materials entering into the manufactures of the country. I think it is sound policy to aid these manufactures in every possible way, and that it is exceedingly desirable to add these articles to the free list. These applications are frequent and they are made very often during the recess of Parliament. We propose to ask Parliament to empower the Governor in Council from time to time to transfer to the free list articles which are used as materials in Canadian manufactures. Of course a list of the articles thus transferred to the free list by Orders in Council will be laid before Parliament within fifteen days of the opening of the next session. I think the House may fairly trust the Government with that power, believing that it will be exercised with discretion, and I feel sure it is a proposition that will meet with general satisfaction. There then was some difficulty with respect to machinery. For a long time machinery was admitted free of duty, but last session we again placed it in the 15 per cent list. A great many applications are continually being made to us upon this subject. On the one hand it seems a very

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unreasonable thing that Canadian machinists should be subjected to a duty upon the various articles which they import and use in their manufactures, and at the same time the machinery which they make comes in free of duty. That seems to be very objectionable. On that ground we proposed last session to put machinery on the 15 per cent list. But it has been represented, and there is no doubt of the fact, that it is sometimes very important that machinery, which is not and cannot be manufactured in this country, should be admitted free. We propose, therefore, to ask Parliament to authorize the Governor in Council to admit free of duty any machinery on satisfactory evidence, that like machinery is not manufactured in this country. Of course any provisions under that head would also be submitted to Parliament within fifteen days after the opening of the session. It will be necessary to provide for the extension of the custom duties which were authorized to be levied in the Province of Manitoba to the whole of the North West Territory. There is but one other item at all affecting, I can hardly say the revenue, but the commerce of the country, to which I will very briefly refer. Very strong representations have been made to the Government from time to time within the last two or three years with regard to the necessity of taking some steps to prevent the destruction of hemlock trees which has been going on.

In relation to this matter I may just read a statement of fact as set forth in a petition to the Governor in Council, and I may add that enquiry has been made, and reliable persons have assured us that these statements are substantially true:—"Within a few years a swarm of speculators have carried on to a very large extent the trade of exporting bark to the United States, thus stripping our forests of all the hemlock to an alarming extent. Large quantities of well timbered hemlock lands have fallen into the hands of speculators, who, after taking all the bark, leave the same with the timber rotten and totally unfit for actual settlement. Trespassers, also, for the sake of gain, enter upon unoccupied lands belonging to the Crown and to individuals and destroy all the hemlock timber." Now, there is an extract from this hemlock bark, which is exported to the United States. The United States Government, no doubt very wisely, looking entirely to their own interests, have imposed a pretty smart duty upon this extract, that is, manufactured in this country, but admit hemlock bark duty free. We propose to counter-check this action on their part by putting a duty of \$1.50 a cord upon hemlock bark. This is not a question really affecting the revenue; we neither hope nor expect to get any revenue in this way, nor do we desire it. But it is very undesirable that our hemlock should be all cut down and the bark sent out of the country. I may say that while the representations on this subject chiefly came from the Eastern Townships, we received some representations to the same effect from the Province of Ontario. Under these circumstances the Government considered the matter, and having reason to believe the truth of the representations, they thought it their duty at all events to enable the House to decide upon it. It is not a matter that they take any very warm interest in. They believe it is right to make the proposition, and they leave it to the House to deal with it as it may see fit.

These, Sir, comprise the statements which I think it necessary to make, and I have only in conclusion to thank the House very sincerely for the attention they have given to me. (*Cheers.*)

**Hon. Sir FRANCIS HINCKS** rose to reply to the speakers who followed his budget speech, including Hon. Sir A.T. Galt, Mr. Cartwright, and others. He said: Before I make a few remarks on the speech of the Hon. Member for Sherbrooke, I wish to say a few words in reply to the remarks of the last speaker, the hon. member for Oxford North (Mr. Oliver), on the question of the public debt. The hon. gentleman surely has got a statement before him of the exact state and particulars of the debt and assets, and he must see that everything is stated there clearly from Confederation down to the last fiscal year, and that the debt has not increased more than the amount actually set down. In fact, it is evident there has been a very considerable saving, as I showed in my former remarks—that the increase of debt from 1867 has been \$2,481,101. I have shewn that the expenditure from capital and purchasing and opening the North-West, and in connection with the Intercolonial Railway, has been \$3,609,337. (*Cheers.*)

With regard to the course of the Hon. Member for Sherbrooke, I think it has been most unusual; and nothing has been more extraordinary in relation to the proceedings of this evening than the course taken by the Member for Châteauguay, who has been sitting silently during the discussion, but who commenced it by proposing to me, as a matter of convenience to the House, that this discussion should be entered upon with you, Sir, in the Chair, instead of going into Committee of Ways and Means, as usual. Whether the hon. gentleman knew that the Hon. Member for Sherbrooke was going to propose a motion equivalent to one of want of confidence, I am unable to say. All I do know is, that I would rather occupy the position of the Government than the position of those hon. gentlemen in taking this course. (*Cheers and counter cheers.*)

The Hon. Member for Sherbrooke took a great deal of credit to himself for his tariff of 1866, and in referring to the fact that no substantial alteration has been made in that tariff, he said, in some respects there had been a departure from sound principles. Of course I understand why he shrank from naming the particular points that constituted the departure from the sound principle in question—and if the remark had come from the Member for Lambton or the Member for Châteauguay, I might have admitted it bore an air of consistency, because they no doubt would have condemned everything like a duty on articles of food. But not only did the Member for Sherbrooke impose a duty upon such articles as fish and oils, but on lard, tallow, flour, Indian corn and corn of all kinds, meat, butter, cheese, and so forth. Yet this was the gentleman who accused the Government of the departure from sound principle in regard to the present tariff. (*Cheers.*) He may shelter himself under this statement that he referred to coal. Is that duty a departure from sound principle? All I need observe is, that I will venture to say that if Confederation had existed when he brought in the tariff of 1866, coal would have been placed side by side with flour. (*Hear, hear.*) At that time there was no Nova Scotia to consider, and there was no coal from her brought to Canada. Canada was importing coal from other places, and, no doubt, if we had been in the same position last Session, coal would not have found its place in the tariff.

Nothing could be more unfair than the observations of the Hon. Member with regard to the quotation I made from Macaulay's History of England. There was nothing in what I said to intimate I thought it was desirable there should be a great public debt. I wanted to show that, notwithstanding that great public debt—and let it be observed, that was contracted almost exclusively for carrying on war—and surely no one can imagine it is a desirable thing to contract debt for such an object—however necessary it may be to contract debts for the defence of the country—the mother country had increased in wealth and prosperity. But here we are in very different circumstances. Our debt was contracted, not to carry on war, but for the noble, the promising works of public improvements. (*Cheers.*) I do not hesitate to say I believe it has been the means of increasing largely the material prosperity of the country, and of accelerating its progress. (*Hear, hear.*)

This debt of ours has not been, as the hon. gentleman strove to make it appear, a serious disadvantage. The hon. member talked a good deal about the tendency to speculation resulting from a debt and loans, and warned us anxiously in regard to them; and he went on to condemn the municipalities for going too fast in giving subsidies to railways, and also the Provincial Governments of Ontario and Quebec. I saw an announcement, not many weeks ago, that the Hon. Member for Sherbrooke was himself soliciting aid from the Government of Quebec for a certain railway. Yet he now actually condemns it for its generous policy on this subject. (*Cheers.*) Then, however, he was urging that Government to go even further than it proposed in its contribution. (*Renewed cheers.*) Moreover, one of the conditions of the union we are about consummating with British Columbia is the construction of a great railway to the Pacific; and surely no one imagines it is possible that great work can be built without material public aid. The Hon. Member is well aware, besides, that one of the terms of the Confederation compact was the improvement of the western canals. He certainly, therefore, was the last person, under the circumstances, who should have uttered this warning with regard to the public works. It is not the first time he has talked about speculations, extravagant and improvident expenditure, and so forth, of the years 1852 to 1854.

For my own part I am not prepared to defend all the grants and loans which were contracted in those years with regard to the railway improvements, yet I will not hesitate to say that I believe that, on the whole, the expenditure of money which took place under the acts to which I refer, did tend very much to the improvement and advantage of the Province of Ontario in which the expenditure chiefly took place. If we are to go on with improvements, it is absolutely impossible that improvements of a larger description can be paid out of the ordinary revenue, but it is really a little too bad that after all the attacks made on the Government from the other side of the House for paying too much out of capital—that is to say for borrowing money for the purpose of making public improvements—when we come forward to say that we have the means of paying them out of our ordinary revenue, and do pay them out of that source, it is too bad that we are assailed

for it. At all events, as far as my own experience goes, I have no knowledge of any precedent for this. (*Cheers.*)

What have we had this evening? We have had a regular discussion on the estimates, just as if the House were in Committee of Supply. We have had all the items passed under review, and attacks made on the Government which it is almost impossible in discussion of this kind to meet. I certainly feel pretty strongly on the subject, because the hon. gentleman, not content with attacking the Government, has actually assailed me personally as Minister of Finance.

**Hon. Sir A.T. GALT:** No, no.

**Hon. Sir FRANCIS HINCKS:** Yes, yes! I say yes, for the hon. gentleman attacked the mode of dealing with the finances of the country, and said it was my financial policy. (*Hear, hear.*) Now, the hon. gentleman withdrew last session a charge of a similar kind which he was making, when he said he knew very well that the Finance Minister was not responsible for the estimates of the Government. I do not want to shrink from the responsibility of the estimates, but I do say that it is not a proper charge to bring a personal charge against the Minister of Finance because the Public Works Department or any other department submit estimates larger than the hon. gentleman thinks desirable. The true way is to take up these items and ask are they wanted for the country or not. (*Hear, hear.*) I say with regard to the item of \$150,000 for the erection of a public building in Toronto, that the state of the public building there, used as a Custom House, is a standing disgrace to this country.

**Mr. HARRISON:** Hear, hear.

**Hon. Sir FRANCIS HINCKS:** There is a paltry custom house building that I recollect seeing there twenty years ago that is wholly inadequate for the trade of that city, where such an enormous portion of the revenue of the Dominion is collected. (*Hear, hear.*) And then the Inland Revenue Department is without any office, except a hired one in the exchange buildings though its officers are obliged to collect an immense revenue which, with the customs revenue, is equal to the whole amount collected in the province when the building was erected. I am prepared to vindicate that vote and every other vote in the public estimates, and it is not hon. members to say that the estimates are larger this year than they were last year. As I have said, we have been assailed time and again when we were not able to make improvements without enlarging the debt, but now, when we are trying to keep down the debt and are paying out of our current revenue those amounts, we are assailed because our estimates are so large. (*Cheers.*) My hon. friend was obliged to admit, because I stated it distinctly, that the extraordinary expenses were upwards of a million dollars larger this year. There was the census charge. That is very large, and anyone who thinks of the immense territorial extent of the Dominion will see that it is hardly possible to avoid incurring large expenses in this direction.



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Now, as to the negotiations at Washington—why, sir, the hon. member for Sherbrooke is the last member in this House who should have said one word upon this subject. The hon. member said that my remarks were an excuse unworthy of a Finance Minister, and talked of the duties which affected our own people and said the Government should legislate for them only. But, does the hon. gentleman remember the year 1866, when he was negotiating with the Committee of Ways and Means at Washington? When he was carrying on negotiations there with the evident intention of basing our tariff on that of the United States? Yet, he is the very hon. gentleman who now stands up and tells us that when negotiations are going on at Washington, and when it is a remarkable fact that a repeal of the coal duties is hung up in the Senate at the present time—

**Hon. Mr. HOLTON:** No, not hung up!

**Hon. Sir FRANCIS HINCKS:** Yes, it is so. I have the best authority for it. I state it on undoubted authority, and from the latest information got by telegram this very day from Washington. (*Hear, hear.*)

**Hon. Sir GEORGE-É. CARTIER:** The hon. member for Châteauguay has only the newspapers, you know! (*Laughter.*)

**Hon. Mr. HOLTON:** I happen to know what can and what cannot be done under the Constitution of the United States. A bill passed by the late Congress cannot be dealt with by the New Senate. It must be commenced *de novo* in the House of Representatives.

**Hon. Sir FRANCIS HINCKS:** I am not going to enter into all the points raised by the hon. member for Sherbrooke, but I cannot pass without notice his remarks with reference to the West India Commission. I recollect perfectly well what took place on a former occasion with regard to that subject. The hon. member for Lanark North who charged him with inaction was a member of the Government for two or three years after that time, and yet he did not succeed in getting any action taken on the report of the Commissioners. I can only say that I believe the principal recommendation of the report to be a very valuable recommendation; but while I say that, while I believe it would be most desirable to have better communication with the West Indies and more intimate commercial relations with them, I am not insensible to the difficulties that have hitherto stood in the way. Negotiations have been going on for a considerable time on the subject, but owing to the fact that Newfoundland did not come into the confederation, the scheme of subsidizing a line of steamers, which would have fully answered the purpose, was thrown back. I can only say that my hon. friend and colleague, the Postmaster General, is thoroughly alive to the importance of the subject, that he has it constantly in view, but he has not yet seen a chance for carrying out any efficient scheme.

There is another point respecting which I think my hon. friend should have been the last member of this House to attack the Government, that is the withdrawal of capital from commercial purposes. That hon. gentleman who projected a scheme for the

withdrawal of the whole banking circulation of the country is about the last person to make an attack upon the Government for withdrawing capital from commercial purposes. The main withdrawal of capital from commercial purposes will be in the form of the issue of Dominion notes; and really that will be to a very small extent, because, although the hon. gentleman has condemned the arrangement which obtained the sanction of Parliament last session, by which the banks were obliged to hold half their reserves in Dominion notes, that did not lead to any more withdrawal of capital, because if the banks did not hold their reserves in Dominion notes, they would have to hold them in gold, while the Government obtained a very considerable circulation, and really economized capital rather than the reverse. The only way the Government could possibly withdraw capital is by the circulation of small notes. In view of the fact that banks are not allowed to issue notes beyond the amount of their capital, and that that amount will be reached, as I believe will be found to be the case, without the issue of small notes, it will be found that the issue of small notes by the Government will not withdraw any capital from the country, and will not injure the banks in the slightest degree. With regard to the other alleged withdrawal of capital from commercial purposes, I believe it will be found that the measure of the Government with regard to insurance companies will tend in a different direction. Certainly it will not increase but rather tend to diminish the necessity of investing in Dominion securities. No doubt at the time when the Government had a large floating debt to pay off they were anxious to issue their securities, but we have during the last year been rather embarrassed by insurance companies withdrawing the securities they had deposited under the Act, and requiring us to give them Dominion stock instead. We had a great deal rather they had kept their securities in their original form.

Of course, Sir, I am quite willing to give due attention to all warnings which may come from my hon. friend with regard to extravagance. I am not aware that the Government are projecting any very expensive public works outside of those works to which I have already made reference. The principal item from public works chargeable to capital in the present estimates is the Intercolonial Railway. Of course we intend to complete that railway with as much rapidity as possible. Many of the other items are for carrying out works which are already sanctioned by Parliament, and which it would be absolutely impossible for us to abandon in their present state. The Buildings at Halifax are, of course, in quite an exceptional position, as the Minister of Customs fully explained. We are now charging \$10,000 a year to Nova Scotia for these buildings. We must have buildings at Halifax, and if the present building is not handed over to us, there is nothing for us to do but to build a new one. This will impose no fresh burden upon the Dominion, because until the buildings are handed over, Nova Scotia is charged with \$10,000 a year upon them, which will be about the interest on the cost of a new building.

I will not trouble the House any longer. I must say I think the course taken by the hon. member of Sherbrooke is an unusual one, and is a direct vote of want of confidence in the Government. Nor is it supported by any fair argument, because the mode adopted of lumping the whole estimates, and showing so much this year and so much more another year, without going into the investigation of particular items, is a course which I think

quite unprecedented and which I think will not be sustained by a majority of this House.

**Hon. Sir FRANCIS HINCKS** concluded that these comprised the statements which he thought it necessary to make, and he had only, in conclusion, to thank the House for the attention and interest with which they had listened to him. The hon. gentleman sat down amid loud cheers.

**Hon. Sir A.T. GALT** said that since the beginning of that Parliament he had not thought it his duty to address the House on the Financial Statement, on the occasion of that statement being brought down. At the commencement of Confederation he had thought it his duty to make no criticism which was not called for by the strongest considerations, and he had not found in the statements of the first three sessions anything beyond matters of detail. At the last session the Hon. Finance Minister brought down his budget, which appeared to him objectionable in many respects, and especially so in regard to the increase of outlay contemplated, and the changes proposed in the commercial legislation of the country. The hon. gentleman then, however, had only recently been charged with the conduct of the financial affairs of the country, and he felt it better to await and watch for another year the course of the policy of the Government, and then judge from a statement brought down under the most favourable circumstances, what the wants of the country were in the opinion of the Government, and what the means to meet these wants. So far as our portion of the statement of the Finance Minister was concerned, containing the congratulations which he had addressed to the House and country, he (Hon. Sir A.T. Galt) heartily concurred with. It must be satisfactory to all to be aware that for the past year and the year previous the state of the country had been such as to warrant the statements made. He might go further and say that he had a peculiar and personal satisfaction in hearing those statements, because, perhaps more than any other member of the House, he had had responsibilities in connection with the taxation, the result of which they had to-day heard,—for the sources of revenue that had produced those results were enacted in 1866, the responsibility of which he shared with the other members of the Government of that day.

The changes which had been made in that system of taxation had been material, and as he might be able to shew, before he sat down, had been departures from sound principles. It must be a satisfaction to him to find that the results had justified the calculations which, as Finance Minister, he had offered at the time of Confederation. He was glad to find that all the Provinces possessed ample means for meeting the wants of their respective countries, and also that abundance reigned in the Dominion Treasury also. No Finance measure could produce prosperity, the most that could be expected from them, was that they should place the burdens required for the country in the least onerous form possible, upon the industries of the country. He believed that the former legislation of the country had been practically endorsed by the Finance Minister, who, in showing that he did not propose materially to change the burdens now placed on the people. He thought, however, that the causes of the country's prosperity must be sought elsewhere than in legislation, and that amongst those causes they might with some degree of truth class the measure of Confederation. To that

measure, the policy and wisdom of which had often been questioned, they must attribute the absence of that sectional strife and animosity which had long divided the different Provinces.

Confederation, by removing all spirit of sectionalism had done much to lift the incubus from the industry of both Quebec and Ontario, and had enabled them to use more wisely the benefits conferred upon them by Providence, had stimulated the internal trade of the Provinces, and had made them better acquainted with each other, and with the resources of each Province. They found that the exchange of the commodities of the East and West had grown yearly, as was evidenced by the establishment of steam lines of communication with the Maritime Provinces, and on every side they saw evidences that the happy day, when the country would be so homogeneous as to be truly characterised as one people, was not far distant. It had also helped them to meet the evils resulting from the abolition of the Reciprocity Treaty, it had opened up new channels of trade, it had raised in the minds of the people the expectation that new sources of employment would be developed, and the people had been found equal to the burden placed upon them, and had shown by their industry and enterprise that they were not dependent upon the United States to such an extent as to be obliged to sacrifice their principles or their interests. They had also to thank Providence for a repetition of a good harvest from one end of the country to the other, and they had to rejoice that even in the Province of Nova Scotia, which two years ago had been represented as being subject to peculiar privations, there was the same amount of prosperity as in her sister Provinces.

To the advantages of good harvests and good prices for produce, there had been added a general absence of speculation. The country had not run riot into works that were not called for, but there had been that steady application to the business of the country, which so distinguished its men of business, and the consequence was a rapid accumulation of capital, which was seen in the Bank statements, and in Savings Bank deposits, resulting in low rates of interest, and ability to obtain money for all legitimate objections, and consequently great advantages for the promotion of works of industry which were really called for by the interests of the land.

There was one subject of congratulation which had escaped the Minister of Finance to which perhaps he might be permitted to refer. He meant the volume of the trade of the country which for the year 1867-68 amounted to \$129,500,000, had increased in the last returns to \$146,000,000, the increase being almost exclusively in the article of products. Such was the state of the country. With abundant revenue, abundant means, and low taxation nothing but ordinary prudence and economy was necessary to insure the future progress of the country.

Thus far he had spoken in the same line with the Minister of Finance but he was bound to say his satisfaction must now end. He felt himself compelled to differ very much indeed from the Minister of Finance, and to speak rather in the language of warning than satisfaction. Listening to the eloquent words that the Minister of Finance had quoted from Macaulay's History, and which he had appeared to endorse, they were almost led to believe that the true course to prosperity was to run in debt, and that it was not the unparalleled intelligence and industry of the British people, but the

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numerous burdens placed upon them, that had carried England forward, and it had been quoted as an introduction to a statement which plainly indicated, that the policy of the Minister of Finance was based on the principle that the greater the debt, the greater the prosperity. The changes which the Finance Minister had made in the system of taxation of 1866 were not very material.

As to the changes in the tariff, the duties attracting most attention were those carried through the House last session. The increase of four per cent then imposed was now to be taken off, but it was determined to retain the duty on those articles which were placed on the Statute Book last session, and he thought the excuse made for their retention of those duties was unworthy of anyone in the position of Minister of Finance. That gentleman had admitted that no revenue was derived from those duties, and the country cried out against them, but he decided to retain them because of negotiations now going on at Washington. He thought no negotiations at Washington should affect these duties, and if these duties were not for the interest of the people of Canada they ought to be taken off, and that if the deliberate opinion of the House could be obtained he did not doubt but that they would be taken off. He then referred to the report of the West Indian Commission, saying that for the last four years the Government had allowed that report to remain in abeyance. He had hoped that the Minister of Finance, from his practical acquaintance with the benefits that would result from a development of a trade with the West Indies, would have seen his way to carry out some of the recommendations. He was sure a great deal might be done in this direction, for the trade and navigation returns showed that between Canada and the West Indies there was a trade of upwards of \$7,000,000 and the gratifying feature was that during the past year that trade had increased 23-1/2 per cent while trade with England had increased 8 per cent. He considered this trade most important as giving employment to the shipping of the Maritime Provinces, and he hoped to discover in the estimates some disposition to assist that trade.

With regard to the Financial Legislation, the Minister of Finance had himself stated the effect of the measures, relating to Insurance Companies, Savings Banks, and Dominion Stock, but he thought it was to be remarked that these measures had had for their effect, the withdrawal of a considerable amount of the surplus capital of the country, and he said that if they found, as they did find, that Government had really in contemplation obtaining the control of all deposits of capital of the country, the House ought to be very careful how far it sanctioned such measures in future. The Government in dealing with the Banks last year had authorized a circulation of \$9,000,000. A much larger amount was contemplated by previous legislation, and that legislation, notwithstanding all that had been said against it, had been proved to have been advantageous by the absence of all evils arising from it. Still, the Government had laid their hands upon the reserve amount of the Banks as against their liability to the public. He thought the measure, in that respect, an exceedingly unwise one. However, as it had been very fully discussed at the time, he would make no further reference to it at present. The policy of the Government had been too absorbed, more than it was prudent to do, with the floating

capital of the country, and the reserve which the industry of the country had at command for the purpose of various improvements required. It was quite possible that during times of prosperity to do this, but the moment the country felt the want of it the effect to the public must be most prejudicial. The result of the financial legislation had been to place large cash balances in the hands of the Government. The Hon. Finance Minister had spoken of a plethora of money in the Treasury, but the result of all this was unquestionably to induce on the part of the Government a strong temptation to seek popularity by a lavish expenditure, and unquestionably to induce on the part of the public a strong pressure on the Government to embark in enterprises which would not commend themselves to Parliament in the event of their being obliged to provide by direct authorization of the House for what was wanted.

At the same time, in view of the large engagements which the country had entered upon, in view especially of the necessity of finding the money required for the current expenditures upon the Intercolonial Railway, some reasonable excuse might possibly be found for the large drawing into the treasury which had marked the course of the Government for the last three years. But the question became an exceedingly pertinent and important one for this House to ask, how had this large revenue been applied—how had these loans been used in the public service. The hon. Finance Minister had stated that he anticipated for the current year a revenue of \$17,360,000, of which something under \$15,000,000 was to be derived from customs and excise—from customs \$10,000,000, excise \$4,500,000, and from sundries \$2,500,000. He (Hon. Sir A.T. Galt) had made some calculations himself and they did not differ materially from those of the hon. Finance Minister. The income was mainly derived from customs and excise, because what were termed miscellaneous sources of revenue were the products of certain services which cost about as much, or perhaps more than they produced.

The average taxation must be governed by the increase in the population of the country coupled with the greater increase which might reasonably be assumed to take place in the wealth of the country. The increase of the population was somewhere about three per cent per annum, and he thought if the increase of consumptive power of the country were placed at two per cent additional they would have made a liberal allowance for the productiveness of customs and excise and any other revenue to be derived from the main body of the people. Taking the average increase per annum since Confederation at five per cent, it would be found to be a fair estimate. The country had prospered, the revenue had outgrown the expenses, and we had the satisfaction today of dealing with a greater revenue than was required to meet the expenses of the country. At the same time he might remark without assuming the character of an alarmist, that there was a disposition now evincing itself in the country to embark in public works involving a large outlay something similar to the times of 1852-3-4. Many of these works were undoubtedly of a highly useful character, but he confessed that he looked with apprehension on the disposition on the part of municipalities, and he might add Provinces, to give greater encouragement to an immediate attempt to construct these

works. He feared that it would lead to a large, and for many years, unproductive outlay, and the effect would be to sink the capital of the country. The estimates of the Finance Minister were extremely moderate, looking at the state of the country, and there was a possibility of obtaining a larger, rather than a smaller revenue than was anticipated. But they all knew that periods of prosperity without inflation, and unquestionably periods of prosperity without inflation, sooner or later came to a close, and he (Hon. Sir A.T. Galt) contended that it was time for the House to take stock of their position to see that they did not by their own acts, or by the acts of the Government add directly to the disposition which existed to enter upon a course of expenditure which must in its end be attended by disaster.

He had come to the policy of the Government as indicated by the hon. Finance Minister today. Had it been hitherto prudent and economical? Did it tend to repress the speculative feeling in the country, and did it promise more safety, security and immunity from disaster in the future? (*Hear, hear.*) To all those questions he was compelled to answer in the negative. He did not think the policy of the Government would have any of these results. He had examined the accounts of last year, the estimates for the coming year and listened to the hon. Finance Minister. He found that during the three years for which the public accounts were completed, and compared them with the estimates for the current year, if it were a fact that the Government had been so economical, the question naturally suggested itself, why did they actually require more to be voted this year than was actually asked for last year. (*Hear, hear.*) Now, the total expenditure for 1867-8, the first year of the Confederation, was \$13,486,000 of which the amount actually under the control of the Government was \$5,586,000. (*Hear, hear.*) In 1868-9 that expenditure had only grown to \$5,634,000, or a trifle over \$100,000. The third year it had swollen to \$6,243,000, not, perhaps, a very excessive growth considering, as was remarked by the Finance Minister that an increasing surplus required an increasing expenditure. But the following year, when the Finance Minister first became associated with the finances of the country, it rose to \$7,018,000, and this year, under precisely the same management, it stood in the estimates at \$8,060,000. The result was that in five years the expenditure chargeable by the consolidated fund, apart from interest and charges on the public debt and subsidies to the provinces, had swollen from \$1,516,000 to \$5,000,000, an increase of 45 per cent, of which 50 per cent had occurred in the last two years. Government's policy had been to absorb the more capital and business means of the country than was safe or its interests required.

The effect in future might be most hurtful. The result of the Government's plethora of money owing to loans and large revenues was to tempt it to embark in lavish expenditure, and to subject it to great pressure for undertaking unsafe public works. For the current year he (Hon. Sir Francis Hinks) anticipated a revenue of seventeen millions three hundred thousand dollars, of which fifteen millions from revenue and excise. For the next year he anticipated nearly the same amount from those two sources. His (Hon. Sir A.T. Galt's) own estimates did not differ much there from. The increase of the

country was about three per cent in population and two per cent of consumptive power owing to the growing wealth, making five per cent per annum in all. This was a safe basis on which to base the augmenting revenue of the country. According to this scale excise and customs should have produced \$3,420,000 for the current year and \$14,100,000 for the next year. Miscellaneous items should yield \$2,500,000 more, making a total income of \$16,600,000. His estimate therefore differed about \$200,000 from that of Hon. Sir Francis Hincks. The revenue had out grown the expenses of the country. He instructed with apprehension despite the country's prosperity something like the railway mania or excitement of 1856. He regretted this spirit of railway excitement or forced enterprise in all the Provinces, and encouragement given it by the Quebec and Ontario Governments. He thought the Finance Minister's estimate of the consumption of goods and revenue, therefore under these circumstances moderate.

He did not think the policy of the Government was as prudent and economical as its expenditure. The Total expenditures in the first year of Confederation from the consolidated fund were \$13,486,000; charges connected with debt, \$7,969,000. Consequently the ordinary expenditure was \$5,516,000. Next year that expenditure had grown to \$5,634,000, next year \$6,243,000, but he would not so much object to that. But on the following year, the first year when the present Finance Minister held office, it rose to the immense sum of \$7,013,000, and this year it had actually risen to \$8,060,000, being an increase in five years of 45 per cent, 30 per cent of which had been increased in the last two years. For improvement of existing canals we find \$624,000; for harbours and piers, \$326,000; for Ottawa buildings, in which we spend no less than \$297,000; for public building at Halifax \$200,000. Surely the proposition which the Nova Scotia Government made on the last item might have been accepted, and at least two-thirds of the items saved to the country. The Finance Minister had admitted that there was \$313,000 in the estimates for other public buildings; there are therefore in the estimates no less than \$2,000,000 for public works, independent of the Intercolonial Railway, on which upwards of \$255,000, had been expended for engineering alone, up to June 30, 1870. It has been charged in the House and in Committees that the expenditure on that road has been unnecessarily large.

**Hon. Sir A.T. GALT** moved an amendment to the motion that the Speaker leave the chair: "This House regards the continuous and rapid increase in the ordinary expenses of Government, as excessive and uncalled for, and believes that unless more strict economy be observed in the general outlay of the Country, grave evils will speedily arise."

It being six o'clock the House rose.

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## AFTER RECESS

**Hon. Mr. TILLEY** referred to some of the eloquent Budget speeches of the hon. member for Sherbrooke, and to the views, as to

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the prosperity of the country, he used to set forth. That hon. gentleman now, when no longer Finance Minister took more glaring views of the position, particularly of the prospects of the country. Yet he was compelled to admit that Confederation and other measures had realized the advantages anticipated from them. He admitted that the trade of the country increased as a consequence of the union of the Provinces, and yet the increased trade and revenue had appeared apart from any increase in the tariff. He had taken credit for a part in this improvement, and now, singularly enough, found objection to a continuation or development of that policy which had, by his own confession, turned out so well. (*Hear, hear.*) Why instead of an anti-free trade policy, there had been of late a reduction or abolition of some of the duties imposed by the predecessors of the Finance Minister, a portion of the duty had been taken off tea, and there was not so much duty on Indian meal and some other articles, as the member for Sherbrooke had imposed. (*Cheers.*) The expenditure was being undertaken on Public Works for the purpose of increasing the facilities for getting products to markets, and he was sure the hon. member for Sherbrooke would not object to that.

He then referred to the proposed expenditure on Railways in the Lower Province, defending that expenditure as being a necessity, and he maintained that the statement of the Minister of Finance showed, that after all the proposed works had been paid for, there would still be a surplus of a million dollars. The member for Sherbrooke had complained that there was a large expenditure proposed for every portion of the Dominion; he asked, should it be otherwise? Every section contributed to the treasury of the Dominion, and the interests of every section should be attended to. The hon. member, in referring to the North West, seemed to intimate that all our energies should be directed to that section, but while he (Hon. Mr. Tilley) was not prepared to go so far as that, he was prepared to go any reasonable length, but he maintained that other parts of the Dominion should not be neglected. The hon. gentleman had denounced the increased expenditure, but let the House examine into the particulars of that expenditure. A very large amount was assigned to the census. Should not that work be done? Then there was \$400,000 for the North West. He was sure his hon. friend would not object to that.

**Hon. Sir A.T. GALT** said this item was not included in the increase to which he had referred.

**Hon. Mr. TILLEY** admitting this continued mentioning the sum of \$100,000 for Harbours and Public Buildings, shewing the importance and necessity of the expenditure. Then there was \$75,000 for the protection of the Fisheries, and though his hon. friend was not in favour of that expenditure, he was satisfied the House and the country would sustain it. Then there was an addition of \$300,000 to the ordinary militia expenditure. That had been caused by the purchase of arms, &c., from the Imperial Government, which were of the very best description, and were obtained on the most favourable terms. These were some of the items which had raised the expenditure above the ordinary. As to the Harbours of Refuge in the upper Lakes, the representatives of Ontario were well persuaded of the necessity for those works, and

indeed the House had already required that they should be constructed. And as to the Harbour of Refuge on the coast of Nova Scotia, he knew it to be of the very greatest importance. He did not see what dissatisfaction there could be when the Government were able to propose a large expenditure on public works, and at the same time considerably reduce taxation. The resolutions of the hon. gentleman charged the Government with extravagance, and with asking Parliament to vote more money than the interest of the Dominion demanded, but he did not point out where the extravagance consisted.

As to the charge of extravagance in the Civil Service, it was most unfounded. He shewed the economy that had been effected by the Government taking the supply of Stationery into its own hands, and by putting out all the public printing to public contract, stating that such saving amounted to fifty or sixty thousand dollars. Many remarks had been made as to the increase in the expenditure on account of the Civil Service in the third year of the Union as compared with the first year, but he contended that this was incorrect, the apparent increase being caused by the incorporation of outside services with the Civil Service. He pointed out that if the resolutions proposed were carried, the discontinuance of the many important public works throughout the Dominion would be involved. With reference to the Tariff and the remarks that had been made as to the effect of the negotiations now progressing at Washington, he mentioned the clause of the Act of last Session providing that whenever the Government of the United States should take off or reduce the duties on coal, flour, &c., the Governor in Council might by proclamation take off or reduce the Canadian duties in like ratio, and he was satisfied that the House would not make any change in respect of these duties until the result of the negotiations at Washington was known.

**Mr. CARTWRIGHT** thought the Minister of Customs had entirely misconceived the object of the resolutions moved by the hon. member for Sherbrooke. He had not changed the well known fact that in the space of 3 or 4 years the expenditure had increased almost 50 per cent, and he had not attempted to meet the point of the enormous increase of future liabilities. He maintained that the present prosperity of the country was no reason for plunging into heavy liabilities which might prove most burdensome in the event of that prosperity receiving any check—and that they had no right to calculate on an uninterrupted succession of prosperity. He drew a parallel between the times some twenty years ago, when the present Finance had first occupied that position, stating that on each occasion the country had chanced to be most prosperous, and that the Minister of Finance had then, as now, attempted to carry out a policy which apparently increased the prosperity, but which carried great risk with it in case of a change of affairs. Canada already owed from ten to twelve millions, payable on demand, a very considerable portion of which would, no doubt, be called for if Canada should ever hold a less prosperous position, and although he did not intend to say that there would be any serious difficulty, yet such might occur. The Minister of Customs had said that the member for Sherbrooke had represented the country as not being prosperous, but what he had really said was that never was the

country more prosperous, but that there were many signs to show that reverses might occur. He pointed out that people when in easy circumstances were very apt to make engagements which they would not otherwise, and maintained that there was great danger in such a course. A very considerable portion of any future surplus would clearly be taken up for interest on the cost of the Intercolonial Railway, which he thought would probably cost much more than was estimated. For all these reasons he considered it a fit and proper time to warn the Government and the country of the possible results of the course they were now pursuing.

**Hon. Sir GEORGE-É. CARTIER** opened his remarks by saying that the hon. member for Sherbrooke was so accomplished in dealing with figures that he almost turned a budget speech into poetry. (*Cheers and laughter.*) He had thought him as good at a financial statement as Mr. Gladstone. (*Renewed laughter.*) He had told him once after both had listened to a budget speech of Mr. Gladstone's that if he (Hon. Sir A.T. Galt) had all the English Minister's big figures he would have made a still better speech. (*Roars of laughter.*) He (Hon. Sir George-É. Cartier) thought on this occasion the member for Sherbrooke had spoiled his clever speech by his motion, and had consequently made a great mistake. (*Cheers and laughter.*) In 1866 that gentleman had reduced the tariff from 20 to 15 per cent, which had assisted in securing Confederation. This change, though it suited the Lower Provinces, was opposed by the member for Oxford South. Some items in the tariff were then forgotten, but it was proposed to deal with them afterwards. Those commercial and political changes produced good results to the country's prosperity. The member for Sherbrooke then received his (Hon. Sir George-É. Cartier's) hearty support. (*Hear, hear.*) His present criticism related to both branches of the expenditure. That portion under the control of the Government had been stated by him as \$5,500,000 in 1867-68; \$5,643,000 in 1868-69; \$6,243,000 in 1869-70; and \$7,100,000 in 1870-71. He (Hon. Sir George-É. Cartier) denied that those expenditures had been as the member for Sherbrooke described them in his motion. He appealed to the House if an expenditure of \$600,000 to \$700,000 on Public Works from Halifax to Red River was ordinary, or under control of the House. They had little or no option in the matter. A part of this money went to purchase arms and military stores, designed to aid in the country's protection. Could this be fairly called ordinary outlay?

He thought he had made out his case that the expenditure aimed at in the amendment was not ordinary. The Government was today ready to prove that the civil service was costing less today, four years after Confederation, than it cost before. He characterized the motion untimely and illogical, and that the House ought to vote it down. (*Cheers.*) The Government had been so pressed in the past by members on one or other side of the House, for improvements that, wanting means therefore, they had been compelled to borrow. This year, however, they presented a surplus of nearly two millions. They now came before the House and asked considerable sums for Public Works. This did not prove an undue expenditure—they

merely asked the House for leave to make certain expenditures. They did not ask increased taxation with this object, being in possession of the means. He did not see the House was in a position at this moment to affirm the motion of the hon. member for Sherbrooke, and affirm that the proposed expenditures should not be undertaken. The hon. member for Sherbrooke was right as to the pleasant results of Confederation, one of which was that we had a plethora of money. The Local Government also had an abundance of money. (*Hear, hear.*)

**Hon. Sir A.T. GALT** replied to speeches which had just been delivered by hon. members of the Government. With respect to the remarks of the Hon. Minister of Customs, he would say that he (Hon. Sir A.T. Galt) complained of the increase of the coal for maintenance of light houses and not of expenditure for constructing them. The point in his (Hon. Sir A.T. Galt's) speech to which objection was principally taken was that he was not justified in alleging that the portion of expenditure which was under the control of the Government had increased in an appreciable degree. In fact his hon. friend had remarked that it was even less, but he (Hon. Sir A.T. Galt) would put it on the most favourable ground for the Government, and say that they maintained that the expenditures had not increased in any appreciable degree. On that point he joined issue with his hon. friend, and he did so on the authority of the Public Accounts and the estimates. Of course he had no other authority on which he could proceed. From them he ascertained the fact that for the past year the amount expended for the Civil Government was \$594,000 (fractions omitted). In that amount there was an unusually large sum for contingencies—a very unusually large sum—so large that when the attention of the Government was called to it they reduced it to the satisfactory amount mentioned by his hon. friend. They remedied the evil, it was true, but did not supply themselves to the reduction of other expenses, for in the estimates brought down this year, for Civil Government \$675,000 was required, showing an increase of \$80,000. The administration of Justice had increased from \$291,000 last year, to \$335,000 this year. Police had been reduced from \$49,000 to \$45,000. Penitentiaries and Prison Inspection, which was more or less under the control of the Government, which was \$209,000 last year, was \$289,000 in the estimates. (Here the hon gentleman mentioned a large number of items in which a considerable increase had been made).

He thought that these figures bore him out, even with the explanations which had been made, bore the words of the resolution that, "the increase had been continuous and rapid," and justified him in the course that he had taken. He thought it was fairer to the House, the country and the Government that he should have made this attack upon the financial policy of the Government, that the House and country might hear both sides of the question. As for the vote on the motion, he was not sanguine that it would be in his favour, but, at the same time, he did hope that, having called the attention of the Government to this matter, that advantages would flow from it. He was only blaming the Government in time to remedy the evils which the country had hitherto been suffering under.

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**Mr. OLIVER** had listened to the statements of the Finance Minister and of the hon. gentlemen who followed him, and must express his conviction that the former had not answered a single charge made against his policy.

**Mr. OLIVER** said he did not consider that the Finance Minister had refuted a single one of the statements lately made at a meeting in western Ontario.

**Hon. Sir FRANCIS HINCKS:** Oh! Oh!

**Mr. OLIVER** repeated his statement.

**Hon. Sir FRANCIS HINCKS** said he would beg to interrupt the hon. gentleman and tell him that he had shown that all figures given there were absolutely false by millions of dollars. (*Cheers.*)

**Mr. OLIVER** proceeded to show the immense increase that had taken place in the trade of the country.

**Hon. Sir FRANCIS HINCKS** replied to the arguments of the hon. member for Sherbrooke and the last speaker. These gentlemen must see by the statement that the debt has not increased, but there has been a considerable reduction. He had shown that there had been an expenditure in capital of 3,729,000. With regard to the course taken by the hon. member for Sherbrooke, it was a very extraordinary course, as was also that of the hon. member for Châteauguay, who had agreed with him (Hon. Sir Francis Hincks) that the budget speech should be delivered with the Speaker in the Chair. Whether that hon. gentleman knew that hon. member for Sherbrooke intended to move an amendment which was equivalent to a vote of want of confidence. He (Hon. Sir Francis Hincks) did not know, but he could say that he would rather be in the position which the Government now occupied than that held by those gentlemen who opposed him. (*Hear, hear.*) The hon. member for Sherbrooke had attacked the Government for their tariff policy, but he contended that that hon. gentleman had himself endorsed changes which the Government had made of late years. He (Hon. Sir A.T. Galt) had taken great credit to himself for his tariff of 1866, and he believed that he (Hon. Sir A.T. Galt) would have put a duty on coal at that time, if there had been Confederation. He (Hon. Sir A.T. Galt) had spoken of assistance rendered by the Government to railways, yet he himself had pressed on the Quebec Government to assist a certain railway in which he was interested, and had actually asked them to go further than they intended to. (*Hear, hear.*) He thought Hon. Sir A.T. Galt was the last person who ought to warn the Government against Public Works. (*Hear, hear.*) He (Hon. Sir Francis Hincks) did not hesitate to say that the expenditure of money made under the Acts of 1852 and 1854, had tended very much to develop and encourage the resources of Ontario, where that expenditure has been principally laid out.

He (Hon. Sir A.T. Galt) had said that extravagancies had principally began when he (Hon. Sir Francis Hincks) came into office. He would not shrink from the responsibility of the estimates, but he did not think that the expenditure on those Public Works ought to be charged on the Minister of Finance and on his financial policy. (*Hear, hear.*) With regard to what the hon. member for Sherbrooke had said about the West India commission he could only say that the recommendation of the report was a valuable one. There was another point on which that hon. gentleman had been inconsistent on the question of withdrawing capital for commercial purposes. That hon. gentleman himself had been the very one who wished to withdraw the entire bank circulation from the country. (*Hear, hear.*) The only withdrawal of capital which would be made by this Government would be in the shape of Dominion notes. With regard to the other withdrawal of Capital for commercial purposes he was sure that the Government's policy with regard to Insurance Companies would rather have an opposite tendency, and diminish the necessity of investing money in Dominion securities. He (Hon. Sir Francis Hincks) was quite willing to accept all warnings delivered by the hon. gentleman with regard to extravagance, but he was not aware that there had been any undue extravagance, the only item of large amount being for Intercolonial Railways. He must say that the course taken by the hon. member for Sherbrooke was an extraordinary one, and amounted to nothing else than a vote of want of confidence without any arguments to support it. (*Cheers.*)

**Hon. Mr. HOLTON** replied very briefly to the Finance Minister, and denied that there had been any unfair collision between himself and the hon. member for Sherbrooke, when he moved that the financial statement should be delivered with the Speaker in the chair. He criticized the Budget speech.

**Mr. JONES (Leeds North and Grenville North)** complained that the member for Sherbrooke had not given his charges in detail. He complimented the present Finance Minister, who he said was the ablest occupant of the position since he had been member for the House. He (Mr. Jones) recollected when the hon. member for Sherbrooke was Finance Minister, that he used to make glowing statements at the beginning of each year, but his speeches always foreshadowed a deficit.

**Hon. Mr. HOLTON:** And you went on to support him all along.

**Mr. JONES (Leeds North and Grenville North)** said he had once been inclined to support the Government, of which the member for Châteauguay had been a member, but he was not able to bring down a budget at all. (*Great laughter.*)

**Hon. Sir FRANCIS HINCKS** wished to explain that he was not actually aware that negotiations on the tariff question were going on at Washington.

After some unimportant remarks from Hon. Mr. Holton, a division was taken on motion of Hon. Sir A.T. Galt, which was lost:

## YEAS

Messieurs  
 Béchard  
 Carmichael  
 Cheval  
 Coupal  
 Dorion  
 Fournier  
 Geoffrion  
 Holton  
 Jones (Halifax)  
 Macdonald (Glengarry)  
 McMonies  
 Mills  
 Oliver  
 Pelletier  
 Ross (Wellington Centre)  
 Snider  
 Thompson (Ontario North)  
 Wright (York West)—35

Bourassa  
 Cartwright  
 Cimon  
 Delorme  
 Fortier  
 Galt (Sir A.T.)  
 Godin  
 Joly  
 Kempt  
 McDougall (Lanark North)  
 Metcalfe  
 Morison (Victoria North)  
 Pâquet  
 Pozer  
 Scatcherd  
 Thompson (Haldimand)  
 Wells

## NAYS

Messieurs  
 Anglin  
 Ault  
 Barthe  
 Bellerose  
 Bertrand  
 Bolton  
 Brown  
 Cameron (Inverness)  
 Caron  
 Cayley  
 Chipman  
 Colby  
 Crawford (Brockville)  
 Currier  
 Drew  
 Dunkin  
 Forbes  
 Gaucher  
 Gendron

Abbott  
 Archambault  
 Baker  
 Beaubien  
 Benoit  
 Blanchet  
 Bowll  
 Burpee  
 Cameron (Peel)  
 Cartier (Sir George-É.)  
 Chauveau  
 Coffin  
 Costigan  
 Crawford (Leeds South)  
 Daoust  
 Dufresne  
 Ferris  
 Fortin  
 Gaudet

Grant  
 Grover  
 Heath  
 Howe  
 Jackson  
 Keeler  
 Kirkpatrick  
 Langevin  
 Lapum  
 Little  
 McDonald (Lunenburg)  
 Masson (Terrebonne)  
 McKeagney  
 Merritt  
 Morris  
 Pickard  
 Pope  
 Ray  
 Robitaille  
 Ross (Victoria)  
 Scriver  
 Simpson  
 Stephenson  
 Sylvain  
 Tourangeau  
 Walsh  
 Wright (Ottawa County)—91

Gray  
 Harrison  
 Hincks (Sir Francis)  
 Hurdon  
 Jones (Leeds North and Grenville North)  
 Killam  
 Lacerte  
 Langlois  
 Lawson  
 McDonald (Antigonish)  
 Masson (Soulanges)  
 McDougall (Trois-Rivières)  
 McMillan  
 Moffatt  
 Perry  
 Pinsonneault  
 Pouliot  
 Renaud  
 Ross (Champlain)  
 Savary  
 Simard  
 Smith  
 Street  
 Tilley  
 Tupper  
 Willson

The original motion was then carried, and the House went into Committee of Ways and Means, **Mr. STREET** in the Chair.

**Hon. Sir FRANCIS HINCKS** said there could be no debate on the first resolution for the abolition of the duty of 5 per cent imposed last session. He would explain that if there really had not been a mine sprung on him by the member for Châteauguay, he at least, thought there had, and be believed the House thought so.

**Hon. Mr. HOLTON** favoured the adoption of the resolution.

The resolution was then carried, and the Committee rose and reported, and asked leave to sit again on Tuesday next.

The House adjourned till Monday.



March 13, 1871

## HOUSE OF COMMONS

Monday, March 13, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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After routine, which included several petitions.

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### NEW BILLS

**Mr. CARTWRIGHT** introduced a Bill to comprise in one Act the financial affairs of the Great Western Railway.

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### IMPORTS OF GRAIN AND FLOUR

**Hon. Mr. TILLEY** laid on the table a return for an address relative to the quantities of grain and flour imported last year.

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### STERLING EXCHANGE

**Hon. Sir FRANCIS HINCKS** laid on the table a statement of the total amount of sterling exchange purchased by the Government.

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### LACHINE BRIDGE—HARBOURS OF REFUGE

**Hon. Mr. LANGEVIN** laid on the table a report of the engineer of the Department of Public Works respecting the bridge across the Lachine canal. Also, correspondence and orders in council respecting the construction of harbours of refuge on Lakes Huron and Erie, and at Rimouski.

**Hon. Mr. HOWE** presented a return to an address to the House of Commons, dated 17th February, 1871, for copies of all instructions to the Hon. A. G. Archibald, Lieutenant-Governor of Manitoba and of the North West Territory, also copies of all Orders in Council relative to said Province since January, 1870, not already

published; also, copies of all Reports and official correspondence between the Lieutenant-Governor and the Dominion Government from the date of his appointment. (Sessional Papers No. 20.)

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### POSTMASTER AT KINGSTON, NEW BRUNSWICK

**Mr. RENAUD** asked why the postmaster of Kingston, county of Kent, N.B., does not receive a fixed salary, as other postmasters of the Province.

**Hon. Mr. TUPPER** replied that the Postmaster-General was not aware of any difference between this postmaster and any other postmaster.

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### MARINE HOSPITAL PHYSICIAN

**Mr. RENAUD** asked why Dr. Wilson does not receive the same salary as his predecessor for his services as physician to the Marine Hospital of Richibucto, county of Kent, N.B.

**Hon. Mr. TUPPER** replied that Dr. Wilson was informed, before his appointment, of the salary the Government would be able to give.

**Mr. JONES (Halifax)** asked whether the Government have taken measures to secure the fortnightly mail communication between Liverpool and Halifax, in consequence of the intention of the Inman Line to terminate their contract after the 17th June next?

**Hon. Mr. TUPPER** replied that the Postmaster General had already invited tenders from the Cunard, Inman and Allan lines of steamers for the service referred to.

**Hon. Mr. LANGEVIN** in reply to Mr. Ross (Victoria) said that a sum of money had been included in the estimates for the current year for the repairing of the St. Peter's Canal.

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### ATTACHMENT OF SHIPS

**Mr. STREET** then moved that the House go into Committee of the Whole to consider the following resolutions: 1. That it is

expedient that power be given to attach ships and vessels for provisions furnished and repairs made to them by a summary process. 2. That where there is no Admiralty Court of Admiralty Jurisdiction, such process shall issue out of the County Court or Court of inferior jurisdiction. 3. That under such process proceedings may be had to judgment, and ships or vessels so attached may be sold thereupon. 4. That a Bill should be founded on these resolutions with the necessary forms of procedure thereon. He said, where the Admiralty law was not in existence or force, no lien could be given on a vessel for repairs thereto or provisions furnished it. There was therefore no remedy provided for parties thus serving vessels. It seemed but just and reasonable that the whole country should be placed under a law which would enable all who repaired or supplied vessels to recover what was due to them. Therefore he proposed a system of summary jurisdiction in cases where no Admiralty law existed.

**Mr. JONES (Halifax)** said the principle advocated had been repudiated by the British Parliament. This principle, or proposal had never received the support of public opinion, because it would place the owners of ships entirely in the hands of masters of vessels, who might take advantage of them by running up accounts, or incurring dangerous responsibilities in foreign ports or under other circumstances. (*Hear, hear.*)

**Hon. Sir GEORGE-É. CARTIER** said such progress was making in the Imperial Legislature in the amendment of the law on this subject, as gave hope of an early remedy of the evil here complained of.

**Hon. Mr. TUPPER** said the subject had not failed to engage the attention of the Government some time ago. The member for Halifax did not seem rightly to apprehend the apparent object of these resolutions, which was to extend to the inland waters of Ontario, the principle which now applied to all sea-going vessels and not to extend or alter in any way the maritime jurisdiction outside of that. The subject was dropped for the present in consequence of an application from the Imperial authorities not to proceed with the legislation we contemplated, until a measure now before the Imperial Parliament for the purpose of consolidating the navigation laws has been dealt with, so that a more perfect accord should be established between the two systems. Government also intended, when that measure was brought forward, to embody in it a clause by which the same facilities now enjoyed in other parts of the world would be provided as to the inland waters of Ontario. He hoped the matter would be left in abeyance till the Imperial laws were consolidated.

**Hon. Mr. GRAY** thought the object of the resolutions could be attained by an appeal to the Imperial authorities to appoint an Admiralty Judge and Court for this particular purpose. There could be no doubt the great Lake trade, and the superior facilities enjoyed in the United States for the settlement of such disputes, pointed out the necessity for some similar jurisdiction in Canada for the benefit of its inland shipping. The Imperial Acts had extended the jurisdiction of the Admiralty Courts in New Brunswick and Nova

Scotia. But later an Imperial Act had been passed, conferring Admiralty jurisdiction on the County Courts. He thought the only question that would arise when the resolutions came to be discussed would be, not so much as to the propriety of adopting some principle of the character before us, as to the best mode to be selected. The question was, whether it would not be proper to confine questions of such magnitude entirely to the County Courts, whether it would not be better to create an Admiralty jurisdiction in Ontario, similar to that possessed either in Quebec, Nova Scotia or New Brunswick, and thus secure throughout the whole of these Provinces uniformity of the practice and decisions. It was by no means necessary to adopt all the voluminous forms of the English courts. It might, however, be desirable to adopt the simplicity of form existing in the Courts of the New States. He did not think there could be any doubt about the propriety of the provisions of the Imperial Act and the propriety of adopting those provisions here. He felt satisfied that some additional remedy should be given to merchants who supplied vessels on the lakes.

**Hon. Mr. DORION** spoke at some length of the want of uniformity in the laws relating to this subject. He referred to a case which had lately occurred, in which the Lower Canada Judges differed very widely in opinion from the Judges of Ontario. He believed that the whole law respecting liens and mortgages on vessels should be overhauled at the earliest moment and rearranged by further legislation, so as to settle those points as to what ought to be a lien upon a vessel, and the proper way of enforcing the law. Very great confusion existed in Quebec on the subject. Some persons held that the sale of a vessel for a debt of \$10 could annul all mortgages; others, that the first mortgage creditor was the only one who could enforce the sale of a vessel; others, that all the mortgage creditors had equal rights; and the result was that the greatest confusion prevailed, to the detriment of the owners of vessels. The insecurity of the law prevented them from borrowing money upon their vessels at favourable rates.

**Hon. Sir GEORGE-É. CARTIER** said the Dominion Government had in contemplation a measure to meet the difficulty complained of, but they had been requested to suspend any legislation with regard to inland navigation, as the Imperial Government had proposed to introduce a Bill in the British Parliament to apply the same laws to vessels on inland waters as to seagoing vessels. He was very glad that this discussion had taken place, because the Government would seize the opportunity again to remind the Imperial Government of the necessity of passing the Act as soon as possible.

**Mr. HARRISON** said he had no doubt that the object of the mover of these resolutions was to draw attention to the present state of the law relating to vessels on inland waters in Ontario. There was no Admiralty jurisdiction in the West at the present day. There was no doubt that there was a necessity for such jurisdiction. The people of the United States recognized the importance of having a Court for the settlement of such difficulties, and while we, on the Northern side of the lakes, had no admiralty jurisdiction at all, still we had an excellent law applicable to such cases. We had power to

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make claims concerning trade and navigation, and there should be a unification of those laws without delay. Having obtained this expression of opinion on the subject from the Government, he had no doubt that the mover of the resolutions would withdraw them.

**Mr. JONES (Halifax)** said under the law of England, a ship was not attached for debt when the owner resided in the country. Supplies were supposed to be furnished vessels on the credit of the owner. The law, however, was different when the ship owner was a non-resident in the country.

**Mr. STREET** was glad that the matter had been so well received by the House. His object was to give security to merchants furnishing supplies to vessels. He proposed to do so through the county courts, but it was a matter of little importance to him how it was done so long as security was given. Having heard the announcement of the Government, he would ask leave to withdraw his motion.

**Hon. Mr. McDougall (Lanark North)** thought the hon. member had proposed a very simple plan to give jurisdiction to ordinary courts in such cases. If the hon. gentleman was satisfied to wait for the slow action of the Imperial Government and the slow action of the Dominion Government afterwards, he would have to wait a long time. The constitution which we had and the power and authority given to us by that constitution, was quite large enough to enable us to deal with questions of this kind, and even larger, so far as we were concerned as a people. He admitted that we should follow in the train of the Imperial Government in regard to sea-going vessels, but, with respect to internal navigation, it was a matter for discussion and legislation in this country alone. The hon. member for St. John (Hon. Mr. Gray) had proposed to establish a new court, with a new judge, and new machinery throughout. Now, he (Hon. Mr. McDougall) thought that the people of this country would feel satisfied that the courts at present in existence were sufficient to manage such matters.

**Hon. Sir FRANCIS HINCKS** thought the Government ought to be credited with being sincere in the matter. The Imperial Government had been engaged for some time in the consolidation of the laws respecting merchant shipping, which were exceedingly voluminous, and had expressly requested the Canadian Government to delay passing any measure on the subject pending the action in the Imperial Parliament, and for this reason, although the Minister of Marine had already prepared a Bill, the Government did not think it advisable to introduce it.

**Hon. Mr. GRAY** referred to the remarks of the member for Lanark, and said that the Imperial Act provided that one of the Judges of the existing Courts would be appointed, so that the necessary machinery was already in existence.

The motion was then withdrawn.

## ARBITRATION

The adjourned debate on this matter was then taken up, the motions before the House being Hon. Mr. Dorion's motion with the amendment of Hon. Sir George-É. Cartier, and Hon. Mr. Holton.

**Mr. BELLEROSE** addressed the House in French. He thought that the action of the members for Hochelaga and Châteauguay was most injudicious, and was sorry that while they seemed to desire to stand first in advocating the interests of Quebec, they had represented her case so badly. Their motions could neither receive the support of the majority of the House or of the majority of the members for Quebec, which they must have well known. He then stated the reasons why those motions could not be entertained, maintaining that if they were carried, Quebec would be ten times worse off than at present. He did not fear any act of injustice to Quebec, as the question would be settled by a learned and liberal tribunal, the Privy Council, and further, Quebec could not possibly suffer any lasting injustice while she had sixty-five representatives firmly united in her interests, and indeed he was sure no Ministry could act unjustly in this matter and stand. The amendment of the hon. member for Châteauguay, though plain, and proposing something very simple, he was sorry to say was not proposed with the object of benefiting Quebec. He considered it rather designed to create political effect outside the House, and that it mingled good principles with doubtful modes of procedure, and while it pretended to be in the interest of Quebec, it might be productive of serious harm. He had intended to propose an amendment, but in the fact of one having been already moved out of order, and of the doubtful regularity of the others, he was not sure that he could do so with any good result.

**The SPEAKER** here asked permission to amend the Journals of the House, with respect to the reason of Hon. Mr. Chauveau's amendment in the previous part of the discussion having been ruled out of order. His reason for so ruling was, not that it involved an expenditure of money, and ought, therefore, to have originated in a message from His Excellency, as advanced by the member for Bothwell, but that it involved an increase of the public debt, and should therefore have originated in a Committee of the Whole.

**Hon. Mr. ROSS (Champlain)** condemned the award as unjust, and set forth his reasons for arriving at that conclusion. He thought the unfair character of the decision being acknowledged, there should be no difficulty in the Provincial Governments arriving at a basis of common action for an amicable and proper settlement of the difficulty. He condemned the motion of the member for Hochelaga, as calculated to do Quebec more harm than good. He was not prepared to vote for the motion of the member for Châteauguay, which amounted to one of want of confidence. The Government by not recognizing the award, had done all they could under the circumstances, to set it aside and bring the difficulty to a happy termination. He could not support the motion, but would vote for the amendment of the Minister of Militia.

**Mr. HARRISON:** I regret find that the discussion as to the Arbitration between Ontario and Quebec has been again and again, during this Session, forced on the attention of the House. I cannot help feeling that until the questions of law involved are determined by some competent tribunal the discussion is premature. Entertaining these views, I have hitherto refrained from taking part in the debate. But, sir, while I have done so, members representing constituencies in the Province of Quebec have persistently asserted not only the illegality of the award but its injustice, and have endeavoured to fortify their positions by all the arguments in their power. I now find that these arguments if longer left unanswered by members of Ontario, may damage the position of our Province in the eyes of our friends from the Maritime Provinces. We do not wish it to be understood that we assent to the proposition that the award is either illegal or unjust; we cannot do so, Sir; and in order that our reasons for not doing so may be placed before the House and the country, I shall claim the indulgence of the House for a short time. The views that I intend to express are my own views as a member from Ontario, but I believe I can say that they are shared by a great many members from that Province.

I admit that the award is signed by only two of the three Arbitrators appointed, that the award was made in the absence of Judge Day, and that it deals with assets mentioned in the fourth schedule of the Union Act. But I deny that for any of these reasons it is an invalid award. I also deny that Colonel Gray, when appointed, was a resident of Ontario, or is now a resident of Ontario within the meaning of the British North America Act. It is on these grounds that the award has been attacked by the gentlemen who have spoken against it. I admit that Upper Canada entered the Union with Lower Canada having a debt of about \$5,000,000, and that in the allotment of assets the larger portion of apparent face value has been assigned to Ontario, but I deny that for either of these reasons the award is unjust. My denial, however, Sir, will amount to nothing unless I am prepared to advance arguments in support of my position. I have, I think, fairly stated the position of those who differ from me, and before proceeding to the argument of the questions involved shall briefly refer to some facts.

It is true that Upper Canada, in 1840, had a population of little more than 400,000, while Lower Canada had a population exceeding 600,000, and it is true that while having this small population Upper Canada had the large debt of \$5,000,000 as against a small debt of Lower Canada or as against a claimed credit of \$180,000 on the part of Lower Canada. But for what was our debt contracted? It was for the construction of the St. Lawrence Canals, the Welland Canal, the Kingston Penitentiary, for Lighthouses and for other works which, at the time of the Union, were as much beneficial to Lower as to Upper Canada. It was not the case of a debt without an asset. (*Hear.*) But it was a debt represented by valuable assets, all of which were brought by us into the Union. (*Hear, hear.*) While Lower Canada brought into the Union public works valued at little more than \$1,000,000, we brought in public works of the value of \$4,000,000. (*Hear, hear.*) These assets by the Act of Union became the property of the Union. It never, at that time, entered into the contemplation of any one to take from Upper

Canada its assets and without paying for its assets to charge it with the whole debt incurred in their creation.

On the contrary, I find these words in resolutions passed in 1839, by the Special Council of Lower Canada, "that regard being had to the nature of the public debt of Upper Canada, and the objects for which it was principally constructed by the improvement of internal communications alike useful and beneficial to both Provinces, it would be just and reasonable that such part of the said debt as had been constructed for this object should be chargeable on the revenue of both Provinces." (*Hear, hear.*) Why, sir, if it were intended that Upper Canada should have been charged with this debt, surely some provision would have been made for the restoration of the assets. But what do we find? The Union Act (3 & 4 Vic.) created a consolidated fund, charged it with the payment of the debt of the Provinces, made the public works of both Provinces the property of the Union, contained no provision for charging either Province with interest on its debt, contained no provision for the payment to either Province of interest for the use of its Public Works, contained no provisions whatever for keeping an account of the contributions of either Province to the Revenue, contained nothing whatever which points to a partnership of any kind. (*Hear, hear.*)

The chief source of revenue intended was the Customs duties. The lands of Upper Canada were much more likely to attract emigration than the lands of Lower Canada. The revenue to be derived from the sale of lands in Upper Canada was much more likely to exceed the corresponding revenue from Lower Canada. Man for man, the population of Upper Canada contributed more to the Customs Revenue than the population of Lower Canada. Upper Canada with an increasing population in a short time would contribute more to the revenue than Lower Canada. Looking to the future there was every reason to believe that while Upper Canada entered the Union with less population and more debt than Lower Canada, in the course of time the positions of the two Provinces would be so far reversed as to make a union on equal terms politically and financially desirable by the people of both Provinces. This, Sir, was the view at all events entertained by the Imperial Government, and this view has been fully sustained by our experience of that Union. Soon the population of Upper Canada became equal to that of Lower Canada; soon our contributions to the revenue equalled those of Lower Canada. By means of the new Public Works in respect of which our debt was incurred, our tax-paying ability was greatly increased, and the whole country shared largely in our prosperity. (*Cheers.*) I say this Sir in no boastful spirit; I mention it simply as a fact, and give it as a reason sustaining alike the Imperial policy and the position for which we now contend before this House.

In the course of time we obtained a large preponderance of wealth and population. In 1861 while the population of Lower Canada was 1,000,000, our population was 1,300,000. In my references to figures I intend to drop as much as possible decimals or fractions. It was not long till we discovered that we were in this way paying nearly 5-9ths of the revenue. In 1857, we believe,

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including our sales from Crown Lands, that we were paying 2-3rds of the revenue. There can be no doubt that before Confederation, although we were not yearly drawing more than Lower Canada out of the Consolidated Revenue Fund, we were yearly putting much more into it. This was felt to be an injustice to Upper Canada, and the injustice was in a great measure admitted by Lower Canada. Representation by population was the remedy demanded by a large section of Western Canada. This was denied by a large section of Lower Canada. The result was threats of a dissolution of the Union and the impossibility of any Government holding power that would alike command the support of Upper and Lower Canada. It was felt that dissolution would be a retrograde movement, and in our extremity we seized the idea of Confederation, an idea which has been realized with most happy results. Well, sir, during the existence of the Union additional public works were constructed in both sections of the united Province. These public works were paid for out of the Consolidated Revenue Fund. When a grant was made for public works in one section of the Province a corresponding grant was made to the other section. By these means assets became legalised, and financial equality of expenditure was as nearly as possible preserved. There were those who maintained that while Upper Canada contributed the greater part of the public revenue she procured the lesser part for expenditure on public works. I shall not stop to enquire whether this assertion was well founded or not.

In this discussion we have nothing to do with extreme opinions in the past. I desire to deal with the present by the light of the past, and to take a retrospect only when really necessary, and in no greater extent than necessary, to understand the present. I wish to avoid giving offence. I disclaim all idea of desiring to wound the sensibilities of any section of the people that are now in this confederation, and least of all the sensibilities of our friends from Lower Canada, who in common with us made some local sacrifices in the hope, and I think I may say, the well founded hope that the general good will prevail, (*cheers*); instead sir, of madly dissolving our late political union, we have like men worthy of our destiny increased and I hope perpetuated the Union. (*Applause.*) Instead of moving backwards we are hopefully marching onward in the great path of progressive civilization. (*Cheers.*) But sir, we have had some difficulties to encounter. By the creation of our Union an adjustment of the debts and credits, properties and assets of the several Provinces which entered confederation, became a matter of prime necessity. This adjustment in the past had been a cause of much anxiety, and in the present is still a matter of difficulty—in fact the difficulty which now I am attempting to deal. It was necessary that the General Government should in the main assume the debt and with some local exceptions acquire the assets of the Provinces, and in order to meet the demands of the Public Creditor should have powers of taxation, powers to levy duties, and make imposts. But for the same reasons that Upper Canada had an excess of debt over Lower Canada by large expenditures on public works, it was found that United Canada had an excess of debt over the Maritime Provinces. Our debt was about \$74,000,000, and of this the confederacy assumed only \$62,500,000—leaving a surplus of \$10,500,000 for adjustment between the old Provinces of Upper and Lower Canada.

I am sorry, sir, that the adjustment was not made by the B.N.A. Had it been, the difficulties now before us would not have presented themselves. It was by a section of that Act declared that the lands and mines in the several Provinces should be the property of the Provinces in which situated. This was a localization of certain assets but not of all assets of the general Provinces. So by Section 110 of the Act it is declared that all assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to the Province. And while all the assets mentioned in the third schedule of the Act are made the property of Canada, it is declared that the assets named in the fourth schedule shall be the property of Ontario and Quebec conjointly, and then we have in the 142nd section of the Act, the provision that the Division and adjustment of the debts, credits, liabilities, properties and assets of Upper and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec and one by the Government of Canada. In this section which is very crude, there is no express provision for a decision by a majority of the three arbitrators, nor is there in it any provision for the revocation of an arbitrator's authority, or for the appointment of a new arbitrator in the event of an arbitrator appointed refusing or becoming incapable to act. But this is the whole provision for the settlement of the debt and assets.

Hon. Mr. Gray was appointed arbitrator for the Dominion in March 1868. There was not at that time any objection made to him as being a resident of Ontario. The arbitrators for the two provinces were appointed in, I think, January 1869. These arbitrators were judges; no rule was laid down for their guidance. But whatever they were to do, they were to do as judges acting upon legal considerations, and not on political considerations or considerations of State Policy. In this particular, I unhesitatingly endorse the language, the arbitrator appointed for Quebec who said “their office is not representative or diplomatic. They are not delegates or commissioners to settle the question of division by negotiation and compromise each acting for his own Government, and bound to obtain all the advantages he can, but as arbitrators, their character and duties are judicial.”

The first question which presented itself for the consideration of the arbitrators was the question whether the assets mentioned in the fourth schedule of the Act were subject to their decision; in other words subject to the reference. This question was decided, I think, properly in the affirmative, and an order was made in these words: “The Arbitrators having heard counsel upon the objection raised on behalf of the Government of Quebec, to their jurisdiction over the subject matter of the assets enumerated in schedule four of British North America Act 1867, and duly considered the question are of opinion and do adjudge that the assets so enumerated make part of the property and assets the division and adjustment whereof has been referred to them under the provisions of section 142 of the said Act, and that they have by virtue of the Act authority to divide and adjust the same.” This a few days since was referred to by my hon. friend the member

for Peel. Upon that occasion it was maintained by the Premier of Quebec, who, I regret to say, owing to family affliction is not in his place, as I understood him, that it was not held by the Arbitrators that there was power to make any other than equal division; in other words, that the words conjointly as used in the 113 section of the Act meant co-equally. In that opinion, I understood the hon. member for Westmorland a few days since to express his concurrence. I am unable to concur in that opinion.

Looking at sections 113 and 142 of the Act, and reading them together, I cannot see that the word "conjointly" necessarily means co-equally. If co-equally, why the power to divide and adjust? A power to adjust alone would have been all that was required. Power to divide and adjust implies power to make such a division as may be just, whether equal or unequal. This is my view. And this, sir, was the unanimous view of the three Arbitrators. Surely members from Quebec will not in this point dispute the opinion of their own Arbitrator, Judge Day. Here are his words: "As to the word 'conjointly' and the formal expression shall be the property of Ontario and Quebec conjointly used in section 113, it does not seem to me in any degree to justify the conclusion that those assets were to be so held in perpetuity, or were to be excluded from the general expression used provided for by the Act. The use of this word 'conjointly' and the whole expression are merely the declaration of a fact, not the creation of new right, and it can scarcely be necessary to say that if the mere fact of the property being held conjointly excludes it from the general division, then it excludes all the other assets, for they are all held conjointly, which does not, however, necessarily imply equality of interest, and if not so held, there could of course be no occasion for division."

So far there was no difference of opinion among the arbitrators. But the next step was attended with greater difficulties. The question arose—by what rule shall this division and adjournment be made. The statute was silent as to a rule, but some principle of action, some rule for decision was evidently demanded. Ontario proposed any one of these rules—proportion of local debts and assets—population and capitalization of assets. Quebec would have none of these and set up a so called principle of partnership—a principle which the hon. member of Hochelaga rightly treats with contempt as applied to such an enquiry. Had the Arbitrators been able to agree on any one of these rules, I judge the Arbitrator for the Dominion from his language would not have dissented, and even if he had the decision of the remaining two according to the subsequent holding would have been binding. But failing an agreement between the arbitration for the Provinces, the arbitration for the Dominion adopted the principle, as it is called, of "Origin of debts," and to this the Arbitrator for Ontario ultimately assented. And while Quebec refused the proposition of Ontario for proportion of local debts and assets, I find her counsel using the following language in answer to the case of Ontario: "If the argue of the debt is to be taken as a guide, recourse must be had, as already stated, for Quebec to the true and real origin of the whole debt, not to that

which is the work of mere fancy. This seems to be unpracticable. If, however, this method of adopting the excess of debt is adopted, Quebec will be prepared to show that it will make its position still better than the adoption of that suggested in its case" viz., partnership.

The hon. member for Hochelaga says population should have been the rule. But that was steadily and firmly opposed by Quebec. Strangely infatuated with the so called principle of partnership, Quebec refused that which it said would make its position better than partnership, and refused that which the proposer of this motion says should have been accepted, viz., population. And yet it is Quebec that is now complaining at the award, and as it were, seeking to set it aside on a ground which it refused when the opportunity was given her! Why, sir, if the principles of partnership were adopted in their integrity and cross accounts taken, Quebec would be, to use a common expression, nowhere. But although Quebec in words asked to have the principle of partnership applied, she only sought to charge Ontario with a debt of \$5,000,000, in other words sought to burden Ontario with \$8,250,000 of the surplus debt, leaving only \$2,250,000 for her own share. If Ontario were charged in account with the debt she should be credited with the assets representing that debt, and should be credited with excess of revenue paid by her every year up to 1867. Had this been done, Sir, Quebec would have had greater cause of complaint than she now has. (*Hear, hear.*)

On 28th May, 1870, the principle of origin of local debts was adopted. Judge Day dissented. There was no objection up to the time alleged against Hon. Mr. Gray, and no contention that unanimity of decision was requisite. I am not prepared to condemn the principle of "origin of local debts." I think there is much to be said in favour of it. When these debts were contracted for the benefit of either section of the Province of Canada, equivalents were given to the other, so that the debt represented the asset and the asset the debt. Looking at the history of financial appropriations for local works in the late Province of Canada, I must say the principle of local debts—that is—local assets to the Province in which situated and charging that Province with their cost—seems to me to have been a very natural mode of division and adjustment. When the decision was come to as to the rule of action, it was, though not made public, communicated by the Arbitrators of Quebec and Ontario to their respective Governments.

The next step was a telegraph dated 6th June, from Judge Day, requesting the postponement of the delivery of the decision. No particular reason was assigned for the request. But on that day I see by the correspondence that the Government of Quebec by minute in Council adopted the conclusion that it was essential to the validity of any decision to be given by the Arbitrators that their judgment should be unanimous. This minute in Council was communicated to the Arbitrators on 16th June. But at the meeting of the Arbitrators held in Montreal on 6th July following, Ontario

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demanded the publication of the decision. This was resisted by Quebec on the ground that unanimity was necessary, and that at all events that question should be argued and determined before the decision was pronounced as to the rule of action. To this contention the Arbitrators submitted. An argument was had on the unanimity, and unanimity was held not to be necessary. Judge Day then voluntarily retired from the court and a protest was filed against Col. Gray's qualification.

On 9th July, Judge Day tendered his resignation to the Government of Quebec, which resignation was afterwards accepted, his authority as an Arbitrator attempted to be revoked and application made to the local courts for prohibition of this process to restrain the proceedings of the remaining Arbitrators. So annoyed were the Arbitrators at these extrajudicial and illegal proceedings, that they held the remaining meetings in Toronto, beyond the reach of the nugatory but annoying proceedings of the Quebec Court, of the Courts of Quebec to restrain the Arbitrators the Courts of Quebec would have power to command them to proceed. What would be the result? The Arbitrators could not remain in either Province. The very statement of the proposition shows the absurdity of such a usurpation of jurisdiction. On 4th August the two Arbitrators met in Toronto, decided to pay no submission to the proceedings of the Quebec Courts, and adjourned till 17th August so as to notify Judge Day to be present at their deliberations if he saw fit.

Judge Day attended no meetings in Toronto. An award was made giving about five-ninths of the assets at their full value to Ontario and four-ninths to Quebec. It also made provision for the payment of the surplus debt. This award so made is now attacked for illegality and injustice. It does not appear to me that any of the objections to the validity of the award are entitled to prevail. Take first the alleged disqualification of Col. Gray. I do not think there is anything in the objection, and if there were the objection has been waived. I admit that the British North America Act declares that the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or Quebec. Was Colonel Gray, when appointed in March 1868, a resident of Ontario? It is not pretended that he was, but it is said that by afterwards remaining here, he became a resident; subsequent residence does not forfeit the office. There was qualification at the time of the appointment. But supposing subsequent residence would forfeit the office, did Colonel Gray ever become a resident within the meaning of the enactment? Residence in the section means permanent residence—a person resident in one of the Provinces without an *animus revertendi* to his own Province. It is not pretended that Colonel Gray did at any time give up the intention of returning to New Brunswick, the Province from which he came. His residence here was temporary and only for the purpose of discharging his public duties at the seat of Government of the Dominion. But, sir, if there were anything in the objection, it should have been taken before July 1870. It was not taken in the order in Council of Quebec of 6th June 1870.

**Mr. JOLY** begged to be permitted to remark that the objection was taken by the order in Council of 6th June, before the retirement of Judge Day, and referred to the hon. member for Mégantic to support this statement.

**Hon. Mr. IRVINE** corroborated the statement.

**Mr. HARRISON:** I have in the book before me what purports to be a copy of that order in Council, and in it there is no reference to the residence of Colonel Gray.

**Mr. JOLY** said the copy was not correct. The only correct copy was the one in the blue book published at Quebec.

**Mr. HARRISON:** I have not seen the book to which the hon. gentleman refers. But assuming that the printed copy which I hold in my hands, is not correct in the particular mention, the position of Quebec is not at all improved. So long as there was a chance of Hon. Mr. Gray deciding favourably to Quebec, there was no objection to him. But when it was found by his decision of May, that he was likely to give an independent judgment, and that judgment adverse to the supposed interests of Quebec, objection was for the first time raised. Had he decided for Quebec I apprehend there would have been no objection on the part of Quebec.

Now, a party to litigation cannot take the chance without objection of a favorable decision from an arbitrator and afterwards repudiate his authority when the decision is found to be adverse. (*Hear, hear.*) This seems to me to have been the conduct of Quebec. And if so supposing the objection to be at all well taken, it was not taken in sufficient time to be now available, as if it were on an application to set aside the award. Nor do I think that the objection as to want of unanimity is well founded. It is true that the section of the British North America Act does not provide for a decision of the majority. And if this were the case of a private award, I should hold the objection a fatal one. But in the case of public awards the rule is different. In the case of a private award where a reference fails the parties are remitted to the ordinary Courts of the country, which have jurisdiction to settle their disputes, so that there can be no failure of justice. But in the case of a public award—and that this is a public award has never been denied—the ordinary Courts have no jurisdiction. The only Court having jurisdiction is the Court specially constituted for the settlement of the matters in dispute.

It was intended by the Act that there should be a decision. If so it was never intended that any one of the three Arbitrators by refusing to join in decision could prevent a decision. The question is one simply of intention. And in such a case in order to prevent any one Arbitrator holding the absolute power to prevent a decision, it has been again and again held that without express words of authority the majority may make an award. Books of practice are full of decisions on this ground. If I am right in this view, it disposes of the

next objection taken to the award, that is to say, that it was made in the absence of the Arbitrator of Quebec.

I admit that if any trick had been practiced upon him, that if no opportunity had been given him to be present at deliberations of the Arbitrators, that if no opportunity had been given him to concur in the decision which was pronounced, the objection would be a good one. But his absence was voluntary; he had every opportunity to be present at the deliberations of the Arbitrators and refused. His absence was not the fault of Ontario but of Quebec. He resigned because he could not agree with his co-judges on the questions submitted for decision. The law makes no provision for such a resignation or for the revocation of authority under such circumstances. And I never before heard of a Judge resigning his position on the bench because in a matter brought up for decision he was in the minority. His absence was therefore not only voluntary but wrongful and those who are responsible for the wrong are now seeking to get up their own wrong as ground for relief from the ground. Such a position is surely untenable, as well in morals as in law. (*Hear, hear.*)

**Hon. Mr. DORION:** Suppose Colonel Gray had also refused to act, could the Arbitrator for Ontario have given a decision?

**Mr. HARRISON:** No! Because then it would have been the decision of a minority. I do not argue for the validity of a minority but of a majority decision. This disposed of all the objections taken to the award, with the exception of one, and that is the division of the assets mentioned in the Fourth Schedule. I have already adverted to this point. I have shown that ‘‘conjointly’’ does not necessarily mean co-equally, and I have shown the authority of Judge Day himself in support of this argument. In what I have said about the Arbitrator for Quebec I mean no disrespect to that learned gentleman. On the contrary, I have the pleasure of his acquaintance and can sincerely join with those who deservedly hold his legal attainments in high respect; what he did, he did, I am sure, from proper motives, and as he thought for the best in the interest of his Province. I should be sorry to assail his motives or the motives of any of the gentlemen who acted as Arbitrators. But when he agrees with me on a point of law, when that was the only point on which the Arbitrators were unanimous, I have a right to assume against Quebec that the point was well decided. Well, so, assuming it, there is involved in the assumption the discretionary powers to make an unequal division—less to one, more to the other, as influenced by considerations of Justice.

This brings me to the remaining ground on which, apart from the validity of the award, its justice is attacked. I cannot help thinking that those who hold strong views against the validity of the award weaken their position by any general argument of its alleged injustice in a political point of view, or on mere political

considerations. (*Hear, hear.*) But even here, Sir, we are prepared to join issue with those who attack the award.

It being 6 o'clock, the House arose.

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## AFTER RECESS

**Mr. HARRISON** resumed the debate: Before the adjournment Sir, I gave my reasons for not being able to agree to the proposition that the award is void for illegalities. Gentlemen from Quebec differ from me, but I have, I think, at all events shown to the House that the validity of the award is not so clearly to be decided against us as assumed by those gentlemen. Whether legal or not is a question of law. Who is to decide that question? Not the Government, for it is not a court of law; not this House for it is not a court of law. All that the House can say is that validity of the awards, considering the conflict of opinion among the legal gentlemen in the House and out of the House, is doubtful. But so long as it is doubtful I contend the House should not deal with it. Let the legal question be determined by a competent tribunal. Until the decision of some tribunal having authority to deal with such matters I contend we have nothing to do with it as just or unjust under political considerations. But while taking this position I am not to be understood as conceding that it is unjust. It is alleged that it is unjust because it concedes to Ontario five-ninths of the assets. But these assets are local assets. If it be true that Upper Canada contributed five-ninths of the revenue I apprehend her receiving five-ninths of the assets cannot be said to be unjust. Besides this has the merit of being as nearly as possible a decision according to population. And the fact that it is so, goes far to prove that the rule adopted by the Arbitrators is more than a mere arbitrary one, that it is a rule in its operation so just that the result is nearly the same as that of which Quebec is now so much in favour—I mean population.

It is alleged that some of the assets assigned to Lower Canada are worthless. That, I think, may be said of some of the assets assigned to Upper Canada. But if during the Union, money was squandered in one section of the Province more than in the other, that is of itself no reason for increasing the burdens on the section which spent its money judiciously and has the more valuable assets to show for the expenditure. The great outcry, however, against the award arises from the fact that the Arbitrators did not see their way to charge Upper Canada with the debt of \$5,000,000.

I confess, to me, that while this is the point on which those who attack the award most dwell, it is the least defensible of all the points taken. The assets in respect of which that debt was mainly incurred are now the property of the Dominion, and Quebec and Ontario in their dealings with the remaining



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Provinces to the Federal compact have conjointly received credit for them. Besides, Lower Canada during the Union had the use of them free of cost. And this is sought to be accomplished under the specious phrase partnership—a partnership all on one side—a partnership without the taking of accounts—a partnership which takes from one of the partners works of the value of nearly \$5,000,000 and seeks to charge him the debt for cost of construction, while refusing to allow him anything for his property or surplus contributions to the common fund. The position is a monstrous one. I cannot think that those who advocate it have ever considered it in all its bearings. But I am unable to see what authority the Arbitrators had to go behind the Act of Union. Their power was to divided and adjust the debts and assets in which the Provinces were conjointly interested, that is as I understand it, debts and assets which arose after the Union, and during its continuance. I may be mistaken in this opinion. I am not bigoted to my opinion, but the more I reflect upon it the more strengthened I become in the conviction that it is right. I, however, for reasons already given, do not think it necessary to prosecute this enquiry any further. Underlying it are the legal questions. They must be determined by the Privy Council. If decided in favour of Quebec, there must be a new Arbitration. If decided against Quebec, and Quebec be notwithstanding able to show injustice or oppression, I can vouch for it that the public men of Ontario will not be found unreasonable or exacting. (*Applause.*) Our public men are I think disposed not only to act justly but liberally to our Lower Canada neighbours, whose welfare is our welfare and whose prosperity is our prosperity. (*Cheers.*)

We are now in Confederation for weal or for woe. The issue must under Providence to a great extent depend on our own conduct towards each other. Seasonal strife must, above all things, be avoided. (*Hear, hear.*) The thought of disruption is not for a moment to be entertained. (*Cheers.*) The man who needlessly provokes sectional strife wickedly weakens the ties of Confederation, and knowingly strengthens the hands of our enemies. I look upon the resolution moved by the member for Hochelaga as inexpedient and unnecessary. I hold it inexpedient because it is inopportune; because its pressure while the legal questions are undecided needlessly, raises dissension; because not so much framed in the interests of our common country as for the purpose of gaining some party advantage over the Government of Quebec.

I cannot forget in what manner the mover taunted the Minister of Militia with the vengeance of Quebec, for in his place as a member of this House and Leader of the Government doing what he considered to be his duty in the interest of the whole Dominion. I say, Sir, that on questions of this serious character, the claims of our country must be placed higher than the mere claims of party. (*Cheers.*)

I think the resolution unnecessary, for without the aid of the Imperial Parliament, we have according to the opinion of the Law Officers of the Crown, a right to do what we like with our own.

Entertaining this opinion of the motion of the member for Hochelaga, I shall vote against it and against any similar resolution with similar party objects that may come from a member for Ontario. The occasion is too serious a one for mere party manoeuvres.

The amendment moved by the member for Châteauguay has all the vice of the motion of the member for Hochelaga, with this addition, that its carriage would be the defeat of the Government that has already done so much in building up our Confederation. (*Cheers.*)

Let us now that we are about to welcome British Columbia into the Union, tighten the bonds of union. Other Provinces, such as Newfoundland and Prince Edward Island, have yet to apply for admission. We must not by needless discussion frighten them from doing so—divided we fall—united we stand—divided we shall relapse into our former state of colonial littleness; united we shall present to the world the spectacle of a great and growing confederacy, in process of time second to none on this continent. (*Loud cheers.*)

**Mr. MILLS** agreed with some of the remarks of his hon. friend from Toronto, and from some he differed. He did not believe that if the House had no jurisdiction in the matter, as asserted by the hon. member, then he had no right to discuss it on its merits. However, there was this justification for him, that if the Ontario members refused to discuss it on its merits, the Quebec representatives might suppose that there were no just grounds on which to rest the claims of Ontario. It seemed to him there was something more to be discussed in this case than merely its merits.

At the London Conference it was decided that the Dominion should assume sixty-two millions of the debt of Canada, and that the remaining ten and a half millions should be divided between the two Provinces. Now, he contended that unless the parties who were now liable for this debt should come to this House and ask that this debt should be assumed by the Parliament of Canada, it was therefore presumptuous on the part of this Government and this House to talk of assuming this debt when neither of the parties interested in it had asked them to. He disapproved of the motion of the hon. member for Châteauguay, for it asked Ontario to contribute the same proportion she did pay before Confederation, and which was thought to be unjust in itself, and which gave rise to the demand for constitutional changes.

If this motion, asking for the assumption of the surplus debt were carried, could they assume the debt imposed by the constitution on Ontario, and particularly without the consent of its representatives? Till the people or Government of Ontario ask that the debt should be assumed by the Dominion, this Parliament had no right or power to assume it. This House at present was not the tribunal to settle this question. He did not feel disposed to discuss this question on its merits. He quite agreed with the views taken of this question by the hon. member for Toronto. He believed that much more could be

said in defence of the validity of the award. The question for this House to decide was whether it had jurisdiction to set aside that award. All other questions should be lost sight of at least until this one was settled.

Supposing it were possible for this Parliament or Dominion to assume the surplus debt of the two Provinces, without their consent or solicitation, the Lower Provinces would have to be compensated. The debt would swell from ten and a half to twelve and a half millions, of which Ontario would have to pay seven millions. Now, it was to get rid of what was admitted to be unjust that a portion of the debt was taken from the Dominion Government and given to the Local Governments. The House had, therefore, no right to ask for changes. The Confederation Act was a compact which the House had no right to violate, a compact which had received the assent of the High Imperial Government, and which was therefore binding.

He did not agree with the member for Toronto West as to the way the motion of the member for Hochelaga should be treated. We had no right to attempt to settle the question here. How came it that the party satisfied with the decision should be forced to appeal from it? The Government, having appointed arbitrators, should act on their award, and leave it to the dissatisfied party to make the appeal. The Government had no discretion in the matter, but having decided not to act upon it, they virtually declared it invalid. The member for Toronto West was bound to contend the Government should not act on this award till set aside by a competent authority. (*Hear, hear.*)

**Mr. DUFRESNE** would not discuss the question as to its legality or illegality, for he maintained that the validity of an award was only to be decided by the power which appointed the arbitration. He did not think that the discussion of validity in this House was calculated to benefit either Ontario or Quebec. He thought the position taken by some hon. members that this question should be decided by a majority of the House was one fraught with danger. The framers of the Union Act had very wisely left the disposal of the assets of the late Province to a power outside of this House, and it was well that a question so calculated to create sectional jealousies should have been left for decision to an arbitration. The Government of Ottawa properly said they would not take cognisance of the award till a higher tribunal acted upon it. That was the only safe and logical position. The only motion that should receive his support would be that of the Hon. Minister of Militia. The only wise course was to accept it and remain quiet. (*Hear, hear and laughter.*)

**Mr. JOLY** said that the members representing Quebec were unanimous on this question. He was afraid that the arguments advanced by the Premier of Quebec might not have had due effect from the fact of his having to speak in a language not his own.

The representatives of Quebec were determined to adopt every constitutional means in their power to oppose the award. The general argument of those speaking against the amendment of the hon. member for Châteauguay seemed to be that the Dominion

Parliament was not the proper body to deal with the question, but he was convinced that however the matter was decided by the Privy Council, whether Quebec was successful or not, as in the event of Quebec being successful there would have to be a new Arbitration, for the forming of which there was no provision in the present state of the law, the matter would sooner or later have to be dealt with by that House and he thought further that now, when the House seemed to desire to dispose of the question in such a way as would allay all bitterness, and when Ontario seemed disposed to deal justly and generously, now was the best time to deal with the matter; and, according to his view the only way in which the matter could be dealt with satisfactorily was for the Dominion to assume the whole of the debt—and he thought if such a proposal had emanated from some hon. member on the Government side of the House it would have met with a much better reception than now that it had originated with the hon. member for Châteauguay.

If the Privy Council should decide Quebec was wrong, and that the award was good, in what position would the Quebec members stand? Could they again come before the House and protest against an alleged injustice? They would not in such event be in as good a legal position as at present. While the present doubt existed, Quebec members should anxiously seek for a decision of the question by this House. The only argument against the motion of the member for Châteauguay, on the part of Quebec members, was that it as only one of non-confidence. If any member was of opinion that the Government had not acted properly or wisely in this matter, he should express freely his regret that such an easy mode of settling this difficulty as the member for Hochelaga proposed was not recommended by the Government. He felt the member for Toronto West was very severe in saying that if a comparison between the rival claims of Quebec and Ontario were made on the basis of their respective contributions to the revenue, since the former Union, Quebec would be nowhere. Certainly she had not paid in as much as Ontario during the latter half of the union period, but had been the greater contributor during the first portion of the time. Besides, the admissions of eminent Upper Canadians were on record to show the high appreciation of the benefits of union with Quebec, formed by the people of the West in 1840 and 1841. Certainly their admissions would not justify the conclusion that Quebec occupied a comparatively unimportant place in the union, or was a partner of little value. He thought in discussing this question that no harm would be done—no obstacle thrown in the way of an early and a proper solution of the difficulty, by rendering justice to the Eastern Province. (*Cheers.*)

**Hon. Mr. IRVINE** said it appeared as if the gentlemen who had spoken were generally of opinion that the House was not the proper tribunal to deal with the question, and they had all discussed it very fully, and the hon. member for Toronto West, although one of the most decided in that opinion, had been the one who had gone most deeply into the question. As he also was of opinion that the question would go before the Judicial Committee of the Privy Council, and that that therefore would be the appropriate place to advance the legal views of the case, he should not follow the example set him,

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and discuss the legality of the matter, but he could not refrain from explaining his views of the difficult position in which he conceived the members for Quebec to be placed.

If the award bore any semblance of legality, or was based on any principle, so that they would have been able to say to their people that the judgment appeared to be according to law, they would have endeavoured to submit, but they were not able to say so, they could not say that judgment had been given by a proper authority, or that they had their property taken from them on any recognizable principle.

With regard to the points raised as to the residence in Ontario of the Dominion Arbitrator, and the necessity for an unanimous decision, he did not intend more than to mention those questions, but he thought that the main difficulty consisted in this, that the law required that the tribunal should be constituted of three, while at the time of the award, the award was not only given by two, but by those two at a time when the third had ceased to be one of their number, and it was perfectly manifest that whereas the Court was required to be composed of three it was in reality composed of two. The circumstance of the third having been notified of the continuance of the proceedings had no bearing on the subject, for any individual might just as well have been so notified as Judge Day for any connection he then had with the matter.

It was pretended that because he had accepted the post, and commenced the duties, he was therefore bound to carry the matter out to the end, but he thought such a proposition could not be supported, as it would be absurd to suppose that when a man once commenced an undertaking, no possible circumstance could relieve him from carrying it out. It was further contended that if it were admitted that two Arbitrators could not make an award, therefore no award would ever be arrived at, but he denied that, for though Judge Day might cease to be an Arbitrator there was nothing to prevent the Province of Quebec from naming another in his stead. But had that Province ever been asked to name another person? No. On the contrary the remaining Arbitrators continued their sittings on the very day that Judge Day resigned, and on the following day, on being served with a prohibition from the Superior Court of Montreal, they at once removed to Toronto, and immediately with the most extraordinary haste the whole matter was wound up, and the award given by the two remaining Arbitrators.

For this reason, independent of others, they could not face their people and advised them to submit to the decision. If it could have been urged that though perhaps not legal, the award was just, and that their best plan was to accept it, and so avoid all further difficulties, they might have consented to do so, but such was not the case, for on looking into the matter they found Ontario with an immense preponderance of assets, and that while Ontario commenced the Union in debt and came out rich, the reverse was the case with Quebec. He did consider that they were entitled to be judged on some principle, and not that they should be judged on one principle one day, and then when that principle acted to their advantage that the opposite one should be taken. They had been told

that if the award had been on a partnership basis as they had proposed they would have been in a worse position than at present, but even then they would have had some satisfaction in knowing that they had been judged on the principle for which they contended. Under the circumstances, they could not advise their people to submit to the award, but were compelled to endeavour by all the constitutional means in their power to escape from that award.

The present question, however, was how the House should deal with the matter. The hon. member for Châteauguay had asked them to lay aside the whole proceedings of the late Province of Canada, and ask the Imperial authorities to give to the Parliament of Canada authority to deal with the matter, but looking at the question, not in Quebec, but a Dominion point of view, he thought such would be most undesirable, and he did not see why they should seek to throw such an apple of discord into their midst—and if such were done, and they were called upon to make an award, he was sure they would fail far more signally than the arbitrators had done. It had been contended that they were bound to notice the award, and act upon it, but in his opinion, they had acted far more wisely, as the judgment was of such a nature that it was impossible for them to act upon it, and all they could do was to leave the matter to be decided by the proper tribunal. This would be the result of the motion of the hon. Minister of Militia. But there was one difficulty in bringing the matter before the Judicial Committee of the Privy Council, namely, that the question would have to be argued simply in its legal aspect, without regard to the merits of the case. If that Committee should decide in favour of Quebec, the matter would remain in very much its present position, while, if the decision should be in favour of Ontario, which he did not believe possible, the difficulty would still not be removed. He thought, therefore, that if the matter could be settled without reference to the Privy Council, such should be done.

The hon. member for Lotbinière had objected to any member refusing to vote for a motion, because, while he agreed with the principle, it involved a want of confidence, but he thought it perfectly proper, while agreeing with an abstract proposition, not to vote for it, when couched in such a way as to be a direct attack on a Government he desired to support, and while he agreed with the motion of the member for Châteauguay, he would not vote for it in its present shape. If some arrangement could be made by which the Dominion should assume the debt, in a satisfactory way to both Ontario and Quebec, the whole difficulty would be overcome, and he was sure the Dominion would suffer no less. He understood that the Premier of Quebec, in the event of the amendment of the hon. member for Châteauguay being lost, had intended to prepare a further amendment, having a similar object, but not couched in such disagreeable terms, but he very much regretted to say that his hon. friend had been compelled to leave the city on account of serious illness in his family.

**Mr. GEOFFRION** said there were three parties interested in this matter, the two Provinces and the Dominion Government. It was the duty of the latter to be in a position to express an opinion on the award. It was, therefore, quite proper for the hon. member for

Bellechasse to introduce a motion asking the House to declare that the award was illegal. It would then be for the Government to take action as the majority of the House should decide. He did not propose to speak of the justice of the award, but he could not agree with the view taken by the hon. member for Toronto that if the debt had been divided in proportion to the amount paid by each Province, Ontario would get two-thirds of the assets. If such a basis should be adopted, Quebec, being the older Province and having been contributing to the debt for a longer period than Ontario, would receive a larger proportion of the assets. The motion of the member for Châteauguay proposed the Dominion's assumption of the surplus debt, and the compensation of the Lower Provinces; several members approved of this principle, but condemned its form because expressing regret or want of confidence in the Government. The Government, however, first opposed the motion from the Opposition side of the House. The motion of the member for Châteauguay was but the complement of that of the member for Hochelaga. Ministers did not act, however, as if they really believed the former a motion of want of confidence.

The question was—was there a difficulty between Quebec and Ontario respecting the decision of the Arbitrators? He believed so, and that the member for Châteauguay proposed the proper remedy. The principle of the motion was practically approved by the Quebec Ministry, and other members on the Ottawa Government side of the House. Since the Solicitor General for Quebec said he would support it presented in another form, it was amazing to see how the motions of hon. members of the Opposition from Quebec were regarded by the hon. members from the same Province on the opposite side of the House. The motives of hon. members on his (Opposition) side of the House were impugned, and the hon. members themselves were charged with a desire to injure their Province.

It seemed to him that this cry was too old now to have any effect. It seemed to him that the only excuse for delaying the settlement of this question till after an appeal should be made to the Privy Council was to have it unsettled till after the elections. If he were as ready to impugn the motives of hon. members opposite as they (the Government) were to charge hon. members of the Opposition with bad motives, he would say that this was their object. It would, at any rate, be a more plausible accusation to make against them. He would, however, say nothing more on the subject but he would record his vote for the motion of the hon. member for Châteauguay, believing that it proposed the best mode of settling the difficulty. (*Cheers.*)

**Mr. SCATCHERD** said he had heard nothing to change his opinion that the award was fair and just, or that Ontario should appeal to the Privy Council. What had both parties to do but submit to the award of Arbitrators to whose appointment all parties consented. What surprised him was that not one of the Ontario Ministers or Dominion Ministers had hitherto spoken on this subject. He thought the Ottawa Government responsible for all the present difficulty. If they had stopped the arbitration proceedings on Judge Day's retirement, or acted upon the award when made, the

present trouble would not have resulted. The motion of the member for Hochelaga could not have been designed for any other purpose than political effect in Quebec. If the Dominion assumed the surplus debt, as before, Ontario would be unjustly dealt with, as she would have to pay for three-fourths of this liability.

He proceeded to reply to some of the remarks and arguments of Quebec members on this subject, and expressed himself incredulous as to any attempt of Quebec to secede in consequence of the adverse award but he did not think Ontario should take any action touching this award in the shape of an appeal from it. He would vote in a manner to express his disapproval of the conduct of the Government in this important matter. (*Hear, hear.*)

**Hon. Mr. HOWE** said that he would regret extremely that the two Provinces of Ontario and Quebec should disunite on this subject. He had been led to believe that a case once before a legal tribunal could not be dealt with by this House. How could the Government dare to control the decision of a Judge?

The representatives of the Maritime Provinces viewed this question in a different light, perhaps, from that of the interested parties. They considered that a great tribunal had been established for the settlement of this question, and it would be a grave breach of duty for the Government to step in and interfere with the decision of the arbitrators. He, as a member of the Administration, would oppose any such action on the part of the Cabinet but he contended that legal tribunals should deal with this question and all such sources should be exhausted before the House undertook to grapple with it. It was clear, therefore, that it was premature to discuss the question now in this House. All the interests of this great Dominion depended on a fair and impartial decision of this difficulty by a competent legal tribunal, and he hoped it would be settled in that way, rather than by a majority in this House.

The member for Verchères referred to what had taken place in the case of Nova Scotia. Here was a political question, not a legal one, and the result had proved the sagacious character of its settlement. All he could say was that when the present question came before the House properly, the members from the Maritime Provinces would do their best to deal with it considerately, generously and fairly, remembering their candid and liberal treatment by the majority of this House from Quebec and Ontario. Meantime it was only a waste of time to continue the discussion of this question.

**Mr. MAGILL** regretted that this question was again brought before the House. He had hoped that not only the wisdom of our own country, but that of Great Britain had decided how this debt was to be divided. He was satisfied that it had been adjusted on fair and equitable principles and that if it has been as favourable to Quebec as to Ontario, the people of the Upper Province would not murmur at it, but accept the award as final. The Provinces entered the Confederation as equals, and therefore that basis should be accepted. The accounts should be settled between them as between

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partners from the date of the Union. If the Province of Quebec had expended her funds extravagantly while the other Province had by prudence and economy increased in wealth, it was manifestly unfair to make an equal division of the assets when an adjustment was made. The one which had been thriftless had no right to a share of the savings of the other.

**Mr. LANGLOIS** argued that the motion of the hon. member for Hochelaga would be most dangerous in its results if carried. It proposed that the Imperial Parliament should give to the Canadian the power to settle this question. From the speeches and arguments he had heard during the debate, it was evident that the Quebec members would take one side, and the Ottawa members the other. How then was the difficulty to be overcome in this House? Quebec could only fall back on the members of the Maritime Provinces who, no doubt, would also be divided, and they would be as far off a settlement as ever. The member for Hochelaga had himself admitted that the question was a purely legal one, then why take it from a legal tribunal like the Privy Council to submit it to this Legislature? The award was undoubtedly invalid because it was made by two members of a court which was specifically composed of three. He contended there was no force in the argument that Upper Canada should be credited with a large amount of assets as an offset to her five millions of debt, because that the public works for which this debt was incurred, turned to the general advantage. Quebec had also spent a great deal in public works, and had as good a right to claim consideration on this head. Yet she had no doubt on entering the Union, and was ready to bear a share of that of Ontario. He replied to other arguments on the side of Ontario, and declared his determination to oppose the motion of the member for Hochelaga.

**Hon. Mr. ANGLIN** said Quebec had not come before the House as a Province, its representatives here differing widely on the Arbitration question. The Ministers of Quebec did not propose an appeal on any other action on their part, and the Ottawa Ministers had shown themselves equally inactive. An appeal to the Privy Council had been talked of. If it approved of the award there would be still more reason for coming here than at present, at least before all the Provinces were consulted on the subject of the financial arrangements which formed the basis of the Union. He did not think they ought to take up this question in Parliament at this time; and unless the other Provinces, all interested in the financial basis of the union, were consulted, he did not see why this matter should be taken up at all. For the present he would probably vote against all the motions on this subject.

**Hon. Sir GEORGE-É. CARTIER** thought it strange that no one had apologized for the absence of the hon. member for Châteauguay, who had proposed a motion of want of confidence. It was more grievous in its injustice towards Quebec than the resolution of the hon. member for Hochelaga, for it forced a judgment against Quebec when that Province was not in a position to say it was labouring under a grievance. The Dominion Government was trustee of the assets to be divided between the two

Provinces, yet this motion called on them (the Government) to hand over the assets before the award was sustained.

**Mr. BARTHE** said it was undeniable that the people of Quebec were indignant at the manner in which their interests had been sacrificed by the Arbitrators. This was no question of money, but one of politics, and was therefore one to be discussed and settled by this House. Quebec was undoubtedly the pivot of the Confederation, and injustice done to it was injustice done to the whole Dominion. He believed, therefore, that the argument of the Hon. Minister of Militia, that the Ontario representatives were in the majority, would not hold. Let the wrongs of Quebec be fairly shown to this House, and he had no doubt that the sense of justice would overcome all sectional partiality and a majority would be found to re-adjust this unfair award. He had for fifteen years been a supporter of the Government, but he was not prepared to sustain them in the course they were pursuing in regard to this question. (*Hear, hear.*) It was but calculated to disunite the Dominion by keeping open this irritating question.

**Hon. Mr. DORION** replied to the arguments of previous speakers in opposition to his motion. The Solicitor General of Quebec was another who stated, he approved of the principle of the motion of the member for Châteauguay. Well, he (Hon. Mr. Dorion) was authorised to say that if that hon. gentleman would attach his name to the motion of the member for Châteauguay, the latter would leave it in his hands. But the Minister of Militia took a somewhat different course from other Quebec members. He (Hon. Mr. Dorion) repudiated the notion that this motion was designed as one of non-confidence. They had waited weeks for some action on the part of the Government, but though some of their members had stirred up popular feeling on this subject, none of them had taken any action in Parliament. He referred to the action of the member for Bellechasse, and other members of the Opposition to secure ministerial expression of opinion or action on this question, but all to no avail. One excuse or another of the most trivial character was objected to to prevent anything being done, and to defeat the well meant exertions of members on the left side of the House. (*Hear, hear.*) He then brought forward another motion. It remained for a member from Lower Canada to declare it out of order. But it had been brought in for all that, and was now before the House. The hon. members were about to declare by their vote that this was not the time to discuss the question—not till after a decision shall have been rendered by the Privy Council. The members for Ontario did not ask for it. No one declared that decision would be agreed to as final, then what good could it do to send it to that tribunal? Any member who would look at the figures would see that Ontario, though paying very little more into the treasury than Quebec, was receiving a much larger proportion of the assets. This fact alone was sufficient to show the injustice of the award. It was now for the House to say whether it was so or not. If it should be decided that the arbitration award was unjust, it was for them to readjust it. He proposed a simple remedy for the

whole difficulty. Let us, the Dominion, assume the debt. This would render justice to all. This objection of non-confidence in the Government is an old device of the Ministers. When the question of the seat of Government was discussed, Lower Canada was dragged into the sacrifice of her interests by the cry of want of confidence in the Government. A decision, not in the merits of the question, was thus arrived at adverse to the feelings of nine-tenths of the country.

His confidence in Parliament was unbounded—far greater than in any tribunal beyond the seas, that took little interest in our affairs. He condemned the carrying of this question to England, and various objections to his motion preferred by Quebec members, opposing the motion to assume this debt, and settle it amicably and promptly here, because of a mere silly cry, was preferring party to country—was to choose an outlet from a difficulty which must lead to serious trouble and injury to the country in the future. The award was unanimously regarded in Lower Canada as unjust, among other reasons for giving Upper Canada more than it at first claimed as its due. He was ready to take a vote on the motion, no matter whether the Government regarded it as one of want of confidence or not.

**Hon. Mr. McDOUGALL (Lanark North)** thought if the House were considering a Confederation scheme, this motion would hardly have been out of place, but at the present time he regarded it as ill-timed. It opened up a field unpleasant to contemplate. It was unfortunate that each Province as it felt itself aggrieved should come here to redress. It argued badly for the future harmony of the Confederation. He did not approve of the action of the Government in this case. If they considered the award valid they should at once have acted on it, but they seemed to have suspended the action indefinitely. The award had been made and they should have at once apportioned the debt according to that decision. Looking at the case as a lawyer, he did not think that the arbitrators had proceeded on a right principle, but that was a matter to be decided by a legal tribunal. If the principle of partnership was to be the test of the justice of the award, he contended that Quebec had nothing to complain of. He was sorry that the people of the Lower Province, many of them the very people who had helped to bring about the present condition of affairs, should now complain of the result and create discontent in Quebec instead of endeavouring to allay the prevailing dissatisfaction.

The House divided on the motion of Hon. Mr. Holton, which was lost: yeas 16, nays 96.

**Mr. MILLS** moved in amendment to the amendment that all the words after “that,” be struck out, and the following substituted. “The division of the excess of debt of the former Province of Canada over and above the \$62,500,000 assigned to the Dominion by the British North American Act, having been referred to arbitrators appointed under authority of the said Act, and a majority of the Arbitrators so appointed having made an award, this House is of opinion that the Government, in the adjustment of accounts

between each Province and the Dominion, should act upon the basis of the award.”

A vote was taken without discussion, and the motion was lost: yeas, 25; nays, 84.

**Hon. Mr. IRVINE** said he had intended moving an amendment to that of the Minister of Militia, to order the Dominion’s assumption of the surplus debt and assets, and the consequent proportionable compensation of the Maritime Provinces; but after the two distinct expressions of the opinion in the House just taken, he did not think this the proper or opportune moment to submit his amendment. (*Hear, hear.*)

**Mr. JOLY** moved in amendment that the following words be added to the motion: “That this House regrets that the Government of Canada did not take any action in order to suspend the proceedings of the two remaining Arbitrators before the award was made, when requested so to do by the Government of Quebec.” In a speech of some length he censured the Government for not having interfered in time to prevent the occurrence of this difficulty, after having been twice appealed to in the most solemn manner by the Quebec Government, to stay the proceedings of the Arbitrators after the withdrawal of the representative of Quebec.

**Hon. Mr. ANGLIN** said that after the decided expression of the House in the two divisions which had just been taken, the hon. member for Lotbinière could hardly expect to carry his motion, and it would be as well not to press it.

**Hon. Mr. McDOUGALL (Lanark North)** said that if it was a covert attempt to commit the House to the principle that the award of an Arbitration was not valid if it was not a unanimous decision.

The House divided on the motion, which was lost: yeas, 15; nays, 95.

**Hon. Mr. DORION** announced that he would vote against the amendment of the Hon. Minister of Militia, because it committed the Quebec members to the position of the decision of a tribunal of which the House knew nothing and which was not even mentioned in the resolutions.

A division was taken on the amendment of Hon. Sir George-É. Cartier, which was carried: yeas, 68; nays, 41.

## YEAS

Messieurs

Archambault  
Beaty  
Bellerose

Baker  
Beaubien  
Benoit

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Bertrand  
 Brousseau  
 Caron  
 Cayley  
 Costigan  
 Crawford (Leeds South)  
 Daoust  
 Dufresne  
 Ferris  
 Gaucher  
 Gendron  
 Harrison  
 Holmes  
 Irvine  
 Keeler  
 Lacerte  
 Langlois  
 McDonald (Antigonish)  
 Masson (Soulanges)  
 McDougall (Trois-Rivières)  
 Moffatt  
 Perry  
 Pope  
 Renaud  
 Ross (Champlain)  
 Sriver  
 Simpson  
 Street  
 Tilley  
 Tupper  
 Willson

Blanchet  
 Cameron (Inverness)  
 Cartier (Sir George-É.)  
 Colby  
 Crawford (Brockville)  
 Currier  
 Dobbie  
 Dunkin  
 Fortin  
 Gaudet  
 Grover  
 Hincks (Sir Francis)  
 Howe  
 Jackson  
 Kirkpatrick  
 Langevin  
 Lawson  
 McDonald (Lunenburg)  
 Masson (Terrebonne)  
 McGreevy  
 Morris  
 Pinsonneault  
 Pouliot  
 Robitaille  
 Savary  
 Simard  
 Snider  
 Sylvain  
 Tourangeau  
 Walsh  
 Wright (Ottawa County)—68

Anglin  
 Barthe  
 Bourassa  
 Brown  
 Cartwright  
 Cimon  
 Delorme  
 Drew  
 Geoffrion  
 Joly  
 Lapum  
 MacFarlane  
 McDougall (Lanark North)  
 Mills  
 Oliver  
 Pelletier  
 Ross (Wellington Centre)  
 Thompson (Haldimand)  
 Tremblay  
 White  
 Wright (York West)—41

## NAYS

## Messieurs

Ault  
 Béchard  
 Bowell  
 Cameron (Huron South)  
 Cheval  
 Coupal  
 Dorion  
 Fournier  
 Godin  
 Kempt  
 Little  
 Magill  
 Metcalfe  
 Morison (Victoria North)  
 Pâquet  
 Pozer  
 Scatcherd  
 Thompson (Ontario North)  
 Wells  
 Whitehead

**Mr. BURPEE** paired with **Mr. ROSS (Prince Edward)**.

The main question, now amended to accept the principle that the arbitration award should be referred to a competent judicial tribunal, the House meanwhile refraining from expressing an opinion, carried on division.

The House rose at 12.50 a.m. on March 14.





March 14, 1871

## HOUSE OF COMMONS

Tuesday, March 14, 1871

The **SPEAKER** took the chair at 3.15 p.m.

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*Prayers*

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### AFTER ROUTINE

After routine, which included several petitions.

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### TARIFF ON PETROLEUM

**Hon. Mr. MORRIS** gave notice that on a future day he would move the House into Committee of the Whole to consider certain resolutions. The first one was an amendment to the excise Act with regard to petroleum. Its object was to relieve from duty certain manufactures growing up in the country, by which what was formerly the waste of the petroleum refineries was being utilized. It was the intention of the Government in the same Act to reduce the vapor test on petroleum. It had been found to be too high. Under the Act of last session, power was given to improve the whole of the excise laws together with the duties now in force in Manitoba, but, in consequence of a special customs tariff being in existence there, it was found inadvisable to impose the Canadian duties on Manitoba.

\* \* \*

### NEW BILLS

**Mr. KIRKPATRICK** introduced a Bill to incorporate the Kingston and Pembroke Railway Company; also a Bill to incorporate the Forsyth Mining Company. The Bills received first reading.

**Mr. HARRISON** moved for leave to introduce a Bill, entitled an Act to incorporate the Isolated Risk Fire Insurance Company.—Carried. He also moved for leave to introduce a Bill, entitled an Act to establish the powers of the Toronto and Nippissing Railway Company.—Carried.

**Mr. HARRISON** in answer to Mr. Mills, said the object of the Bill was to enable the Company to tend the work beyond the Province of Ontario.

### BANKING RESOLUTIONS

On motion of the **Hon. Sir FRANCIS HINCKS** the House resolved itself into a Committee of the Whole to consider certain resolutions for the amendment of the law respecting banks and banking—**Mr. STREET** in the Chair. The mover said that since he brought his Bill before the House he found it would be necessary to proceed by resolution. The object of these resolutions was simply to affirm the general principles of the Bill he first introduced. The object of the Government was to pass one general Act applicable to all the Banks whose charters expire at the end of the present session, so as to obviate the necessity for separate charters founded on the same principle. He doubted not the Act would be found satisfactory, and that the banks would be much better satisfied than by the system hitherto prevalent. They appeared greatly to prefer being governed by a general Act. He concluded by moving those resolutions:

1. *Resolved*, That it is expedient to consolidate the provisions of the Act of the now last Session respecting Banks and Banking (33 Vic., Cap. 11), those of the Act respecting Banks (31 Vic., Cap. 11) and such of the provisions of the several Acts incorporating Banks as have been found most beneficial, into one general Act to be made applicable to all Banks, hereinafter to be incorporated in the Dominion, and to all existing Banks whose charters would expire before the end of the now next Session of Parliament, or have been continued by charter under the said Act of the now last Session, and by such Act to continue the charters of all such existing Banks until the end of the Session commencing next after the first day of January, 1881.

2. *Resolved*, That it is expedient in such Act to provide that the Act may by Order in Council be made applicable to any Bank in the Dominion whose charter would not expire within the period aforesaid, on the application of such Bank, and the observance of certain conditions.

**Mr. MACDONALD (Glengarry)**: There will be no necessity, therefore, for the banks having special charters.

**Hon. Sir FRANCIS HINCKS** replied that it would not be necessary for existing incorporated banks to apply for special charters, but no new bank could come under the Act without a special charter. Banks would have to apply for incorporation under the general provisions of this Act.

**Hon. Sir GEORGE-É. CARTIER** said it would be a general Act, like the Railway Act.

**Hon. Mr. DORION** said the hon. gentleman did not seem to propose any amendment of the Act of last session except to allow the Banks to come under this general law. One part of the resolutions had given rise to some difficulty. What was meant by the words "cash reserves?" In Montreal there had been a good deal of discussion as to the exact meaning or requirement of the "cash reserves" on which was to be based the amount of Dominion notes or funds to be kept by the bank.

**Hon. Sir FRANCIS HINCKS** said he did not see any difficulty of the kind mentioned; nor had he heard of any, though he had had a great deal of conversation with bankers since the Act of last session was passed. The course he proposed was the reference of the Bill to the Standing Committee on Banking and Commerce, where all those matters could be fully considered. He was sure the Bill would come from that Committee in a satisfactory shape. He then moved the adoption of the first resolution, which was carried as were all the others.

**Hon. Sir FRANCIS HINCKS** then introduced a Bill relating to Banks and banking.

\* \* \*

#### BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** moved that the House go into committee on Friday next to consider the resolutions respecting the admission of British Columbia. He explained that as this was a most important measure it would not be discussed till Friday next.

**Hon. Mr. DORION** suggested that the debate be deferred till a week from Friday next.

**Hon. Sir GEORGE-É. CARTIER** said it was not likely that the subject would be exhausted in one day. On next Tuesday, Mr. Trutch, who was at present in Washington, would be here, and as that gentleman wished to go to England as soon as possible, the debate would commence on Tuesday.

**Hon. Mr. DORION** said it was a very large measure, and it would be well to have the Ontario Opposition and the members of the Ontario Cabinet who were absent, in the House while it was under discussion. The debate would be protracted rather than advanced by the course which the Government proposed.

**Mr. HARRISON** said it was pleasant to observe that the hon. gentlemen opposite were alive to the fact that several Ontario members were absent from the House. Yesterday, when the arbitration question was brought up, they seemed to be quite oblivious to the fact. (*Hear, hear.*)

**Mr. MILLS** thought the House should be put in possession of a statement of the imports of British Columbia before the question should be brought before the House.

After some further discussion the motion was carried.

\* \* \*

#### WEIGHTS AND MEASURES

**Hon. Mr. MORRIS** moved that the House go into Committee at some future day to consider certain resolutions for the establishing of a uniform system of weights and measures for all Canada. The resolutions also permitted the use of the metric system where two parties to a contract were agreeable.—Carried.

\* \* \*

#### INSPECTION LAWS

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee of the Whole at a future day to consider a resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce.—Carried.

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#### FENIAN RAIDS

**Hon. Sir FRANCIS HINCKS** moved the reception of the report of the Committee of the Whole on certain resolutions affirming the expediency of indemnifying the Government for having authorized the issue of a special warrant for \$200,000, to provide for the defence of the Dominion, in repelling the Fenian invasion in the month of May last.

The resolutions having been read a second time,

**Hon. Sir FRANCIS HINCKS** introduced a Bill founded on them.

\* \* \*

#### INTERIM ELECTIONS BILL

The House went into Committee of the Whole on Bill No. 16, to make temporary provision for the election of members to serve in the House of Commons of Canada.

**Hon. Mr. IRVINE** in the chair.

**Hon. Sir GEORGE-É. CARTIER** said he understood the hon. member opposite intended to make certain amendments to the Bill now before the Committee. He suggested that the amendments should be proposed after the Committee should rise.

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**Hon. Mr. DORION** proposed an amendment to the effect that the returning officer shall not have the right to question the validity of the electors' list, thereby disenfranchising the electors as had been done in certain parishes recently.

**Hon. Sir GEORGE-É. CARTIER** said he was bound to resist this amendment for it was calculated to create illegality in the elections. He referred to the Kamouraska election and its irregularities, one of which was the prevention of the returning officer from proceeding with the election. The law, as it existed, was adapted to both provincial and general elections. The returning officer had no jurisdiction over the voters' lists. The law as it stood provided for any illegality, and consequently there was no necessity for the amendment of the member for Hochelaga.

**Mr. CAMERON (Huron South)** argued that the law of Quebec would not be tolerated in Ontario, and that there was a need of the amendment proposed. The experience of the past, both with regard to the developments before Election Committees and elsewhere showed the need of defining or restricting the powers of returning officers. Not only in the case of Kamouraska, but in the case of other counties, the greatest irregularities and injustice had resulted from the arbitrary Acts of returning officers. The powers of these officials in Lower Canada should certainly be placed within due restriction. They often felt inclined to work for Government candidates, being under Government authority. He certainly thought the Government should accept this amendment, which in the Lower Province seemed greatly needed.

**Mr. PELLETIER** related the circumstances of the last election for Kamouraska, including the disfranchisement of a couple of large parishes by the returning officer for trivial, if not worse, reasons. One instance of this unjust and arbitrary action was palliated on the ground of the list of voters being a copy and not the original list. He advocated the adoption of the amendment.

**Mr. HARRISON** said there was no doubt as to their opinions on both sides of the House agreeing as to the powers of the returning officer, and as to what should be his duties. They all admitted that he should not be the judge as to the qualifications of the electors. If he took a wrong course there was an appeal to a higher tribunal, and efficient remedy. If that was the law—if the returning officer's duties were at present defined, he saw no necessity for the present amendment.

**Hon. Mr. DORION** said they on that side of the House had always contended that no such power as was occasionally assumed by returning officers belonged to them. But in the case of Kamouraska and other counties these officers had made themselves the judges in this matter, and disfranchised the electors at their mere will and pleasure. In the case of Kamouraska three parishes had been deprived of the franchise; in the County of Mégantic two or three had been deprived of voting. In Drummond and Arthabaska two large municipalities, and in L'Islet one had been subjected by the returning officer to similar hardship and injustice. He designed

to put a stop to this species of action, and clearly and finally define the powers of the returning officers.

**Hon. Mr. DORION** thought that if the Returning Officers took on themselves duties which did not belong to them they should be fined. It was provided that the Returning Officers should take the facts as they were without scrutiny, but the law had been misunderstood, and it required to be made clear so that it could not be misunderstood, and then if the officers transgressed that law they should be fined \$500, and their judgment would then become much more accurate. It was quite sufficient that such irregularities had taken place in four counties, and that the electors had been deprived of their rights in consequence of Returning Officers taking on themselves to decide who should not vote.

**Mr. MILLS:** It was quite evident that the law was inconclusive, for even the House could not decide what it really was. The hon. member for Toronto had proposed something similar in another matter, but now when the hon. member for Hochelaga proposed to follow his example, he objected to such being done. The Law Officers of the Crown in Lower Canada had taken a different view of the case from that of the member for Toronto West, and sustained the Returning Officers in their action—and such a decision could not be overlooked. He remembered that on one occasion a gentleman had been elected for a constituency in Quebec, and had received some fifteen hundred votes when the total number was not one-third of that, and when on that occasion numbers of votes had been recorded in all sorts of fictitious names, the House had taken three years to decide what votes were good. The motion of the hon. member for Hochelaga was simply to state the law clearly, so as to prevent all abuse, and it was very necessary that this should be done.

**Mr. HARRISON** could not follow the argument of the hon. member for Bothwell, but understood it to be based on the supposition of the law being doubtful, but each case that had occurred proved that there was no doubt. As to the comparison made between the motion of the member for Hochelaga and one made by himself, he could not see any connection. His bill had been for the relief of persons misunderstanding the law, whereas in the present motion there was no such object.

**Hon. Mr. DUNKIN** said that the Returning Officers in Lower Canada had no more judicial power than those in Upper Canada. When, in 1859, it was determined to adopt the system of registration of votes, it was necessary to attach some penalty to those localities which did not choose to register their votes, and it was enacted that where no voters' list was prepared, no poll should be taken. These voters' lists had to be made from the municipal taxation list, and there were many localities in Quebec where no taxation lists were made, and as they could not make voters' lists without taxing themselves, they would not make such lists at all except on strong inducement. After the enactment of 1859 a further set of enactments followed, making every possible provision for ensuring the making of such returns. These being somewhat complicated, were, however, repealed in 1863, and a short

provision substituted that no poll should be held until a return of the voters had been made and registered at least one month before the date of the Writ of Election. Thus the Returning Officer had no discretion. If a list was handed to him properly authenticated he had to act on it, and if there was no list there was no poll. He did not say that it was impossible for the Returning Officer to make a mistake, but as the law stood there was no excuse for his doing so. The only question with him was one of fact, as to whether there was a proper list or not; thus there might have been mistakes in the past, but there could be none in the future.

**Hon. Mr. DORION:** Why not?

**Hon. Mr. DUNKIN:** Because the question was simply whether a list had been made and registered in proper time. What the hon. gentleman wanted to enact was that the returning officer should be required to accept any sheet of paper whatever, that might be placed in his hands, but the law required that he should merely see that it had been properly registered and then act on it.

**Mr. MASSON (Terrebonne)** said that whatever the law might be, the returning officers had taken upon themselves the responsibility of setting voters' lists aside. As to the remedy for an illegal Act of an election committee, they all knew how ill and slowly it worked. An appeal of this sort entailed such expense and delay as to render it almost useless. In many cases municipalities were deterred from this course by its difficulties. The returning officer now acted arbitrarily at times, and there was no doubt his powers should be strictly defined. Let the matter be placed beyond doubt. (*Hear, hear.*) He regretted the Bill of last year was defeated. He thought no expense should be spared to secure the full and free expression of the public opinion at elections. He entirely agreed with the views of the member for Hochelaga, and hoped that he would support any Bill the Government might introduce to secure full and valid voters' lists and proper elections. Last year, however, he, and other opposition members, had resisted and secured the postponement of the Government's measure, which was greatly needed.

**Hon. Sir GEORGE-É. CARTIER** explained that the Act for the registration of voters, passed in 1859, had for its object the abolition of just such fraudulent practices as had been referred to as to the characteristic of past elections. The result of the measure had been good, as there were few instances at present of the disfranchisement of municipalities or of their failure to qualify for the elections. He explained the nature of the act, under which, however, certain irregularities had arisen in consequence of the default of Secretary Treasurers. By the Act of 1863 evils of this kind were remedied, it being necessary to make, certify and register the voters' lists a month before the election. The Secretary Treasurers of municipalities must now go before returning officers and have the lists certified in due form. The latter had no arbitrary power of the kind alleged by some members. He explained the occurrence of some of the

irregularities that had been referred to, and the cause. Some difficulty and mystification had sprung from the meaning attached to the word "duplicate," as regards Lower Canada. It simply meant a duly certified copy by the proper officer—such ought to be considered a duplicate. He would propose shortly a way of meeting the views of the mover of the amendment which he hoped would therefore be withdrawn.

**Mr. MACDONALD (Glengarry)** said he was glad the Government were willing to meet the difficulty referred to as having occurred in the case of L'Islet, and other constituencies. The re-election of the member for that county would not have been necessary if the Returning Officer had only accepted the list presented. He had stated to the Parliamentary Committee that he had consulted the Law Officers of the Crown, who had told him that the word "duplicate" was not sufficient, that the word "copy" was the one that should have been used. This difficulty as to the powers and duties of Returning Officers would be obviated by the adoption of the motion of the member for Hochelaga. Thus much trouble and time would be saved. He referred to defects of the law in existence, which threw open the door to evils of a serious character. If his hon. friend wished to leave no discretion to the Returning Officer, cases of this kind would be occurring continually.

**Hon. Sir GEORGE-É. CARTIER** did not think the suggestion of the hon. member was out of the way, and Government would consider it. He suggested an adjournment of the debate.

**Hon. Mr. IRVINE** admitted that the law of Quebec as it now stood was defective and should be changed. It was too bad the electors should be disfranchised through a mere technicality. The fault did not lie with the Returning Officer, but with the Legislature which permitted such a condition of affairs to exist. It seemed to him that the true way to get rid of this difficulty was to make it the duty of the Returning Officer to procure a proper copy of the list from the Registrar before the commencement of the elections. The duty of the Returning Officers was no easy one, and it was too bad to subject them to such charges as were brought against them in this House.

**Mr. POPE** admitted that certain municipalities were disfranchised through not having a voters' list. He thought that in such a case a municipality deserved to be disfranchised. It was their duty to obtain a list, and if they neglected to do so, they should suffer the consequences.

**Hon. Mr. ROSS (Champlain)** said the motion of the hon. member for Hochelaga was worse than the evil complained of. It would be better to adopt the suggestion of the Solicitor General of Quebec.

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**Hon. Mr. DORION** was willing to adopt the suggestion of the hon. Member of Militia, and adjourn the Committee.

The Committee rose and reported, and asked leave to sit again tomorrow.

\* \* \*

#### REVENUE COLLECTIONS

**Hon. Mr. MORRIS** moved the second reading of an Act for the prevention of corrupt practices in relation to the collection of the revenue.—Carried.

The Bill was then passed through Committee of the Whole, **Mr. HARRISON** in the chair.

\* \* \*

#### SAVINGS BANKS

The House went into Committee to consider eleven resolutions on the subject of Savings Banks, and also of the issue and redemption of Dominion notes.

**Mr. STREET** in the chair.

The seventh clause, at the suggestion of Hon. Mr. Holton, was amended so as to permit the two Savings Banks at Montreal and Quebec to take advantage of the Act.

Other unimportant amendments were made, and the Committee rose and reported.

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#### THE TARIFF

**Hon. Mr. HOLTON** inquired whether the repeal of the five per cent duty was intended to take effect immediately, or if not, when. He had just come from Montreal where numerous inquiries had been made regarding the subject.

**Hon. Sir FRANCIS HINCKS** said they would take effect on the first of April next.

\* \* \*

#### WAYS AND MEANS

The House went into Committee of Ways and Means, **Mr. STREET** in the chair.

On the following resolutions giving the Governor in Council power to place on the free list certain raw materials used in Canadian manufactures:

2. *Resolved*, That it is expedient to empower the Governor in Council, from time to time, to transfer to the list of Free Goods, any or all materials (whether natural products or products of manufactures) used in Canadian manufactures.

3. *Resolved*, That it is expedient to empower the Governor in Council to admit free of duty any machinery to be used in any Canadian manufactory, on satisfactory evidence that like machinery is not then manufactured in Canada.

4. *Resolved*, That it is expedient to provide, that a statement of all such exemptions from duty, under the first two of the previous Resolutions, and of all articles admitted free of duty, under the third Resolution, be laid before Parliament, within the first fifteen days of the then next Session thereof.

5. *Resolved*, That it is expedient to impose an export duty of one dollar and fifty cents per cord, on hemlock bark exported from Canada.

6. *Resolved*, That it is expedient to provide that the same duties of customs as are chargeable in Manitoba, under the Act of last Session, 33 Vic., Cap. 3, shall be chargeable on goods imported into any part of the North Western Territory.

7. *Resolved*, That it is expedient that the first Resolution shall take effect on and from the 16th instant.

The first resolution was passed on March 10.

The fifth resolution was withdrawn.

**Hon. Mr. HOLTON** thought the first resolution laid down a dangerous principle, and notified the Government that he would oppose it at a future stage of the resolution.

**Hon. Sir FRANCIS HINCKS** said the power thus given was not very great, and was for the purpose of meeting inconveniences which arose from time to time with respect to these articles. If he were sitting on the Opposition side of the House he would not object to giving such power to the Governor.

**Hon. Mr. HOLTON** said with all his confidence in the Government he did not think it advisable to trust them too far with such power on the eve of a general election.

**Mr. MACDONALD (Glengarry)** was averse to granting this power to Government. If there was some special case to be excepted, let it be included in the Bill; that was the proper way to meet the difficulty. He believed that the Government would save themselves a great deal of trouble and suspicion as to their motives, by abandoning their present position.

It being six o'clock the House rose.

### AFTER RECESS

**Mr. OLIVER** thought the Government should encourage Canadian manufactures as much as possible, and with this object encourage the importation of raw material. It was of the utmost importance this country should become a great manufacturing country. It was therefore the duty of the municipalities and of the Government to encourage these enterprises in every way. It was unsafe to have in the hands of the Government a power, which might be used for political purposes, such as that now solicited, and particularly on the eve of the elections. (*Hear, hear.*)

**Hon. Mr. HOLTON** was opposed to any delegation of power properly belonging to the House to the Government.

**Hon. Mr. MORRIS** said the hon. gentleman was opposing what the House had already done in other cases. He referred to the Customs Acts of 1867, which gave power to the Governor in Council to declare that certain goods should be exempt from duty when considered advisable, and that was not a solitary case. The present proposition was that in cases of articles needed in manufactures carried on in Canada, the Government should have power to declare that those articles should come in free, and that they should afterwards submit their action to the judgment of the House. He was sorry to have heard a member speak of the undue sympathy given to manufactures, as he thought that every encouragement should be given to those manufactures. On the occasion of a recent visit to Toronto and Hamilton, he was both surprised and gratified to see the hold which the manufactures had got, and he thought that any action that would encourage those industries, should not be objected to.

As to the objection to giving the Government discretion in the matter, he would remind the House that the discretion must be lodged somewhere, and if it was not with the Government it might come to rest with the Collectors, who would be called upon to take the responsibility of saying what articles should be relieved of duty. It was not so easy to sit down and make out a free list, and it would take the House a very long time to make out such a list that would include every proper article. He submitted that the resolutions were in the interest of the country, and gave no undue power to the Government, and also that every case of exemption would be submitted, not only to individual ministers, but would have to pass the ordeal of the Treasury Board, and therefore nothing unadvisable could pass.

**Mr. JONES (Halifax)** thought the powers quoted by the Minister of Inland Revenue were in no way equivalent to those now asked. The case of the duty on coal and flour had been a distinct resolution, in which the Government had power to take off that duty provided they were met in the matter by the American Government, but in the present instance it might happen that any gentleman having sufficient influence would be able to obtain concessions

from the Government to encourage some particular undertaking in which he chanced to be interested, and he thought that such power was neither desirable in the interest of the Country, nor of the Government themselves. He agreed with the hon. member for Lanark on this point, as the Government would then be removed from all suspicion of undue preference to which they might otherwise be liable, and he thought it would be much more advisable to enumerate and define the articles to be placed on the free list. Further, if the Government in this way took on themselves the regulation of the taxation of the country, they took on themselves powers which belonged to that House. He should for those reasons oppose the proposition.

**Mr. MACDONALD (Glengarry)** asked the Minister of Customs whether there were any articles now admitted free, that could be manufactured in the country.

**Hon. Mr. TILLEY** said there were such articles, for instance castings, shaftings and locomotives in part or in whole.

**Mr. MACDONALD (Glengarry)** understood that it was merely articles that could not be manufactured in Canada that were admitted free, and thought that all articles that could be manufactured here should not be so admitted.

**Mr. MILLS** thought the discussion had turned on the relative merits of protection and free trade—but should not continue the discussion in that direction. The question was whether the discretionary power asked for by the Government should be granted, and he certainly considered it ought not. The Minister of Inland Revenue had already very great power in his own Department, and in one case the result of the regulations framed there had been that in his own county not a single pound of tobacco could be purchased—and he considered that such regulations were a discredit to the Government. He considered that the power asked for by the Government should only be given either when the House was wanting in industry, or when it was wanting in ability to deal with the question—and he thought the best plan would be that when the Government thought fit they should assume the responsibility of taking off a duty, and afterwards ask indemnity for having done so, and then they would take care to have a good case—and there would be no possibility of their interfering with the rights of the public at large by special favours to individuals.

**Mr. BROWN** desired to call the attention of the Minister of Customs to the fact that there were many articles introduced from the United States duty free which could just as well be manufactured in Canada, as he thought it very unjust that such should be allowed. He hoped the Minister of Customs would take the matter into his consideration, and not continue to give the Americans this unfair advantage.

**Hon. Mr. TILLEY** said that the attention of his Department had already been called to the matter and inquiries were being made, and steps would be taken to remedy the evil.

The third resolution was then passed.

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The fourth resolution was then taken up, providing for an export duty of \$1.50 per cord on Hemlock Bark.

**Mr. SCRIVER** understood that the object of the proposition was not to raise revenue, but rather to restrict what had been called the wholesale destruction of timber. The imposition, however, as far as he could learn, was based on the representations of a comparatively small body. The result would be the placing in the pockets of a small body of manufacturers, what would be taken away from the poorer classes concerned in the matter. He considered that this article of Hemlock Bark bore the same relation to the settlers of today that ashes had done in olden times. In portions of the Eastern Townships the tracts of Hemlock were very extensive, and in consequence of the colonization system now commenced, these tracts were being taken up by settlers who absolutely required the proceeds of the bark in order to support themselves. The value of the timber consisted in its bark, which was peeled off with but little labour, and the price had latterly been much enhanced, it being some eight years ago between \$2 and \$3 a cord, and now ranging from \$4 to \$5. In addition to this the duty imposed would not be large enough to effect the desired end, as the evil could only be removed by proper measures adopted by those selling the land, and by the adoption of some such restrictive measures as has been adopted in Ontario. In the interest, as he deemed, both of his particular section of the country, and of the country at large, he should oppose the imposition.

**Mr. LAWSON** was aware that the destruction of timber was very large, in obtaining the bark, but the settlers on the lands required it to carry them on from year to year, and he thought the House had no right to interfere with private rights of individuals. If there were any wild lands containing large quantities of hemlock, and not fit for settlement, then the Government should reserve that timber for future use, but if the land was sold the settlers ought to be able to avail themselves of the bark without the restriction of this duty.

**Mr. JOLY** hoped the Government would not object to his rising to support them. He had paid a good deal of attention to the matter, and thought the measure a very wise one. He spoke in the interest of the very largest undertaking in Quebec, which was also spreading in Ontario—he spoke of the tanning and shoemaking businesses. Their neighbours well understood the value of the hemlock bark. In the Northern States the tanning business was carried on on a much larger scale than in Canada, and some of the firms there had acquired large tracts of hemlock in their districts, but would not touch those tracts until they had exhausted the bark supply of Canada, and then when they had done this they could fall on their own stock. If their neighbours wanted to enter into large tanning transactions, let them come to Canada. Labour was so much higher there, that the cost of cutting their own timber would be more than the freight of bark brought from Canada.

There was another reason why the Government should impose this duty. Canadian farmers were beginning to suffer from the want of hemlock bark. He spoke principally of the farmers in Quebec,

and along the line of the Grand Trunk in the eastern townships, and he appealed to members from the districts in question, whether he was not correct, and he thought they should not deprive themselves of any means of encouraging the industry. The same principle applied to the lumber which should not leave this country until it had been manufactured into every shape it was required, so that Canada could derive the benefit of every process. As to the complaint made by the hon. member for Huntingdon as to bad lands unfit for cultivation, he admitted that there might be some injustice in such cases, but the public interest should be consulted, and the settlers had never been encouraged to go there by promises of being allowed to make hemlock bark. As timber became scarcer the bark would of course rise, and everyone knew that large quantities of fine hemlock were now wasted in order to obtain the bark, which, if preserved, would in time to come be of much more value than the bark was at present. He hoped the resolution would be adopted.

**Mr. MACDONALD (Glengarry)** said if this duty were imposed, the price of bark would be so reduced as to make it not worthwhile to cut it. Hemlock, it was well known, grows on the worst kind of soil, and if it were made non-productive by this tariff, it would be burnt in the usual way in clearing the lands. He hoped the Government would reconsider the matter, and not go too far with this matter.

**Hon. Mr. McDOUGALL (Lanark North)** said the views of the Finance Minister on such subjects were well known; in fact, they were historic. The proposal now, was to interfere with the trade in hemlock bark so as to prevent people from realizing what they ought to make from the products of the soil. This was opposed to the Confederation Act.

**Mr. POPE:** Did not the hon. member place an export duty on salt when he was in the Government? (*Hear, hear.*)

**Hon. Mr. McDOUGALL (Lanark North):** Yes, but two wrongs did not make a right. If the Government followed a bad policy in the past, what were they assembled here for if not for the purpose of amending the laws? (*Hear, hear.*) And was it to be said that because a member voted for a measure one year that he must necessarily remain forever committed to it? The House had learned something, perhaps, on this subject by experience, and it was their duty, as representatives of the people, to retrace the evil course which they had entered upon. This proposed duty was most improper, impolitic and unjust to those persons who had bought their lands and paid for them.

He had some personal experience as to the importance of preserving this hemlock bark. On his own farm near Toronto there were a good many hemlock trees, and he considered them very useless timber, to be used only when pine could not be had. He did not see that there was any very great necessity for passing this act for the preservation of hemlock. If there were large tracts of land covered with these trees, perhaps it might be advisable for the Government to protect such tracts. If the policy of the Government was to make money fast in this manner, they should extend the

principle to other articles of export, and not allow the people to sell their cattle to the Americans, lest they should deteriorate their stock. It might be applied to almost any article sold to our neighbours, as well as to hemlock bark. Now, he contended that the principle was unsound. He thought that the policy of this country was to encourage free trade, to open the markets and to obtain a reciprocity treaty with our neighbours so as to exchange with them in the freest manner possible. But it seemed that the hon. members opposite had entered upon this antiquated policy, and very soon, no doubt, we would have the whole export trade of the country brought under it.

**Mr. HARRISON** understood from the debate that a large trade had sprung up in the export of hemlock bark to the United States. Now, the Dominion Government wished to regulate this trade, and they had the power to do so, under the Confederation Act which declared that they had the regulation of trade and commerce.

**Hon. Mr. McDOUGALL (Lanark North):** It is not to regulate, it is to prevent it altogether. (*Hear, hear.*)

**Hon. Mr. ANGLIN** said that the hon. Finance Minister, in moving this resolution, had stated that it was intended to prevent the wholesale destruction of hemlock timber in the country. If so, it was but natural to suppose that the duty should be extended to the essence of hemlock which was manufactured very extensively, and was the cause of the destruction of more trees than the export trade in bark. Nearly all the tanning manufactured was exported, and it was only along the border that bark was cut for exportation.

**Hon. Mr. DUNKIN** said the reason why a duty had not been placed on tanning was that its manufacture was calculated to develop the trade of the country. While the United States Government admitted bark free into their country, they placed a tariff which was almost prohibitive on tanning. Now, while the supply of hemlock was comparatively small in the Republic, we had large tracts of country covered with hemlock forests, so that, practically, we had almost a monopoly of it. The policy of the United States Government towards Canada was simply this: to admit in crude form all the products of Canada of which they stood in need, free of duty, but to place a heavy tariff on such products in the manufactured form. This was in order to foster their own industries and to kill ours. It was admitted that hemlock was generally found growing on lands which were of little good for growing anything else, so that the country lost little by protecting these forests. The fact, too, that hemlock bark was becoming valuable, showed that it was time to interfere and prevent the wholesale destruction of our forests. He hoped that this duty would be maintained.

**Mr. COLBY** thought there should be a tax on property, more for its protection than for the obtainment of revenue. The best way to protect it was to throw the duty upon the owner. This proposition went directly in the face of the policy all the Provinces had for years been contemplating with favour. Was it the right way to invite emigrants and encourage their settlement by imposing a tax upon an article which would be the produce of their labour? If this burden

and discouragement were thrown upon articles of export, our settlers would be impeded, injured and driven away. This duty would also injure the railways of the country, besides diminishing the labour of our people and reducing the profits of their work. The main object of the tax proposed was to encourage and benefit the tanners. It was an odious one and calculated to discountenance the settlement and clearing of our forests.

**Hon. Sir GEORGE-É. CARTIER** said this was a great question, a covering one, this bark question. He must therefore begin high. There was once a great Southern States politician, named Calhoun, who came in contact with an Englishman travelling for his instruction. The latter remarked to him that the American institutions were not logical, but that the Senate appeared to be logical. He observed, in addition, that he did not understand, however, why a small State should send as many Senators to Congress as a great one. Mr. Calhoun replied there were a great many things in the world which in theory, perhaps, could not be well explained, but in practice, when well handled, worked admirably. In the matter of these duties, then, they might not seem logical, but worked well, and doubtless would continue to. This was a question of trade and of enlarging the domestic industry of the country. There could be no doubt that our manufacturers deserved every reasonable encouragement. The Americans were logical in their protection policy. They would admit our bark free of duty, but not the extract of bark, the making of which afforded employment to our people. Though the policy of protecting Canadian manufacture in the way proposed, might not be capable of logical explanation, it could not stand the practical test. He referred to a speech of the member for Lanark North in proof of his former approval of protection.

**Hon. Mr. McDOUGALL (Lanark North)** said he had recommended a moderate or incidental protection, and had induced the meeting to lower their demands. To the extent of moderate protection they were all agreed.

**Hon. Sir GEORGE-É. CARTIER** said incidental protection was what the Government also desired. He had proved even to John Bright that while this was their policy, their customs duties were smaller than those of England—that while the latter amounted to 18s. per head the former were but 9s. He had proved that Canada was more entitled to the name of a free trade country than England.

**Hon. Mr. McDOUGALL (Lanark North):** Yes; you “blabbergusted” Bright on that occasion. (*Laughter.*)

**Hon. Sir GEORGE-É. CARTIER** was glad his victory on that occasion had been recognized.

**Hon. Mr. TUPPER** reviewed some of the remarks and arguments of the member for Lanark North, and contended he had frequently changed his opinions on the question of free trade and protection, and exposed himself to the charge of thorough inconsistency. It became the Government of the country to look at



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this question in the light of the changed circumstances of Canada. He read a resolution passed at a protection meeting in the West, in favour of a twenty per cent tariff, at which that member spoke, and asked if he now endorsed those high protection duties. If it was a virtue in a public man to turn a somerset from day to day, in regard to this tariff question, no man could stand as high as the member for Lanark North. It was absurd and extraordinary that one who had so frequently changed his views on this subject should again advocate free trade doctrines in the House after a very recent protection campaign.

**Hon. Mr. McDOUGALL (Lanark North)** maintained that the lecture on inconsistency and change just delivered came with a bad grace for the member for Cumberland and applied far more appropriately to members on his own side of the House. He contended that there was no parallel between the case of the protection meeting at Toronto and the present one proposed. He endeavoured, and with success, to moderate the opinions of the audience and modify their resolutions. His ground had been consistent all through. He had no objection whatever to such a tariff as was requisite to procure the country all the revenue it needed and to this extent favoured protection. This was the position he had always held, and he saw in it no impropriety or inconsistency whatever.

**Mr. POPE** said we must regulate our measures in some proportion to the manner in which our neighbours regulated theirs. He thought the policy of Canada should aim at protecting her resources and finding employment for her people. We should guard our means of industry and our trade, including the hemlock bark already becoming scarce. In face of the difficulties existing on the other side of the line, Canada could not adopt a free protection policy to the same extent as would be necessary.

**Hon. Mr. ANGLIN** said nothing was heard of this duty till certain bark factories were established. How could we expect Americans to come here and erect leather factories for the sale of extract of bark, when they could purchase it here and use it on their own side of the line? He condemned any tariff policy merely prohibiting or impeding the trade in this hemlock bark. That was altogether too small and partial a measure from which to anticipate

much benefit. He could see nothing whatever in the argument that this duty was likely to attract Americans here and induce them to establish tanneries. He could not support a duty which was not one for revenue, but merely for protection purposes—for the protection of a dormant interest, and to the injury of a considerable and useful trade.

**Mr. BOLTON** said that no such direful result of the present system was witnessed in New Brunswick as was described of Quebec. In the former the trees were not cut down for the sake of the bark, which was extracted as an incident of the timber trade, not as the main object. To put a duty on bark would hurt the farmers and traders of New Brunswick, who now sold it as well as their timber, and there from derived aid in their settlement struggles. The duty was vicious in principle and would create a bad precedent. He would oppose as it certainly deserved.

**Mr. COLBY** said this measure was not one for the protection of our forests. If that had been the object application could be made to the Local Legislature for the purpose. But it was to protect a certain class, and as such he opposed it. He replied at considerable length to the arguments of the Government, contending that as the frontier counties had been most loyal to the Confederation, they deserved greater consideration from the Government than it was proposed to extend to them. It was an unnecessary burden, and would damage the country instead of benefitting it.

Messrs. Pickard, Macdonald (Glengarry), and Lawson, having spoken, the resolutions were carried, and the 16th inst. fixed as the day for their going into effect.

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#### DOMINION FINANCE

**Hon. Mr. HOLTON** moved the sending of the statement of receipts and expenses for the half year ending December last, to the Printers, in order to its submission to the Committee on Public Accounts.—Agreed to.

The House adjourned at 11 o'clock.



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## HOUSE OF COMMONS

Wednesday, March 15, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### AFTER ROUTINE

Several petitions were presented.

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### REPORTS

**Hon. Mr. TUPPER** laid on the table the annual report of the Minister of Marine and Fisheries for the year ending June 30, 1870.

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### QUESTIONS

**Hon. Mr. ANGLIN** asked when the correspondence between New Brunswick and the Dominion relative to the adjustment of the accounts between them, would be brought down.

**Hon. Sir GEORGE-É. CARTIER** replied he would enquire.

In reply to Mr. Thompson (Haldimand),

**Hon. Sir GEORGE-É. CARTIER** stated the annual report of the Militia Department would be ready in a few days. He said the Militia report of last year was ready in English, but not in French. The French version had been in the hands of the printers for three weeks, but they were so busy they could not get it ready in time. He would bring down the English version in the meantime.

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### MANITOBA INLAND REVENUE

**Hon. Mr. MORRIS** moved, that on Friday next the House go into Committee of the Whole to consider certain resolutions, declaring it expedient to amend Section 7 in the Inland Revenue Act, 1868, 31 Vic., Cap. 20 and section 29 of Act 33 Vic., Cap. 3; to establish and provide for certain financial details concerning the Government of Manitoba.—Carried.

### THE COLLECTION OF THE REVENUE

**Hon. Mr. MORRIS** moved the third reading of the Act for the prevention of corrupt practices in relation to the collection of the revenue.—Carried.

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### SAVINGS BANKS

**Hon. Sir FRANCIS HINCKS** moved the reception of a report of the Committee of the Whole on the Savings Banks resolutions, and those respecting the issue and redemption of Dominion notes.

**Hon. Mr. DORION** gave notice that at a future stage he would move an amendment so that the measure might not affect existing institutions in Lower Canada.

The motion was carried.

The resolutions agreed to, Bills founded thereon were introduced by the Hon. Finance Minister and read a first time. He said it had been thought most convenient to introduce two distinct Bills on those subjects.

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### WAYS AND MEANS

**Hon. Sir FRANCIS HINCKS** moved the reception of another report of the Committee of Ways and Means.

On the resolution authorizing the Governor in Council to admit under certain circumstances the raw materials of manufacturers free,

**Hon. Mr. HOLTON** thought this solicited power too extensive to confer upon the Government. It was a discretion too great in the interests of the country to be allowed ministers. He moved that the said resolution be not concurred in, but that it be resolved that, in the opinion of the House, it is inexpedient to clothe the executive Government with power to determine what articles shall be admitted free of duty.

**Hon. Sir FRANCIS HINCKS** replied that after the discussion on this subject yesterday, he was surprised at the objection. If he were on the opposition side, he would not take any exception to the resolution at this stage.

**Hon. Mr. HOLTON:** Come and try.

**Hon. Sir FRANCIS HINCKS:** The Government had no disposition to abuse the power asked.

**Hon. Mr. ANGLIN** said that he did not fear the Government would make improper use of the power solicited, but nevertheless, he thought a discretion of this kind should not be entrusted to the Government. The principle was vicious and foreign to the spirit of our constitution. As the motion would sanction a bad precedent, he must oppose it.

A division was then taken on the motion with the following result: yeas, 37, nays, 84.

The motion for the second reading of the second resolution was carried.

The third resolution, authorizing the admission free of any machinery required in Canadian manufactures was also carried, as was also the fourth providing for a statement of all the raw material and manufactures admitted in virtue of the foregoing resolutions, being laid before Parliament within fifteen days after the opening of next Session.

With regard to the 5th, which recommended an export duty of one dollar and fifty cents per cord on hemlock bark,

**Hon. Sir FRANCIS HINCKS** said he would ask leave to withdraw the proposal of an export duty on hemlock bark. He did so in deference to the opinions of many members, though it was admitted a necessity for some means of protection to this bark did exist. Thinking the duty might interfere with some departments of trade, and perhaps injuriously affect settlers or farmers, and yielding to the sense of a considerable portion of the House, the Government took the present resolution.

**Hon. Mr. HOLTON** was not disposed to exult in this change of Ministerial views as such, but was glad a wrong principle and course had been abandoned. While ready to condemn an evil course, he was willing to applaud an improved one. He was glad the resolution had been withdrawn.

**Hon. Mr. McDOUGALL (Lanark North)** was also glad at the Government's action in this matter. He congratulated the Government in their decision, and the member for Stanstead in the able speech on this subject, which seemed to have produced such good effect on the House and Ministry. This incident conveyed a good lesson respecting the benefits derivable from an honest and vigorous expression of opinion on the part of the supporters of the Government, and also as to the impropriety of ministers like the president of the Council, lecturing hon. members upon inconsistency or change of views. He was sorry to see that the President of the Council had left his seat just before the withdrawal of this resolution. He hoped he was not one of those who "fight and run away, that they may fight another day." It was now seen that

the Government could change its mind as quickly as before, and as promptly as could private members. He was gratified, for his part, at the present change. (*Hear, hear.*)

**Mr. JOLY** referred to England's policy respecting Free Trade, and the results which had sprung from that, and hoped the time would come when the country in its commercial policy would consult its own interests, and not allow itself to be led by any mere theory.

**Mr. CARTWRIGHT** thought the Government was perfectly right in withdrawing the duty, and called the attention of the Minister of Finance to the fact that there were other export duties on articles of lumber, pressing unfairly on a portion of the population, which he hoped to see taken off. The matter had already been before a Committee of the House, which had reported that the duty was to render perfectly useless a quantity of valuable timber which might otherwise be profitably made use of.

**Mr. MACDONALD (Glengarry)** thought the country was indebted to the Minister of Finance, for coming forward so frankly and withdrawing the duty, but thought the House was entitled to some explanation from the President of the Council and the Minister of Agriculture, of the extraordinarily short time in which they had changed their views, they having expressed themselves so very decidedly on the evening previous in support of the resolution.

**Hon. Mr. DUNKIN** said he did not see that he was in any way called upon to make any explanation. He had on the previous evening been careful to say nothing as to the necessity or non-necessity of the duty, and the proposal of the Government had been simply to place the bark on the same footing as the extract, as the United States admitted the former free, while the latter was subjected to duty.

He had only changed his opinion on one point in the matter, namely, that while on the previous day he had thought that the imposition of the duty would have been supported by a majority of the House he did not now think so.

**Mr. COLBY** said that personally, and on behalf of those gentlemen who had so strongly urged the previous evening that the duty should not be imposed, he thanked the Government for the deference that had been paid to their opinions, and congratulated them that although they could not have been unaware that they would be charged with inconsistency, they had nevertheless not been deterred from expressing their views, and he thought that none but a strong government could have taken such a course.

**Hon. Mr. TUPPER** could not understand how the member for Glengarry could suppose that he was called upon to explain a change of opinion. Of course, in connection with his colleagues, he was responsible for the proposal to impose the duty, but if the observations he had addressed to the House had been properly reported his hon. friend would search in vain for one single word in favour of the duty. He had expressly stated that he would add nothing to what his colleagues had said as to the reasons which led

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them to submit the proposition, and had in no way expressed his own opinion. He read from the speech of the hon. Finance Minister, who had stated expressly that the Government did not attach very much importance to the subject, but that in consequence of strong representations and petitions made to them, they made the proposal and left it entirely to the House to decide,—and now, on finding that the duty did not obtain the favourable consideration of the House, they were certainly in a position to withdraw their resolution.

He then referred to a remark of the member for Lanark North, who had, he understood, taken advantage of his being called from his seat to throw a taunt across the House, to the effect that he had not the courage to face the charge, and defend himself against the charge of inconsistency, and had, in fact, classed him as being among those who are said to “fight and run away,” so that they might be able to “fight again another day.” Now he thought that the hon. gentleman was the very last who could taunt anyone with the want of courage. If he (Hon. Mr. Tupper) had never been known to do anything like what the hon. member for Lanark North had done, if, when placed in a position of grave responsibility, where a little courage might have removed all the difficulty he had, instead of exhibiting that courage and meeting the difficulty, thrown all the danger on the shoulders of another, and had himself run away from the scene of danger, then some such charge might have been preferred against him.

**Hon. Mr. McDOUGALL (Lanark North):** To what does the hon. gentleman allude?

**Hon. Mr. TUPPER** said he alluded to what was a matter of history.

**Hon. Mr. HOLTON** raised a question of order. Although he had not the slightest objection to the President of the Council and the member for North Lanark fighting out the matter on any suitable occasion, he thought it would be very inconvenient if they were led away from the subject of discussion. In justice, however, to the member for North Lanark, he must say that he thought it was entirely without precedent for a member of the Government to carry the debate away from the question at issue, in order to make a direct attack on any member of the House.

**Hon. Mr. TUPPER** bowed to the call to order but was not aware that he had been wrong in showing the hon. member for North Lanark that he was not in a position to make the charge he had made—and he might say that he should never run away from the hon. gentleman, as he certainly thought his bark very much worse than his bite.

**Hon. Mr. McDOUGALL (Lanark North)** rose to reply, but the speaker ruled that the discussion was entirely out of order, as the motion before the House was the withdrawal of the resolution of placing an export duty on hemlock bark, to which question the members should confine themselves.

**Hon. Mr. HOLTON** thanked the Government for the concession made to the expressed opinion of the House.

**Mr. LAWSON** also desired to express his satisfaction on the withdrawal of the resolution. He referred to the export duty on certain classes of timber, which, when it had previously been discussed, he thought should have received the same opposition as had been offered in the present instance.

**Mr. MILLS** congratulated the Government on the celerity they had shown in changing their views in order to meet the wishes of the majority. He did not think, however, that the motion should be quietly withdrawn, but thought the Government should have an opportunity of voting against their own proposition. Whether such an opportunity should be afforded them would require some deliberation, and he therefore moved that the House should adjourn.

On motion for adjournment being put, **Hon. Mr. McDOUGALL** said he was opposed to the motion but thanked the mover for having given him an opportunity of saying what a short time before he had been prevented from saying. He had too much respect for the rules of the House to take the line of reply to which the provocation given by the Hon. President of the Council had at first tempted him—especially in view of the very serious events at present taking place in the section of the country to which the hon. gentleman had alluded. He thought, under the present circumstances, it became them all not to add any fuel to the flame which he feared had been kindled in that portion of the Dominion. The hon. gentleman, the President of the Council, had, however, taunted him with lacking courage, with having put forward another into a position which he himself feared to occupy; and he would remind the House of the circumstances in which he had been placed, that for upwards of 40 days he had remained in a position in which he exposed not himself only, but all who were with him, to the daily risk of assassination, waiting and expecting that the government, which had sent and commissioned him, would give him such instructions as the circumstances required, and then found that they were in communication with those in arms against the authority of the country, and who were seeking his life. The hon. gentleman knew this well, and he knew also that the place where he (Hon. Mr. McDougall) remained was without a parallel in the whole of the United States, that the people were an assemblage of outlaws, men, fugitives from justice, who had thus fled to the very confines of the country, and that the very man in whose house he had to stay, had himself been charged with murder. Then, being placed in this position, when he found that the Government had left him in the lurch, when they refused to carry out what they had promised to do, he had come back. As to the charge that he had sent a gentleman on an expedition which he himself feared to undertake, he could only say that the gentleman was most anxious to be sent, and wrote him a communication pressing the matter. Surely the President of the Council could not insinuate that it was his (Hon. Mr. McDougall's) duty to have led that enterprise. Although the officer in question had been charged with great indiscretion in connection with this matter, he was glad that the Government had recognized his loyalty by employing him at the seat of Government. Under all these circumstances, he thought the hon. gentleman might well have spared his taunt. If the spirit so shown evinced the view taken by him and his colleagues, he (Hon. Mr. McDougall) was

quite ready to carry the case before the country. He now knew the feelings of the people on the subject, and he would advise the hon. gentleman and his colleagues, in view of the ensuing elections, and in view of the unfortunate events now transpiring in the North West, to adopt a different line of argument, and to be influenced by a different spirit from that which had induced the President of the Council to utter the taunt.

**Hon. Mr. TUPPER** did not wish to prolong the discussion, but the hon. gentleman had appealed to him to corroborate the courage which he had evinced, and the dangers to which he had been exposed. He could only say that it was not in his power to do so, as the hon. gentleman would remember that he had left him on the plains white with fear, flying from what he considered the most terrible dangers,—and also that, undeterred by anything he heard of these dangers, he (Hon. Mr. Tupper) went quietly forward to the place in which the hon. gentleman had considered himself in daily risk of his life, and found that there was no danger whatever, except the danger that might result from the gross imprudence of which the hon. gentleman himself had been guilty in that place. He found that any peaceable person was just as safe in the neighbourhood of Pembina as he would have been in Ottawa. The hon. gentleman would also remember that he (Hon. Mr. Tupper) had taken a young boy with him into the heart of the country, and that the first thing Mr. Riel knew of him, was when he knocked at the door of the Council House, at Fort Garry. He thought therefore, that the hon. gentleman, on comparing notes with him, was hardly in a position to make the statement he had done, by which he (Hon. Mr. Tupper) had been betrayed into making a reference that he otherwise might not have done. The hon. gentleman, however, had so far forgotten his position in the House, as to refer to a gentleman who could not be present to confront him. That gentleman's greatest crime was that when the hon. member for Lanark North took upon himself the fearful responsibility of stealing across the boundary under cover of the night to pretend to assume the Government of a country in which he could not show himself, that gentleman, holding a commission from the Government to administer the Oaths of office, in the North West, represented to the friends and advisers of the hon. member for Lanark North, who accompanied him, one as Secretary, and another as Solicitor General, that he believed the step would be mischievous in the last degree, and used all the weight of his influence to prevent the step being taken, a step which had resulted in involving a great loss of public money, a great amount of difficulty, and the most lamentable occurrences—all of which would have been prevented had the hon. gentleman listened to the wise counsels of the gentleman to whom he had referred—and whom he could not forgive for having entertained views and sentiments which would have saved the country a vast amount of expenditure, and prevented the most deplorable events that had ever occurred in that country. He apologized to the House for having occupied so much time, but as the hon. gentleman had called upon him to confirm statements which were the reverse of being correct, and as he had so forgotten his position as to attack a gentleman who could not reply, he had felt bound to state what he knew of the matter.

**Hon. Sir FRANCIS HINCKS** did not rise to protract the discussion, but felt compelled to offer a few remarks in reply to the hon. member for Lanark North. That gentleman had stated the position of the Government with regard to him, and had expressed his readiness to discuss the whole subject before the country. He did not think, however, that the hon. gentleman had omitted any opportunities of placing the matter before the public. The hon. gentleman, however, had made a distinct charge that the Government had "left him in the lurch." Now where were the facts? The very day that the letter had been received, announcing events which took the Government most completely by surprise, an answer was sent to it, and if the hon. gentleman before taking further action, had allowed himself sufficient time to receive an answer, which in reality reached him some four days before it could have been expected, all difficulty would have been avoided. He did not desire to assail the hon. gentleman with regard to his conduct, but it had been made a constant charge by the Opposition throughout Ontario, that the Government had abandoned the hon. gentleman, and "left him in the lurch." What course could the Government have taken other than that it had taken? Could they have characterized the imprudent Proclamation issued by the hon. gentleman as legal and authorized, and could they have supported that Proclamation? They merely informed the hon. gentleman that they could not take that responsibility, and they expressed their regret at what he had done. He must say that whenever these discussions had arisen, they had been on the provocation of the hon. gentleman himself and not on that of the Government. The members of the Government made every allowance for the difficulties of his position and sympathized with him, but it did not follow that they should take the responsibility of supporting a course which they deemed to be illegal. He had not desired to speak, but he had felt called upon to enter his protest against the Government being charged with having left the hon. gentleman "in the lurch."

**Hon. Mr. HOLTON** said that perhaps, as the Minister of Finance had stated, that every case of controversy on this subject had been provoked by the member for Lanark North. He would say how that gentleman had provoked a certain pamphlet which had been published under Government influence—as he thought that pamphlet appeared when all controversy had ceased, and when there was a general acquiescence in the Government measures for the establishment of a Government in the North West, and when the passions aroused by the unfortunate events in that part of the country had well nigh subsided. That pamphlet had come like a clap of thunder in a clear sky, and without any apparent provocation.

**Hon. Sir FRANCIS HINCKS** said the hon. gentleman could not be unaware of the fact, that speeches against and assaults upon the Government had been constantly made and published long before the appearance of the pamphlet.

**Hon. Mr. HOWE** said that with reference to the charge made by the member for North Lanark, that he had been deserted by the Government, and that communications had been opened with his enemies, and that he had been left in the perilous and dangerous position he had pointed out, he could only say, not only that those

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statements could not be proved, but the Government could prove the very reverse. He might say that from the moment when the hon. member for Lanark North read in that House a letter that he had sent to the leader of the Government, in which he, one of his colleagues, had levelled at his conduct and character the most unfounded charges, he considered that nothing that hon. gentleman could say or do was worth the notice of a gentleman. As to the pamphlets that had been spoken of, he remembered having seen one pamphlet which was supposed to have emanated from a conspicuous member of the Opposition, and on running his eye over it, he had marked in the margin before he got to the end no fewer than twenty-two falsehoods. Last year on the arrival of the hon. member in Ottawa, and indeed for some time previous they had heard breathings of vengeance denounced against everyone who did not agree with him, but he (Hon. Mr. Howe) had taken no notice of them. For four weeks after the hon. gentleman's return the press had been flooded with personal and gross abuse of himself and others, his colleagues, but he (Hon. Mr. Howe) had never written a line in reply, as he did not think it worthwhile doing so. He had waited until he could confront the hon. gentleman in that House, and there he dealt with his public policy and conduct, and after that hon. gentleman had had plenty of time to make his complaints and denounce his policy the House decided against him by an immense majority, only 11 persons supporting his scheme. Since then he had not considered the hon. gentleman's position sufficiently important to call for any notice either in the press or in pamphlets, but he was there in his place ready to defend himself and the Government to which he belonged.

**Mr. JONES (Leeds North# and Grenville North)** referred to the remark of the member for North Lanark as to the appointment of a certain gentleman to a Government position. He was opposed to that appointment, not only because it would increase the expense of the civil Government, but because he did not think the conduct of the gentleman in question either at Fort Erie, or at Fort Garry justified his appointment, and he should oppose it at the proper time.

The motion for adjournment was withdrawn, and the matter dropped.

The motion for the withdrawal of the resolution imposing an export duty on hemlock bark was then resumed.

**Hon. Mr. HOLTON** said he would support with pleasure the motion of his old friend and teacher, the Finance Minister, for leave to withdraw this resolution; and as he desired the fact to be distinctly recorded in the journals of the House he would call for a division and the recording of the yeas and nays.

The motion was then put to a vote and carried.—Yeas 112, nays 14.

The resolutions were read a second time, and a bill founded on them was introduced and read a first time.

## MANTOBA CRIMINAL LAW

The Speaker announced that a Bill had been received from the Senate, to extend certain criminal laws in force in the other provinces to Manitoba. The House gave the Bill first reading.

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## UNIFORM CURRENCY

The Bill to establish one uniform currency for the Dominion was read a second time, and referred to a Committee of the Whole—**Mr. MACDONALD (Glengarry)** in the Chair.

**Mr. JONES (Halifax)** hoped the Hon. Minister of Finance would postpone the operation of the Act, so far as it related to Nova Scotia, till January, 1872. He moved an amendment to that effect.

**Hon. Sir FRANCIS HINCKS** said such a suggestion, if adopted, would give rise to dissatisfaction in Nova Scotia. It was better to make the change at once, for it must come sooner or later. The fact was that those who wished for delay were opposed to the assimilation in total, while those who favoured the change did not desire any delay. He said that the Government could not accept the amendment.

**Hon. Mr. DORION** said the delay asked for was only six months, and since this change was looked upon as grievous, it could be as well to grant the request of Nova Scotia.

**Mr. SAVARY** would oppose the amendment. He could speak for his own constituents and say that they asked for no delay.

**Mr. ROSS (Victoria)** denied that Mr. Savary represented the public opinion of Nova Scotia on this subject, and for his own part would support the amendment. Time ought to be given to the people of Nova Scotia to make preparation for this change. The Minister of Finance had promised to do all in his power to make the change as little troublesome as possible; but notwithstanding all he could do there would be a great deal of inconvenience, particularly in portions of the country at a distance from the banks. He thought, therefore, the Government should yield to the wishes of the people of Nova Scotia as expressed by a majority of their representatives, and postpone the time till the first of January.

**Hon. Mr. SMITH (Westmorland)** supported the amendment.

**Hon. Mr. TILLEY** said the Finance Minister could provide better facilities for bringing about the change with as little inconvenience as possible by making the change take effect on the 1st of July, than if it took effect on the 1st of January. If the 1st of January were adopted there would be a period of six months' silver nuisance in New Brunswick.

**Mr. PICKARD** supported the proposition of the Finance Minister.

**Mr. JONES (Halifax)** said he would make a bargain with the Finance Minister: if the latter would postpone from the 1st of July to the 1st of January—he (Mr. Jones) would do his best to prevent agitation on the subject in Halifax.

In the meanwhile, the committee on the motion of Hon. Sir George-É. Cartier rose and reported progress, and asked leave to sit again.

It now being six o'clock, the House rose for recess.

### AFTER RECESS

#### TRENTON HARBOUR DUES

**Mr. BROWN** moved the second reading of the Bill to authorize the incorporated village of Trenton to impose and collect harbour dues, and for other purposes.

**Mr. MILLS** observed that it might be a question whether Bills of this kind could be brought forward here without having previously obtained the consent of the Local Government. He thought the law officers of the Crown should look at the question.

**Hon. Mr. HOLTON** suggested that the exception such as the last speaker had called attention to might come up with more advantage when the Bill was up for a third reading.

**Hon. Mr. LANGEVIN** agreed with the hon. member for Châteauguay.

The house went into committee on the Bill, **Mr. MILLS** in the chair.

The committee reported the Bill. Third reading tomorrow.

\* \* \*

#### OWEN SOUND HARBOUR DUES

**Mr. SNIDER** moved the second reading of the Bill to extend the provisions of the Act authorizing the imposition and collection of harbour dues by the corporation of the town of Owen Sound, as amended by the committee on Private Bills.

The House went into committee on the Bill, **Mr. MILLS** in the chair.

The committee reported the Bill. Third reading tomorrow.

\* \* \*

### SUPPLY

The House went into Committee of Supply, **Mr. STREET** in the chair.

The following items were passed—

Militia and Defence	\$27,930.00
Secretary of State	\$22,827.50
Secretary of State for the Provinces	\$16,630.00
Receiver General	\$15,950.00
Finance	\$36,307.50
Customs	\$21,940.00
Inland Revenue	\$18,150.00

On an item of \$40,040 for Public Works,

**Hon. Mr. HOLTON** stated he observed a marked increase in the item for the Department of Public Works.

**Hon. Mr. LANGEVIN** said the business of the Department had largely increased since 1868. That year the communications despatched numbered 2,740; in 1870, 3,639. In the past year, 1,600 more letters were received than formerly. This great increase of correspondence necessitated the increase of the staff by two clerks.

Item carried.

Post Office	\$52,520.00
Agriculture and Statistics	\$21,900.00

On the item of \$16,725 for Marine and Fisheries,

**Hon. Mr. HOLTON** complained of the increase in this item to the extent of \$2,515.

**Hon. Mr. TUPPER** replied that the construction of new Light Houses entailed the employment of a general superintendent and



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constructive engineer, at a salary of \$2,000. This outlay was necessary, and calculated to benefit the public service.

After some discussion on the subject of the item for the Marine and Fisheries Offices in Nova Scotia and New Brunswick, and others,

**Mr. BURPEE** said the Light Houses were not well placed on the Saint John River, owing, perhaps, to the superintendent not knowing the best localities for them. Notwithstanding, however, they had proved of some use.

**Hon. Mr. HOLTON** stated it had been admitted that some of the Light Houses were not constructed and placed as they should have been. This statement was no doubt correct. He did not complain of unreasonable light house expenditure, but only as to the mode of this outlay.

**Hon. Mr. TILLEY** in reply to the member for Glengarry, explained the necessity for proper Light Houses on the Saint John River, owing to the heavy fogs, and considerable night navigation. The best attainable improvement had been secured as to the most suitable places for the five lights set up. The expense was moderate, and the majority of the people interested were satisfied with the manner in which it was incurred.

**Mr. MACDONALD (Glengarry)** said he brought no charge against the Marine and Fisheries Department. He had merely stated he thought that all those light houses and similar works should be placed under the charge of a single department. He had no objection whatever, to the money expended in the Lower Provinces, or in any other section, but desired to see the country get the full value for it. (*Hear, hear.*)

**Hon. Mr. McDOUGALL (Lanark North)** disapproved of placing any public buildings under any other than the Public Works Department. The law did not, as the Minister of Customs stated, place all lighthouses under the value of \$10,000, under the Minister of Marine and Fisheries. The other department was large and well enough supplied to enable it to manage all such public buildings. It was unsafe in the public interests to withdraw from the engineering staff of the Public Works Department, works of this character, and to put them under the charge of another department less competent to manage them.

**Hon. Mr. LANGEVIN** said when there was any engineering difficulty to overcome—when the works were of a difficult, or scientific character—they were left in the hands of the Public Works Department. The Marine Department was better able to conduct these particular works from its possession of officers enjoying local knowledge the officers of the other departments were not possessed of. The Public Works Department was in no such advantageous position to deal with this class of Public Works as that of the Minister of Marine.

In reply to **Mr. MILLS**, he wished to know how and why the Public Works Department outlay had increased.

**Hon. Mr. LANGEVIN** said he had explained everything necessary on the subject.

**Hon. Sir FRANCIS HINCKS** said the arrangement in this respect made by the Government was made with the view of economy. Division of labour was intended to secure both efficiency and economy.

**Hon. Mr. HOLTON** said the gist of the argument was that the Minister of Public Works, ought to be charged with these works entrusted to the Minister of Marine. Ministers, by withdrawing works of this kind from the Department that ought to be charged with them, reflected severely upon it.

**Hon. Mr. TUPPER** explained and defended the arrangements by which those Lighthouses had been undertaken by the Marine and Fisheries Department.

The item ultimately passed.

The Treasury Board Office, \$3,000; Finance Offices, Nova Scotia, and New Brunswick, \$7,500; Marine and Fisheries Office, Nova Scotia, and New Brunswick, \$8,100. The remaining items were carried, making the total under this head \$525,908; Contingencies, \$150,000; Administration of Justice, Miscellaneous, \$10,000; to provide for the Administration of Justice in Manitoba and the North West Territory, \$10,000.

In answer to Hon. Mr. William McDougall, **Hon. Sir GEORGE-É. CARTIER** said Judge Johnson, formerly recorder and judge for the Hudson's Bay Company, has been appointed judge in the North West at the salary he enjoyed before. That gentleman had discharged his preliminary duties well, and as the fruit of his labours a Bill for creating a criminal system in the North West would shortly be discussed in the House.

**Hon. Mr. HOLTON** asked for information respecting the item in the Public Account granted Sheriff Powell for services in connection with the discovery and arrest of the murderer of D'Arcy McGee.

**Hon. Sir GEORGE-É. CARTIER** stated, nothing went to the sheriff personally, but merely to meet expenses relating to that service. In this matter it was evident full explanation could not be given. The proceedings were, of course, of a secret character.

Dominion Police \$25,000.

**Hon. Mr. HOLTON** thought it was time to reduce the expenses under this head.

**Hon. Mr. McDOUGALL (Lanark North)** followed in the same strain, thinking the item incongruous and unnecessary, and expressing unbelief as to future Fenian raids. He said the maintenance of the police by Dominion was scarcely constitutional: it was a matter for the Provinces.

**Hon. Sir GEORGE-É. CARTIER** referred to the necessity for a Dominion force in connection with foreign or Fenian attacks on our country. We all remember our incredulity in relation to the Fenian attack of last May. There had been false reports of coming raids and some that turned out true, and this fact should not be lost sight of. Owing to the smallness of the Ottawa local force and other circumstances, it was thought proper to submit this item. When the force contemplated was not elsewhere employed, it might be engaged in watching the public buildings and other property.

**Mr. MACDONALD (Glengarry)** hoped there would be no vote for secret service placed in the supplementary estimates this year. He said that as long as we had this secret service money lots of sensational stories would be kept up by parties interested in keeping up these services. It was right that Government should provide police for the preservation of peace in connection with the departmental buildings, and he agreed with the Minister of Militia that Ottawa was a remarkably quiet place; in fact he had been told that when Parliament was in session ten policemen were required, whereas when Parliament was not sitting only some three or four were required.

After some further discussion the item was carried.

On the item of \$10,000 for the Montreal Water Police,

**Hon. Mr. ANGLIN** reiterated the hope that he had expressed every session since he came here—that this department would be handed over to the Local Government.

**Hon. Sir GEORGE-É. CARTIER** said there was an actual revenue from the Water Police which more than paid for the maintenance of the force. They were employed to aid in collection of tonnage dues at Quebec and Montreal.

**Mr. WORKMAN** said that the Water Police of Montreal were an excellent and useful body of men and were of great importance to the trade of the city.

**Hon. Mr. ANGLIN** said his only objection was that this Government should deal with a matter which was under the control of the local authorities.

**Hon. Mr. McDOUGALL (Lanark North)** said so long as the expense of the force was covered by the revenue they brought in, there could be no doubt that it would be well to maintain them.

**Hon. Mr. HOLTON** thought this was but an incident of the control which Government had over trade and navigation.

The item passed.

Item of \$10,438 for Quebec Water Police.

**Hon. Mr. ANGLIN** remarked that the class of service performed by this police was performed by the local police at St. John and Halifax.

**Hon. Sir GEORGE-É. CARTIER** said the expenses of this force were met by tonnage dues at Montreal and Quebec.

**Hon. Mr. HOLTON** said, with reference to the constitutional objection raised, the power of the Dominion Government to employ police to maintain order in connection with shipping was incident of the jurisdiction of trade and commerce belonging to the Dominion.

**Mr. MILLS** said there were many decisions; among others those of Chief Justice Story, which laid it down that the maintenance of order in connection with shipping in harbours and rivers was a matter of police, and not an incident of trade and commerce.

The item passed.

The committee rose, reported progress, and asked leave to sit again.

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#### BUSINESS

**Hon. Sir GEORGE-É. CARTIER** proposed that the estimates should be proceeded with on the following day after the usual private business.

**Hon. Mr. HOLTON** agreed to this being done, provided they were not kept till a late hour.

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#### WEIGHTS AND MEASURES

The House went into Committee to consider certain resolutions for the establishment of a uniform system of Weights and Measures for all Canada, which resolutions were passed.

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**INSPECTION LAWS**

The House went into Committee to consider a resolution declaring it expedient to amend and consolidate and to extend to the

whole Dominion of Canada the laws respecting the inspection of certain staple articles of Canadian produce.—Carried.

The Committee rose, and the House adjourned at 11.15 p.m.



March 16, 1871

## HOUSE OF COMMONS

Thursday, March 16, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### HOUSE BUSINESS

Several petitions were presented.

**Hon. Mr. CAMERON (Peel)** moved for leave to introduce a Bill to incorporate the Dominion Telegraph Company. The Bill received first reading.

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#### BRITISH AMERICAN BANK NOTE COMPANY

**Mr. CURRIER** asked whether it is the intention of the Government to allow the British American Bank Note Company to remove their establishment from the seat of Government to Montreal.

**Hon. Sir FRANCIS HINCKS** said the Government entered into a contract with the Company nearly four years ago, one of the conditions of which was that its operations should be carried on in Ottawa. The contract was for four years, and it was understood the Company were to have the whole business of the bank note engraving for the Dominion, it being then contemplated that the Government would have the whole of that engraving in their own hands. However, the circumstances had altered, the Government were only one and by no means the largest of the customers of that Company. They made strong representations to the Government that Montreal was the most convenient place for their business; and it became a question whether the Government would, for the sake of the few months that the contract had to run, place obstructions in the Company's way. By February next, when it ran out, the Government could decide whether they would again give the Company their business. But they could not fairly control it as to the place it should conduct its business irrespective of its own interest and convenience. At the best the Government could prevent it but for a few months from removing to Montreal.

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#### CANAL COMMISSIONERS' REPORT

**Mr. KEELER** asked, has the Government received the report of the Canal Commissioners, and if so, when will it be laid before the House?

**Hon. Mr. LANGEVIN** replied that the report had not yet been received.

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#### PRESQUE ISLE DREDGING

**Mr. KEELER** asked whether it is the intention of the Government to place a sum in the Estimates for dredging the entrance to Presque Isle harbour.

**Hon. Mr. LANGEVIN** replied that the matter was under the consideration of the Government.

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#### DOMINION DAY

**Mr. KEELER** asked whether it is the intention of the Government to make any arrangement for the first day of July as a general holiday for the Dominion.

**Hon. Sir GEORGE-É. CARTIER** said that the usual practice followed with regard to Dominion Day would be followed up next Dominion Day. (*Laughter.*)

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#### MILITIA RETURNS

**Hon. Sir A.T. GALT** called the attention of the hon. Minister of Militia to the fact that the return asked for some time ago, with respect to the defence of the country, had not yet been brought down.

**Hon. Sir GEORGE-É. CARTIER** said that returns on the same subject had been asked for in the Senate last year. These returns would be presented in that Chamber tomorrow. The returns asked for in this House during the present session would be brought down at the earliest moment possible, and the two returns would be printed together.

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#### TRADE RELATIONS WITH THE UNITED STATES

**Mr. OLIVER** moved for correspondence relating to a change in our trade relations with the United States.

**Hon. Sir FRANCIS HINCKS** said the Government could not consent to that motion. It was not desirable at the present time to bring down such correspondence.

The motion was dropped.

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#### MASTERS' OR MATES' CERTIFICATES

**Mr. PELLETIER** moved for a return of correspondence relating to the establishment of Boards of Examiners for granting certificates to masters or mates of seagoing ships, &c.—Carried.

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#### INTEREST RATES

**Hon. Mr. DORION** moved for an Order of the House showing the rate of interest paid by the different savings banks in the Province of Quebec.

**Mr. LAWSON** suggested that Ontario should be included.

**Hon. Sir FRANCIS HINCKS** remarked that many of the ordinary banks were also savings banks, and also building societies in Ontario were savings banks, so that it would take considerable time and trouble to get the information asked for.

**Hon. Mr. DORION** explained that his object was to include only those banks which would be affected by the new savings banks measure of the Finance Minister.

At the suggestion of **Hon. Sir FRANCIS HINCKS** the motion was amended by adding the words, "And the Province of Ontario."

The motion as amended was carried.

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#### STERLING'S CLAIMS

**Mr. CURRIER** moved for correspondence respecting claims for damages against the Government by George Sterling.—Carried.

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#### PRIVATE BILL FEES

**Mr. PICKARD** moved for an address for a return of the monies received on account of private bills. He said his object was to ascertain the number and character of those bills in respect of which the monies had been returned on the ground of their being treated as public bills.—Carried.

#### PRINTING

**Mr. BROUSSEAU** moved the adoption of the fourth report of the Joint Committee on Printing.—Carried.

**Mr. BROUSSEAU** also moved the adoption of the Committee's fifth report. He explained it contained a recommendation of the transfer of the binding contract from Hunter, Rose & Co. to Mr. Mortimer, at their request, and to enable them to remove their establishment to Toronto. Mr. Mortimer had furnished satisfactory securities.—Carried.

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#### INTERCOLONIAL RAILWAY

**Mr. JONES (Halifax)** moved for a return showing the land taken for railway purposes on sections 4 and 11 of the Intercolonial Railway, the quantity taken from each person, and the amounts paid for lands and buildings, with the amounts paid for appraisals and legal services.

The motion was carried with a slight amendment.

\* \* \*

#### BRITISH COLUMBIA IMPORTS

**Mr. MILLS** moved for a statement of the quantity and value of the various kinds of articles imported into British Columbia for the last fiscal year of which there are available returns showing the duties collected and the amount which would have been collected had the Canadian tariff been in operation.

**Hon. Mr. TILLEY** said the papers would be procured as speedily as possible. There would doubtless be some delay to enable the comparison to be made and surmount other difficulties.

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#### IMPORTS AND DUTIES

**Mr. BURPEE** moved for an address for a return showing the quantity of coal, coke, wheat, corn and other grain, wheat and rye, flour, and meal, imported into each of the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick respectively from the 7th April to the 31 December, 1870, the amount of duty collected on such articles respectively in each Province; also the quantity of such articles on which duties were paid or received which were afterwards shipped from each of the Provinces, either in bond or subject to a drawback of such duties, also the quantity of such articles being the produce of any one of the Provinces which was

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shipped there from to each of the other said Provinces between the dates above mentioned.

**Hon. Mr. TILLEY** said the Government would furnish the information so far as in their power. It was utterly impossible to give the quantity of grain moved from Ontario to Quebec, or even from the ports of Quebec to those of New Brunswick and Nova Scotia. For the first year after the union the system that existed previous thereto, with regard to the returns affecting the trade between the Eastern and Western Provinces, continued; that is, parties clearing were required to clear their exports at those Provinces, and enter them in New Brunswick and Nova Scotia. The Government continued that system for a time, to ascertain, if possible, the extent of the increase of the interprovincial trade growing out of the Confederation. But it was found to interfere so much with the general trade between the Provinces that dissatisfaction early arose. Articles appeared in the Montreal, and other papers, condemning the inconvenience to which parties were subjected importing from the lower Provinces. The Government then abandoned the system, and adopted the next best, to keep a record of the trade between the Provinces. They could not give the statement asked, not having any such record. But by that in force, the information which might be the most important, as to the quantity of the flour, grain, &c. imported and the duty paid the imports and exports would be furnished as far as possible.

**Hon. Mr. HOLTON** said he would suppose that all the water-borne produce to the Lower Provinces would be reported even from the Upper Provinces of the Dominion. The Department must be in a position to show the total amount of produce imported into the Lower Provinces from the Upper ones by water, and the whole course of the trade was by water.

**Hon. Mr. TILLEY** said it was not by water altogether. One of the objects of original regulations was that a vessel coming from any of the Maritime ports to Quebec or Montreal, should enter at the Custom House a statement of the articles shipped. That requirement had been abandoned, and now it was only necessary that in the case of a vessel clearing from Montreal, say for Shediac, Halifax, or other lower ports, the captain should leave with the Collector at Montreal, or the port of departure, a statement of his cargo, and also at the place of arrival. Even as between Quebec and Ontario, a deposit of papers was required; but in the returns made to the Department, they had not called for all these papers.

**Mr. BURPEE** said his object was to obtain the papers showing the trade between the several Provinces, and to ascertain its volume and progress since the Union.—Motion carried.

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#### OLD RAILWAY CONTRACTS

**Mr. McDONALD (Antigonish)** moved for a return showing all moneys paid by the Dominion Government since July 1, 1867, on

account of previous contracts entered into by the Governments of Nova Scotia, Canada and New Brunswick and charged to the debt of those provinces respectively.—Carried.

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#### THE NORTH WEST

**Mr. BOWN** desired to put a question before the orders of the day were called, if the Government had no objection.

**Hon. Sir GEORGE-É. CARTIER** consented.

**Mr. BOWN** said that judging from private advices just received from Manitoba, the people were in a great state of excitement from the belief that the Dominion Government had given Lieutenant-Governor Archibald private instructions of a nature offensive or hostile to the feelings of the loyal people of the Province. Therefore, if the impression were false, he hoped an emphatic denial would be given the story.

**Hon. Sir GEORGE-É. CARTIER** said the Government were ready with their reply. Neither they nor any of their number had given any private or confidential instructions to the Lieutenant-Governor. The instructions given him in his two-fold capacity as Lieutenant-Governor of Manitoba and Governor of the North West, had been brought before the House in reply to an address. No other instructions, private or public, had been furnished.

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#### REPORTS FROM MANITOBA

**Hon. Mr. DORION** wished before proceeding to the Orders of the Day, to call attention to the state of the public mind, which had been disturbed for the last two days by reports of trouble in Manitoba. He thought it would be well for the Government if they had any information on the subject, to give it, and allay the anxiety caused by the news.

**Hon. Sir GEORGE-É. CARTIER** was glad that the question had been put. The last information that Government had received from Manitoba was on the night of the 14th. It was a telegram from Governor Archibald, informing the Government that the writs and papers necessary for holding the elections had been found, and that a proclamation had been issued to hold the elections, but no information whatever had been received corroborating any of those newspaper reports. The telegram came from St. Cloud, and was dated March 14th. The sensational news came from Chicago, and he noticed that further news from St. Paul, while it spoke of great excitement existing in Manitoba, did not confirm the first reports.

**Hon. Mr. McDOUGALL (Lanark North)** was sure that the House would be pleased to receive this information. Perhaps while the Hon. Minister of Militia was in so good humour for answering

questions he would inform the House whether the proposed confirmation of the Manitoba Bill had made any progress.

**Hon. Sir GEORGE-É. CARTIER** was glad, too, that question had been asked. The draft of the Bill had been approved by the Governor in Council and had been transmitted under cover of a despatch from His Excellency to England to be submitted to the Imperial Government. At some future time this matter could be discussed more fully. The Government of the Dominion had asked the Imperial authorities to pass an act in confirmation of the wishes of this House as expressed last session. (*Cries of "No, no," from the Opposition.*) Nothing could be more certain than the passage of that Act.

The subject was dropped.

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#### SALUTING CLERGY

**Mr. CAMERON (Huron South)** asked whether the Government had any information with regard to a statement made in a Montreal daily paper to the effect that Lt. Governor Archibald had issued a regimental order to the soldiers to salute the clergy.

**Hon. Sir GEORGE-É. CARTIER** said Mr. Archibald was only a Civil Governor, and had no authority in military matters, the troops in Manitoba being entirely under the command of Lieut.-Col. Jarvis.

**Mr. CAMERON (Huron South)** then asked whether Mr. Archibald had induced the officer in command of the troops to issue such an order.

**Hon. Sir GEORGE-É. CARTIER** was sure that Mr. Archibald knew his duty too well to interfere in any way in what appertained solely to the officer in command of the troops.

The matter was dropped.

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#### GRAND TRUNK BRIDGE

**Hon. Mr. HOLTON** called attention to the fact that in a return ordered by the House respecting the bridge across the Lachine canal by the Grand Trunk, the only report of the engineer was a report made some 10 years ago.

**Hon. Mr. LANGEVIN** said there was no other report.

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#### HARBOUR DUES AT TRENTON

**Mr. BROWN** moved the third reading of a Bill to authorise the village of Trenton to impose and collect harbour dues.

**Hon. Sir GEORGE-É. CARTIER** asked the hon. gentleman to allow the Bill to stand over till Monday, as he would like to consider the matter.

Third reading accordingly postponed.

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#### HARBOUR DUES AT OWEN SOUND

**Mr. SNIDER** moved the third reading of a Bill extending the provisions of the Act authorizing the imposition and collection of harbour dues at Owen Sound.

**Hon. Sir GEORGE-É. CARTIER** asked that this Bill also might be postponed until Monday.

**Mr. SNIDER** consented to the postponement, but pointed out that two similar Bills had passed in the previous session when the Minister of Justice was in his place, and that there was no doubt that the House had power to deal with such questions.

The third reading was accordingly postponed.

\* \* \*

#### RAILWAY ACT

**Mr. MACFARLANE** moved the second reading of a Bill to amend the Railway Act of 1868. He explained that as the law at present stood, Railway companies were able to place on the backs of their shipping bills, conditions of a most unreasonable character, which, in point of fact exempted them from all liability from any damages, although such damages might be occasioned by the most gross negligence on the part of their servants. He desired therefore to amend the law so that although the companies might make their own conditions, those conditions should not be enforced unless just and reasonable, and he thought the courts were the proper judges as to what was just and reasonable. He desired to extend his amendment to all Railways, including those already in operation. His Bill was merely a transcript of an Act already in force in England. No matter how gross the neglect or misconduct might be, the Companies relied on their conditions, and the Courts had to consider those conditions as forming a special contract, and exempting the Companies from all liability, but on more than one occasion, the judges had expressed their opinion that the law ought to be altered. He referred to one condition made by Railway Companies that no claims for damages would be entertained unless notice should be given within 24 hours, pointing out the impossibility of a compliance with this condition in very many cases. He thought it very necessary indeed that such conditions should not be allowed.

**Mr. HARRISON** was entirely in favour of the Bill. Some of the conditions imposed by Railway Companies were simply monstrous. One condition provided that the Company should not be liable for the negligence either civil or criminal of itself or its servants, and it was very fortunate that they did not provide that they should not be



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sued for anything whatever. This condition, though so outrageous, was insisted on, and as the law stood, the courts had to maintain it. The result was the servants of the company were much less careful than they otherwise would be. It had been urged that the question was a mere matter of contract, and that if parties accepted the conditions they must be bound by them. But Railways were not only common carriers, but had a monopoly of the carrying trade, especially during the winter. All that was proposed was that the conditions should be reasonable. At present the conditions were so iniquitous, that jurors were actually prejudiced against Railways whenever a case came before them. The proposition was that the Courts should decide as to whether the conditions were reasonable. The same difficulties that now existed in Canada, had been experienced in England some years before, and a law had been passed to remedy the evil. That law had worked satisfactorily and well, and the hon. member for Perth simply desired to enact a similar law in Canada. He very cordially supported the Bill.

**Hon. Mr. CAMERON (Peel)** pointed out that there were before the House two other Bills also proposing to amend the Railway Act of 1868, and suggested that all there should be referred to a special committee. There was no doubt that very great difficulty had arisen from the nature of the conditions drawn up by Railway Companies. This difficulty had been felt both in England and the United States, where legislation had been had to remedy the evil, and it was very desirable that action should be taken in Canada also.

**Hon. Sir GEORGE-É. CARTIER** thought it would be very desirable to consider the three Bills together, but thought they should be referred not to any special committee, but to the ordinary Railway Committee, as the matter was a large one, affecting the whole Railway Legislation, with which the Railway Committee were especially conversant. He would therefore recommend that the three Bills should be read a second time and referred to the Railway Committee.

**Mr. CAMERON (Huron South)** thought, without any disrespect to the Railway Committee, that a Special Committee would do most justice to the matter. He was satisfied that the law required to be amended; as it now stood, he would defy anyone to sustain an action against a railway company. He thought the whole railway legislation of the country required to be revised.

**Hon. Mr. CAMERON (Peel)** said that the reason why he desired the matter referred to a Special Committee was that he was anxious to be able to look after his own Bill. He thought, however, that the matter might be referred to a Special Committee in the first instance, and afterwards taken up by the Ordinary Committee,—still if the Minister of Militia would say that the matter should be taken up at once, he would be satisfied.

**Hon. Sir GEORGE-É. CARTIER** said there would be no difficulty in that respect, and as the recommendations of the Railway Committee always had great weight with the House, and were seldom questioned, he thought it very desirable that that

Committee should deal with the matter. The rules of the House required that this should be done.

**Mr. KIRKPATRICK** said he entirely agreed with the hon. member for Peel, that the Bills should, in the first instance, be referred to a Special Committee. The matter was of great importance. Judges had expressed their disapprobation of the present state of the law, and their opinion at the Legislature should amend it. It had been stated that the matter should not be interfered with, because it was a simple contract between two parties—but it must be remembered that the House gave the Companies special privileges, and protected them from undue competition, and they should, at the same time, therefore, protect the interests of the public, and prevent the Companies who monopolize the carrying trade from imposing unreasonable and unjust conditions.

**Hon. Mr. HOLTON** thought with the Minister of Militia, that the Railway Committee was the proper body to deal with the question—and further as that Committee included lawyers from all the Provinces, who could see how the proposed amendments would agree with the existing laws in their respective Provinces, it had a great advantage over the proposed Special Committee in which Ontario alone was to be represented. There was nothing to prevent the Committee from at once dealing with the matter.

**Hon. Mr. CAMERON (Peel)** had no objection to the matter being left to the Ordinary Committee, provided it would undertake to deal with it.

**Mr. MACFARLANE'S** Bill, **Hon. Mr. CAMERON'S** Bill, and **Mr. KIRKPATRICK'S** Bill were then read a second time and referred to the Railway Committee.

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#### RIGHT OF APPEAL IN CRIMINAL CASES

**Mr. HARRISON** moved the second reading of "An Act to Extend the Right of Appeal in Criminal Cases." His object was to provide that there should be the same right of appeal for a new trial in criminal cases as there was in civil cases. At present a Judge could reserve a point of law for consideration in civil cases, but though there might be a mistaken verdict in criminal cases from a wrong interpretation of fact, or the discovery of new evidence there was no power to grant a new trial. Of course, if a man, after being declared guilty, was found to be innocent, the Government could pardon him, but to pardon an innocent man was simply an insult. He ought to have the right to prove his innocence and be declared so.

**Hon. Sir GEORGE-É. CARTIER** hoped the motion would not be pressed. The Premier did not approve of the Ontario appeal system, which, in the Bill for the consolidation of the criminal laws of the Provinces, was not embodied. It had worked ill; if a change

of opinion in its favour took place, the present proposal could be re-introduced.

**Hon. Mr. GRAY** thought that, however plausible the present proposition might be, he doubted whether it would be beneficial to the criminal law or to the public. The actual point now to consider was, whether there should be a new trial on the question of the facts or on the question of the merits. By this Bill the accused would lose some valuable advantages. Not only did the accused lose the advantage of the usual recommendation in his behalf, that he should receive the benefit of the doubt, but the public would suffer from a change that would be tantamount to a premium to crime. The facility of obtaining a new trial would be of this nature, especially in the case of ignorant and degraded characters. The moment the accused was granted the privilege of obtaining a new trial, for reasons prescribed in the Bill, that moment they would lose several precious advantages. No doubts would be given in his favour, and he could not afterwards have the benefit of witnesses. If these changes were adopted all the sources of information should be laid under appeal, even to the examination of the criminal itself. Till it should be shown the present law worked badly, the innovations now submitted ought not to be adopted. He thought so far, no such pretension could be sustained.

**Hon. Mr. CAMERON (Peel)** spoke against the bill, and contended it should not be urged forward at present in the absence of the Minister of Justice. He hoped that when he returned, and the matter was discussed in this House, various improvements would be presented, and that the same privileges possessed by parties in civil cases with regard to the vindication of their character and protection of other interests would be extended to parties charged with crime.

**Mr. HARRISON** replied to the arguments of the foregoing speakers, and concluded by expressing his willingness to withdraw the Bill for the present.

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#### CENSUS ACT

**The SPEAKER** advised the House that a message had been brought from the Senate, concerning an amendment to the Census Act. The House accepted the amendment, a verbal one, gave it second reading, and ordered that the acceptance of the amendment be reported back to the Senate.

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#### ALIENS AND NATIONALIZATION

**Mr. CAMERON (Huron South)** moved the second reading of Bill No. 12—An Act to amend an Act, passed in the 31st year of Her Majesty's reign, and chaptered sixty-six, respecting aliens and naturalization. He said it was advisable that a foreigner settling in this country should be allowed the rights of citizenship with the

least possible ceremony. The Legislatures of other countries had liberal laws with respect to naturalization. This measure now before the House proposed the right of citizenship on all persons residing in the country previous to Confederation, or taking the oath of allegiance. This would apply to a large number of persons in the county of Huron, at least, if not in other parts of the country. The present law was cumbrous and totally unsuited to the requirements of the country.

**Hon. Sir GEORGE-É. CARTIER** said while he approved of the Bill as a whole, it contained provisions which were objectionable. He would not, however, refer to them until the Bill was referred to Committee. When he (Hon. Sir George-É. Cartier) was in London, the Colonial Secretary referred to this subject and said there would be no objection to endorsing any legislation on the part of the Dominion Parliament with regard to naturalization but that care should be taken in dealing with foreigners who were connected with seafaring pursuits. It was, therefore, necessary in the enactment of naturalization laws to exercise great prudence, lest the Acts of this House should be disallowed. He would recommend that the Bill be referred to a special Committee with Mr. Young's measure on the same subject. The two could be considered at the same time, and as Mr. Young was expected back in a few days, no great delay would result from the adoption of this suggestion.

**Mr. CAMERON (Huron South)** said this proposal was evidently with the object of killing the Bill altogether. He had no objection to placing Mr. Young's name on the Committee, but that gentleman was not here.

**Hon. Sir GEORGE-É. CARTIER** denied any such intention as imputed.

**Hon. Mr. HOLTON** argued they ought to continue a previous existing liberal policy for the encouragement of immigration. He thought every encouragement should be given this Bill, the defects of which could be remedied in Committee.

The motion was carried, and the Bill was referred to a Select Committee.

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#### AFTER RECESS

**Hon. Mr. HOLTON** moved the second reading of a bill respecting the naturalization of certain aliens, and that it be referred to the same Select Committee.—Carried.

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#### DANGEROUS WEAPONS

**Mr. HARRISON** moved the second reading of the Bill to extend the law as to the carrying of dangerous weapons. He explained its

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object was to prevent the carrying of pistols, which constituted a great temptation to violence and a great damage to life.—Carried.

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### COUNTY COURT JUDGES

**Mr. DREW** on the motion for the second reading of his Bill, “An Act respecting County Court Judges in the Province of Ontario,” declaring their remuneration for the discharge of Judicial duties, considered that County Court Judges were purely Judges, and that they should receive a fixed salary, and in no way depend on fees—and trusting the Government would consider the question, asked leave to withdraw his Bill.

**Mr. HARRISON** thought that the salaries of these Judges should be increased.

**Mr. CAMERON (Huron South)** said the Government could hardly expect to get any but fifth or sixth rate lawyers to act as Judges at a salary of \$2,000 a year. He trusted that Government would increase the salaries of these Judges.

**Mr. MACDONALD (Glengarry)** said that while \$1,600 for an Accountant’s salary was considered a pretty high rate, members of the bar were always complaining of the low salaries paid to Judges. He supposed that it was because hon. members looked forward to obtaining positions on the bench at some future day.

The Bill was withdrawn.

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### INSOLVENT ACT

**Mr. GODIN** in the absence of Mr. Savary, moved the second reading of Bill No. 20, to amend section 2 of the Insolvent Act of 1869, and also the second reading of Bill No. 35, having a similar object. He proposed to refer the Bills to a Special Committee.

Bill No. 20 had but one section, which was as follows:—“In cases of voluntary assignment, the meeting of the creditors to be called for the appointment of an Assignee may be held at the place of business of the Insolvent as heretofore provided in and by said section, or at the office of the Interim Assignee, as the Interim Assignee calling the same may deem most expedient in each case.”

Bill No. 35 contained the following provisions:—

1. In all cases in which, either under the fifth or under the twenty-eighth section of the said Act, an Assignee to the estate of the Insolvent shall be appointed, the Interim Assignee shall not be compelled to transfer the estate and effects of the insolvent, nor to deliver over such estate to such Assignee, until all fees, expenses, and disbursements of the Interim Assignee or Guardian, as taxed by the Judge, Prothonotary, or Clerk of the Court, shall have been paid to him, and the delay of twenty-four hours mentioned in the eighth

section of the said Act shall not be held to commence until after such payment and reimbursements shall have been made.

2. All oaths to be administered under the said Act, for any other purpose whatsoever, may be administered by the Prothonotary or Clerk of the Court in like manner as by the Judge.

**Mr. GODIN** desired to authorize the interim assignee to hold the estate until he had received payment of his fees, as taxed by the Judge of the Court. He did not desire to insist on the particular provisions of his Bill, but wished to have it referred to a Special Committee, so that in some way the difficulty the interim assignee experienced in obtaining his fees might be obviated. He also thought it advisable that either the Judge or the Clerk of the Court should have authority to administer the oaths.

**Mr. SCATCHERD** submitted that it would be a very great hardship to the creditors if they were compelled to pay any fees the interim assignee might choose to demand before the handing over of the estate. The position of the assignee was a very lucrative one, and much sought after, and he certainly thought the interests of the creditors should be considered.

**Mr. BARTHE** thought the provisions of the Bill were very much wanted, for while the assignee had very important duties to perform, he very often had great difficulty in obtaining payment of his charges.

**Hon. Mr. ABBOTT** thought the opinions of the gentleman who had just spoken were entitled to great weight, but was very doubtful as to the merits of the Bill. It proposed that the fees of the interim assignee should be paid before he handed over the estate, but at that time there was no fund out of which those fees could be paid. The effect would be to offer a premium to the interim assignee to make out as large a bill as he possibly could, in the hope that rather than want for the estate, the creditors would raise the money to pay him. He thought any such provision would be a very grave misfortune, as estates were already quite sufficiently depleted. He was in favour, however, of the most stringent possible mode of enforcing the payment of the interim assignee, out of the first proceeds realized. The object of Bill No. 20 seemed to be that the first meeting of creditors might be held in the office of the interim assignee. The point was not of very great importance, but it should be remembered that on the passing of the Insolvent Act of 1869 it was considered of sufficient importance by the different Boards of Trade to justify them in making a special representation that it would be injurious to a proper choice of an official assignee to have the meeting held in the office of the interim assignee. He was, however, in favour of the Bills going before the Committee in order that they might be considered, and something done that would remove the evils now existing.

**Hon. Mr. GRAY** said that at a meeting of the St. John Chamber of Commerce recently the opinion was expressed that the first clause of the Act should be extended to embrace all persons, traders or others whose debts were not outlawed by the statute of

limitations. This was for the purpose of meeting the cases of persons who were not in business at the time of the passage of the Act, and who consequently could not take advantage of its provisions. The Chamber also recommended that the meeting of creditors should be held at the office of the interim assignee only in cases where the debtor had no place of business. He (Hon. Mr. Gray) hoped the Special Committee would consider these suggestions when dealing with these bills.

**Hon. Mr. ANGLIN** said that these resolutions were adopted by the St. John Chamber of Commerce to meet special cases and serve private ends.

The two Bills were read a second time and referred to a Select Committee.

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### STAMP DUTIES

**Mr. HARRISON** moved the second reading of the Bill (No. 29)—An Act to remove doubts as to the liability to stamp duties of premium notes taken or held by Mutual Fire Insurance Companies. He said in making this motion he did so with the entire confidence of the Government, to whom he had submitted his measure.

**Hon. Mr. HOLTON** asked for explanation from the government with respect to this Bill.

**Hon. Mr. MORRIS** said his attention had been called to this matter, and he was quite convinced of the necessity of the Bill in the public interest.

**Hon. Mr. HOLTON** said this was a measure of which the Government should take the entire responsibility. It related to the public revenue, and could not be proceeded with unless the formal assent of the Crown should be first obtained. It affected the revenue derivable from stamps, and therefore came within the meaning of the 54th clause of the Union Act.

**Mr. HARRISON** contended that as the Bill asked for no appropriation of the public money it did not come under the clause referred to.

**Hon. Sir GEORGE-É. CARTIER** was of opinion that the point of order was not well raised.

**Hon. Mr. HOLTON** thought he had taken his exception well. But whatever was true as to this matter, there was no doubt that the measure should have originated in Committee of the Whole.

**Hon. Sir FRANCIS HINCKS** stated in reply to some remarks of the member for Châteauguay, that he had not been in order.

**Hon. Mr. HOLTON** replied the hon. gentleman was frequently out of order, and consequently had often to withdraw measures till another stage.

**Hon. Sir FRANCIS HINCKS** repeated the hon. gentleman was not in order. Doubtless, he did understand such matters better than he (Hon. Sir Francis Hincks). Thank God, he had not devoted his mind or his life to the notions of the hon. gentleman. He had not passed his time studying these trivial subjects. If he had applied his mind to them, he would have understood them as well now as that hon. member. It was the only thing he devoted his mind to. (*Cheers and laughter.*)

**Hon. Mr. HOLTON** rose to a point of order. The hon. gentleman was not speaking to the point of order. (*Renewed cheers and laughter.*)

**The SPEAKER** said he did not conceive the fifty fourth section of the British North America Act applied to the Bill before the House. The appropriations which required a message in the first instance, in order to give this House power to deal with the subject were related to a power to appropriate or spend money. The imposition of taxation was a power within the control of the House, which could impose it without a preliminary message, but it must inaugurate its measure by a Committee of the Whole.

After some further discussion, **Hon. Mr. MORRIS** stated a message was received from His Excellency authorizing the consideration of this Bill.

**Hon. Mr. HOLTON** thought his views were in accordance with the practice of the House. He defended the usefulness of Parliamentary rules, and referred to the value of Parliamentary forms in the past as defences and safeguards of freedom. He had used these creations in the interest of the public, and as the natural and proper weapons of the Opposition confronted by a powerful Government. If they accepted the responsibility for this Bill, he would not insist on the point of order.

**Hon. Mr. MORRIS** said he was willing to take charge of the Bill with the consent of the member for West Toronto.

**The SPEAKER** said the point of order should not be slurred over or disposed of by mutual concession. The question involved was one of importance. It would be necessary for the House to discharge the order, before the Minister of Inland Revenue could take it up.

**Mr. HARRISON** then proceeded to speak upon the point of order as to whether the Bill imposed a tax. He quite admitted that any proposition to impose taxation should originate in a Committee of the Whole. This Bill, however, did not make this proposal. The question was whether the Bill did impose a new charge on the people. It did not; it allowed parties to impose duties on themselves, but it did not in any shape or form provide that the promissory notes should be subject to double duty. In ordinary cases of imposition of duty, the duty was compulsory, but where it was left to the discretion of the people to say whether or not, to gain a particular advantage, they would assume a burden, that burden was entirely optional.

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**The SPEAKER** said he considered that there was nothing optional in the case as regards the past.

**Mr. HARRISON** thought there was as much choice in the past as in the future. In neither case was the double duty imposed by the legislature, but the option was given to the people, if they wished to make their notes valid, to do it on paying double duty. In the next place the matter could in no way be considered an imposition of duty on the "people," because it only affected a certain class of the people. He cited authorities in support of his views.

**Mr. MAGILL** and **Mr. MILLS** spoke on the subject in opposition to the arguments of the mover of the Bill.

**Hon. Mr. GRAY** supported the hon. mover's views, and he having replied, the point of order was taken into consideration.

**Hon. Sir GEORGE-É. CARTIER** moved the adjournment of the debate.—Carried.

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#### WEIGHTS AND MEASURES

**Mr. MILLS** moved the reception of the report of Committee of the Whole on the following resolution:—

1. That it is expedient to amend and consolidate the laws of the Dominion respecting Weights and Measures, and to establish one uniform system thereof for all Canada, except only as to special

measures used for certain purposes in the Province of Quebec; and to provide for the inspection of Weights and Measures, with power to the Governor in Council to make a tariff of fees for such inspection sufficient to defray the expenses of carrying it into effect.

The motion was carried, and a Bill founded on the resolutions read a first time.

**Hon. Mr. MORRIS** moved the reception of the report of the Committee on the following resolution:—

That it is expedient to permit the use of the metric system of Weights and Measures in the Dominion, in cases where the parties to any contract or agreement may wish to adopt that system.

The motion was carried, and a Bill founded upon the resolution was read a first time.

**Hon. Sir FRANCIS HINCKS** moved the reception of the report of the Committee of the Whole on the resolution declaring it expedient to amend and consolidate and to extend to the whole Dominion of Canada the laws respecting the inspection of certain staple articles of Canadian produce.

Motion carried and the relevant Bill received first reading.

On motion of **Hon. Sir GEORGE-É. CARTIER** the House adjourned at ten o'clock.



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## HOUSE OF COMMONS

Friday, March 17, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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A number of reports of Committees were presented.

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### HOUSE ACCOUNTS

The **SPEAKER** presented the report of the Accountant of the House of Commons for the period June 30, 1869, to December 31, 1870, and the comments thereon of the Financial Inspector in the Department of Finance.

Several petitions were received.

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### BILLS INTRODUCED

By **Mr. KIRKPATRICK**—To incorporate the Kingston Board of Trade.

By **Mr. CRAWFORD (Leeds South)**—To naturalise Polaski Clarke.

By **Mr. COLBY**—For the repeal of the Insolvency laws.

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### OAKVILLE HARBOUR

**Hon. Sir FRANCIS HINCKS** moved that on Tuesday next, the House be resolved into Committee of Whole to consider a resolution declaring it expedient to authorize the Governor in Council to sell, on such terms as may seem fit, Oakville Harbour with the tolls and all the rights and privileges thereunto appertaining. He stated, in making this motion, that he did so with the assent of His Excellency and in the public interest.

**Hon. Mr. HOLTON** stated it would be remembered that the Public Accounts Committee last year adopted a resolution desiring the Government to take the earliest opportunity of collecting the arrears due on this work. He would like to know what Government had done in the matter.

**Hon. Sir FRANCIS HINCKS** said the Government had considered the matter with the view of selling the harbour, which was the only way of recovering the arrears due. The charter was granted 43 or 44 years ago for the term of 50 years, at the end of which time the harbour was to lapse to the Government. It was found on enquiry, it would be difficult to sell the rights in this harbour for the limited period of the deed or charter, without the power now asked for. The object of the Bill was to enable the Government to sell out their rights and give a good title at the end of the 50 years.

**Hon. Mr. HOLTON** asked was it intended to remit any portion of the arrears. He believed the parties were able to pay up.

**Hon. Sir FRANCIS HINCKS:** No; the object was only to give the purchaser a good title.

**Mr. WHITE** was glad that the Government had taken this course, as the harbour of Oakville had fallen out of repair. He trusted the Government would be induced not to levy any longer the excessive tolls which had been collected from that work.

**Mr. MACDONALD (Glengarry)** hoped the Government would have nothing to do with the work.

**Hon. Mr. McDOUGALL (Lanark North)** said that he understood that by the Confederation Act only those harbours which were public works and belonged to the province before Confederation, became the property of the Dominion. The Government had of course power to construct harbours wherever they thought such works were required, but he did not understand that they were required to repair private harbours.

**Hon. Sir FRANCIS HINCKS** repeated his explanations respecting the motion before the House.

The motion after some further conversation was carried.

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### INSURANCE ACT

**Hon. Sir FRANCIS HINCKS** moved that the House, on Tuesday next, resolve itself into Committee of the Whole to consider a resolution declaring it expedient to amend the Act respecting Insurance Companies. He said the assent of the Governor General had been secured.—Carried.

**THE NORTH WEST**

**Hon. Mr. HOWE** said the Government had received a telegram, dated St. Cloud, yesterday, which contained information from Winnipeg up to 1st March. The nominations for the House of Commons were held on the 28th February, during a snow storm. They passed off quietly. The elections were to come off on the 3rd of March. The Local House was to meet on the 15th March. They had no intimation of any insurrection having taken place, or any unusual excitement.

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**COMMITTEE OF SUPPLY**

**Hon. Sir FRANCIS HINCKS** moved the reception of the report of the Committee of supply, containing twenty-two resolutions.

A number of the items under the head Administration of Justice having passed,

**Hon. Mr. HOLTON** said when the House was in Committee of supply, some discussion arose on the item respecting the person charged with the murder of the late Hon. J.D. McGee. He (Hon. Mr. Holton) did not propose renewing the discussion on that item in any respect, but he took this occasion of inquiring of the Government, whether anything had been done by them to keep faith with those parties who were stimulated by the offer of a reward from the Government, to ferret out and arrest the perpetrator or perpetrators of that horrible deed. He did not find in the Public Accounts any statement of any payment whatever of the reward offered by the Government. Perhaps the Government would be prepared to say whether any payment had been made or whether any claim now pending was well founded.

**Hon. Sir GEORGE-É. CARTIER** said he understood that the Government had kept faith in the matter, but he would make further enquiries concerning it.

In answer to Mr. Currier, **Hon. Sir GEORGE-É. CARTIER** said there were several claims before the Minister of Justice.

After some further discussion the subject was dropped and all twenty-two resolutions were concurred in.

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**RETURN OF INSURANCE COMPANIES**

**Hon. Sir FRANCIS HINCKS** submitted a return of the Insurance Companies that have made the reports required by the Insurance Act. Forty-two complied, and five did not.

**UNIFORM CURRENCY**

On motion of **Hon. Sir FRANCIS HINCKS** the House went into Committee on the Act to establish one uniform currency for the Dominion.

**Mr. McDONALD (Lunenburg)** reverted to the views he had expressed on this subject, observing he had acknowledged that on two successive occasions the Government had given way on this matter at the request of the representatives of Nova Scotia; and at the session of 1870, at an interview of the majority of them with the Finance Minister, an understanding was had that if, by the present session, there appeared to be no reasonable prospect of the realization of the international coinage project, they would not offer further resistance to the proposed assimilation, recognizing the fact that it must take place sooner or later. He also took the ground when speaking formerly on the subject; that while the representatives of Nova Scotia were consenting parties to the assimilation he thought it was but reasonable on their part to ask that the time selected therefore would be one as little inconvenient as possible for that Province. He felt that, so far as it concerned Ontario and Quebec, it was not a matter of serious importance to their business or in a business aspect.

The matter, in its business aspect, was one chiefly between New Brunswick and Nova Scotia, at least the greater portion of the latter. Several of the counties of this Province were largely in favour of an assimilation, still as it would affect Halifax and of all the eastern part of Nova Scotia, it would be felt in the larger portion of the Province. He thought the House must in all fairness consider if it would not be well that the change should be made in such a way and at such a time as to affect it as little injuriously as possible. The people of Ontario and Quebec had got rid of their silver nuisance, for which they could not be too grateful to the Finance Minister. The explanations he made, in bringing down those resolutions, showed that everything the Government could do would be done to prevent a similar difficulty overtaking Nova Scotia. But there were certain elements in the business condition of Nova Scotia which did not exist in these upper Provinces, and that would make it practically impossible for any Finance Minister, no matter how skilful, to prevent those coins getting into circulation in Nova Scotia. Several of their eastern counties dealt largely with Newfoundland, this export trade being to a great extent carried on by individual farmers, who placed their joint products on board small vessels with that object. They brought back in payment, not bills of exchange, but British coin. In this way, no matter what legislation might be adopted, and no matter how thoroughly the banks and merchants of Nova Scotia might be supplied with Dominion coinage, in this way, from time to time, large quantities of British gold and silver would enter the eastern counties, and form a practical inconvenience very difficult to get rid of.

Again, the city and port of Halifax now formed the principal naval and military station of Britain this side of the Atlantic. The soldiers and sailors were paid in British coin, which it would be impossible to keep out of circulation. Thus Nova Scotia, unlike the



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other Provinces, would have a silver nuisance. Another consideration he mentioned a few days ago ought to have some weight. The Nova Scotia contracts for the Intercolonial Railway embraced a large amount of money, and the difference in the currencies when the contracts were taken, left a margin in favour of the contractors upon which they had counted. The amount was about one million dollars, the two and a half per cent upon which reached \$25,000, a pretty serious item in their profits. Paid in Dominion currency themselves, the contractors paid their workmen in Nova Scotia currency, but would hereafter have \$1 instead of 97 cents to pay. He believed these contractors would have a fair, equitable claim upon the Government for compensation for their losses. If the House would consent to his amendment postponing the proposed changes a few months, the Government would be to a large extent relieved of the difficulty. He was aware of the difficulty experienced by the St. John merchants through this depreciated currency. But he put it to them whether it was fair to ask Nova Scotia to surrender everything and they nothing. Admitting an assimilation ought to take place, should Nova Scotia have no say as to when it should come into effect? The delay he proposed could not be a serious matter to any business interests of New Brunswick—its refusal might be to the business interests of Nova Scotia.

**Mr. JONES (Halifax)** moved that the Bill be amended so that the Act should not take effect until January 1, 1872.

**Hon. Mr. HOLTON** very cordially supported the remarks of the member for Lunenburg. The representatives of Nova Scotia assented to the main principle of the Bill, and he trusted the Government would yield to them when they made a reasonable request that the change might take place at a time which would be most convenient.

**Mr. HARRISON** also hoped that Government would accede to the proposition. As Nova Scotia was to experience the inconvenience of the change, he thought that inconvenience should be made as slight as possible.

**Hon. Sir FRANCIS HINCKS** said the Government had very fully considered the whole matter but could not accede to the proposition for postponement. The matter was not one that affected Nova Scotia alone, but New Brunswick also was very deeply interested, and there was just as much feeling in one Province as in the other. The change had already been postponed against the strong representations and remonstrances of New Brunswick. The time when the Bill should come into operation was very fully considered, and it was decided that the 1st July was the most appropriate time. The Government could not, therefore, accede to the proposed amendment.

**Mr. CURRIER** referred to the change from pounds shillings and pence to dollars and cents, which had caused but little inconvenience, and he could not think that the people of Nova Scotia were the best judges as to the inconvenience they would experience. It seemed to him that the views of the Local

Legislature, the representations of the merchants, and the request of the representatives of Nova Scotia were being utterly ignored. He thought the Government might well yield a simple matter of detail such as that asked, and he was convinced that their refusal would cause very great dissatisfaction, and he felt bound to enter his protest against their action.

**Hon. Mr. HOLTON** did not see that the gentlemen from Nova Scotia had any cause for complaint, and they were certainly not unanimous in desiring the postponement of the operation of the Bill.

**Mr. CHIPMAN** complained that members from other Provinces were always allowed to make their complaints, which were received with consideration, whereas when a representative of Nova Scotia got up he was always taunted with bringing up a grievance.

**Mr. MACDONALD (Glengarry)** would support the amendment, as it would perhaps remove the last Nova Scotia “grievance.”

**Mr. ROSS (Victoria)** thought the request for postponement very reasonable, and that there ought to be no hesitation in acceding to it.

**Mr. COFFIN** was also in favour of the postponement.

**Mr. OLIVER** thought the request of the people of Nova Scotia just and reasonable, as the inconvenience ought to be made as slight as possible. Referring to the removal of the silver nuisance, he could not agree that the Government were entitled to much credit on that account, as after allowing the nuisance to exist for years, they had only made an effort to remove it when forced to do so by the pressure brought upon them by the House.

**Mr. SAVARY** denied that the people of Nova Scotia were unanimous in desiring a postponement. He had consulted with his constituents, and was quite prepared to support the Government—and he did not think he stood alone. The member for Kings had complained that the Local Legislature was ignored. He, however, was not prepared to be unduly influenced by the representations of that Legislature, for he thought that neither Legislature had the right to dictate to the other. He considered that the Act should come into operation at the earliest date possible—and the commencement of the financial year of the Dominion was certainly the most appropriate time,—and he thought that if the first of July was adhered to, the people would become so well accustomed to the change that they would on the first of January be able to open their books without trouble,—and the assimilation would very soon be regarded as a great benefit.

**Mr. CHIPMAN** read an extract from a letter from a friend to the effect that both parties in Nova Scotia were opposed to the change, but that, if it could not be avoided, the 1st January would be the best time.

**Mr. DUFRESNE** thought the member for Kings was scarcely justified in complaining that the grievances of Nova Scotia did not receive equal consideration with those of other Provinces, and referred to the time of Confederation, when every justice had been done to Nova Scotia.

**Hon. Sir FRANCIS HINCKS** thought the member for Kings had not done the Government justice in complaining that it had no consideration for the opinions of the members from Nova Scotia, as it had given the utmost consideration possible to those opinions, but they had to look at the question in a general point of view, not from a Nova Scotia standpoint only. As to the time, he could not but think that the inconvenience had been greatly exaggerated. All difficulty might have been entirely removed if the Banking interest of Halifax and Nova Scotia generally had co-operated with the Government. He had proposed to them during the last Session, that they should agree to redeem their notes in the city of St. John, and had offered to make special deposits with them to enable them to do so without difficulty, but they refused. He desired to impress on the representatives from Nova Scotia that the Government had given their most earnest attention to the matter, and had not been able to see that Nova Scotia would suffer any very great inconvenience—of course there must necessarily be some inconvenience, but it would be very slight and temporary.

**Mr. JONES (Halifax)** said that he should move to insert a clause as a proviso to the 8th section, to provide that for and during the period of six months after the operation of the Act, the Dominion Government should be bound to redeem all the silver coin in Nova Scotia on the basis of its present value in that Province. He pointed out that twenty-four cents to the shilling was not quite equivalent to four dollars eighty-six and two-thirds to the sovereign, and as the Dominion Government had incurred so much expense in removing the “Silver Nuisance” from Ontario and Quebec, he thought they should bear the loss, if any, in the case of Nova Scotia.

**Hon. Mr. HOWE** said that when Nova Scotia had a grievance to complain of there was not a man in the House more willing to see it removed than himself; but he objected to having the name of the Province bandied about in this Legislature as eternally complaining of something. He narrated at some length the history of the Province of Nova Scotia. The currency of his Province was not the currency of any other country in the world. While it was admirably suited for a small community it did not serve for trade with other communities. Now it was proposed to give to Nova Scotia the currency of the continent, and the boon would be appreciated by the people of that Province after giving the new system a fair trial. He denied that any loss would result from the change, for merchants would have plenty of time to prepare for it.

**Hon. Sir FRANCIS HINCKS** promised that the suggestion of the hon. member for Halifax should receive consideration at the hands of the Government.

**Mr. JONES'** amendment was lost, yeas 27, nays, 90.

The remaining clauses of the bill were carried, and the Committee rose and reported.

The report was received.

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## BRITISH COLUMBIA

A message from His Excellency was read, recommending to the favourable consideration of the House, a series of resolutions respecting the admission of British Columbia into the Union of Canada.

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## AFTER RECESS

### PRIVATE BILL FEES

**The SPEAKER** tabled a return showing the moneys received on account of Private Bills since July 1, 1867, with the names of the parties the money was received from; and the names of parties having money returned.

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### MUTUAL INSURANCE COMPANY

**Mr. WORKMAN** introduced a bill to incorporate the Mutual Insurance Company of Canada.

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### SUPPLY

The House again went into Committee of Supply, **Mr. STREET** in the chair.

The Committee passed 78 resolutions, most of which were passed without debate. In response to a request of the Opposition, the items for Public Works and Buildings were left over for the present.

On items voting \$145,441 for Ocean and River and Steam Packet Service: **Hon. Mr. HOLTON** objected to the cost of repairs and maintenance of the steamers *Napoleon III* and *Lady Head* and *Druid* (\$62,500) during the fiscal year. He thought that Dominion steamers were pretty costly.

**Hon. Mr. TUPPER** said an effort had been made to sell the *Druid*, but it had failed. It was thought better to keep the vessel than to sell it at a very low cost.

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**Hon. Mr. HOLTON** thought that it was unwise to maintain these vessels.

After some further discussion the item was carried.

On the item of \$39,541.00 subsidy, payable to the Inman Line between Halifax and Cork,

**Mr. WORKMAN** complained that the trips of the Inman Steamers had been irregular. The boats had not always been up to time.

**Hon. Mr. TUPPER** replied that the Inman Line had done the service agreed upon quite up to the terms of the contract. True, the work was not as well done as by the Cunard Steamers; but the latter Company had refused to work any longer, and it was necessary to contract with the Inman Company.

**Mr. JONES (Halifax)** said doubtless they had accomplished all they undertook, but it was desirable to have the service better done. Superior vessels and more satisfactory time were needed.

**Hon. M. TUPPER** stated that the Government would neglect no means of improving the service. They were seeking tenders from the Allan, Cunard, Anchor and Inman Lines at present, and would make the best arrangement possible.

The item was carried.

On the item of \$15,000 for steam communication between Quebec and the Maritime Provinces,

**Hon. Mr. HOLTON** said he would not object to the item this year, but he hoped that Government would consider the necessity of leaving these matters to the operation of the natural laws of trade.

**Hon. Mr. TUPPER** said there was no doubt that it was preferable that a service like this should be performed by contract, but formerly the *Napoleon* and *Lady Head* were employed in this particular service. They required no subsidy, for they were owned by the Government, but when this service came to be performed otherwise, a subsidy was granted. He believed no hon. member would underrate the importance of this service, until the completion of the Intercolonial Railway would give the easiest and most perfect communication with the Maritime Province that could be obtained. The very moment that the service could be made self-sustaining, the Government would withdraw the subsidy.

**Mr. JOLY** hoped that Government would not pledge themselves to withdraw the subsidy from this line until it became clear that it could be done without injury to the service.

**Hon. Mr. McDOUGALL (Lanark North)** said that when this subsidy was granted, it was supposed that in a year or two, when

the trade between Quebec and the Lower Provinces should be developed, that capitalists would find that source enough to keep up the line. But, it seemed that notwithstanding the expected increase of trade, it had not become sufficiently great to sustain this line of steamers. He assumed this was the conclusion to which the Government had come. If it were true that so little trade passed along that line, under all these circumstances no large amount of traffic could be looked for to pass over the Intercolonial Railway Line when finished. He joined in the hope that the Government would take steps to notify the owners of these lines that the subsidy would be abolished next year.

In reply to Mr. Macdonald (Glengarry), **Hon. Mr. LANGEVIN** said that the contract was for three years, and would expire this year. Next year, if possible, Government would withdraw the subsidy.

**Mr. WORKMAN** said a commercial line at present carried on a good business between Montreal and Toronto ports. The traffic had quadrupled in four years. He did not, therefore, see why the service should cost so much, and hoped, when the present contract expired, an important retrenchment would be made. There should be no need of subsidies.

**Mr. MACDONALD (Glengarry)** said the steamers had to refuse freight at Quebec last summer.

On the item of \$3,000 for steam communication between Prince Edward Island and the ports of the Dominion,

**Hon. Mr. HOLTON** asked information. He saw no necessity for this item.

**Hon. Mr. TUPPER** said this expenditure was the result of an unexpected agreement between Nova Scotia and Prince Edward Island, and the increased outlay was occasioned by an extension of the service. The money was beneficially spent.

After some humorous conversation, the item was carried.

On the item of steam communication between Halifax and St. John via Yarmouth \$10,000,

**Hon. Mr. HOLTON** asked for explanations. He could not see on what ground the item was to be defended, unless the Government undertook to do the carrying and commercial business of all the different little ports of the Dominion.

**Hon. Mr. TUPPER** said that the service was considered so important in Nova Scotia, that its Government before the Union voted this \$10,000 to carry it on. The trade was most important and beneficial to the interests of the country generally. This item was voted before, but last year it was not possible to get the service performed.

**Hon. Mr. McDOUGALL (Lanark North)** asked what service it was for. He did not believe it came within the scope of the Government's functions. This practice might be extended and abused to an extent quite demoralizing and hurtful to the interests of the Dominion. He feared this vote would establish a bad precedent.

**Mr. JONES (Halifax)** defended the item on the ground of past Canadian practice and the usefulness of this coast service in developing the trade of the Western coast of Nova Scotia with New Brunswick.

**Hon. Mr. HOLTON** contended the establishment of a steam line between Halifax and the Bay of Fundy, was a simple operation and within the scope of legitimate commercial enterprise with which Government had nothing to do.

**Hon. Mr. HOWE** said all the railways in Nova Scotia ran to the north, but on the south an important fishing interest had sprung up, which it was very important should be connected with the railway communication, and that was the object of the steam service.

**Hon. Mr. TILLEY** said the object was to connect the two Provinces, not one part of a Province with another. The railway did not meet the case. As increasing trade was arising, the arrangement would be very advantageous.

**Hon. Mr. HOLTON** said that nothing which was fairly in the compass of private enterprise should be taken up by the Government.

**Hon. Mr. TILLEY** mentioned other cases in which the principle of helping such a line of steamers had been recognised by Parliament. A former appropriation had now been exhausted, and a new one was needed. The object was in no way a sectional matter.

**Mr. MAGILL** considered the matter sectional and was opposed to the vote.

**Hon. Sir GEORGE-É. CARTIER** said the matter could certainly not be considered out of the province of the Dominion Government, as it was a steam service connecting two Provinces, and the fact that the vessels stopped at intermediate ports in no way altered the case. The hon. member for Châteauguay had objected that the service was sectional, but such was not the case.

**Hon. Mr. HOLTON** had argued not that the vote was sectional, but was unsound in interfering with matters of Trade.

**Mr. BOLTON** asked whether the steamer would run from Halifax to St. John.

**Hon. Mr. TUPPER** said the same steamer might not run, but the service was the same.

**Hon. Mr. HOLTON** said if the steamer was merely to run to Yarmouth, there to connect with some other line, it was clearly a local service.

**Mr. KILLAM** maintained that to withdraw the grant would be a great injustice, and that the matter could in no way be considered local. The steamers took larger amounts of produce from Upper Canada, and the line could not be run without a subsidy at present.

**Mr. MACDONALD (Glengarry)** thought they might just as well subsidize a line of steamers from Montreal to Kingston.

**Hon. Mr. HOLTON** objected to the principle of the grant, as under it any number of lines might be subsidized.

**Hon. Mr. McDOUGALL (Lanark North)** thought that in every expenditure the necessity ought to be shown, which certainly had not been shown in this case.

The item was then passed.

The item of \$2,000 for communication from St. John to ports in Basin of Minas.—Passed.

On the item of \$12,000 for Tug service between Montreal and Kingston,

**Hon. Mr. HOLTON** had opposed the grant from its commencement, and did so still. He considered it rather an impediment than an encouragement to trade, as it prevented competition. He hoped the Government would discontinue the service.

**Hon. Mr. LANGEVIN** said the grant had commenced in 1849, but in one year it was discontinued, and the result was that the service was very badly performed, so much so that the grant was subsequently renewed, and had been continued ever since. The Government proposed to continue it another year, and at another session, after receiving the report of the Canal Commission, they could say whether the service could be performed without the subsidy.

**Hon. Mr. HOLTON** asked whether the Company were bound to any fixed rates.

**Hon. Mr. LANGEVIN** replied in the affirmative.

**Mr. WORKMAN** thought the vote should not be rescinded.

**Hon. Mr. HOLTON** thought that private competition would supply everything wanted.

After some further discussions the item passed.

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**Mr. JONES (Halifax)** referred to a pension granted to Mr. Duckett, which had been founded on his retiring allowance and not on his former salary.

**Hon. Mr. TILLEY** explained that Mr. Duckett was one of two, who had been found doing nothing at all, and who had been superannuated, but they could only be allowed the amount authorized by law, based on the salary for three years previous.

**Hon. Mr. TUPPER** also explained the case, admitting the equity of the case and promising reconsideration.

On the item of \$2400 for the Quebec Observatory,

**Mr. MILLS** had expected that some particulars of the work done by the Observatories would have been supplied before another vote was asked.

**Hon. Mr. TUPPER** explained that the Quebec Observatory was in charge of the Marine and Fisheries, and the report of Commander Ashe would be found in the statement of that department.

Item passed.

On the item of \$4800 for Toronto Observatory,

**Mr. WORKMAN** asked why the Observatory at Toronto got double the amount assigned to that of Quebec.

**Hon. Mr. HOWE** explained that the ultimate design of the Observatories was to ascertain when storms might be expected so as to warn those on the coasts, the observatory at Toronto being more extensive than that at Quebec.

Item of \$360,000 for taking the Census.

In reply to Hon. Mr. Holton, **Hon. Mr. DUNKIN** said that the amount voted last year in addition to that now asked for would be expended.

Item carried.

Item of \$18,212 for immigration agents and employees.

**Mr. JONES (Halifax)** characterized the salary of the agent at Halifax as a waste of public money.

**Hon. Mr. TUPPER** defended the appointment, denying the hon. member's statement as to Mr. Clay being unknown at Halifax. The duties of that officer, in view of the steamers filled with emigrants

touching at that port were not unimportant, and it would be a mean and ill-judged omission to leave the great maritime port of Nova Scotia without an officer of this kind. He condemned the spirit and notions at the bottom of this objection.

**Mr. JONES (Halifax)** disclaimed the notion of any personal hostility in this matter, maintaining his remarks were suggested by public considerations.

After some further discussion, during which Mr. Macdonald (Glengarry) condemned the appointment and Mr. McDonald, of Lunenburg, defended it,

**Hon. Mr. DUNKIN** said they must have an agent at Halifax to do duty in connection with emigrants, and to avoid the suspicion of doing anything or leaving anything undone calculated to draw emigrants away from that port.

In reply to Hon. Mr. Dorion, **Hon. Mr. DUNKIN** stated, in 1867, 781 emigrants landed at Halifax; in 1868, 366; in 1869, 448; in 1870, 437.

Item carried.

\$45,000 to meet possible expense of immigration.

**Mr. WORKMAN** said he thought the sum expended by St. George's Society, of Montreal, for feeding and clothing English immigrants last summer, should have been included in the estimates.

**Hon. Mr. DUNKIN** said if the Government undertook such responsibilities it would have to meet scores of such claims from all parts of the country. The Local Governments were the proper parties to apply to. The relief of these people was a private benevolent duty, and the Canadian Government would be foolish in reimbursing this or any other society for such reasonable outlay.

**Hon. Mr. HOLTON** thought the principle sought to be introduced by the member for Montreal Centre, most objectionable.

**Hon. Mr. DUNKIN** replied there was excuse in the present instance, as there were no emigrant sheds at Montreal. He would see that no such claims should be acknowledged by the Dominion, but that they should be referred to the Local Governments.—Item passed.

The Committee then rose, and reported progress, and asked leave to sit again on Monday.

The House then adjourned at 11.25.



March 20, 1871

## HOUSE OF COMMONS

Monday, March 20, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### HOUSE BUSINESS

**Hon. Mr. LANGEVIN** in reply to **Hon. Mr. SMITH** said it was not the fault of the engineers if their report of the Baie Verte Canal had not been completed sooner. Eight or ten days of the best part of the season had been lost through troubles with the men. The people in the neighborhood, too, had interfered and delayed this survey by destroying the surveyors' marks.

**Hon. Sir GEORGE-É. CARTIER** brought down the returns respecting the defence of the country up to the 17th of February, from 1st May 1870. He said there were more papers to be copied yet.—Referred to the Printing Committee.

**Hon. Sir A.T. GALT** suggested that arrangements be made for having an accurate report made of the Debates on the British Columbia measure.

**Hon. Mr. HOLTON** approved of the suggestion.

**Hon. Sir GEORGE-É. CARTIER** said the Government would consider the matter. While on his feet he would mention that with due diligence the House might be prorogued at Easter. (*Cheers.*) He would therefore move, without giving formal notice, that sittings be held on Saturdays, and that Government Orders have precedence.

**Mr. JONES (Leeds North and Grenville North)** hoped the Government would not comply with the suggestion of the hon. member for Sherbrooke and the hon. member for Châteauguay. The local papers gave very fair reports and he thought there was no necessity for anything further.

**Hon. Sir GEORGE-É. CARTIER** was reminded that next Saturday would be a statutory holiday, but it would be well to make Thursday a Government day. He moved a resolution to that effect, which was carried.

**Mr. SCRIVER** referred to the regulations affecting the distribution of land grants in Manitoba, and asked the intention of the Government with respect to the Volunteers who had already been discharged.

**Hon. Sir GEORGE-É. CARTIER** said they would be entitled to the same privileges as other Volunteers in Manitoba. All connected with the expedition would be dealt with in the most liberal manner.

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### PRIVATE BILLS

The following Bills were read a third time and passed:—

Bill No. 19. An Act to authorize the incorporated Village of Trenton to impose and collect Harbour Dues, and for other purposes—**Mr. BROWN**.

Bill No. 28. An Act to extend the provisions of the Act authorizing the imposition and collection of Harbour Dues by the Corporation of the Town of Owen Sound—**Mr. SNIDER**.

**Mr. SCATCHERD** asked whether it is the intention of the Government to place the Volunteers called out during the last Fenian raid on the same footing in respect to a grant of land with the Volunteers in Manitoba.

**Hon. Sir GEORGE-É. CARTIER** replied that the Volunteers who were good and generous enough to hire themselves for a year or perhaps two years, if required, must receive special considerations from the Government, but it was intended that those who served during the last Fenian raid should be remunerated in this way. As a matter of course, to all Volunteers who served in repelling the Fenian raid, the Government would be willing to facilitate as much as possible their obtaining free grants of land on condition of settlement.

**Mr. MILLS** asked whether the contractors of sections 3, 4, 5, 6 and 7 of the Intercolonial Railway who have thrown out their contracts have been released from their obligation; and whether the Government has in any way promised or agreed to indemnify such of those contractors and their sureties as may have performed work in excess of the amount paid before the abandonment of such contract; and also whether any payment or promise of payment has been made of liabilities incurred by the contractors to third parties?

**Hon. Mr. LANGEVIN** replied in the negative to all these questions.

**Mr. MAGILL** moved for copies of the Commission and instructions to commissioners on the subject of canal enlargement, etc. —Carried.

**Mr. CAMERON (Huron South)** moved the second reading of Bill (No. 11) to annex the village of Seaforth to the South Riding of the county of Huron.

**Hon. Sir GEORGE-É. CARTIER** said the constituencies would be re-adjusted after the completion of the census. He hoped the hon. member would let the Bill drop.

**Mr. CAMERON (Huron South)** said as the village stood at present, if an election should take place before the next elections, Seaforth would be disfranchised. If at the completion of the census, it should be found that no increase has taken place in the county, no redistribution would take place, and the village would have no voice in the legislation for this Dominion. It was immaterial to him whether the village was annexed to the North or to the South Riding so long as the inhabitants could be properly represented.

**Hon. Sir GEORGE-É. CARTIER** said it was very unlikely that any elections would take place in Ontario before the redistribution of constituencies, and he thought this House should wait until the change should take place in the regular way. They did not know what political party they might be serving by annexing the village to any particular riding.

**Hon. Mr. HOLTON** thought the Bill should be referred to a special committee. It was manifestly unjust that the village should be disfranchised.

The Bill was allowed to stand over.

**Mr. BOURASSA** moved that the House go into Committee to consider certain resolutions for the creation of a special fund, to be denominated "The Liquor Inspection Fund."

**Hon. Mr. MORRIS** said the Bill if carried would entail great expense. There was no doubt that a great deal of the liquors used in the country were adulterated. The Bill was out of order, as it proposed the creation of a new office.

The Bill was ruled out of order and was dropped.

On motion to resume the adjourned debate on the proposed motion of Mr. Harrison for the second reading of Bill (No. 29)—An Act to remove doubts as to the liabilities to Stamp Duties of Premium Notes taken or held by Mutual Fire Insurance Companies,

**The SPEAKER** ruled as follows: That the Bill is to remove doubts, and declares that certain notes shall be deemed to be promissory notes within the meaning of the Act 31 Vic. chap. 9, and shall be subject to the duties thereby imposed; and it provides that all such notes heretofore given and not stamped shall be made valid by a double stamp. There being no

appropriation of money proposed, there need be no recommendation from the Crown; and the objection rests on the ground that as it involves an additional charge on the people, the Bill should have originated in Committee of the Whole, and, moreover, should have been proposed by a Minister. It appears to me that the Bill is merely declaratory, and that it involves no new charge except in so far as the double stamps duty may effect that purpose. On looking carefully at the 31st Vic., Cap. 9, I find by section 7 that the Governor in Council may declare that any kind or class of circumstances as to which doubts exist, shall be chargeable with any and what duty under the Act, and by sections 10, 11, and 12, provisions are enacted to render valid notes in the hands of innocent holders and notes passed to third parties. The provision as to double stamps in the present Bill is merely an extension of a former Act in its remedial clauses to the class of notes here declared to be within that Act. The Bill is one which, therefore, in my opinion, may be properly introduced and proceeded with by a private member. The question generally whether private members may introduce and proceed upon measures relating to taxation, which was discussed in the course of the argument, is one of very great importance, and, though not needful to the discussion of the present objections, I think it proper to say a few words upon it to the House. Instances may undoubtedly be found in the journals of the English House of Commons, of Bills and motions by private members to increase taxation, some of which have passed unchallenged; whilst in other cases the indirect assent of a Minister has been deemed sufficient. Recently, however, (in 1869) a high authority, Sir Thomas Erskine May, stated before a Joint Committee of the two Houses of Parliament that, "no private member is permitted to propose an Imperial tax upon the people—it must proceed *from* a Minister of the Crown, or be in *some other form* declared to be necessary for the public service." I think the House may properly accept of this as the correct construction of the rules regulating the introduction of similar measures. The motion or Bill should either be introduced by a Minister, or if introduced by a private member (a practice which should not be encouraged) a Minister should assume the responsibility of it by signifying the consent of the Government to its being entertained by the House. If the House agree with me as to the desirability of adopting the constitutional restriction, it will become my duty to enforce the observance of the rule hereafter.

After some discussion on the point of order,

**Hon. Mr. HOLTON** objected to the Bill on its merits. It was an *ex post facto* measure, an Act to give vitality to securities now dead.

**Hon. Mr. MORRIS** said the course of the hon. member for Châteauguay was rather inconsistent. When the Bill was under discussion before the hon. member had informed the House that he would have no objection to it, if the Government would introduce it. Now, the hon. member objected to it on its merits. He (Hon. Mr.



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Morris) thought it was very desirable that the Bill should pass to remove doubts as to the validity of securities issued by Mutual Insurance Companies.

**Hon. Mr. HOLTON** said he had made no reference whatever as to the merits of the Bill in the former discussion on it. In fact, he could not have expressed any opinion of the kind until the point of order was decided.

**Hon. Mr. SMITH (Westmorland)** thought that some such measure was a necessity, and he should support it.

**Hon. Mr. ABBOTT** would be very unwilling to favour any legislation which would tend to cover any violation of the laws, or, by retrospective enactments to make persons liable to contracts which had become null. He thought the measure now proposed was very necessary, as in consequence of there being no doubt as to the liability of Promissory Notes to stamp duty, it would enable such Notes as otherwise might be illegal to be rendered by the payment of double duty. He was decidedly in favour of the increase.

The Bill was then read a second time and was referred to a Committee of the Whole on Wednesday next.

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#### EXCISE DUTIES

The House then went into Committee to consider the following resolutions, **Mr. HARRISON** in the chair.

1. That it is expedient to amend section 7, of the Inland Revenue Act, 1868, Vic, Cap. 50, by providing that, paraffin wax in a solid state, grease for lubricating purposes and being fluid, lubricating oil made from crude petroleum without being subjected to any process of distillation, tar and other refuse removed from the still without passing through the worm or condenser, and any article produced from such tar or refuse without further process of distillation shall be exempt from any duty of excise.

2. That it is expedient to amend section 29, of the Act 33 Vic., Cap. 3 (to establish and provide for the Government of the Province of Manitoba), by authorizing the Governor in Council to reduce all or any of the duties of excise, payable in the said Province during the period of three years from the passing of the said Act, under any provisions of the laws of Canada respecting inland revenue, which he may see fit to declare applicable to the said Province, to such rates as he may deem expedient in view of the duties of customs payable during that period on like articles imported into the said Province.

In reply to Hon. Mr. Holton, **Hon. Mr. MORRIS** explained that the Manitoba Act had continued the excise laws in force in the old Province of Assiniboia, for a period of three years, but it was found

that in consequence the people of Manitoba were not in so good a position with regard to some articles as were the people of other Provinces, and the object of the Bill was to place them in the same position by giving discretionary power to the Governor in Council to conform the duties of Excise to those of Customs.

**Hon. Mr. HOLTON** objected to this power being given to the Government, as vesting in them the power of fixing taxation which should only belong to the House.

The resolutions were passed; reported to be received tomorrow.

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#### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved the second reading of Bill (No. 53) an Act relating to Banks and Banking.

Motion carried and Bill referred to the Standing Committee on Banks and Commerce.

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#### FISHING BY FOREIGN VESSELS

**Hon. Mr. TUPPER** moved the second reading of Bill (No. 48) "an Act further to amend the Act respecting fishing by foreign vessels"—(from Senate). He explained that under the present law, a vessel on being seized was compelled to be taken to the nearest port and placed under the jurisdiction of the nearest Customs officer. The House would easily understand that there might be many cases in which the nearest Customs Officer might not be in a position to protect the vessel and it was therefore proposed that the vessel should be sent to any port as directed by the Minister of Marine and Fisheries. It also proposed to vary in some degree the mode of distributing the proceeds of seizures.

**Hon. Mr. SMITH (Westmorland)** said there could be no objection to the first portion of the measure, and if it was necessary that there should be any distribution of prize money, the second portion might be very desirable, but he was decidedly of opinion that parties effecting any capture should be above all suspicion of having any pecuniary interest in the result of the seizure, and that they should in no way partake of the proceeds.

**Hon. Mr. HOLTON** read the second portion of the Bill, and objected that it was a measure that could not be originated in the Senate.

Consideration of measure therefore postponed.

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#### INDEPENDENCE OF PARLIAMENT

**Hon. Sir GEORGE-É. CARTIER** moved that the second reading of Bill No. 42, "An Act further to amend the Act securing

the Independence of Parliament.” He explained that the object of the Bill was to place the law on the Independence of Parliament in the same position as it had been under the old Act of the Parliament of Canada, rendering it incompetent for the Government to employ any member of the House in any service whatever.

**Hon. Mr. HOLTON** accepted the Bill very cordially as a step in the right direction, but did not think it went far enough. It was illusory to suppose that it reverted to the system under the old Province of Ontario, as there was nothing to prevent officers such as Registrars and Sheriffs from sitting in the House.

**Hon. Sir GEORGE-É. CARTIER** pointed out that under the old law those officers had been appointed by the Province, but as the Dominion Government had no power over those officers there was no reason why they should be excluded from the House.

**Mr. WELLS** said that under the Insolvent Act, Sheriffs were charged with many duties from the Dominion Government, and there was no doubt that if they did not discharge those duties properly, the Government would find means to punish them, and maintain that there were precisely the same reasons for excluding a Sheriff from the Dominion Parliament as there were to exclude him from the Local Legislature.

**Hon. Sir GEORGE-É. CARTIER** was surprised the hon. member did not see the difference. Sheriffs were not appointed or paid by the Dominion Government, nor had the Government any power to dismiss them.

**Hon. Mr. HOLTON** said that there were good reasons for excluding Sheriffs and other such officers, from Parliament, which he should urge at the proper time. All servants subject to the influence of the Crown ought to be excluded.

Motion passed, and Bill to be referred to a Committee of the Whole House tomorrow.

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#### MILITIA AND DEFENCE

**Hon. Sir GEORGE-É. CARTIER** moved the second reading of Bill No. 43: “An Act to amend the Act regulating the Militia and Defence of the Dominion.” He explained that its object was to extend the Militia Act to the Province of Manitoba and to British Columbia when admitted into the Dominion. He referred to a previous remark he made on the subject to the effect that the Militia Law of Canada could not be improved, and read a letter which he had recently received from Mr. Reade, the Registrar of Her Majesty’s Judicial Committee, who was well known as an eminent legal man, an eminent Parliamentary man, and a great literary character, and who, on Sir George Cornwall Lewis taking a position in Lord Palmerston’s Government, succeeded that gentleman in the temporary management of the *Edinburgh Review*, and who, on the

death of Sir George, assumed the management of that publication permanently, in which Mr. Reade stated that he considered the Canadian Militia Law most admirable, and would be well satisfied to see it applied to England.

**Hon. Mr. HOLTON** said he supposed the gentleman referred to admired the Militia Bill because it did in Canada what no one had ever proposed in England: it established the system of conscription. There might be many in England, who, like Mr. Reade, would be glad to see that system in force there, but there had never yet been a single eminent man, who had dared to propose such a measure to the Imperial Parliament.

**Mr. BLANCHET** drew attention to the report of the Adjutant General, shewing defects in the system, instancing that a District Adjutant General, ranking as Lieut. Colonel, might be placed in command of officers really his senior.

**Hon. Sir GEORGE-É. CARTIER** said there were many recommendations in the report of the Adjutant General which were well worthy of consideration, and which would no doubt be acted upon as soon as practicable. He promised that the Government would consider the matter.

The motion passed, the Bill to be referred to a Committee of the Whole House tomorrow.

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#### NORTH WEST

**Hon. Sir GEORGE-É. CARTIER** moved the second reading of Bill No. 44, “An Act to make further provision for the Government of the North West Territories” (from Senate). He explained that the Bill was simply a re-enactment of what had been passed in the first instance as a temporary measure, it being considered a more advisable mode than continuing the former Act.

**Hon. Mr. HOLTON** said he saw no particular objection to the Bill.

Motion carried, and Bill to be referred to a Committee of the Whole House tomorrow.

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#### HOUSE IN COMMITTEE OF SUPPLY

On motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee of Supply, **Mr. HARRISON** in the chair.

In the items for Penitentiaries,

**Hon. Mr. HOLTON** called attention to the increase this year as compared with last in regard to Kingston. Then it required but

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\$112,841, now, however, \$117,091. Both the Warden and Deputy Warden were receiving an augmentation.

**Hon. Sir GEORGE-É. CARTIER** said that the Government were convinced that for the minimum salaries the service of proper Wardens could not be secured. Mr. Creighton was a valuable officer. When they reflected that such an officer had to spend his whole time within the institution, being denied the pleasures of congenial society, and that these officers were men of ability, they would conclude that the Government in allowing the highest salary sanctioned by the law, were acting commendably.

**Hon. Mr. HOLTON** thought the salary was not excessive, if the officers were suitable. But it was a mistake to suppose that the figures were the measure of their emoluments, they being granted a variety of advantages, including house rent, which went to make their salaries very respectable.

Item passed.

Rockwood Asylum, \$82,734.

**Hon. Mr. HOLTON** called attention to the increase here also. There was a difference against this year of \$7,000 in the articles of skilled labour and messengers.

**Hon. Sir GEORGE-É. CARTIER:** And building materials.

**Hon. Mr. HOLTON** could not conceive of the connection between these and skilled labour.

**Hon. Sir FRANCIS HINCKS** said if the Opposition were taking a vote for Public Works, they would say they wanted so much for the buildings, but therein would be comprised skilled labour and materials. It was another way of stating the same thing.

**Hon. Sir GEORGE-É. CARTIER** observed that with regard to Rockwood the Government had a large claim against Ontario for the inmates, amounting to \$47,000.

**Hon. Mr. HOLTON:** Not out of this vote. He wished for explanations of the increase this year.

**Hon. Sir GEORGE-É. CARTIER** said it was due to the increase in the number of inmates.

**Hon. Mr. HOLTON:** The chief increase was in an item having no reference to the number.

**Hon. Sir GEORGE-É. CARTIER:** That institution, like every other continued increasing. The cost naturally augmented with the increase of the number of criminal lunatics.

**Hon. Mr. HOLTON** thought it would be as well for the hon. gentleman to do a bold thing at once—and he was able to do such things—and admit he knew nothing about the estimate. (*Laughter.*)

**Hon. Sir GEORGE-É. CARTIER** said it was not under his control. He had a certain number of figures before him which he also gave to the House. (*Hear, hear, and laughter.*)

Item carried.

Halifax Penitentiary, \$21,136.

In reply to Hon. Mr. Holton, **Hon. Mr. TUPPER** said there was a very small increase here, except for the building materials. Last year the Penitentiary had no Warden, and the services were temporarily performed by one of the keepers. This year there was an addition, but at the lowest rate of salary for a Warden. The building materials covered the main portion of the increase.

Item carried.

Penitentiary St. John, N.B., \$52,173.

**Hon. Mr. HOLTON** said this expenditure in New Brunswick had increased beyond all proportion to that connected with any of the other institutions. He was quite sure the Minister of Customs, who was always ready to make a defence of anything, no matter how monstrous, could say something in favour of this item. (*Hear, and laughter.*)

**Hon. Sir GEORGE-É. CARTIER** replied there was no argumentation in New Brunswick, the present apparent one being the result of an error, instead of \$9,300 for the maintenance, there should be but \$6,946, which he moved should be substituted therefore.

**Hon. Mr. HOLTON** said that was the most satisfactory explanation of all. (*Hear, hear.*)

The remaining items under this head, amounting to \$3,500, were agreed to without discussion.

Light-houses and coast service, construction of light-houses, fog-trumpets, &c., \$79,700.

**Hon. Mr. HOLTON** said he had little information on the subject of this class of items, and hoped some of the hon. members from the coasts would be prepared to correct any errors that might have been committed in the selection of sites for those structures and in other matters. There was no class of appropriations he would vote for with greater pleasure than those for light-houses on the coast. (*Cheers.*)

**Mr. THOMPSON (Haldimand)** asked if there was an appropriation for a light-house at Port Maitland.

**Hon. Mr. TUPPER** replied in the affirmative.—Item carried.

Salaries of light-house keepers, &c., Quebec, \$230,071 carried, as was also that for maintenance of light-houses, \$18,929.

Between Quebec and Montreal—salaries, \$2,880; maintenance, etc., of light-houses, \$6,825.

**Hon. Mr. HOLTON** asked what was meant by maintenance.

**Hon. Mr. TUPPER:** All kinds of expenses such as provisions, oil, &c.

The remainder of the appropriations under this head were agreed to, the whole amounting to \$303,577.

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#### THE MURDER OF MR. MCGEE

**Hon. Sir GEORGE-É. CARTIER** said he had been questioned lately by the hon. member for Châteauguay as to whether any money had been paid in reward for the services in connection with the detection and arrest of the murderer of the late Mr. McGee. He found on enquiry at the office of the Minister of Justice that no portion of the promised reward had been paid. Six or seven applications were under the consideration of the Minister of Justice, but no decision in regard to them had yet been reached.

It being six o'clock the House adjourned.

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#### AFTER RECESS

For the protection of the Fisheries (Marine Police), \$70,000.

**Hon. Mr. HOLTON** objected to the last item, and asked for details.

**Hon. Mr. TUPPER** said the cause of the increase over the vote of last year was because last year's estimate was insufficient.

After some further discussion the item was carried.

On the item of \$73,400 for salaries and contingencies of culler's offices at Quebec, Montreal and Sorel,

**Mr. BOLTON** objected to the increase of \$3,500 over the estimate of last year.

**Hon. Mr. MORRIS** said he had promised last year that the service should be made self-sustaining, and he had done so. The scale of charges had been so revised as to enable an increased amount to be met, and without imposing any undue burden on the trade. It was not proposed to increase the number of cullers.

After some discussion the following estimates comprised under the head of culling timber, were carried:—

Quebec Office...67,925.00 Montreal... 3,800.00 Sorel...1,675.00

The detailed items of the estimate \$8,500 for steamboat inspection, and \$8,100 for Indians, were carried without discussion.

The following items under the head of 'miscellaneous,' were also carried without discussion:—

Printing *Canada Gazette*...\$2,500.00 Postage...1,200.00  
Miscellaneous Printing...5,000.00

On the item of \$50,000 to provide one half of the British share of the Expenditure in reference to Surveys of the boundary line, between Canada and the United States of America, on the 49th parallel of North Latitude,

**Hon. Mr. HOLTON** asked for explanations.

**Hon. Sir GEORGE-É. CARTIER** said it had become necessary to settle the boundary line between the Dominion and the United States, and the American Government were prepared to pay one half of the expense. Great Britain had proposed to Canada to pay one fourth of the whole amount, the Imperial Government paying the other one fourth. It would take between two and three years to complete the work, and the cost to this country would be something like \$150,000. The line to be surveyed was about 800 miles in length, extending from Lake of the Woods to the Rocky Mountains. This action was taken in consequence of a supposition on the part of the American Government that the Hudson's Bay Company had encroached upon United States Territory.

**Hon. Mr. HOLTON** thought that if this country had a right to bear any part of the expense we should bear the whole of it. There was no valid reason that he could perceive for sharing it between the two Governments. His own opinion was that Canada should bear the whole of it, and show our fellow countrymen at home that we could bear our own burdens. We had acquired the North West Territory and had no idea of surrendering one foot of it to our neighbours (*hear, hear*), and it was our own business to see that the boundary line between the two countries was established.

**Hon. Sir FRANCIS HINCKS** said that the supposed error in the location of the boundary line had been discovered by persons in the employ of the American Government, and as they had no diplomatic relations with us, they proposed to the Imperial Government that a Joint Commission should be appointed for the

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purpose of establishing the boundary line and that each Government should bear half of the expenses. The Imperial Government applied to the Dominion Government, asking them to pay half of the expenses incurred by Great Britain. He quite agreed with the hon. member opposite that this country should bear the whole of the expense.

**Hon. Mr. McDOUGALL (Lanark North)** could not see the necessity for so large an expenditure as the line had been run once before. He could not agree with the hon. member for Châteauguay, in the opinion that Great Britain should bear none of the expense. Either the Hudson's Bay Company or the Imperial Government ought surely to sell us this great North West estate with the boundaries properly defined. Under the circumstances, he thought the generosity of Great Britain ought to be acknowledged by accepting their offer.

Item carried.

On the item of \$400,000 for opening up communication with North West Territory,

In reply to Hon. Mr. Holton, **Hon. Sir FRANCIS HINCKS** said that when the vote first passed the House, every possible information had been given on the subject.

**Hon. Mr. McDOUGALL (Lanark North)** thought some details might be supplied as to the manner in which the money would be expended so that the House ought not to vote so large an amount blindly.

**Hon. Sir FRANCIS HINCKS** said that when the hon. member for North Lanark had been a member of the Government, he had asked for a blind vote for a million and a half dollars.

**Hon. Mr. McDOUGALL (Lanark North)** said that on that occasion it was understood that the money would not be expended without being submitted to the House.

**Hon. Mr. HOLTON** thought they were certainly entitled to some information as to the way in which it was intended to expend the money.

**Hon. Mr. LANGEVIN** said he had not anticipated that the item would have come up for discussion that evening or he would have had full details of the matter. He might mention, however, among the works to be provided for out of the vote asked for, the building of steam launches for the line between Shebandowan Lake and the north angle of the Lake of the Woods, the building of two steamers for Rainy Lake and the Lake of the Woods, the erection of sheds for the use of emigrants, the completion of the road from Prince Arthur's landing to Shebandowan Lake, the completion of a number of Portages, some of which were in bad order, the completion of the road from the north west angle of the Lake of the Woods to the

eastern end of the 30 miles of road from Fort Garry. On another occasion he would be prepared to supply every information.

**Mr. SCATCHERD** thought it a matter of very great regret that in every circumstance connected with the North West there should be so much of mystery, and he thought if this mystery was continued, the sooner Canada got rid of the North West the better; for emigrants would never go there so long as the Government itself was in such entire ignorance on the subject, and he thought it very undesirable that such a large expenditure could take place where so little was known.

**Hon. Mr. HOWE** said that all the expenditure with regard to the North West could be traced in the public accounts, and if anything further was required the proper departments would be most willing to supply it.

**Mr. MILLS** said that what was more particularly wanted was information as to the communication with the North West, and he thought the item should be delayed until full particulars could be given. He then spoke of the route proposed by Mr. Dawson, commenting severely on that officer, and the mistakes made by him.

**Hon. Mr. LANGEVIN** said he had already undertaken to be prepared to give full information on this matter on a future occasion; but he must repel the accusation brought against Mr. Dawson. He had never known a more able, hard working officer than Mr. Dawson. He had done his work well, and had the full confidence of his Department, and the money placed in his hands had been expended well and in the interest of the public, and he could not allow the hon. member to attack the gentleman without defending him, and at the proper time he would be prepared to show that the accusations made against Mr. Dawson, now renewed, were false. As to the expedition which had been sent, if the officers in charge of that expedition had followed the suggestion made by Mr. Dawson, had profited by his experience and his knowledge of the country, a very large sum of money would have been saved to the country, and a great deal of the fatigue and hardship which the troops had to endure would have been avoided. He was sorry that these accusations had been brought at this time when he was not prepared with details, but at the proper time he would be prepared to prove all he had said.

**Hon. Mr. McDOUGALL (Lanark North)** said that from his knowledge and experience of Mr. Dawson, he would go almost as far in his favour as the Minister of Public Works had gone, in testifying to his devotion to the country and his ability to discharge the duties thrown upon him. If, however, the disregard of the experience and knowledge of the country which Mr. Dawson possessed had led to a large and unnecessary expenditure the Government was to blame, for if the Government had assumed the whole conduct of the expedition themselves, instead of handing it over to officers who, from their inexperience, were necessarily incompetent, they would without doubt have effected a large

saving. He thought that if the survey that had been commenced by the Government when he had been in power had been carried out, he could look forward with confidence to a good result.

Mr. Dawson, although he believed him to be a very able man, and capable of forming good opinions on these matters, did not profess to be an engineer of the type of Mr. Page, and fearing, therefore, that some of his estimates might not turn out to be correct, the Government thought proper to make a more accurate survey of a part of the route, and the result was that one of Mr. Dawson's propositions for a dam to raise the waters of Lake Shebandowan had been found almost impracticable.

Similar mistakes might have been made, and in this rough country, he considered it particularly necessary that the most accurate surveys should be made before deciding on any route, and he hoped the Minister of Public Works would send competent engineers to continue the work from the point where it had left off, and carry it to a conclusion. With reference to Mr. Dawson also, he desired to refer to some reports in the newspapers, and to representations and misrepresentations made with respect to Mr. Dawson's road, but if any one inferred that there was a complete road from Thunder Bay to Shebandowan, they certainly misunderstood Mr. Dawson's statements, and the public reports made on the subject. He must say that a very unfair attack had been made on Mr. Dawson in this respect.

**Hon. Sir GEORGE-É. CARTIER** said this appropriation obtained some two years ago, was necessarily a blind one. The Government had to feel their way. He was not prepared to say what would be the cost of the expedition, but he could confidently say that it would be under the one million of dollars which had been estimated.

**Hon. Mr. HOLTON:** Not much.

**Hon. Sir GEORGE-É. CARTIER** would not hold out any expectation that it would be much below one million of dollars, but still, it would be less than had been anticipated. He regretted that it had been found necessary to expend money in this way, but still the Dominion had gained in one way through it. The world had learned more of it, in consequence of those troubles than would have been acquired in fifty years under ordinary circumstances. The result of that knowledge would be the rapid settlement of the North West. It had shown that there was a route through our own Territory to Manitoba, and that Canada could punish evil-disposed persons wherever they might be found within her borders. The money had not only been necessarily expended in asserting the authority of the dominion, but out of evil good had come.

It had shown the American Government, and people too, that Great Britain valued the attachment of this country and would maintain the colonial connection. He referred to the article on the Red River Expedition which had appeared in *Blackwood's Magazine*, and said it was calculated to excite ridicule and nothing

else. When Col. Wolseley returned from Manitoba he came by the Dawson route, and that was the highest honour which could be paid to the gentleman who constructed that road. It showed that whatever might be said of the road, it had been chosen by a man who had experience of the country through which it ran, as the best means of communication between Fort Garry and Canada.

In reply to the hon. member for Lanark North, he would say that the reason why the Canadian Government had not undertaken the management of the expedition was, that at the time the country was under the control of the Imperial Government, and the Dominion had, therefore, no authority to send an expedition there.

**Hon. Mr. McDOUGALL (Lanark North):** That argument won't do.

**Hon. Sir GEORGE-É. CARTIER:** Why?

**Hon. Mr. McDOUGALL (Lanark North)** said if our Government had asked for a transfer of the North West at any time, it would have been made in twenty-four hours.

**Hon. Sir GEORGE-É. CARTIER** said the Canadian Government had not demanded a transfer of the North West Territories from the Imperial Government at the time, because they had no means of putting down the rebellion in mid-winter. It was thought better to leave the matter in their own hands. He thought Hon. Mr. McDougall was wrong in issuing his proclamation at the time he did, but his intention was good. Then, when he found he differed from his colleagues, he ran away from the Government to the Opposition. (*Hear, hear, and laughter from the Opposition.*)

**Hon. Mr. LANGEVIN** said that he could not furnish the details of the expedition referred to. In 1869-70 it amounted to \$170,150; in 1870, up to December 31st, to \$120,723; a portion of this would be borne by the Imperial Government. Of this there had been expended on the Fort William road, \$173,900; on the road from Fort Garry to the Lake of the Woods, \$53,439; Col. Dennis's survey, \$10,723; and the survey by Mr. Munro, \$3,500; boats for transport service, \$40,573; survey of Northern Route, \$2,034. Expenses to be incurred:—

Transport service (including steam launches)	\$67,729
Two steamers	\$36,000
Contingencies	\$31,271
Oskowdagi Bridge	\$800
Fort William road	\$4,200
Small dams and other improvements	\$27,000
Lake of the Woods to Fort Garry road	\$60,000
Surveys	\$10,000
	—————
	\$237,000

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**Mr. MILLS** said the Hon. Minister for Public Works had charged him with misrepresenting the condition of the road. He would inform the hon. member that he had made no statements with respect to the road, but that he had spoken of newspaper reports concerning the roads. He would repeat again that he read such reports.

**Hon. Mr. LANGEVIN** said he had no intention of charging the hon. member with misrepresenting anything. He merely wished to deny the statements made by certain newspapers concerning the state of the road.

**Mr. MILLS** said the Hon. Minister of Militia had directly stated that the article which had appeared in *Blackwood's Magazine* was the words of Col. Wolseley. In that article serious charges had been made against the Government, which were either true or false.

**Hon. Sir GEORGE-É. CARTIER:** They were false.

**Mr. MILLS** said that if so, it was all the more necessary that they should be refuted beyond the possibility of a doubt. For the honour of public men in this Dominion they should be proved untrue in as public a manner as they had been circulated.

**Hon. Mr. HOWE** was not satisfied that the articles in question were written by Col. Wolseley, and hoped they were not, for if they had been written by him, he certainly was not worthy of the trust reposed in him. He had slandered not only the gentlemen on the Treasury Benches, but an hon. gentleman opposite, and indeed every public man in Canada. He considered these articles gross, infamous and false, and therefore he did not believe Col. Wolseley had written those articles.

**Mr. HOLMES** alluded to the attack made on Mr. Dawson by the member for Bothwell, and made a few remarks in his defence.

**Hon. Mr. HOLTON** said that the Minister of Militia had stated that the expenditure was necessary, and that the expedition was necessary. He was not prepared to dispute that necessity under the circumstances existing last spring, but who were responsible for the necessity? He said most unhesitatingly that hon. gentlemen opposite were fully responsible, because they proceeded in utter ignorance of the circumstances of the country of which they proposed to take possession. That ignorance was admitted by those gentlemen in the legislation they proposed to Parliament later, and for that ignorance, and the large expenditure which had resulted, they must be held responsible.

**Hon. Sir GEORGE-É. CARTIER:** We do not deny our responsibilities.

**Hon. Mr. HOLTON** continued that the result of the ignorance of hon. gentlemen as to the circumstances of the North West in the autumn of 1869, was blood shed and turmoil, and the necessity for the despatch of a military expedition at a cost of nearly a million dollars. The Minister of Militia had expressed the hope that the

expenditure would not amount to so large a sum, but on referring to the Public Accounts, and a return subsequently submitted, it would be found that the expenditure had already exceeded half a million, while a large amount would necessarily have to be added. With reference to the expenditure made by Mr. Dawson for the establishment of a line of communication from Thunder Bay to Fort Garry, he was not prepared to criticise it, but he very much feared that they were frittering away large sums of money without getting any tangible value for it. He feared the Government were not properly seized of a distinct object to be gained by the expenditure. His view was that they should secure a thorough line of communication on some definite plan, and not vote large sums of money in the absence of such a plan.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member for Châteauguay had stated that the Government were responsible in this matter. When the Government brought any measure before the House they explained the object of their propositions, and if the House was satisfied, how could the Government be charged with ignorance. If there was any responsibility it surely must be shared by the House, a majority of which had endorsed the proposals of the Government. After the return of the hon. member for Lanark North and himself from England, they reported their proceedings in England, that they had made an arrangement with the Hudson's Bay Company, with the sanction of the Imperial Government. They brought their measure before the House, stated under what circumstances, and under what arrangements, the North West Territory was to be transferred, and the House almost unanimously endorsed their proposals. The Government expected that the difficulty was solved, and the House shared their expectation, and passed an address for the transfer of the Territory.

The hon. member for Châteauguay said that they ought to have known the feelings of the people.

While what they knew they stated, they might have been under some misapprehension, with regard to the welcome of Canadian authority, and he admitted that he himself was disappointed, but everyone was disappointed; no one anticipated that there would be any difficulty. They had been informed that the people were so dissatisfied with the rule of the Hudson's Bay Company that they would gladly receive Canadian rule. If the hon. member for Châteauguay had known beforehand that this was not the case, why had he not warned the Government. He might mention that even Governor MacTavish informed them that everything would be right, and that there would be no difficulty. As to the figures of the hon. member for Châteauguay, that hon. gentleman had shown that in the course of eight months something like half a million had been expended. Well only four months remained to be accounted for, and adding a proper proportion for this unexpired time, it would be seen that the expenditure would fall very far short of a million, especially when it was remembered that the first period included by far the heaviest expenditure.

**Mr. WORKMAN** referred to the remarks of the hon. member for Hants, and said that whoever might be the author of the article in *Blackwood*, he was quite sure that Col. Wolseley was incapable of either writing or uttering anything which he knew to be false.

**Hon. Sir GEORGE-É. CARTIER** said that if the Member for Montreal would compare the remarks made by Col. Wolseley at the complimentary dinner in Montreal, with the statements made in the articles in *Blackwood*, he must come to the conclusion that, provided Col. Wolseley had written these articles, one of the statements was false.

**Mr. JONES (Leeds North and Grenville North)** referred to the article in *Blackwood's Magazine*, condemning Col. Wolseley for having written it.

**Hon. Mr. HOLTON** said the Government had incurred the responsibility of their ignorance of affairs in the North West. They had the means of acquiring knowledge and having failed to take advantage of the opportunity afforded them, they deserved the whole blame.

**Hon. Mr. McDOUGALL (Lanark North)** did not think there was ground for this charge of attempting to force on the Northwest a despotic system of government. With regard to the article which Col. Wolseley was charged with writing, he thought it would have been well for the hon. members of the Opposition to have refrained from making the statements they had done, for it might turn out after all, that that gentleman was not the author. The article was certainly written in bad taste, and misrepresented the public men in Canada. So far as it related to himself (Hon. Mr. McDougall) he did not care, for military men coming from England here were disposed to snobbery in speaking of Canadians. Many of the charges against Canadian public men, however, were entirely unfounded, and so far as any of them were true they merely exposed disagreements which any Canadian going to England could see amongst the public men of the Imperial Parliament.

**Hon. Mr. ANGLIN** protested against the attempt of the Government to throw the responsibility of their bungling on the House.

**Hon. Sir FRANCIS HINCKS** said the Government had done as well as could reasonably have been expected of them under the

circumstances. The measure was only a temporary one and there was no disposition to over-ride the feeling and wishes of the people of Manitoba. The hon. member attempted to excuse the rebellion in Manitoba in his anxiety to throw all the blame on the Government.

**Hon. Mr. HOLTON** said that the hon. gentlemen opposite, by their Act of last session, giving the people of Manitoba responsible government, justified the people of that province in their rebellion.

After some further discussion the item was carried.

The items under the head of

“Customs”	\$525,336.25
Inland Revenue	\$147,400.00
Post Office	\$858,000.00
Public Works	\$890,042.00
Minor Revenues	\$10,000.00

All the estimates with the exception of the Board of Works and Militia having been carried, the Committee rose and reported.

**Hon. Sir FRANCIS HINCKS** moved the second reading of Bill (No. 54), an Act to indemnify the members of the Executive Government and others for the unavoidable expenditure of public money, in excess of the Parliamentary grant, incurred in repelling the threatened invasion of the Fenians in 1870. —Carried.

Third reading tomorrow.

The House adjourned at 11.35 p.m.



March 21, 1871

## HOUSE OF COMMONS

Tuesday, March 21, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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After routine, which included presentation of several petitions, and committee reports.

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### LA BANQUE JACQUES-CARTIER

**Hon. Sir GEORGE-É. CARTIER** introduced a Bill to continue in force the charter of La Banque Jacques-Cartier, which received first reading.

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### BRITISH COLUMBIA DUTIES

**Hon. Mr. TILLEY** presented returns respecting the imports and exports of British Columbia.

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### LACHINE CANAL

**Hon. Mr. LANGEVIN** brought down returns relative to the bridge over the Lachine Canal at Montreal.

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### MARINE POLICE

**Hon. Mr. TUPPER** presented a statement of the expenditures on account of Marine Police for 1870.

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### FARMERS' BANK

**Hon. Mr. DUNKIN** introduced a Bill to incorporate the Farmers' Bank.

### METROPOLITAN BANK

**Mr. WORKMAN** introduced an Act to incorporate the Metropolitan Bank.

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### UNIFORM CURRENCY

**Hon. Sir FRANCIS HINCKS:** Bill (No. 32) An Act to establish one uniform currency for the Dominion of Canada, was read a third time.

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### FENIAN RAID COSTS

**Hon. Sir FRANCIS HINCKS** moved the third reading of Bill No. 54, an Act to indemnify the members of the Executive Government and others for the unavoidable expenditure of public money, in excess of the Parliamentary grant, incurred in repelling threatened invasion by the Fenians in 1870.

**Mr. BAKER** said at this stage of the Bill it might appear out of place to make any observations with respect to it, but he could not let the opportunity pass by without paying a liberal need of praise to the Government for their prompt action in the emergency, and to the gallantry of the Volunteers in repelling the invaders. He spoke of the harmony which existed amongst the volunteers throughout the entire trouble, and said the passage of this Bill without opposition was a just tribute to the Government for their patriotic energetic conduct. (*Cheers.*) The Bill was read a third time and ordered sent to the Senate.

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### INLAND REVENUE ACT

**Mr. HARRISON** reported from the Committee of the Whole the following resolutions:

1. Resolved, that it is expedient to amend Section 7 of the Inland Revenue Act, 1868, 31 Vic., Cap. 20, by providing that, paraffine wax in a solid state, grease for lubricating purposes and being fluid, lubricating oil made from crude petroleum without being subjected to any process of distillation, tar and other refuse removed from the still without passing through the worm or condenser, and any article

produced from such tar or refuse without further process of distillation shall be exempt from any duty of excise.

2. Resolved, that it is expedient to amend Section 29 of the Act 33 Vic., Cap. 3 (to establish and provide for the Government of the Province of Manitoba), by authorizing the Governor in Council to reduce any or all of the duties of excise, payable on the said Province during the period of three years from the passing of the said Act, under any provisions of the laws of Canada respecting Inland Revenue, which he may see fit to declare applicable to the said Province, to such rates as he may deem expedient in view of the duties of customs payable during that period on like articles imported into the said Province.

After the resolutions were read a second time, **Hon. Mr. MORRIS** introduced a Bill based on them, and it was read a first time.

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#### SUPPLY

**Mr. STREET** reported seventy-eight resolutions from the Committee of Supply, and **Hon. Sir FRANCIS HINCKS** moved that they be received. Later **Mr. HARRISON**, from the same committee reported a further fifty-four resolutions, and they too were received.

The items under the head of "Civil Government," "Administration of Justice," "Police," "Legislation," (including Senate, House of Commons, and miscellaneous), "Marine Hospitals," "Pensions," "New Militia Pension," and "Compensation to Pensioners" were received without discussion.

On the item of \$10,000 subsidy for steam communication between Halifax and St. John via Yarmouth,

**Hon. Mr. HOLTON** repeated the objection which he had made to it in Committee of Supply. He did not approve of subsidizing one steamer, thus giving it an advantage over all competitors.

**Hon. Mr. HOWE** said that the Local Government had for years been endeavouring to establish this Bill. The country required it, and it could not be had without a subsidy.

**Mr. MACDONALD (Glengarry)** was opposed to the vote, not because it was proposed to expend it in Nova Scotia, but because he had always been opposed to the principle of subsidizing local steamers.

**Hon. Mr. TUPPER** said he was not surprised at the manner in which this, as all other appropriations for Nova Scotia, was received by certain hon. gentlemen from Ontario in this House. When Nova Scotia consented to give up her revenue in order to enter the Confederation, it was on condition that certain services borne by the

Local Government should be chargeable to the Dominion Government. Hon. members opposite knew the difficulty to reduce the amount of subsidy in or to base it on population, and how Nova Scotia and New Brunswick pared down their expenses in order to make Confederation possible at all. Under this system, Ontario was left with a surplus of millions of dollars, while Nova Scotia and New Brunswick were in a comparatively inferior and poorer position. He would say to hon. gentlemen from Ontario who approached every appropriation for local services in the Maritime Provinces in such a niggardly spirit that it was a similar spirit which had almost rent old Canada apart, and that they owed to Nova Scotia the removal of that cause of complaint and barrier to its progress. Looking at that fact, it ill became hon. members from Ontario to approach these appropriations to Nova Scotia in such an unfair spirit. When she had a revenue of her own, she provided for those local services, thus embracing the trade of the country and increasing the revenue. When her representatives came to this House, they asked for such small assistance as would foster and develop that trade and increase the prosperity of the country. This Government felt that it was right to make such an appropriation, and in the first estimate, it was submitted to this Parliament and was granted. It was found to be insufficient for the purpose and was not expended in consequence. The service could now be performed for \$10,000, and Nova Scotia asked for a revote of the unexpended sum. In order to have the service accomplished at all a subsidy was required, and if ever there was a good claim for Government assistance it was in this case.

**Mr. JONES (Leeds North and Grenville North)** said the President of the Council had charged the Ontario members, very unfairly, with opposing every appropriation asked for by Government to be expended in Nova Scotia.

**Hon. Mr. TUPPER** explained that he did not charge all the Ontario representatives with the injustice. It was only some of them in the Opposition, claiming to be leaders of liberal opinions, who had in such matters shown a most illiberal spirit, indeed. (*Hear.*)

**Mr. JONES (Leeds North and Grenville North)** said he was glad to hear the hon. member's explanation. He (Mr. Jones) was opposed to the vote because he did not believe in the principle of subsidizing steamers, whether in Nova Scotia, Ontario or any other part of the Dominion.

**Mr. JONES (Halifax)** objected to the grounds on which the President of the Privy Council had supported the vote, that it was due to Nova Scotia in consequence of other grants given to Ontario. He (Mr. Jones) advocated it as a public necessity, and as a measure which would afford accommodation to the people of Nova Scotia. The item was one in which the people of the whole Dominion were interested—and was a simple measure of justice.

**Mr. LAWSON** referring to the remarks of the President of the Privy Council, maintained that Ontario owed nothing more to Nova Scotia than it did to other Provinces. As long as Nova Scotia only

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required justice, they would get it, which they could not otherwise obtain, and on the ground of justice, he should vote for the grant.

**Mr. MILLS** thought the President of the Privy Council had failed in his endeavour to fasten on the members of the Opposition a desire to deal unjustly with Nova Scotia. The proposal was to grant a subsidy to a vessel engaged in the coasting trade of Nova Scotia, and not to grant any portion to the vessel connecting with New Brunswick.

**Hon. Mr. HOWE** said the money was to be placed at the disposal of the Postmaster General to enable him to complete the communication between the two Provinces, including the Western parts of the Southern shore.

**Mr. MILLS** referred to the understanding which he said existed at the commencement of Confederation to encourage the various Provinces to rely on their own resources for local improvements, and to confine to the Dominion Government those great works that were of national importance. The work in question was purely local. He considered that before Government aid could be asked, it was necessary to show that there was a necessity for such aid, which certainly had not yet been done.

**Hon. Mr. TILLEY** said he would not go into the question of locality, but would treat the matter entirely on its merit, and on the principle it involved. The constitution itself provided that lines of steam ships, &c., connecting the different Provinces should come within the power of the Dominion. The same principle had been recognized by every Province before Confederation, and he instanced cases in which similar lines had been aided by each Province concerned. The present line of communication had been assisted by the Local Government before Confederation, but since then it had been considered that the Dominion Government was the proper party to afford that aid. Therefore as the principle had been recognized for twenty years, and was clearly laid down in the constitution, the vote could not be opposed on that account.

**Hon. Mr. HOLTON** asked whether fixed rates would be insisted on in this.

**Hon. Mr. TILLEY** said that would be a matter for consideration.

**Mr. MILLS** referred to the clause in the constitution providing that lines of steamships, &c., not connecting one Province with another were to be dealt with by the Local Government and stated that the connection with St. John had simply been tacked on to bring the matter within the rule of the Dominion Government.

**Mr. McDONALD (Lunenburg)** said that the fact of hon. gentlemen closing their eyes to the necessity of this work did not do away with the necessity. It was quite clear that the money was to be voted for a steam service between Halifax and St. John, touching at intermediate points, and whether that service was performed by one

boat or more was of no consequence. It had been stated that one portion of the line was already provided for, but of what use was that until the other part was provided for, and to do this the aid of the Dominion Government was necessary. The principle was recognized by all the Provinces, and could not be questioned. There was equally little room for disputing the fact of the service being interprovincial. He had heard a good deal lately from hon. gentlemen on that side of the House of treating such votes on their merits, and many professions had been made by them of good will to the Maritime Provinces, but he thought it unfortunate that the good will ended in theory without even extending into practice, so whenever a proposal came before the House having for its object the advantage of the Lower Provinces, unless the people of the larger Province were to receive some direct and tangible benefit, nothing was heard of the sympathy of those gentlemen. The people of Nova Scotia were beginning to understand that kind of sympathy well, and to estimate it at its proposal value, for whenever sectional feelings had been introduced into any discussion he believed it could unvariably be traced to the members of the Opposition from Ontario.

**Hon. Mr. HOLTON** said that there was something else that the people of Nova Scotia would soon begin to understand, besides what had been referred to by the hon. member for Lunenburg, they would begin to appreciate at its true value the apostasy of the representatives whom they had sent for a particular purpose, but who had become the most subtle tools of the Government.

**Mr. McDONALD (Lunenburg):** To whom does the hon. gentleman refer?

**Hon. Mr. HOLTON:** He referred to a number of the members from Nova Scotia, and notably the hon. member for Lunenburg, and the position they now occupied, as compared with the position he occupied three years ago. He then came to that House and tried to secure the sympathy and assistance of the Opposition, which he had now denounced and misrepresented. The people of Nova Scotia would learn how to appreciate those members who were sent up in opposition to the Government at which they were today the most obedient and the most thorough-paced supporters, and who were no doubt made such by similar votes to the very one now before the House.

**Mr. McDONALD (Lunenburg)** would have called the hon. gentleman to order, had he not desired that he should conclude, so that he (Mr. McDonald) might reply on the spot. The hon. member had entirely misrepresented the position in which he stood when he first entered the House, and his present position. He had never occupied the position ascribed to him, and the hon. member for Châteauguay in the statement he had made, had gone beyond the rules of the House in stating what was utterly without foundation. He (Mr. McDonald) held documents which would disprove in the clearest way, the slanderous statements made by that hon. gentleman. When sent by his constituents to the House he was sent, not to take the position ascribed to him, but to use his best efforts to procure a repeal of the union with Canada, and, failing that to

procure such a modification of the scheme of Confederation as would make it more equitable and just to Nova Scotia. Such was the written record on which he stood, and he would ask the hon. member for Châteauguay whether there was in that anything inconsistent with his present position.

In the first session he felt that he could not take sides with either party until the question of repeal was fairly tried out, and when it was found that repeal could not be obtained, and that the gentlemen forming the Opposition, equally with the supporters of the Government, were determined that Nova Scotia should not leave the Union, and that England also decided that the Union should be maintained, it was then his duty and that of the other representatives of Nova Scotia, to decide with which party they should associate themselves, which party was actuated by the highest motives, and governed by the truest principles and exhibited the best inclinations to promote the interests of the country. And it did not take them very long to decide, for when they found a disposition on the part of the Government to listen to any reasonable and just proposition, and on the other side, a carping, sectional, illiberal opposition, that never looked at anything, but from an Ontario point of view they at once saw that they were not justified in associating themselves with that Opposition. When, therefore, the hon. gentleman from Châteauguay next try to attack him, let him be sure that he did not substitute fiction for fact, and let him be quite sure that his own record was such as would bear investigation.

**Mr. FORBES** spoke of the isolated position of his constituency, and the other portions of the Province to be benefitted by the proposed line of communication and maintained the necessity of the vote. Their only means of communication at present were old fashioned sailing boats, and as the undertaking was most certainly inter-provincial in its character, it was only just that the Dominion Government should grant a subsidy.

**Mr. BOLTON** said that as the Government had decided that a steamer traversing the coast of a Province but connecting with another vessel which proceeded to another Province, was entitled to a Government subsidy, he had submitted to the Council a petition for a subsidy from a similar undertaking in New Brunswick, and he should not therefore oppose the item under discussion, but should expect similar treatment for the case he had submitted.

**Hon. Mr. HOLTON** thought they were entitled to hear something from the Minister of Finance on the subject.

**Hon. Sir GEORGE-É. CARTIER** said that no doubt the Finance Minister would be very willing to express himself on the subject, but before he did so, he (Hon. Sir George-É. Cartier) would like to say a few words in reference to what had fallen from the hon. member for Châteauguay. Everyone acknowledged that in matters concerning the rules of the House, that hon. gentleman was somewhat of an authority, but he (Hon. Sir George-É. Cartier) thought he should not limit himself to the theory, but should conform to the rules in practice. His hon. friend had risen from his seat, and with great warmth had said that Nova Scotia would know

how to appreciate the political apostasy of the hon. member for Lunenburg and other of her representatives. The member for Lunenburg had very properly replied to that charge, but he (Hon. Sir George-É. Cartier) desired to remind the hon. gentleman from Châteauguay that he should be the last to call any member an apostate. He then referred to the time when they were both ardent supporters of the Baldwin-Lafontaine Government, when all of a sudden the member for Châteauguay had (he did not like to say apostasised) left that Government. He thought the hon. gentleman should look back to his own past before making a charge of this kind.

As to the position of the representatives of Nova Scotia, it was true that the majority had at first come to seek repeal, or, failing that, to obtain better terms. The measure passed by the Parliament of Canada, however, had satisfied them and the majority now supported the Government. He then referred to the elections at Colchester, Cumberland, Hants and Kings, and also to the election for the Local Legislature at Halifax as showing how completely the different constituencies had justified the position taken by their representatives. He trusted the hon. member for Châteauguay would see that he had gone out of the way in calling any of these gentlemen political apostates.

**Hon. Mr. HOLTON** referred to the counter charge brought against him, and maintained that in not continuing to support the Baldwin-Lafontaine Government, he could in no degree be charged with political apostasy. When, in 1854, there had been a rupture in the ranks of the Liberal party of Lower Canada, he had followed his usual instincts in taking his stand with the more advanced wing of the party, and had continued to act with that party ever since.

**Hon. Sir FRANCIS HINCKS** said that the reason he had not spoken was that he thought there had been quite enough discussion, but not from any hesitation to defend the estimates. He could say distinctly that he had never been opposed to the principle of granting subsidies. He might have objected in individual cases, but never to the principle. He understood the hon. member for Châteauguay to describe the Baldwin and Lafontaine Ministry as reactionary at the later period referred to. The Government that succeeded them were more advanced on questions in which that gentleman took a special interest, such as the Clergy Reserves, than their predecessors. He believed, the general impression as to that Ministry was, that they showed a tendency to progress in a manner perhaps agreeable to the member for Châteauguay, but not in a manner consistent with sound constitution principle. He was prepared to defend that item under consideration.

**Mr. JONES (Halifax)** referred to statements of previous speakers, including the President of the Council, who had stated he had returned to support the Government by nearly as large a majority as in 1867. When the result of the Halifax election was ascertained, the partisanship and irregularities were found so startling as to demand the attention of a Committee of this House. He believed the upshot would be a gain to his party. When they looked at the whole situation, and the recent elections in Nova

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Scotia, they would perceive that people might have, to some extent, been demoralized or indifferent to public questions, but that the same feeling as ever existed; and if there was today an opportunity of securing release from the present connection, they would as unanimously as in 1867 vote for that deliverance. But it was because they believed there was no outlet, they appeared divided, and because expectations in regard to some had been disappointed, that distrust had arisen.

**The SPEAKER** said he must call the attention of the member for Halifax to the fact that he was out of order.

**Hon. Mr. TUPPER** said he hoped the member for Halifax would be allowed to proceed as after the statements he had made he could not allow his speech to go unanswered.

**Mr. BLANCHET** moved an adjournment.

**Hon. Mr. TUPPER** said he was obliged to his hon. friend for affording him the opportunity on the instant to reply to the gross misstatements of the hon. member for Halifax, as they were calculated as he believed they were intended, to injure the country where the member who had made them was not known. The member for Halifax notwithstanding all that had taken place, had had the audacity to declare that the hostility of Nova Scotia to the Union was as great at this moment as in 1867. He had ventured the assertion that he (Hon. Mr. Tupper) had secured his election by a speech on nomination day, pledging payment to Railway claims, although he well knew that for a month previous to that speech, all the efforts of the member for Halifax and those who acted with him, were fruitless to get up an opposition. He could tell the hon. member that it was not because he endorsed the written opinion of over 80 of the independent members on both sides of that House, respecting the payment of those claims that Cumberland, one of the most intelligent counties in Nova Scotia, had by acclamation returned him to his seat in the Government, and in that House. No man had contributed more to the change of sentiment in Nova Scotia than the member for Halifax, who, at a public meeting, called by the citizens of that city for the purpose of arranging a fitting reception to the Queen's representative, declared that "when the British flag was handed down on the Citadel Hill, he would take off his hat and cheer." It was too late for the hon. member to deny his utterances in the presence of hundreds of witnesses—utterances so disloyal that the venerable Judges of the Superior Court were compelled with disgust to leave the room. It was when the people of Nova Scotia found that disloyal and annexationist designs animated the member of Halifax, and that his hostility to union was caused by his determination to overthrow British Institutions, that all parties and classes had united to sustain the policy by devoting their best energies to the successful working out and of the great question of Confederation.

Let us examine the daring misstatement of the hon. member for Halifax in the light of facts which are now a matter of history.

When my hon. friend, the Secretary of State for the Provinces, found that the union could not be repealed he respected the pledge which he and his friends had given to obtain the best terms they could for Nova Scotia; they were met in a gracious spirit by this Government and Parliament, and arrangements were made which have received the hearty approval of that Province. When my hon. colleague asked the approval of his constituents of the course he had considered it his duty to take, the county of Hants returned him to the seat he had occupied in this Government by an overwhelming majority, although the member for Halifax had hounded him all over the county in an inclement season of the year in the hope that his greater physical vigour would destroy my hon. colleague. Next came the county of Colchester, where Mr. Archibald, one of the Union delegates who had in 1867, been defeated by a majority of 400 was returned by a majority nearly as great as an ardent supporter of the Union and of this Government, and when he was called to fill the high office of Lieutenant Governor of Manitoba, the present member defeated an anti-unionist candidate, one of the local members for that country of the Jones annexationist stamp, by an immense majority. In Cumberland where at the election of 1867, I had great difficulty to secure a seat at all, all parties united in returning me last summer by acclamation as a member of this Government. The hon. member who now so ably represents the county of Kings has told you from his place in this House that he comes here engaged to work for the good of the country.

At the recent election in Halifax the hon. member put it broadly to the electors that the issue was Union and that if they elected our friend Mr. Hill it would prove their confidence in Mr. Howe and myself, yet, notwithstanding the most determined exertions of the member for Halifax the constituency who had defeated Mr. Hill by hundreds three years ago, elected him as their representative. Had the hon. member for Halifax the spirit for which I gave him credit he would have placed his seat in their hands the moment he was thus told by them who had sent him there that they no longer required his services.

The member for Halifax claimed credit for the saving of public money he had effected by absenting himself from this House for two sessions, and was told by the people of Halifax that they agreed with him that his services were not worth the money, and that the sooner he gave his constituents an opportunity of being properly represented the more gratified they would feel. Instead, however, of bowing to the verdict of his constituents the hon. member comes here after being told that he was not wanted, and as if to urge himself upon them joins in a vote of want of confidence moved by an hon. member to specially denounce the appropriation of one hundred and fifty thousand dollars to extend the railway into the heart of the city of Halifax.

In conclusion he (Hon. Mr. Tupper) said he would not have noticed the remarks of the hon. gentleman who so misrepresented the people of Nova Scotia, had he not felt satisfied that his attempt to deny the fact that Nova Scotia was now prepared to heartily cooperate with all the other portions of this Dominion in building up a great and prosperous Confederation, had been deliberately made

with a view to inflict a deep injury upon their own country at a critical and important period.

**Mr. JONES (Halifax)** replied that the hon. gentleman's eloquence was designed to carry people's attention from the fact that he could not defend the present item, or his proved incapacity in forming this union with Canada. He had been obliged to confess in this House that he had been so unequal to the position he occupied, and knew so little about the circumstances, wants and position of Nova Scotia—about the public accounts—that he had allowed the delegates from the other provinces to make a bargain that had placed the revenue of the country entirely in their hands, and given them large surpluses, whilst his countrymen were left in a condition of bankruptcy. He challenged that Minister to go down there and make that speech. His first scheme left Nova Scotia with \$400,000 less than she received today; and if anything was wanted to prove his incapacity, his own speech had furnished it. (*Hear, hear.*) He had misrepresented his speech at Halifax in regard to the welcome of the Governor General.

(The hon. gentleman here read an extract of his speech touching His Excellency's remark, as to the future of Canada, to the effect that if Britain desired us to assume an independent position, desired to withdraw her troops and haul down her flag, he had enough confidence in the people to feel sure they would accept that policy cheerfully, and in so doing they would receive his candid acquiescence.) Was there treason in these remarks? Instead of his being an annexationist, as charged, he had, when the revulsion of feeling following the defeat of the efforts at repeal took place in Nova Scotia, day after day resisted the appeals of his friends to adopt that policy. He therefore hurled back that accusation, which was as unfounded as the others levelled at him.

As to the observation that since the election of Mr. Garvie for Halifax county he should resign his seat, as condemned by the people, did the member for Cumberland resign his seat in 1867, when a Repealer was elected side by side with him? (*Cheers.*) No; he came here and afterwards went on a Government mission. He was not afraid to meet that gentleman in Nova Scotia on every occasion, because it was known he went into politics for principle, and endeavoured to act consistently with his own convictions and the feelings of his constituents. If he had known how to discharge his duty, no Nova Scotian grievances would have arisen, and the Province would have stood in a very different position. (*Cheers.*) He believed that, if it were possible to relieve Nova Scotia from the Union, as large a vote for repeal could be secured today as was obtained in 1867.

The motion for adjournment was withdrawn, and it being six o'clock the House rose.

## AFTER RECESS

Concurrence in the Report of the Committee of Supply was resumed. The remaining items under the head of "Ocean and River Steam Packet Service," were carried.

On the item \$5,000 for Meteorological Observatories including instruments,

**Hon. Mr. TUPPER** explained that the object of the grant was to obtain correct reports of meteorological changes, in order to apply them to practical use.

**Mr. MILLS** believed that this work could better be done by scientific men than by Government. The Ministers should also furnish details as to how the money was to be expended.

After some further discussion the item with all others under the head of "Geological Survey and Observatories" was carried.

On the items under the head of "Arts, Agriculture and Statistics,"

**Hon. Mr. DUNKIN** moved that the item of \$360,000 for taking the census be reduced to \$260,000.—Carried.

In reply to Hon. Mr. William McDougall, **Hon. Sir FRANCIS HINCKS** said that the \$70,000 for giving additional protection to the Fisheries, would not be expended if the Joint High Commission should be able to settle the fisheries difficulty satisfactorily.

On the item of \$50,000 for one half of the British share of the expenditure in reference to the surveys of the boundary line between Canada and the United States,

**Hon. Mr. McDOUGALL (Lanark North)** wished to know if any portion of that sum was to be devoted to determining the boundary between Ontario and Manitoba.

**Hon. Sir GEORGE-É. CARTIER** said there was a clause in the Manitoba Act now before the Imperial Government by which, at any time difficulty should arise between the two Provinces the line could be surveyed.

**Mr. BLAKE** said that the Legislature of Ontario had voted \$15,000 with the expectation that the Dominion Government would also vote a sum for the same purpose. He recommended the Finance Minister to place such a vote in the supplementary estimates.

After some further discussion the item was carried.

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On the item, \$400,000 for opening up communication with the North West,

**Hon. Mr. HOLTON** said that the estimate for military expenses should be kept separate from the grant for opening up communication with Manitoba. It was hardly fair to ask the House to vote this large sum en bloc. It was irregular, to say the least. Last year it was advisable under the exceptional circumstances, but there was no excuse for it this year.

**Hon. Sir GEORGE-É. CARTIER** said if the House desired he would bring down details of the military expenses.

The item was carried.

On the item of \$68,812.75 to provide for the collection of Customs in the Province of New Brunswick,

**Hon. Mr. ANGLIN** called attention to the increase in the amount of the estimate over the vote of last year. He observed that the increase was principally in the Port of Saint John.

**Hon. Mr. TILLEY** said this was an annual complaint of the hon. member for Gloucester.

**Hon. Mr. ANGLIN:** So is the increase.

**Hon. Mr. TILLEY** said the increase had been caused by the improved system of collection which had been adopted. The change had been made in the interests of commercial men and the public generally. He mentioned the particular instances in which increases had been made.

**Hon. Mr. HOLTON** preferred the annual offering of the member for Gloucester rather than that of the Minister of Customs. He referred to the increase in the Port of Saint John, amounting to \$7,000.

**Hon. Mr. TILLEY** explained that a number of officers had been added to the permanent list in order to bring them under the Civil Service Act—who had not been included in last year's estimate.

**Hon. Mr. ANGLIN** maintained that, admitting what had been said, the expenditure now was much larger than it had been formerly, although the revenue collected was smaller. He referred to the acquisition of a Custom House at St. John, notwithstanding which the amount expended for rent was as large as formerly. Since 1st July 1867 the expenditure had increased fifty per cent.

**Mr. BOLTON** did not think the increase had been explained away.

**Hon. Mr. TILLEY** said that on examination it would be found that the most rigid economy had been exercised in the matter.

**Mr. WORKMAN** thought that instead of grumbling at increases, there ought rather to be a still larger expenditure, for he knew of many instances in Montreal in which the officers received the most inadequate remuneration.

**Mr. MILLS** referred to the change made to bring officers within the compass of the Civil Service Act.

**Hon. Mr. TILLEY** had intended to carry the Superannuation Act. The officers had previously received a daily pay, but were now included at an annual salary.

**Hon. Mr. HOWE** spoke of the inadequate salaries paid to public servants generally, and referred particularly to the Chief Customs Official at Halifax.

**Hon. Mr. TILLEY** said that the average salary to be paid to Collectors amounted to \$369.

There had been a vast increase of work which required increased expenditure.

**Mr. OLIVER** asked an explanation of the opening of three new ports of Entry in Ontario.

**Hon. Mr. TILLEY** said the expense of collection in Ontario had been reduced, and he was not aware of any new offices.

Items for Customs carried.

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#### INLAND REVENUE ITEMS

**Hon. Mr. HOLTON** asked for full and particular explanation of the enormous increase in expenditure as compared with the year 1867.

**Hon. Mr. MORRIS** said the amount asked was very small, considering the service performed, and its peculiar character, and great variety. The work had increased excessively. He compared the amount collected and the amount expended for the years since Confederation. He submitted that there were few Government services performed at so low an expense—and the salaries paid were exceedingly inadequate. The expenditure had increased in proportion to the work done.

**Hon. Mr. HOLTON** had hoped that the Minister of Inland Revenue, would have descended from generalities to particulars of facts and figures. All he had said was that the work was increasing, but no statement of figures was vouchsafed.

**Hon. Mr. ANGLIN** said that while the Revenue had increased twenty per cent, the cost of collection had increased seventy per cent.

**Hon. Sir FRANCIS HINCKS** thought the statement made ought to be satisfactory. Full particulars of the whole matter were before the House.

Items passed.

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#### POST OFFICE ITEMS

**Mr. OLIVER** referred to the salaries paid to Postmasters, which he considered excessive.

Items carried.

\* \* \*

#### PUBLIC WORKS ITEMS

**Mr. BOLTON** referred to the amount asked for the Nova Scotia railways, which was more than the whole amount earned the year before. The railways seemed to be sinking money every year.

**Hon. Mr. LANGEVIN** was glad to be able to supply the information asked for. He compared the amounts received and expended on account of the railways of New Brunswick and Nova Scotia. The reason why the Nova Scotia railways cost more for maintenance than those of New Brunswick was that there was a greater length of line in operation, and consequently a greater amount of work. He gave particulars of the length of line in operation, and the miles run by locomotives and cars, and the cost of maintenance of way. A great reason of the larger expenditure required by the Nova Scotia railways was the large amount required for renewal. He read a report of the Chief Engineer of the Intercolonial Railway to the effect that the construction of the Nova Scotia railways had been in the first instance very defective, and that the work was of a much more difficult nature than in the case of the railways in New Brunswick. This would explain the large expenditure on the Nova Scotia railways.

**Mr. BOLTON** thought there had never been a more extraordinary excuse, for the expenditure of money. The present difference of length was five miles, while the difference of expenditure according to the estimates was \$100,000. The Minister of Public Works had not explained the necessity for increasing the

estimates for working expenses. There had been a loss of over \$30,000 on the roads during the last year.

**Hon. Mr. HOWE** said every one knew how much easier the New Brunswick lines were of construction than those of Nova Scotia. The Nova Scotia Railways had also been longer in operation than those of New Brunswick.

**Hon. Mr. HOLTON** did not speak of the cost of construction, but the working expenses—which had absorbed the gross earnings.

**Hon. Mr. ANGLIN** thought the explanation of the Minister of Public Works reflected very strongly on those who had charge of the construction of the Nova Scotia Railway. The question, however, was on the working expenses, and the accounts showed that a loss had occurred last year of \$32,000. He hoped if this was not correct, the Minister of Public Works would lay the real state of the case before the public.

**Mr. MACDONALD (Glengarry)** spoke of the wretchedly bad construction of a portion of the road in Nova Scotia, and anticipated a large yearly expenditure to keep the road in order. The rolling stock also required repair.

Items carried, and the resolutions were reported.

Items for Minor Revenues carried.

\* \* \*

#### OAKVILLE HARBOR

On motion of **Hon. Sir FRANCIS HINCKS** the House went into Committee to consider a Resolution declaring it expedient to authorise the Governor in Council to sell, on such terms as may seem fit, Oakville Harbor with the tolls and all the rights and privileges thereunto appertaining.

Resolution concurred in, report received, resolution read a second time and a Bill based on them received first reading.

\* \* \*

#### INSURANCE COMPANIES

On motion of **Hon. Sir FRANCIS HINCKS** the House went into Committee to consider a Resolution declaring it expedient to amend the Acts respecting Insurance Companies.

Resolution adopted, report received and a Bill based on them received first reading.



March 21, 1871

**BRITISH COLUMBIA**

**Hon. Sir GEORGE-É. CARTIER** gave notice that he would introduce the Bill for the admission of British Columbia on Friday

next.

The House adjourned at 11.40.



March 22, 1871

## HOUSE OF COMMONS

Wednesday, March 22, 1871

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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After routine, which included the presentation of several petitions, and a report from the Committee on Banking and Commerce,

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### VOTE BY BALLOT

**Mr. TREMBLAY** introduced a Bill to provide for taking the poll at Parliamentary Elections by ballot, and it received first reading.

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### SUN INSURANCE COMPANY

**Mr. WORKMAN** introduced a Bill to amend the Act incorporating the Sun Insurance Company, and it was read a first time and referred to the Committee on Banking and Commerce.

\* \* \*

### QUEBEC PORT WARDEN

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee of the Whole on Friday next, to consider certain resolutions providing for the appointment of a Port Warden, for the Harbour of Quebec, &c. He explained that he wished to give to the City of Quebec, a system similar to that which now prevailed in Montreal, and which had been found to work exceedingly well.

The motion was carried.

\* \* \*

### BANK OF UPPER CANADA

**Hon. Sir FRANCIS HINCKS** moved that on Friday next, the House be resolved into Committee of the Whole, to amend the Act providing for the settlement of the affairs of the Bank of Upper Canada. He explained that the object of this measure was to give

the Government power to make advances from the Consolidated Fund, on most undoubted securities, viz: mortgages at seven per cent interest, to enable them to pay off a small number of creditors of the bank. He would give further explanations on moving the House into Committee.

The motion was carried.

\* \* \*

### HUDSON'S BAY COMPANY

**Hon. Sir FRANCIS HINCKS** moved that the House do on Friday next go into Committee of the Whole to consider the following Resolution:

That it is expedient to provide, that the loan of one million four hundred and sixty thousand dollars, or three hundred thousand pounds sterling, raised in *England*, with the guarantee of the Imperial Government for the payment of the interest thereon, under the authority of the Act of *Canada* 32 and 33 *Vic.*, Cap. 1, for the purpose of paying a like sum to *Hudson's Bay Company*, for the purposes set forth in the said Act,—be made the next charge on the consolidated Revenue Fund of *Canada*, after any charge thereon created or to be created thereon, under the Act of *Canada* passed in the 31st year of Her Majesty's Reign, Chapter 41, for any loan for fortifications; and that further provision be made with respect to the loan first above mentioned in conformity to the requirements of the Act of the Imperial Parliament, 32 and 33 *Vic.* Cap. 101, under which the guarantee of the Imperial Government was given for the payment of the interest on the said loan.

**Hon. Mr. HOLTON** said the Government had informed the House that the loan had not yet been effected, while the wording of the resolution would indicate that it had.

**Hon. Sir FRANCIS HINCKS** said as far as the Imperial Government was concerned, it was virtually effected. It had passed out of their hands, and therefore this resolution was necessary.

**Hon. Mr. HOLTON** suggested that the wording of the resolution be changed so as to bring it into exact conformity with the facts of the case.

**Hon. Sir FRANCIS HINCKS** was obliged for the suggestion.

In reply to **Hon. Sir A.T. Galt**, **Hon. Sir GEORGE-É. CARTIER** said there had as yet been no steps taken to raise the loan for fortifications.

The motion was passed.

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### INDIAN RESERVES

**Hon. Mr. HOWE** introduced a Bill to prolong, for a limited period, the time allowed for the redemption of the lands reserved for Indians in the township of Dundee.

\* \* \*

### CUSTOMS ACT

The Act to amend the Act relating to the duties of Customs was read a second time and passed through Committee of the Whole.

On the motion for a third reading of the Bill tomorrow,

**Hon. Mr. HOLTON** moved an amendment that the Bill be referred back to the Committee of the Whole forthwith, for the purpose of so amending the same as to repeal the duties on coal, coke, flour and wheat.

**Hon. Sir FRANCIS HINCKS** said this was a most inopportune time to bring up this motion while the Joint High Commission was in session. Of course it was impossible to say what that body was discussing, but it was highly probable that they were dealing with this question. He hoped, therefore, that this motion would not be pressed until the result of the Commission should be made known.

**Hon. Mr. HOLTON** said it was evident that the Government had given up the measure on its merits, and could only plead for delay. The question was whether in the light of the past it was advisable to retain these duties or not. He believed that no good reason could be urged for the tax, and he therefore would press his motion.

**Hon. Sir FRANCIS HINCKS** wished to explain that his only reason for not discussing the question on its merits was because he considered that it was quite unnecessary and wholly out of place to do so just at present.

**Hon. Sir GEORGE-É. CARTIER** said these duties had already conferred great benefits on Canada, especially on Nova Scotia and Ontario. The Joint High Commission was no doubt discussing this as well as other questions affecting this country, and this country could afford to wait a while before repealing this duty. Already the United States Government had repealed their duty on coal.

**Hon. Mr. HOLTON** said that they were induced to do so, through no action on the part of the Dominion, but simply because they wished to repeal an absurd duty.

**Hon. Sir GEORGE-É. CARTIER** said nevertheless the action of the Dominion Government had been referred to in the debate in Congress, although he did not suppose that it had influenced the American Government to any extent.

**Mr. WORKMAN** said this duty had caused a great deal of trouble and had brought no commensurate return to the country. He did not approve of giving so much power to the Government. It was a dangerous power to give to them, and might be used for dangerous purposes. Let Parliament deal with the question in the usual way. He referred to the action of the American Government in remitting the duty on coal, and said it was absurd to suppose that any action of our Government had influenced them to do so.

**Hon. Mr. TILLEY** said that the Northern Transportation Co. had addressed the Canadian Government asking them why they had placed this oppressive duty on their vessels. The answer returned was that Canada had placed no higher duties on American products than the United States had on those from Canada. Similar communications had been read from other American companies, and the fact was that it had brought our neighbors to see that it was necessary to treat Canada liberally if they would themselves be dealt with in a similar manner.

**Mr. MAGILL** spoke in favour of the amendment and trusted that the Ministry would consent to the renewal of the duties on coal.

**Mr. BEATY** was opposed to the tax upon coal. It could not be defended. It was unjust because it was unequal in its operation. It pressed heavily on Ontario while other Provinces were not injured by it. He hoped it would be repealed, for he believed coal should be placed at the lowest possible price, and within the reach of the poor.

**Mr. OLIVER** quite agreed with the hon. member for Toronto East. The coal tax was a grievous burden to Ontario, as the duty on flour was to the people of the Maritime Provinces. He hoped this tax on the necessaries of life would be repealed.

**Hon. Mr. TUPPER** did not think that too great importance could be attached to the injury which could not fail to arise from the discussion on this motion. Still, he thought even greater injury might be brought on this country if the statements made during this discussion were allowed to pass unchallenged. When this measure was introduced last year, it was objected to on the grounds that it would provoke retaliation on the part of the American Government. But it had not been attended by any of the results that were feared by hon. members opposite. He would remind those who said that the duty on coal in the United States had not been repealed through the course pursued by this Government, that although efforts had frequently been made to remove the tax, it had not succeeded until the Canadian Government imposed the duty on coal and flour. If the action of the American Government was not *propter hoc*, it was, at least *post hoc*. He referred to the effect of the coal tax, and said that the trade in coal in Nova Scotia had increased one-sixth since the imposition of the duty. The export to Ontario and Quebec had increased within the same period fifty per cent. The increased

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competition had so cheapened the article that it had not added a cent to the cost of it to the people.

**Mr. WORKMAN:** Does the hon. member mean to say that coal is not dearer in Canada now than it was before?

**Hon. Mr. TUPPER** said it had shown the Pennsylvania monopolists that Canada was independent of them. No one could question the soundness of the policy which had by the imposition of this trivial tax, relieved this country from the power of the coal miners of Pennsylvania. The action of Congress went to prove that a wise and more politic course had never been taken, and this had been done without, in the slightest degree, oppressing the people of the Dominion. The hon. member for Oxford North had undertaken to show that the imposition of the duty on flour was of no value whatever to the produce of Ontario, and at the same time it had largely increased the cost of flour in the Maritime Provinces. That increased cost had arisen from exceptional circumstances, however, and there had certainly been an amount of benefit to the producer. The House had decided when the duties were imposed that the Policy was judicious.

Referring to the protection of the Fisheries, that protection had in a single year fostered and stimulated two great staple interests of the Dominion, the Fishing and the Shipping Interests, which had attained an amount of success unparalleled hitherto, and the fishers had been enabled, notwithstanding the enormous duties imposed by the United States, to compete in the American markets. The result had been that the highest executive authority in the United States had drawn the attention of the Parliament of that country to the great importance to them of obtaining the enjoyment of the Canadian Fisheries. Knowing, however, the indefeasible right of Canada to her Fisheries, and knowing her determination and that of England, to protect them, it was well understood by the Americans that they would not be able to gain access to the Fisheries without an equivalent.

Of course, nothing was known of the action or intention of the High Commission at Washington, but he would ask the House, including those who had been most forward in opposing the whole protective policy from its initiation, at the present crisis, and in view of the possible action of the High Commission not to do anything, either by discussion or even discussion that might weaken the hands of the representative of Canada, in obtaining terms which he could not obtain otherwise—even if it had not been proved that the Policy was wise and judicious, even if the reverse had been shown, was it just that the House should take away from Canada's representative, the power to offer any return to the advantages America might offer to concede? He asked that the question should be dealt with as it affected the interests of the whole Dominion, and that nothing should be done which might induce the Americans to entertain the mistaken impression that Canada's future prosperity was dependent on the policy of the United States.

**Mr. WORKMAN** said that anthracite coal must be imported from the United States, and consequently this duty did increase the cost of it.

**Hon. Sir A.T. GALT** did not think that the Hon. President of the Council had any provocation for taking the House to task in the manner which he had just done. While several hon. members had spoken against the duty, none excepting members of the Government had attempted to say one word in favor of it. In reply to his hon. friend's argument that this system would foster the coal interest in Canada, and give cheap fuel to the people, he would simply point to the effect of the same policy in the United States. There it had created such a monopoly that coal had been immensely increased in value, until at last the Government was obliged to repeal the duty.

**Hon. Sir FRANCIS HINCKS:** But the duty is higher there.

**Hon. Sir A.T. GALT** said clearly then, if the system was a good one, the greater the protection afforded, the greater the advantage to the country. (*Hear, hear.*) He believed that this discussion would not in any way interfere with the Joint High Commission, but it could not fail to have a beneficial effect on the public mind in the United States by showing the public sentiment of Canada against the tax.

**Mr. HARRISON** said the duty had been tried, and he believed it was objectionable in every respect. As represented by the hon. member for Toronto (City) East, it was an unequal tax, pressing heavily upon Toronto, and especially upon people residing in cities. He did not believe it was calculated to foster our trade. The proper way to do that was to enlarge our canals. (*Hear, hear.*) He was not opposed to the tax on American vessels. That was a tax on foreigners, and there was no analogy between that and this tax on the necessaries of life. The duty had been given a fair trial, and it was now time to repeal it. (*Hear, hear.*)

**Mr. CARTWRIGHT** suggested that in view of the events of last year, the debate be adjourned until half-past seven, when no doubt the Government would announce a satisfactory policy. (*Laughter.*)

**Mr. MILLS** criticised the speech of the President of the Council, and said that the result of the elections this week had shown that this policy was not approved of in Ontario.

**Hon. Mr. GRAY** defended the duty on the ground that a national policy should be adopted, even though it should be found obnoxious to the people at the outset.

**Mr. COLBY** did not think one year's trial of this tax was sufficient. But even though it had been it would not be advisable to make any change at present.

**Mr. BLANCHET** moved an amendment to the amendment, to the effect that the duty be removed also from salt, beans, barley, rye, oats, Indian corn, buckwheat, and all grains, Indian meal, oatmeal, and flour of every other grain. He said that he had supported the Government policy last year, and when he returned home he found that he had been received in a rather cool manner by his constituents in consequence. He believed that the tax had been tried long enough to show that it was obnoxious to the people. (*Cheers.*)

**Hon. Mr. HOLTON** was glad that the hon. member had supplemented the items to be included in the free list, and he would adopt it without hesitation. He (Hon. Mr. Holton) believed that the hon. member was only the exponent of the changed view of the Government on the subject. He inferred so from seeing the hon. gentleman conferring with the Government before proposing the amendment.

**Hon. Sir FRANCIS HINCKS** said the hon. member for Châteauguay was wrong in his inference, but he (Hon. Sir Francis Hincks) could say for the Government that if any articles of this description were to be admitted free, it should be *en bloc* and not a few articles selected by hon. members opposite, who wished to do a little log-rolling; therefore the Government would oppose the motion of the hon. member for Châteauguay but they would vote for the amendment to the amendment. (*Cheers and laughter.*) If any change was to be made at all, it should be a sweeping one and not extended to one or two articles merely. (*Cheers.*)

**Mr. KIRKPATRICK** was opposed to the duties on their merits, but if the Government put the question on the ground that the removal of these duties would be prejudicial to the country he would oppose both motions. He could not see how the Government could oppose the motion of the hon. member for Châteauguay and vote for the amendment to it.

**Mr. JONES (Halifax)** said he would support the motion for the hon. member for Châteauguay, believing that the policy of the Government was opposed to the interests of the country.

**Hon. Mr. HOWE** defended the course of the Government with respect to the imposition of the duty and their active protection of the Fisheries. He said it had not only drawn the attention of American statesmen to the importance of coming to some arrangement with the Dominion, and it had forced upon the attention of Great Britain, the necessity for putting an end to these as well as other international questions between Canada and the United States. The result of this was the appointment of the Joint High Commission and the question was, was it advisable while that Commission was in Session, to make any alterations in our tariff.

**Mr. WHITEHEAD** hoped the Government would support the stand they had taken last year. It might not be approved of by the

cities, but the country at large was not opposed to it and it was the country that made the towns.

**Mr. RYAN (Montreal West)** said that he had been entirely opposed to the imposition of the duties from the outset. If the Government intended to support the amendment of the hon. member for Lévis for the purpose of defeating the motion of the hon. member for Châteauguay, he warned them that he would not support them in such a policy. Less coal had been imported into Ontario last year than previously.

**Hon. Sir FRANCIS HINCKS** said the policy of the Government was that it was inexpedient to make the change just now.

**Mr. CAMERON (Huron South)** and the **Hon. Mr. ABBOTT** rose at the same time to speak, amid cries of "vote, vote."

The House rose for recess at six o'clock.

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## AFTER RECESS

### FREDERICTON AND ST. MARY'S BRIDGE COMPANY

**Mr. PICKARD** moved the second reading of Bill No. 24, an Act to incorporate the Fredericton and St. Mary's Bridge Company, as amended by Committee on Private Bills.

**Hon. Mr. MORRIS** thought the Bill should be referred to the Railway Committee, but had no particular objection to the Bill.

**Mr. HARRISON** said the main object of the Bill was to build a Bridge, allowing Railways to use it.

**Mr. PICKARD** explained the object of the Bill. The proposed bridge would be a link in the line of communication between the Provinces, and would do much to strengthen the commercial union of the different parts of the Dominion.

**Hon. Mr. HOLTON** spoke as to the proper way in which the Bill should be dealt with. He did not think there was anything to prevent its being considered.

**The SPEAKER** ruled that the motion should be proceeded with.

Motion carried, and Bill referred to a Committee of the Whole forthwith.

The House then went into Committee, **Mr. HARRISON** in the chair.

March 22, 1871

The Bill passed through the Committee, to be read a third time tomorrow.

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### CUSTOMS DUTIES

The debate was resumed by

**Mr. GIBBS:** He had advocated the imposition of the duties at the previous session as tending to procure Reciprocity. The policy had not been sufficiently long in operation to enable anyone to see whether it was desirable or not,—and no one could find an argument on what effect had yet been produced. The question was whether they should deliberately weaken the hands of the representative of Canada at Washington, by following the course proposed by the hon. member for Châteauguay. Whatever his private views might be he would waive them rather than do so—and he should vote against both amendments. The policy inaugurated was a whole and should not be dealt with in part.

**Mr. CAMERON (Huron South)** said there appeared to be a want of harmony amongst the hon. members on the Treasury Benches on this subject. How then could the House be expected to stultify themselves by voting for one amendment and against the other. The hon. member for Toronto (City) West, notwithstanding his speech today, voted against exactly the same motion when proposed by the hon. member for Châteauguay last year. He (Mr. Cameron) would vote against both motions, and thus sustain the policy of the Government as he had done last session. He regarded that policy as a sound one, and he knew that, so far as his own county was concerned, the people would sustain it. The effect of it was that the Americans had come down from the high position they had occupied and were now prepared to deal fairly and equitably with Canada, and those in this country who were engaged in the carrying trade between the two countries found that they could enter into it with something like fairness and justice. That result was mainly owing to the stand taken by our Government, and until the result of the High Commission should be known, it would not be advisable to make any change in the tariff.

**Mr. HARRISON** defended himself from the attacks of the hon. member for Huron. He (Mr. Harrison) had voted for that tax last year, though he was opposed to the principle, believing that good would come of it. He had simply voted for it to give it a fair trial. That trial had proved it to be a bad policy for this country, and he now voted for the repeal of the tax.

**Mr. BLAKE** said he was glad that the hon. member for Toronto West had discovered that out of evil bad alone can come.

**Mr. JACKSON** supported the policy of the Government, believing that it was inopportune to make any changes in the tariff at present.

**Mr. BEATY** explained how he had voted for the imposition of the tax last year. He voted in favour of the general policy with the

understanding that coal was not to be included. When the report came up for concurrence he was absent from the House and that was why his vote was not recorded against the imposition of a duty on coal.

A vote was then taken on the amendment of **Mr. BLANCHET**, which was carried:

### YEAS

Messieurs

Abbot	Anglin
Archambault	Barthe
Beaty	Beaubien
Béchar	Bellerose
Benoit	Blake
Blanchet	Bolton
Bourassa	Brousseau
Burpee	Cameron (Inverness)
Caron	Cartwright
Cheval	Chipman
Cimon	Coffin
Costigan	Coupal
Crawford (Leeds South)	Currier
Daoust	Delorme
Dufresne	Dunkin
Ferris	Forbes
Fortin	Fournier
Gaudet	Geoffrion
Gendron	Godin
Grant	Hagar
Harrison	Hincks (Sir Francis)
Holmes	Holton
Howe	Irvine
Jones (Halifax)	Kempt
Killam	Lacerte
Langevin	Langlois
Macdonald (Glengarry)	Macdonald (Antigonish)
Magill	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Lanark North)
McDougall (Trois-Rivières)	McMillan
McMonies	Merritt
Mills	Moffatt
Morris	Morison (Victoria North)
Morrison (Niagara)	Oliver
Pâquet	Pearson
Pelletier	Pickard
Pouliot	Pozzer
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Victoria)	Ross (Wellington Centre)
Ryan (King's, N.B.)	Ryan (Montreal West)
Savary	Scatcherd
Simard	Simpson
Smith	Snider
Stirton	Sylvain
Thompson (Haldimand)	Thompson (Ontario North)
Tilley	Tourangeau
Tremblay	Tupper
Wallace	White
Workman	Wright (Ottawa County)
Wright (York West)—101	

### NAYS

Messieurs

Ault	Baker
Bertrand	Bown
Cameron (Huron South)	Campbell
Colby	Crawford (Brockville)
Dobbie	Gibbs
Gray	Grover
Jackson	Jones (Leeds North and Grenville North)
Keeler	Lapum
Lawson	McDonald (Lunenburg)
McKeagney	Perry
Pinsonneault	Ross (Dundas)
Srивer	Shanly
Street	Webb
Whitehead	Willson—28

**Hon. Sir FRANCIS HINCKS** said that the position of the Government was this (and they were a unit on the subject) that they deprecated at the present time any interference with the commercial policy of the country with regard to their duties. But at the same time when they found that a number of hon. gentlemen who supported the Government avowed their intention to support a motion which embraced certain particular articles which were subject to duty along with other articles, they certainly did think that all ought to be put in the same position, and that the House should vote upon the whole of them. But with regard to the whole of them, the Government were a unit in opposing the amendment as now amended. He would say further that when the Government were called upon to consider at an early period when they reduced the taxation, this question engaged their anxious consideration and the conclusion at which the Government had arrived was this—to maintain these duties, not on the abstract merits of them nor on the ground of revenue, but on the ground that it was not expedient during the present negotiations at Washington to interfere with them. He was perfectly certain in his own mind that it was not in the interest of the Dominion that these duties should be interfered with at present.

**Hon. Mr. HOLTON** said that unless the Hon. Finance Minister was prepared to tell the House that this question was definitely before the Commission, he could not withdraw his motion. The hon. gentleman could not—dared not say so, and he (Hon. Mr. Holton) did not believe that it was.

**Hon. Sir FRANCIS HINCKS** said he had just received since six o'clock a telegram from the first Minister of the Dominion at Washington to say that duties on coal and salt would not be taken off until December. He repeated at some length his arguments against removing the duties at present.

**Hon. Mr. HOLTON** replied denying that he was disposed to yield anything to the United States. He opposed these duties because he believed them to be prejudicial to the interests of the Dominion.

**Hon. Sir GEORGE-É. CARTIER** said the Government had only voted for the amendment of the hon. member for Lévis in order to place the whole question fairly before the House, and not allow the question to be on a few articles only. Referring to what had been said by the members for Montreal, he was quite ready to explain why he had voted for duty on coal,—he had done so to encourage interprovincial trade. He referred to the position of each Province as regarded the duties, showing that the producers in Ontario were benefited, and Quebec was specially interested in the maintenance of the duties. He (Hon. Sir George-É. Cartier) might once have had to apologize for opposing the hon. member for Châteauguay, but the case might be reversed, and that hon. member might have to go to his constituents and apologize for having refused to protect the agricultural interests of his Province. The mineral possessions of Nova Scotia would be developed and utilized, and New Brunswick, though not so directly benefited, as

the other Provinces, received great indirect advantages from the increased prosperity of the other parts of the Dominion.

He then referred to the High Commission, and said that although nothing definite was known, it was certainly possible that, as in 1854, the Fishery question might bring up other matters of commercial interest to the two countries, and as the Governor in Council had power to do away with the duties on receiving equivalent benefits from the States, why should not the Government be trusted. That was the position of the Government; they had only voted in favour of the amendment of the member for Lévis in order to bring the matter before the House in its entirety. He then repeated his remarks in French.

**Mr. WORKMAN** said he had opposed the policy of the Government when it had commenced, and he did so still. He believed the Government measure to be both wrong and ridiculous. The Fishery question had no connection whatever with the matter. There was no doubt whatever that the duty had increased the price of coal. It was absurd to imagine that the protective duties before the House would have any effect in obtaining Reciprocity. If the majority of the House was against the Government the Government ought to admit it, and not stoop to the miserable subterfuges to which they had been reduced, and he for one was determined not to be whipped in by anything the Minister of Militia might say.

**Hon. Sir GEORGE-É. CARTIER** had no desire to whip in either the member for Montreal or any other member of the House, and he appealed to the House that he had never attempted anything of the sort.

**Hon. Mr. ANGLIN** thought that those who voted with the Government on the previous decision should consider well their position. The amendment which had been carried was to all intents and purposes a Government motion and the Government were pledged to support it, and he did not see how anyone could consistently vote in favour of putting the various articles on the free list, and a few hours afterwards reverse their vote. The Minister of Militia in asking the House to leave the matter in the hands of the Government, asked them in point of fact to place themselves entirely dependent on the action of the Government at Washington. He maintained that the United States should not be considered, but that Canadian interests alone should be consulted. He protested against the fishery question being in any way mixed up with the matter. The increase in the coal trade of Nova Scotia had in no way arisen from the duty imposed on it. The tax on flour was most odious and intolerable to the people of New Brunswick. He gave his unqualified support not only to the motion of the member for Châteauguay but to the more enlarged motion of the Government, expressed through their supporter, the member for Lévis.

**Mr. COLBY** said there was no doubt that Canada desired better trade relations with the States. For years subsequently to the abrogation of the Reciprocity Treaty the policy of the Government had not been framed to attain that object, but latterly, pressure had been brought on the Government, and they determined to treat the



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United States in the same way as they were treated. He was convinced that reciprocity with the States could only be obtained as a matter of bargain, and everything should be done that would strengthen the hands of those in the United States, who were willing to concede Reciprocity, and not sacrifice everything that could be given as an equivalent. The natural sequence of the High Commission would be the re-opening of trade negotiations, and the offering of some equivalent on the part of the United States in return for the enjoyment of the Canadian Fisheries. He moved an amendment, that all the words in the previous amendment be struck out, and that there be substituted, that it is inexpedient during the present Session of Parliament to make any alteration in the customs duties, on coal, coke, wheat, flour, salt, peas, beans, barley, rye, oats, meals, &c., &c.

**Hon. Mr. McDOUGALL (Lanark North)** raised the point of order that the amendment was a simple negative of the motion before the House, and was therefore out of order.

**The SPEAKER** ruled the amendment in order.

**Hon. Mr. HOLTON** thought the House had already expressed its opinion, and could scarcely change its decision at the present stage.

**Hon. Mr. DUNKIN** maintained that the House had simply changed the motion before the House but was not committed to a single item.

**Hon. Mr. HOLTON** thought the House had affirmed the expediency of going into committee on the amended proposition.

**The SPEAKER** ruled that the House had simply decided that certain words should be added to the first amendment, but that amendment had not been disposed of.

**Hon. Mr. GRAY** seconded the motion of the member for Stanstead, and said he sustained the policy on the ground of its being National, and on the ground that under any circumstances, the present was a very inexpedient time to make any change.

**Hon. Mr. SMITH (Westmorland)** said that on the present occasion the member for St. John, hardly represented nineteenth-twentieths of the people of New Brunswick. Those people were unanimously opposed to the duties and would do anything to get rid of it. The duties might appear beneficial to Ontario, Quebec and Nova Scotia, but New Brunswick certainly suffered from the duty on each article. As to the High Commission, there was not the least evidence to show that that body would consider the question, and therefore, it could not be said that it was inexpedient to discuss the matter now on that account. If he felt that the country would be at all prejudiced by a discussion at the present time, he would certainly oppose it, but he could not think that anything of the sort could be the case.

**Mr. MACDONALD (Glengarry)** thought that the Opposition from Ontario could not be charged with want of consideration for the Lower Provinces, for a large majority had supported the repeal of the duties and in every measure that had passed the House, the Ontario Opposition had invariably assisted the Lower Provinces. Ontario was totally opposed to make bread dearer to the Lower Provinces, and if the coal duty was a benefit to Nova Scotia, it was a direct tax on Ontario. It was the most injurious tax that had ever been levied, and he trusted it would be wiped off the Statute Book.

**Mr. ROSS (Prince Edward)** wanted to speak in the interests of the farmers of the Dominion, and was ready to support the Government in retaining the protective duties. He was in favour of reciprocity, but in the absence of reciprocity the farmers should be protected.

**Mr. GEOFFRION** spoke in French in opposition to the Government.

**Hon. Mr. HOLTON** again spoke on the motion of order. He quoted authority to show that the amendment of the member for Stanstead was out of order.

**Hon. Mr. DUNKIN** maintained that the practice of the House was entirely opposed to the authority quoted, and quoted an instance similar to the present.

**Mr. BLAKE** maintained that English practice ruled in the House, and that the amendment was clearly out of order.

**Hon. Sir GEORGE-É. CARTIER** maintained that the amendment of the member for Châteauguay, as amended, had not been decided upon.

**The SPEAKER** ruled that certain words having been added, they could not be struck out, and the amendment of the member for Stanstead was therefore out of order.

**Mr. PICKARD** said that New Brunswick was almost unanimously opposed to the duties.

**Mr. CURRIER** moved an amendment that pork should be added to the free list.

**Hon. Sir FRANCIS HINCKS** trusted the hon. member would not press his amendment. Pork was an article on which there had long been a duty, and there had been no petitions for the repeal. The hon. member was really trifling with the tariff.

**Mr. WRIGHT (Ottawa County)** hoped the Minister of Finance would see the importance of repealing the duty on Pork.

**Mr. ROSS (Prince Edward)** thought the policy of the restriction duties met with general approbation and was sorry the Government had not met the proposal of the hon. member for Châteauguay fairly and voted it down.

**Hon. Sir FRANCIS HINCKS** said that the amount of revenue derived from pork was \$60,000.

**Mr. HARRISON** thought that pork should not be included, unless the entire tariff was abolished; the line must be drawn somewhere.

On the suggestion of **Hon. Mr. HOLTON**, Mr. Currier's amendment was withdrawn.

**Mr. McDONALD (Lunenburg)** said that if pork was freed, other articles might be brought forward, until there was no tariff. He did not think the protective policy had been sufficiently tried, and he should support its being maintained. The duties before the House did not stand alone, but were only part of a large policy, and if part was repealed, the whole should go. The commercial prosperity of the country was certainly an evidence of the good effect of the policy commenced last year, and at the present time it was certainly inexpedient to interfere with it, and the House was bound to respect the statement of the Government, that the discussion might be prejudicial to the good result of the High Commission.

The motion of the member for Châteauguay as amended was then put with the following result: Yeas, 83; Nays, 55.

## YEAS

	Messieurs
Anglin	Barthe
Beaty	Beaubien
Béchar	Benoit
Blake	Blanchet
Bolton	Bourassa
Bowman	Brousseau
Burpee	Caron
Cartwright	Cheval
Chipman	Cimon
Coffin	Coupal
Crawford (Leeds South)	Currier
Delorme	Dufresne
Ferris	Forbes
Fortier	Fournier
Galt (Sir A.T.)	Gaudet
Geoffrion	Gendron
Godin	Hagar
Harrison	Holton
Irvine	Jones (Halifax)
Kempt	Killam
Kirkpatrick	Lacerte
Langlois	Little
Macdonald (Glengarry)	Magill
Masson (Soulanges)	Masson (Terbonne)
McConkey	McDougall (Lanark North)

McDougall (Renfrew South)	McMonies
Merritt	Mills
Moffatt	Morison (Victoria North)
Oliver	Pâquet
Pearson	Pelletier
Pickard	Pouliot
Pozer	Ray
Redford	Renaud
Ross (Champlain)	Ross (Victoria)
Ross (Wellington Centre)	Ryan (Montreal West)
Scatcherd	Smith
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Tourangeau	Tremblay
Wallace	Wells
Workman	Wright (Ottawa County)
Wright (York West)—83	

## NAYS

	Messieurs
Ar Chambault	Ault
Baker	Bellerose
Bertrand	Bown
Cameron (Huron South)	Campbell
Cartier (Sir George-É.)	Colby
Costigan	Crawford (Brockville)
Daoust	Dobbie
Dunkin	Fortin
Gaucher	Gibbs
Grant	Gray
Grover	Hincks (Sir Francis)
Holmes	Howe
Jackson	Jones (Leeds North and Grenville North)
Keeler	Langevin
Lapum	Lawson
McDonald (Antigonish)	McDonald (Lunenburg)
McDougall (Trois-Rivières)	McKeagney
McMillan	Morris
Morrison (Niagara)	Perry
Pinsonneault	Robitaille
Ross (Dundas)	Ross (Prince Edward)
Ryan (King's, N.B.)	Savary
Scrifer	Simard
Simpson	Street
Sylvain	Tilley
Tupper	Webb
White	Whitehead
Willson—55	

The House then went into Committee, **Mr. MILLS** in the chair, to consider amending the Bill to repeal the duties on the items listed in the resolutions passed.

**Hon. Sir FRANCIS HINCKS** suggested that time should be given to frame a proper amendment.

**Hon. Mr. HOLTON** assented and the Committee reported progress and asked leave to sit again.

The House adjourned at 12.45.

March 23, 1871

## HOUSE OF COMMONS

Thursday, March 23, 1871

The **SPEAKER** took the chair at 3 o'clock after routine.

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*Prayers*

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### WESTERN BANK

Mr. **KILLAM** introduced a Bill to incorporate the Western Bank.

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### SUN INSURANCE COMPANY

Mr. **WORKMAN** withdrew the Bill to incorporate the Sun Insurance Company.

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### INSOLVENT ACT

Mr. **MAGILL** introduced a Bill to amend the Insolvent Act of 1869.

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### QUEBEC MARINE AND FIRE INSURANCE COMPANY

Mr. **SIMARD** introduced a Bill to amend the Act incorporating the Quebec Marine and Fire Insurance Company.

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### FEMALE CONVICTS

Hon. Mr. **IRVINE** introduced a Bill to make provision for the detention of Female convicts in the Reformatory Prison of the Province of Quebec.

(All these bills received first reading.)

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### BRITISH COLUMBIA DEBATES

Hon. Sir **GEORGE-É. CARTIER** announced that the Government had made no further arrangement for special reports of the debates on the British Columbia measure.

Hon. Sir **A.T. GALT** said he was sorry that the Government had arrived at that conclusion, for the debates would be particularly interesting to British Columbia, and would not reach there in as full a form as they would otherwise have done had his suggestion been adopted. He trusted that the energy usually displayed by the reports would on this occasion supplement the necessity that would exist for full reports.

Mr. **JONES (Leeds North and Grenville North)** believed the Government deserved credit for the decision to which they had come. He was about to proceed further, when

The **SPEAKER** called him to order. There was no question before the House.

Mr. **JONES (Leeds North and Grenville North)** thought he had as good a right to speak on the subject as other hon. gentlemen.

The **SPEAKER** explained that a minister of the Crown had simply answered a question put on a former occasion by the hon. member for Sherbrooke, and there the matter should drop.

Mr. **JONES (Leeds North and Grenville North)** said he was sorry to be obliged to resort to extreme measures, but he had a precedent for it only the other day. He moved the adjournment of the House. (*Laughter.*) He continued at some length to explain that he was elected on the Independent ticket, and though he might have erred in judgment, he had always endeavoured to preserve economy in the administration of public affairs. (At this point the hon. gentleman's voice became inaudible, owing to the slamming of desks and other noises in the House resorted to, to silence him.) He did not approve of going to any additional expense in the British Columbia matter.

The **SPEAKER** suggested that it would be as well to postpone the discussion until the British Columbia Bill should be before the House.

Mr. **JONES (Leeds North and Grenville North)** bowed to the opinion of the Speaker, and withdrew his motion.

Mr. **RYMAL** rose to reply to some remarks made by the hon. member for Leeds and Grenville, with respect to his (Mr. Rymal's) course in Parliament. The hon. member had seen fit to take him (Mr. Rymal) to task and would fain make the House believe that he would encourage extravagance in the administration of public

affairs. He (Mr. Rymal) believed that his course would show that he had advocated economy whenever it was in the interest of the public, and he had no desire that every man's utterances should be fully reported in the case. He had no desire that a column should be given to his own speech, though the hon. member for Leeds might. Whether that hon. gentleman was reported in the regular way or not, he (Mr. Rymal) could not say, but he had frequently noticed that if the hon. member only spoke for five minutes in the House, a column report of it, at least, appeared in the papers. (*Laughter.*) No doubt the hon. member engaged a special reporter to record his wise sayings. As for the charge of inconsistency and want of independence, he (Mr. Rymal) left it to those who had known them to say whether he or the hon. member for Leeds was the more deserving of the charge. The hon. member's course had been what Wm. Lyon Mackenzie had said of such members—that those who boasted of independence in the House were those who never could be depended on. (*Laughter.*)

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#### WEST INDIES MAIL

**Mr. FORBES** asked whether, in view of the business between the Dominion and the British and Foreign West Indies, it is the intention of the Government to increase the mail accommodation *during this year* between those countries so as to give greater advantage and larger development to this important trade.

**Hon. Mr. TUPPER** said the attention of the Government had been drawn to the importance of establishing such a service, but considered it not advisable to undertake it yet.

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#### PROMISSORY NOTES

**Mr. KIRKPATRICK** asked whether it is the intention of the Government to issue stamped paper for the purposes of the Promissory Notes Stamp Act?

**Hon. Mr. MORRIS** replied that the subject was at this moment under the consideration of the Government.

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#### ST. CLAIR FLATS CANAL

On the order for Mr. Mackenzie's resolution for the correspondence relative to the canal built by the United States Government at St. Clair Flat,

**Mr. MACKENZIE** said the first Minister of the Crown had promised a portion of this correspondence, and he wished to know if that correspondence could be brought down now.

**Hon. Sir GEORGE-É. CARTIER** said it would not be conducive to public interests to bring down any portion of the

correspondence. The correspondence was still going on between the Canadian and Imperial Governments and the Government of the United States. He hoped the hon. gentleman would accept his declaration, that it would not be in the public interest to bring any of it down.

**Mr. MACKENZIE** said he was of course bound to accept the assurance of the Government.

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#### ADMISSION OF RUPERT'S LAND AND THE NORTH-WEST

**Mr. BLAKE** moved that this House do resolve itself into a Committee of the whole to consider the following resolutions:—

1. That the sense of the Houses of the respective Legislatures of the Provinces *Canada, Nova Scotia and New Brunswick* was taken as to, and formed the basis of the Imperial Legislation under which the said Provinces were federally united into the Dominion of *Canada*.

2. That it was by the *British North America Act* (1867) enacted that it should be lawful for the Queen, by and with the advice of the Privy Council, on Addresses from the Houses of Parliament of *Canada*, to admit *Rupert's Land* and the North Western Territory, or either of them, into the Union by the said Act created, on such terms and conditions as the Queen should think fit to approve subject to the provisions of the said Act; and that the provisions of any such Order in Council should have effect as if they had been enacted by the Parliament of the United Kingdom.

3. That Addresses have been passed by both Houses of Parliament of *Canada* touching the admission of the said Territories into the Union, and *Canada* has paid large sums, and incurred large liabilities in order to accomplish such admission, and an Order in Council has been made by the Queen for such admission.

4. That the Parliament of *Canada* has assumed to exercise jurisdiction over the said Territories and to make provision for the erection of part of the said Territories into the Province of *Manitoba* and for the establishment of federal relations between the said Provinces and *Canada*.

5. That it has been made to appear to this House that the Canadian Government has requested the Government of the United Kingdom to submit to the Parliament of the United Kingdom a Bill touching the said North Western Territories or some part thereof; and that the Government of the United Kingdom in consequence of such request has proposed to the Canadian Government to submit a Bill, a draft of which it has forwarded to the Canadian Government.

6. That in the opinion of this House the sense of both Houses of the Parliament of *Canada* should be taken as to and should form the basis of such proposed Legislation.

**Mr. BLAKE** said that he proposed in these resolutions to establish the principle that legislation on matters affecting this

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country should only be undertaken in the Imperial Government when sought for by the people of this country through their representatives. This principle became of still greater consequence when the legislation sought for was of a character which would alter in a material point the compact upon which the union itself was formed, which violated in its most important ingredient the question of the distribution of power, to reintroduce the former evils from which the people of old Canada suffered, and which led to the introduction of the constitution under which we now lived. Not only that, but that it should be done at the instance of a Minister of the Crown when there was nothing to prevent them from asking the people of this country through their Representatives to determine what change, if any, should be made in the constitution of the country, that a Minister of the Crown under such circumstances should have ventured to apply to the Home Government and should have sent home a draft of a Bill which they asked Earl Kimberley to make law, was without precedent, without parallel, without excuse, without palliation. (*Cheers.*) He (Mr. Blake) did not see how it could be done or how defended.

He did not know under what tenure Members sat in this House if the law could be altered at the suggestion of a Minister of the Crown, without the consent of Parliament. Now according to the terms of the Union Act, it was set forth that such legislation should take place by the Imperial Government, not on such terms and conditions as the Queen should think fit to approve, but on such terms as the Queen should see fit to approve subject to the advice of this House. It was on such terms that the four Provinces were united into one confederation, and it was under the same conditions under which the North Western Territories should come in. It was entirely premature to discuss the merits of the Bill and he hoped they would not be dragged into this discussion. He simply wanted the House to say—apart from the consideration of the question, whether the Bill was perfectly right or wrong, or between the two—that it was the duty of Government to initiate a measure asking the Queen to move the Imperial Parliament to enact a certain law. He wished to disencumber the Bill of all considerations as to its character or necessity. He found that the Hon. Minister of Militia, acting for and in the absence of the leader of the Government, had pointed out that it was absolutely necessary that Manitoba should have (as the Opposition had contended from the beginning it should have) its rights as a Province from the same high source as the Dominion. He asked the House to agree that it was their duty to take care that they should determine what legislation the Imperial Parliament be asked to enact on their behalf. Hon. gentlemen opposite might say that the sense of the Parliament of Canada had already been taken on the Bill.

**Hon. Sir GEORGE-É. CARTIER:** Hear, hear.

**Mr. BLAKE** thought that was the paltry evasion they would make, but he would tell them that the draft sent to England went far beyond the Manitoba Bill and beyond Manitoba itself, stretching even to British Columbia. He would tell them besides that what the Canadian Parliament did last session it did, knowing that its act was not irrevocable, but it was quite another and a different thing for

them to determine to ask the Imperial Parliament to pass an Act which this House could not at all repeal. No man could fairly and candidly argue, and no man acting as Minister of the Crown dared argue that it was the same thing. What the Imperial Parliament did was a law of the Medes and Persians as far as this country was concerned. The question was whether the people were prepared to surrender into the hands of the Government of the day that power of which the Government of the day was assuming it possessed—the power to ask the Imperial Parliament to make laws for us; or whether the House did not think that every sense of duty called upon them to determine that their sense—that was the sense of the people—was to be taken upon and was to form the basis of that Imperial Legislation.

**Hon. Sir GEORGE-É. CARTIER** thought the hon. member should have backed up his resolutions with more logic, argument, and law than he had listened to. Every one remembered the different arguments used on both sides of the House when the Manitoba Act was discussed. Some contended we had no right to legislate on the question. On this side it was held we had a right to give a constitution to that Province and the North West. The 146th clause of the Union Act provided for the manner in which the colonies and Provinces having political constitutions should be admitted into the Confederation. (He read the clause, showing the necessity of the formality of previous addresses with that object.) The incorporation of Rupert's Land and the North West was to take place on addresses of Parliament, the terms agreeable to Canada and to Her Majesty in Council, respectively, receiving due consideration. After the question was fully considered in Canada, it was decided that the best way to secure the admission of the North West was to avoid transactions with the Hudson's Bay Company. Canada, in accordance with the Union Act had proceeded by address to solicit the incorporation of the North West with Canada.

It was known to Her Majesty's Government and Parliament, that if once Canada annexed a region twenty times as large, she would not have the right of inheritance or transmission—would not have full sovereign rights for all time to come. Under the transfer made us by the Queen, we have all the privileges and powers previously appertaining to the Hudson's Bay Company. When we had passed our address to obtain that territory, we passed our Act in anticipation knowing it would only belong to us when Her Majesty issued her order in Council. The constitutionality of that act was not questioned then.

**Mr. MACKENZIE:** Yes. The member for Bothwell raised the point.

**Hon. Sir GEORGE-É. CARTIER** said it could not have been forcibly raised, for no division could have been taken on it. He did not remember any positive objection to our first Act, when passed. We stated that though not actually in possession of the North West Territory, we thought we should legislate in a manner to be able to annex or deal with it the moment the Imperial sanction was given. The advisers of Her Majesty made no objection. On the contrary the action of Canada was endorsed by the British Legislature. The

transfer did not take place when we expected, owing to the Manitoba trouble. During the whole of it, we were not the owners of the territory because Her Majesty had not made the transfer, which took place only on the 15th July last. Then we had delegates from Red River to state their grievances, in response to the invitation of the Governor General. The Imperial Government was unwilling to send any military expedition to the North West till the Canadian Government settled the claims of the inhabitants, and granted their rights.

His colleagues and himself acted all through in harmony with the wishes of the Imperial Government. The result of the negotiations with the Red River delegates was the Bill of last session. The member for Bothwell questioned the power of this Parliament to pass such a Bill, in view of its interference with the constitutional interests and position of the other Provinces. We had positive power to enact the Rupert's Land Bill power granted by the Imperial Legislature itself. To meet the objections of the member for Bothwell, he announced that they would obtain an act confirming their proceedings, and also a provision enacting that Provinces created out of the territory and afterwards admitted into the Union should be regarded as admitted under the Confederation Act itself. That was obtained accordingly. They had power when they passed the Act not only of an inferential but positive character, which the Manitoba Act showed. They passed the Rupert's Land Act in anticipation, and not only it but the Manitoba Act received the sanction of Her Majesty's Government. To remove all doubts on the subject they had submitted all the questions raised on this head to the Imperial Government. Their course in all respects, and as regards both Acts, was decidedly approved.

The object of one of the clauses in the Manitoba Act was to prevent the alteration of its local constitution without the consent of its people. The object of the Bill was to place it on the footing as to constitutional rights as any of the Provinces in the Union. He denied the statement of the member for Durham West that there was a provision in the Bill affecting British Columbia. There was a reference to that Territory in the report, not in the Bill. He also complained that the House was not allowed an opportunity of expressing its will on this measure. Now, in a few minutes, he (Hon. Sir George-É. Cartier) would afford that opportunity. (*Hear, hear.*) Why did not the Opposition last session move an amendment to the Government's proposal on this subject. Could we declare our will more solemnly, more properly than by an Act which the British Government had a right to disallow. The Government had not gone beyond its right or duty in this matter as the House would now see and would hereafter admit.

He would move an amendment that all the words after "That" to the end of the Question be left out, and the words "this House, after full consideration, passed the Act to establish and provide for the Government of the Province of *Manitoba*."

"2. That the said Act has since received the sanction and approval of the Imperial Government."

"3. That for the removal of doubts as to certain provisions of the said Act the Government of *Canada* has requested the Imperial Government to pass an Act in the Imperial Parliament, confirmatory of the said first mentioned Act."

"4. That the Imperial Government have agreed to introduce a Bill to the aforesaid effect, and declaring also the power of this Parliament to create other Provinces in the vast Territory of the North West, now forming part of the Dominion, and to give them constitutions on the same footing as to guarantees of permanence and otherwise with the constitutions of the old Provinces."

"5. That a draft of the said proposed Act has been communicated to this House."

"6. That the provisions of the said draft Act meet the approval of this House, and are in consonance with the will of this House, as expressed in the most formal manner in the said Act relating to *Manitoba*" inserted instead thereof."

**Hon. Mr. HOLTON** raised the point of order that the Minister of Militia could not move in amendment to a simple motion, what was really a series of Resolutions.

**Hon. Sir GEORGE-É. CARTIER** maintained that his amendment was all one and not a series of resolutions.

**Mr. HARRISON** supported Hon. Sir George-É. Cartier's view of the case—and

**The SPEAKER** ruled that the amendment must be treated as one Resolution, and that it was in order.

**Hon. Sir A.T. GALT** thought the House had good reason to complain of the way in which the Minister of Militia had moved his amendment. The real question for discussion was the propriety of the Government approaching the Imperial Parliament for the purpose of changing the Act of Constitution without the direct authority of both Houses—which question was entirely changed by the amendment of the Minister of Militia—who had not in the slightest degree answered the point maintained by the member for Durham West. He thought the very greatest care should be exercised in dealing with the "British North America Act 1867." Under the old Province of Canada, the Union Act of Upper Canada had never been changed except on address of the Legislature, and it was most important that the same rule should be followed in dealing with The British North America Act, 1867.

As to the assertion of the Minister of Militia, that an Act of Parliament was as solemn as an address, he agreed with the member for Durham West, that whereas an Act could always be changed, an address could not be. He believed the House had full power to legislate in respect of the North West, although there might be some doubt as to the representation of that country in Parliament, but the action of Government tended to divest them, if not of the power of

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legislating, certainly of the power of repealing, in that they had approached the Imperial Parliament without the sanction of the Parliament of Canada. He did not think the manner in which the Minister of Militia proposed to deal with the question was the solemn manner in which it should be dealt with, for such a motion should not have been introduced without notice; and without allowing full opportunity for consideration, in order that the people of the country might not be lightly deprived of powers they now possessed.

It was very desirable that Parliament should have power of making laws to govern the North West, and while every one would be prepared to endorse the Manitoba Bill, were an address proposed to that effect, he was not prepared to allow the Government to exercise a power which should alone be exercised by Parliament, and he hoped the Government would see the propriety of proceeding by way of address. The matter was one of great importance, for the only security the Provinces had was that their constitutional rights could not be changed by any Government that might be in power, but by Parliament only. He thought the Government, before taking a vote, should consider whether it would not be better to decide that for all time to come, no change should be made in the British North America Act except in the usual approved mode of address to the Queen.

**Mr. HARRISON** said that the British North America Act was the constitution and fundamental law of the country, and no change could be effected in it but by the action of the Imperial Government, and he agreed with those who maintained that no change should be based on representations of the Government but by address from both Houses of Parliament, as otherwise the Imperial Parliament would be acting without a proper representation of the wishes of the people. He himself had never doubted the legality of the Manitoba Act, but there were doubts on the subject, which had arisen on the defective framing of "The British North America Act of 1867." That Act provided for the Union of the four Provinces, first forming the Dominion, and also for the admission of other colonies, and the Provisions in the last respect were certainly defective.

If the Act of Imperial Parliament was simply an echo of the Manitoba Act, it might be said that the Legislature in passing that Act, had in effect asked the Imperial Parliament to confirm it, but the Imperial Act went beyond the Manitoba Act and contained matter on which the Canadian Parliament had never expressed an opinion. He was entirely convinced as to the propriety of the North West Legislation, and he thought if the Government would propose an Address involving that Legislation, it would be generally supported. He thought the amendment of the Minister of Militia did not go far enough, but if, after the recital of the facts, it was followed by a recital of the Manitoba Act, and then provided that an address should be presented by both Houses for the confirmation of that Act all difficulty would be removed. This was more than a mere matter of form, for all would feel that it was not desirable that Imperial Parliament should proceed to make any changes in the

constitution except on a deliberate expression of the wishes of the people, through their representatives in both Houses.

**Hon. Sir GEORGE-É. CARTIER** said that his amendment in no way excluded the subsequent passing of such an address. He had merely desired to meet the resolution of the hon. member for West Durham.

**Mr. HARRISON** asked whether the Government would undertake to move such an address.

**Hon. Mr. DORION** considered that the real question was whether the Government should be allowed to ask the Imperial Parliament to change in any way the Constitutional Act, without direct reference to Parliament. If they could do so on an unimportant measure, there was no reason why they should not do it on the most important. He referred to the fact that the old Province of Canada had ever been most careful that no constitutional change should take place except on a deliberate expression of opinion by the Legislature. He then moved, seconded by Mr. Mills, in amendment to the amendment of the Hon. Minister of Militia, that all the words after "That" to the end thereof, be left out, and the words "irrespective of the merits of the measures proposed by the Government of *Canada* to be submitted to the Imperial Parliament for the purpose of confirming certain Canadian Legislation depriving the Parliament of *Canada* of certain existing powers, and altering the *British North America Act*, 1867, this House would be wanting in its duty if it did not express its decided opinion that no such Imperial Legislation should be asked for by the Government of *Canada*, except after the details of such proposed Legislation shall have been submitted to both Houses of the Parliament of *Canada* for their judgment, and Addresses of such Houses to the Queen, praying for such Legislation, shall have been passed" inserted instead thereof.

**Mr. HARRISON** raised a point of order, submitting that the amendment of the hon. member for Hochelaga, was simply equivalent to the original resolutions.

**Hon. Mr. DORION** stated that the original proposition was to go into the Committee to consider certain resolutions, and that his amendment was an entirely different proposal and was entirely in order.

**Hon. Mr. HOLTON** also argued that the amendment was in many respects different from the original proposition and was entirely in order.

It being six o'clock, the House rose.

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## AFTER RECESS

### THE TARIFF

**Hon. Mr. HOLTON** asked whether the Government had taken any action yet with respect to the removal of duties in compliance

with the wishes of the House last night. There was a good deal of anxiety to know the period when those resolutions would take effect, as there was with regard to the repeal of the duty of five per cent.

**Hon. Sir FRANCIS HINCKS** said he had no doubt whatever that the new change of duty would have effect at the same time that it was intended to take effect by the first resolution, abandoning the five per cent duties, viz.: On the 1st of April next arrangements of a different kind had been made yesterday, and if he had anticipated the long discussion which took place last evening he would have made other arrangements.

\* \* \*

### DEFENCE

**Hon. Mr. HOLTON** enquired whether the Government proposed to do anything with respect to the appropriations for fortifications without previously consulting Parliament. The House passed an Act some two or three Sessions ago appropriating a certain amount of money for the purpose of constructing fortifications, conditioned upon an imperial guarantee being extended to Canada for the amount. An Act of the Imperial Parliament was passed during last year pledging this guarantee on the terms contemplated by the Act. He thought the country was entitled to know whether the hon. gentlemen opposite were proceeding under the authority of these two Acts, the Act of the Imperial Parliament and the Act of this Parliament to expend the money without previously consulting this Parliament.

**Hon. Sir GEORGE-É. CARTIER** said that the question of the hon. member was one of which a formal notice should have been given, but he (Hon. Sir George-É. Cartier) might say for himself that the question of fortifications was now in the same state as it was three months ago. It was a question which the Government had not yet been called upon by the Imperial Government to consider. Hon. gentlemen were aware that the appropriations for fortifications had been made to carry out strategic works recommended by the Imperial authorities in England. The recent war in France would no doubt cause them to change their plans.

**Hon. Mr. HOLTON** notified the Government that on the next occasion on going into Committee of Supply he would renew his enquiry with a view to eliciting from the Government an explicit statement as to their intentions with respect to the expenditure on fortifications between this session and next meeting of Parliament without having consulting Parliament on the subject.

\* \* \*

### SUPPLY

The House went into Committee of Supply, **Mr. STREET** in the chair.

On the item of \$6,000,000 for the Intercolonial Railway,

**Hon. Mr. HOLTON** asked for explanations.

**Hon. Mr. LANGEVIN** explained that the rails to be delivered in the fall of 1871 and the spring of 1872 would cost \$1,314,000. The balance of car contracts coming due in the spring of 1872 amounted to \$244,000; balance of ties contracts, \$100,000; contracts for forty locomotives to be delivered this year, \$477,000; contract for the buildings at Moncton, \$4,000; ballasting, \$225,000; works on permanent way, \$3,300,000; engineering staff expenses, \$175,000; management, \$23,000; printing, advertising, &c., \$2,000. Total, \$5,944,500. The supply system would be discontinued in June. He was unable now to give a statement of expenditure from January 1st, 1871 till the 30th of June next, but he would furnish it on concurrence.

**Hon. Sir FRANCIS HINCKS** said it would be impossible to tell how the work would proceed, and therefore it was impossible to estimate safely that expenditure.

**Mr. MACKENZIE** complained of the management in the construction of the railway. An instance of it came under his own observation some time ago, and he had mentioned it in a speech. In one place he had seen a staff of twelve engineers and only about forty-four men and five or six horses. That statement had since been contradicted, but he spoke from personal observation. The Government should give more complete information on how many engineers were employed on the various sections, the condition of the work on the sections, and how much the Government expects to spend on them.

Mr. Walsh said that the twelve engineers referred to were employed on a considerable section of the road and not all at one place. It was impossible to give an estimate of the expenditure up to the 30th June, as they could not tell what progress had been made.

**Mr. MACDONALD (Glengarry)** advocated a gauge of four feet eight and a half inches. This gauge should be adopted on all roads in future, and the Grand Trunk would be brought to adopt it, too, on their whole line. The American gauge was cheaper and amply sufficient to accommodate all the traffic that the railway could obtain. The North Shore Road would have the 4 feet 8-1/2 inch American gauge, and it was advisable to have the same gauge from Ottawa to Halifax. The matter was well worthy of the consideration of the House.

**Mr. BLANCHET** said it was no use to have one gauge in one part of the country and another in the other. He advocated a uniform gauge for the Dominion, and that should be the narrow gauge. The G.W.R. had adopted it, and so had the Pacific Railway.

**Mr. DUFRESNE** thought the Government should inform the House what was their policy on this important matter.

**Mr. SHANLY** said that the four feet eight and a half inch gauge had now become the gauge for this Continent, and the time would



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come when the Government would be obliged to adopt it in Canada. He believed it should be made a condition in the charters of all new companies that they should adopt this gauge. It was not so very difficult to make it the uniform gauge of the Dominion as supposed. The Great Western Railway had changed from the broad to the narrow gauge the section of their line between Toronto and Hamilton, a distance of forty-two miles in eight hours. The sooner the narrow gauge was adopted, the better for all.

**Hon. Mr. LANGEVIN** said that this question had not escaped the attention of the Government, but in considering this question they had to take into consideration the Grand Trunk Railway, for it was not advisable to have two gauges in the country, one on the Intercolonial Railway and the other on the Grand Trunk Railway. There were other lines also to be considered. The cost of a change of gauge from Halifax to Truro and from Amherst to Moncton and the branches of this line would amount to about \$1,000,000. The cost of a change of gauge on the entire length of the Grand Trunk Railway would be between \$2,750,000 and \$3,000,000. Under the circumstances, the Government had come to the conclusion not to change their gauge at present, though the time would come when it might be desirable to do so.

**Hon. Mr. McDOUGALL (Lanark North)** thought it did not require any special knowledge of railway matters to come to the conclusion that sooner or later the narrow gauge would become the gauge of the continent. Even the Grand Trunk acknowledged that they would effect a great saving if they had the means to change their gauge so as to make it correspond with the American lines. The argument that cars coming to a change of gauge would be a great disadvantage, should have no weight in the case of the Intercolonial because it was not proposed to work the two railroads with the same stock. It was well understood by all conversant with railway matters that it was not safe to allow loaded cars to run a greater distance than 500 miles without examination, so that the assumption that the circumstance of the Intercolonial being of the same gauge as the Grand Trunk would allow cars to travel from Sarnia to Halifax without breaking bulk was a fallacy; as it was well known that the Grand Trunk would be very willing to change its gauge provided it had the means, it would be very unwise for the House to allow the Government to construct the Intercolonial on the broad gauge system with the prospect of having to change it in the course of a few years. A very great blunder was committed, and a great wrong was done to the people in the matter of the expenditure on that railway. Several millions would have been saved had the choice of route been different, and he for one had done his utmost to persuade his Colleagues and the House that the route chosen was not the proper one. When, however, the route had been chosen it was distinctly understood that the line should be built as cheaply and economically as possible.

It was pretty well understood, however, that in violation of that understanding, the Government had now decided to make the railway one of the most expensive on the Continent; they had decided to use steel rails, build iron bridges, and in fact construct a first class English Railway—and he trusted the House would not

fail to express its opinion on the matter—as grants had already been made by the Governments of New Brunswick and Quebec, which would probably result in building a shorter route, before the completion of the Intercolonial—which could not fail to take the greater part of the traffic, both passenger and freight, and as the Intercolonial would become simply a local line, it became the House to insist on it being built as cheaply as possible. He was decidedly in favour of the gauge being narrow, and then in a few years there would be a uniform gauge throughout the Dominion. On another occasion he should submit an amendment to the House in the direction he had argued, but that the gauge should be narrow, and second, that the construction should be as cheap and economical as possible.

**Hon. Mr. TUPPER** said the matter had been considered by the Government most carefully. Every one admitted that it was most unfortunate that the Grand Trunk was not constructed on the narrow gauge system, as there was no doubt that it would have been most advantageous had the country had a narrow gauge system altogether. Not only, however, was the Grand Trunk line broad gauge, but the Government had 300 miles of line in Nova Scotia and New Brunswick of the same gauge. He was very much disappointed on looking into the question to find that there was no considerable saving either in the construction or working of the narrow gauge as compared with the broad. The Government had obtained the opinions of the foremost professional men within their reach, and everything went to show that the difference in construction and operation was very inconsiderable indeed. It was a question of vital importance that all the traffic should be got for the line possible, and he was convinced that a break of gauge anywhere between Montreal and Halifax would increase the cost of freight, and would seriously diminish the amount of traffic that would pass over the line. The matter was however scarcely one that could be intelligently discussed by the House, as it could only be decided by the evidence of the most scientific men, which could be given before the railway, or some other Committee of the House.

As to the style of railway that was being constructed he thought the large amount annually necessary to keep the Nova Scotia lines in repair was a sufficient reason to justify the construction in the first instance of a good substantial road which would not require any great outlay for years to come. There was no doubt that a large additional outlay was involved in the adoption of steel rails, but before the Government had decided on that matter, they had obtained the reports of the Chief Engineer of the Intercolonial and of Mr. Livsey, one of the most distinguished Mechanical Engineers in Great Britain, who stated that although the cost of steel rails largely exceeded that of iron rails, it would be in the end, the truest economy to use steel rails.

**Hon. Mr. McDOUGALL (Lanark North)** said that when in England he had made every possible inquiry as to the best style of rail, and the very greatest authorities had informed him that for a railway with a heavy and constant traffic, steel rails were economical, but in other cases, iron rails were the best. It was very natural that the Chief Engineer of the Intercolonial should desire to connect his name with a thoroughly first class railway, but it was

the duty of the House to consider the interests of the people of the country, and to make the expenditure as small as possible—consistent with making the line suitable for the purpose required.

**Mr. BODWELL** thought as the narrow gauge was so general on the continent and as it was stated that the Pacific Line was also to be on the narrow gauge system, and the fact of the Grand Trunk line being a different gauge ought not to induce the Government to conform the Intercolonial to that line. He was convinced that the route chosen was not the one, and thought the Government would do well to consider whether it could not yet be changed. Although a cheap construction might involve an expenditure in order to keep the line in good order, it ought to be considered whether that would not be fully covered by the interest on the additional amount which would be expended on a more costly expenditure. He thought the Government should consider whether it would not be well to adopt the narrow gauge, and to revert to the economical system which they had first entertained.

**Hon. Mr. HOWE** said he never believed the present route of the Intercolonial would be a commercial success. He never advocated it on that score, but he approved of it as a link to bind the Provinces together. It would promote the settlement of a country, which might under other circumstances have long remained a wilderness. It was not on account of local interests that he advocated the present route. Nova Scotia would be as well satisfied with a line running through the middle of New Brunswick, but, for all that, they believed that the route which had been adopted was the best one, all things considered. He would not enter into a discussion as to the material that should be used in the consideration of bridges. That was a matter which could better be settled by the Railway Committee. With regard to the cost of engineering, he would only say that he had compared it with the cost of engineering on other lines, and he was in a position to say that it was less than on any other lines, among them the Nova Scotia lines and the Grand Trunk Railway. He would have no objection to seeing two or three lines running through the Province of New Brunswick. There was room enough for them all, and they would promote closer relations between the Provinces.

**Hon. Mr. McDougall (Lanark North)** replied to the insinuations thrown out during the debate, that he had sacrificed his principles in order to retain his seat and his salary. But there was a history connected with this question. When the question of the choice of the Intercolonial Railway was under discussion it was well known that there was a difference in the Cabinet on the subject. It was well known that the Minister of Customs and himself formed a minority in the Cabinet. That there were differences of opinion was but natural, for it was a subject on which there might be honest differences. He (Hon. Mr. McDougall) had conversed with the hon. member for Durham West and the hon. member for Châteauguay on the subject, but these hon. gentlemen took no steps to press the majority and to sustain the minority on that occasion. When an influential journal in Toronto was asked to oppose the choice of the long route, the answer was “the Government are in a difficult position, there is a division in the Cabinet, let them fight it out.” The files of that newspaper were open to everyone who

wished to consult them, and while this matter was discussed by Government during a time extending several months, no articles could be found in it pointing out the proper course to be adopted. The desire to destroy the Government kept it quiet. With these facts in view he (Hon. Mr. McDougall) would not stand here or anywhere else and be told that he sacrificed principle or had a right to take any other course than the one he took while a member of the Government. If he had left the Cabinet, could he have prevented the choice of the northern route under the circumstances?

But there were other reasons which influenced him. The question of the North West, in which he felt a deep interest, was still to be disposed of. That question he considered of far more importance than the expenditure of four or five millions of dollars more or less on a work on which there might have been honest differences of opinion. Having done all in his power in endeavouring to prevent the choice of the long route, even to the extent that he had been charged with having taken a course not consistent with his position in the Cabinet, and having failed to obtain any support from those to whom he looked for assistance, he submitted to what appeared to him to be the conclusion of the public on this question and remained in the Government, the majority deciding the matter. With respect to the insinuation that he had been induced by any consideration of his ministerial position or the salary arising from that position to consent to anything that would prejudice the public interest, he repudiated it and he left it to the hon. members opposite to say if he had not on all occasions fearlessly pressed his views in the interest of the public. He knew very well that there was at least one hon. gentleman who would be glad to see him broken down and forced out of public life, but he (Hon. Mr. McDougall) would pursue his course fearlessly, regardless of the sneers from either side of the House.

**Mr. BLAKE** disclaimed any desire to wound the feelings of Hon. Mr. McDougall, but could not refrain from contrasting his former action as a Minister with the recent denunciations of the Intercolonial Railway route, as involving the casting of eight millions of dollars into the sea. He first combined with his colleagues to put this question of Parliament to deprive it of its rightful authority over a Canadian question and Canadian expenditure. With what grace could he accuse the Ontario Opposition of apathy in assisting him, when in 1867 he took a course which resulted in crippling them, and destroying the fruits of years of labour? He opposed his old colleagues struggling against a Ministry overwhelmingly strong through his alliance, and he now turned round and accused them of leaving him unassisted. In 1868 he aided their political enemies to defeat all attempts to secure a route every way better for the country than the present one. This reproach then should never have come from him. He was wrong, however, broken and dispirited, as was the Opposition they would have willingly cooperated with him to prevent the absurd suicidal choice determined upon. He should have resigned rather than acquiesce in a decision contrary to his reason and judgment. He lost his opportunity of a fitting protest, and must now be held responsible not only for an indefensible Act, but for contributing to break up and destroy the usefulness of his party. He (Mr. Blake)

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was sorry to make these remarks, but felt bound to vindicate the cause of the Opposition.

**Mr. BURPEE** thought that the minority should have resigned on the question of route. He thought if the question had been left to the decision of the House there would have been a majority in favour of the long route. He favoured the narrow gauge.

**Mr. MACKENZIE** said the hon. member for Lanark North had charged the members of the Opposition with not expressing an opinion hostile to the adoption of the long route. They all recollected how it was announced in the House that there was a difference in the Cabinet on the subject, and how they, on his side of the House, united for some deliverance on the part of the Government on this matter. He took issue with the hon. gentleman at once if he held that the Government should not initiate their policy, but must wait to see what course the Opposition would pursue. The excuse in this matter was that the Government were waiting for the Opposition to indicate their views. He recollected well that on the last night of the first session, in reviewing the events of the session, he spoke very strongly upon this very point, and declared that if the Government should adopt a long and expensive route they must expect the condemnation of the Province of Ontario; and when they met next session he at once gave notice of resolutions that would have supported the members in the Cabinet who favoured the short route, if they had been disposed to take a decided stand, as they ought to have done. He moved these resolutions, and he could do no more. As soon as he ascertained there was a difference of opinion in the Cabinet, he told two members of it that favoured the short route they would have the full support of the Ontario Opposition so far as he could control it in maintaining the position they were disposed to take.

**Hon. Mr. McDOUGALL (Lanark North):** I never heard of that before.

**Mr. MACKENZIE:** I have a perfect recollection of it. The hon. Minister of Customs had pledged himself not to remain in the Cabinet if the short route was not adopted.

**Hon. Mr. TILLEY:** No, no.

**Mr. MACKENZIE:** Did not the hon. gentleman consult his friends in St. John as to whether he should resign or not?

**Hon. Mr. TILLEY:** Yes.

**Mr. MACKENZIE** condemned Hon. Mr. Tilley for abandoning his pledge to his constituents to resign if the North Shore route were persisted in, and denounced its character. The Intercolonial would never pay, and already the whole country were convinced of the fact, however suitable as a military road.

**Hon. Mr. TILLEY:** I gave no pledge at all.

After further discussion, **Mr. MACKENZIE** read extracts from his past speeches to show the determined stand the Opposition had taken in hostility to the North Shore route.

**Hon. Mr. ANGLIN** confessed that he felt thankful that the majority in the Cabinet had not resigned their seats in the Cabinet as he feared they would have done, for if they had, it would have endangered the success of the Robinson route. He had always been in favour of the route, and was glad that it had been chosen. But he could hardly credit the statement that the Government proposed to furnish steel rails to the Grand Trunk Railway, and give the old worn out rails of that line to the North Shore road. In the interest of economy it was essential that a good substantial line should be constructed in the first instance, and he considered the policy of the Government in this matter as wise and prudent, and one which would be supported by the country and the House. He was not prepared to express an opinion on the subject of gauges but thought the opinion of the member for Grenville was entitled to great weight. The whole subject was of the greatest importance and should receive the fullest and most earnest consideration of the Government. He thought that if anything the amount asked was too much, as the work ought to be completed as soon as possible.

**Mr. MACKENZIE** read an extract from a speech he had made in 1867, urging economy in the construction, and shortness of route, and regretting the large vote that had been granted. He said, at that time, the route had not been decided, and he had pointed out as forcible as he could the result that would follow from the adoption of the longer route, and therefore the member for Lanark must admit that he had the full support of himself and the other members of the Opposition.

**Hon. Mr. McDOUGALL (Lanark North)** did not see anything very decided in what the hon. member had urged, and further did not think that at the time the speech was given, that hon. gentleman could be considered as representing the views of the Opposition generally.

**Mr. WALSH** said that under the Union Act the Government had to connect Rivière-du-Loup with the other lines at Truro, and the line now adopted was actually thirty-five miles shorter than the other route. He had given the matter much consideration, and maintained that the present route was the best.

**Hon. Mr. McDOUGALL (Lanark North)** said the proprietors of other lines were quite willing to allow the Government running privileges.

**Mr. WALSH** said no doubt they would, but would have exacted a heavy equivalent. He referred to a remark made by the member for Lambton, that the Government had diverted the line from the Robinson route by way of Newcastle, involving a largely increased expenditure, but he stated that by that diversion ten miles had been saved. The bridge required over the Miramichi was also much smaller than it otherwise would have been. In reference to the gauge, even were any portion placed on the narrow gauge, only a small portion could be so placed. As to what the member for Lanark had said as to cars not being able to go through, that was one of the great advantages that would result. Were the question in its first stage, the narrow gauge might be advisable, but under the present

circumstances such could not be done. As to the character of the line, the Government had never been committed to build a cheap road, but had always held that the truest economy would be the construction of a good substantial road. He concluded by saying that one route would have cost as much as the other.

**Mr. MACDONALD (Glengarry)** said the Minister of Public Works had maintained that the Intercolonial should be of the same gauge as the Grand Trunk,—he thought the Grand Trunk should not be considered. As to the contracts that had been given out for stock, very little had been done, and what had been made could easily be changed. There was no doubt that the narrow gauge could be very much more easily worked in the winter time, and of all the many miles of railway now under construction in Ontario, every one was on the narrow gauge system—and under these circumstances the Government should not persist in building the Intercolonial on the broad gauge. As to the break of gauge, let the Government buy from the Grand Trunk Railway the line from Quebec to Rivière-du-Loup.

**Hon. Mr. HOWE** said it was absurd to imagine that the country would allow the Government to buy that portion from the Grand Trunk. The Government was simply conforming to the circumstances by which they were surrounded.

**Mr. McDONALD (Middlesex West)** spoke as to what Mr. Mackenzie had said as to the change of route purposely to oblige a member of the Government.

**Mr. MACKENZIE** said that what he had stated and he had stated it in the House was that the line was taken some miles up the River Miramichi beyond deep water, and that it was then found that the only way to reach deep water was apparently by a switch to Mr. Mitchell's shipyard.

**Mr. McDONALD (Middlesex West)** said there was no doubt the narrow was the better gauge, but under the arrangements it could not be adopted. The Intercolonial had doubtless done the greatest good to the country through which it passed, and would tend to make land more valuable than in the West. He considered the work had been carried on as fast as possible, considering the difficulties of climate to be contended against. He did not think any money had been wasted, but that the line would be exceedingly beneficial, and Ontario would be astonished to find the amount of traffic that would pass over it.

**Mr. JONES (Leeds North and Grenville North)** said that the Intercolonial had been forced on the Dominion, and whatever the gauge, it would be found that the whole expenditure had been thrown away. The question to be considered was how the line could be completed most economically, and throughout Ontario there was certainly a feeling that a large amount had been squandered. He thought the deference of the Commissioners to the Chief Engineer was very much more than the Chief Engineer showed to them,—for that gentleman in his Report had altogether condemned the mode of

proceeding proposed by the Commissioners. The first intention had been to construct a cheap road, but now they seemed to have adopted the most costly plan possible. He thought the narrow gauge ought certainly to be adopted. He had travelled over the country but did not entertain anything like the favourable opinion expressed by the member for Middlesex West. No timber grew, and the land was certainly unfit for cultivation.

**Mr. ROBITAILLE** stated that the land was covered with birch, maple and soft wood, and some of the finest stock was raised there.

**Hon. Mr. BEAUBIEN** said that in the valley of the Matapedia the whole of the land was arable and fit for navigation. This had been ascertained definitely by special surveys, and the land was being taken up very fast.

**Mr. WALSH** said that no steps had been taken to build a switch at Newcastle, and it was not correct that they were confined to Mr. Mitchell's yard for deep water.

**Mr. MACKENZIE** asked for information as to the appropriations for Engineering and Management.

**Hon. Mr. LANGEVIN** explained that the Management consisted of the Commissioners and their staff.

Item passed.

On the item of \$31,100 for Nova Scotia Railway,

**Mr. MACKENZIE** asked for information, and on **Hon. Mr. LANGEVIN** explaining the work to be done, the item passed.

Item of \$213,800 for European and North American, New-Brunswick and Eastern Extension Railways.

**Hon. Mr. LANGEVIN** explained the purposes to which the vote was proposed to be applied, and

The item passed.

Item for \$150,000 for extension of Railway Terminus to Halifax.

**Hon. Mr. LANGEVIN** said that the Intercolonial would end at Richmond, some 2 miles outside Halifax, and it was proposed to carry it into the city.

Item passed.

In reply to Mr. Mackenzie, **Hon. Mr. LANGEVIN** said that the report of the Canal Commission would be before the House early in the ensuing week.

Item of \$326,000 for Harbours and Piers.

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**Mr. MACKENZIE** complained that some of the contracts had not been given to the lowest tender.

**Hon. Mr. LANGEVIN** explained that the lowest tender for the Rondeau Harbour had been accepted. The same contractor, however, made the lowest tender for the Goderich Harbour, and the Government thought the same man should not have the two works. They therefore gave the contract to the next lowest tenderer, he accepting it as the price of the lowest tender. The same was the case in the Chantry Island works, the contractor who had received the Goderich Harbour contract, made the lowest tender, and the contract was given to the next tenderer at the lowest price.

**Mr. MACKENZIE** said the explanation was most miserable, and the work had been apportioned to gratify political partisans.

**Hon. Mr. HOLTON** said the Government had taken on themselves the responsibility of disregarding tenders, and making private bargains with their friends. He thought the case a very bad one indeed.

**Mr. OLIVER** said that he found from the papers produced, that the Engineer of the Department had recommended the lowest tender in each case, and he did not know why the Minister had not acted on his recommendation.

**Mr. STEPHENSON** said that no one for a moment doubted Mr. Brown's ability to perform whatever work he contracted for; but this one thing could be said: At the time these tenders were opened, there was a strong feeling expressed in opposition to the Government allowing one man to have a monopoly of the works for which tenders had been called, and he (Mr. Stephenson) had received letters from the various sections of the country, making

complaints on this score when it was believed Mr. Brown was likely to get the contracts for the construction of both the Rondeau Harbour and the Harbour at Goderich; and, moreover, several of the strongest of these complaints came from political friends of the member for Durham West. As the contracts now stood, he (Mr. Stephenson) believed that Mr. Brown was perfectly satisfied; he, at all events, presumed so from the fact that Mr. Stephenson was aware that Mr. Brown had expressed himself as being indifferent so far as the Rondeau was concerned, as to whether he did the pier, stone and iron work or not, so long as he had the dredging, which was what he now was to perform at the Rondeau as well as at Goderich. (*Hear, hear.*)

**Mr. MERRITT** regretted exceedingly that the lowest tenders had not been accepted.

After some further discussion, in which Mr. Stephenson, Mr. Street, and Mr. Workman took part,

**Hon. Mr. LANGEVIN** said that the Government considered that no contractor should have more than one of the works. It had been said that political partisanships had existed. Such was not the case.

Item was passed.

The Committee rose and reported progress, and asked leave to sit again tomorrow.

**Hon. Sir GEORGE-É. CARTIER** stated that tomorrow the estimates would be continued.

The House adjourned at 1 a.m.



March 24, 1871

## HOUSE OF COMMONS

Friday, March 24, 1871

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### AFTER ROUTINE

#### FISHERIES

**Hon. Mr. TUPPER** brought down returns of Orders in Council issued relative to the Fisheries, and a statement of the means adopted by the Hon. Minister of Marine and Fisheries to prevent sawdust and rubbish from being thrown into rivers frequented by fish, &c.

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#### VAUDREUIL RAILWAY

**Mr. SHANLY** introduced a Bill concerning the Vaudreuil Railway Company.

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#### SUN INSURANCE COMPANY

**Mr. WORKMAN** introduced a Bill to amend the charter of the *Sun* Insurance Company.

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#### COMMERCIAL BANK OF NEW BRUNSWICK

**Hon. Mr. TILLEY** introduced a Bill relating to the Commercial Bank of New Brunswick.

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#### WINDSOR BOARD OF TRADE

**Mr. O'CONNOR** introduced a Bill to incorporate the Board of Trade of the Town of Windsor.

All these bills received first reading.

### PUBLIC ARCHIVES

**Hon. Sir A.T. GALT** said, in reference to a petition which he had presented today relative to the archives of Canada that the object of the literary gentlemen whose names were attached to it, was to preserve all public documents which would be useful as records of the history of the country. He spoke at some length of the necessity of preserving these documents. He therefore moved that the petition be referred to the Joint Committee on the Library.

**Hon. Mr. DORION** hoped that steps would be taken to arrange and preserve the papers referred to. A great many of them were in the possession of the Quebec Government.

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### ST. PETER'S CANAL

In reply to Mr. Macdonald (Glengarry), who asked when the papers relating to St. Peter's Canal would be brought down, **Hon. Mr. LANGEVIN** said that he thought they would be brought down on Monday.

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### MANITOBA BILL

**Hon. Sir GEORGE-É. CARTIER** gave notice that on Tuesday next he would move that the House go into committee on a resolution praying that Her Majesty should cause a Bill to be laid before the Imperial Parliament with reference to the Province of Manitoba. (*Ironical hear, hear.*)

**Hon. Sir A.T. GALT** observed that the despatches were not complete. There was a despatch from the Earl of Kimberley, saying that the Draft Bill had been sent out, but that Bill was not submitted.

**Hon. Sir GEORGE-É. CARTIER** said this Government had no authority to submit it to the House.

**Mr. BLAKE** said that the Minister of Justice stated that the only difficulty was that there might be some possible technical objection to submitting the Bill to this House before it was brought before the Imperial Parliament.

**Mr. MACKENZIE** said that the Minister of Justice had promised to submit the Bill.

**Hon. Sir GEORGE-É. CARTIER** said there was no promise made.

**Mr. MACKENZIE** said that there was such a promise.

**Hon. Sir GEORGE-É. CARTIER** said it lay with the Governor-General to allow a Bill to be submitted to this Parliament before it was presented to the Imperial Parliament.

The matter was then dropped.

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### ROCKWOOD ASYLUM

**Hon. Mr. MORRIS** gave notice that he would on Tuesday next submit a resolution to the House to empower the Government to treat with the Ontario Government for the sale or lease of the Rockwood Asylum.

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### FORTIFICATIONS

**Hon. Mr. HOLTON** before going into Committee of Supply, asked whether the Government intended to act upon the power they possessed to expend money on fortifications during the approaching Parliamentary recess, or whether they were prepared to assure Parliament that no steps looking to an expenditure under the Appropriation Act of 1868 would be taken until this Parliament should again meet at its next session. He was persuaded that the all but unanimous feeling of the country was averse to any expenditure being undertaken under the existing Acts.

**Hon. Sir GEORGE-É. CARTIER** said the Government had considered the question and had come to the conclusion that they would not expend any money under the power granted them during the recess, and at the next session if they intended to do anything they would inform the House of it. (*Cheers.*) He was glad that he had elicited cheers from the Opposition. (*Laughter.*)

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### SUPPLY

The House went into Committee of Supply, **Mr. STREET** in the chair.

The item of \$5,000 for Protection to Little Hope lighthouse was carried.

On the details of expenditure on the Departmental and Parliament Buildings, some discussion took place.

**Mr. MACKENZIE** complained of the inefficient manner in which the public buildings were heated. Any one who had the misfortune to sit in this Legislative Chamber knew that it could only be done at the risk of health from drafts. He believed that the Government deserved credit for having resisted the claim of Mr. Carth for \$37,000 for heating the buildings. The system was the most inefficient and costly one that could have been adopted. It was the natural result, however, of employing men to look after it, not because they were fitted for the business, but because they were Government partisans.

**Hon. Mr. LANGEVIN** said that the Government had decided to enquire into the matter, and would endeavour to obtain a more economical system. The present cost of heating the buildings was \$30,000.

**Mr. MACKENZIE** was confident that the object might be obtained for one third of the amount.

Item carried.

Item of \$50,000 for Library Building.

**Hon. Mr. LANGEVIN** said the Building would be finished by November next.—Carried.

Item of \$207,880 for Tower, Railings, Grounds, &c., of Parliament Buildings.

**Hon. Mr. LANGEVIN** said the object of the vote was to complete the whole work. The Tower would be completed, and it was desirable that a proper fence should be erected and the grounds put in proper order. The fence would be erected during the year 1871-72.

**Hon. Mr. McDOUGALL (Lanark North)** asked whether plans had been decided upon.

**Hon. Mr. LANGEVIN** answered in the negative, and said that when the plans were decided on, they would be laid before the House.

**Mr. CARTWRIGHT** asked whether the sums asked would cover all expenses.

**Hon. Mr. LANGEVIN** said he would not say positively, but did not think much more would be required. The amounts were to cover the cost of construction and not of repairs. The tower was to be completed with wood and iron, not stone. Tenders had not yet been called for—as Engineers had thought it advisable not to finish the tower at once. The tower had now settled equally and would be able to be completed.



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Item passed.

Item of \$200,000 for Post Office, Custom House, and other Public Buildings at Halifax.

**Hon. Mr. HOLTON** thought the Government should fully explain the circumstances of this vote, in connection with the Provincial Buildings already erected at Halifax.

**Hon. Sir FRANCIS HINCKS** said the Government did not possess that building, and it was absolutely necessary that the Government should have buildings at Halifax. The Government would be glad to receive those buildings, but the Local Government refused to hand them over. The claim of that Government had never been decided to be inadmissible, but nothing could be done till the buildings were handed over.

**Mr. JONES (Halifax)** gave notice that he should move an amendment on the item coming up for concurrence. The building had been constructed to accommodate a large number of Government Departments, partly belonging to the Local and partly belonging to the Dominion Government. The Local Government might, therefore, well have asked for half the entire cost of construction, but had only asked for the expenditure since Confederation. The building had been constructed most economically, the contractors barely covering their outlay. The Local Government took the ground that as the work had been originally started for local objects the Dominion Government should share the expense. He believed the Government of Nova Scotia had offered to give up the building on terms unfair to her own people, and that instead of asking \$62,000, they ought to have asked \$100,000 or half the entire cost.

If the Dominion Government did not meet the proposition of the Local Government, and accept the building on the terms offered, they would have to go to much larger expenditure in constructing buildings of their own. They would have to pay more, and would have to wait three or four years for a building to accommodate services for which the Provincial building had been expressly constructed. He thought no new building should be commenced until the negotiations between the two Governments were concluded. He contended the matter was one of open and unadjusted account between the two Governments, and the Government had no right to retain the \$10,000 for interest. The Government of Nova Scotia having constructed the building for objects which were now partly under the Dominion Government, their claim was more than just, for they had a right to receive either one half the entire cost, or retain one half of the building.

**Hon. Sir FRANCIS HINCKS** said the Dominion Government were required by law to charge interest on the cost of the building so long as it was not handed over, and they had no other course open to them. The first step to be taken was for the Local Government to hand over the building, and he would then be prepared to recommend that the matter should be referred to

arbitration, and the Government would ask Parliament for any amount decided by the Arbitrators.

**Hon. Mr. HOLTON** thought the Government could not persist in asking the vote, which was for the sole reason of coercing the people of Nova Scotia. If the Government was right,—though he thought they were wrong—why not wait till the elections in Nova Scotia had taken place, and the new Local Parliament had expressed its views of the matter.

**Hon. Mr. TUPPER** said it was of no consequence for what the buildings were constructed, or whether it came within the purview of the Union Act, because the Government of Nova Scotia entirely repudiated these grounds in their correspondence. The Government claimed the sum of \$66,000, for the reason expressly stated that that money was expended since Confederation out of Provincial funds. Under the Union Act the building became a Dominion building and ought to have been ceded to the Dominion Government. The Local Government, however, passed a minute that they would hold the building until the question of Confederation was settled. On the granting of the subsidy the Dominion made a condition that that subsidy should be chargeable with five per cent interest on the cost of construction of the building until it should be handed over. If the claim of Nova Scotia had been admitted, a further claim of \$300,000 would have been urged under precisely similar circumstances. The admission would have established a principle that would have opened the way to numbers of similar claims from every Province. The Dominion Government were absolutely precluded by the Union Act from admitting the claim on which it was urged by the Local Government. If the statement of the member for Halifax was correct the Nova Scotia Government had done themselves great injustice in stating their case. The action of the Nova Scotia Government had been most extraordinary; they ought to have given up the building under protest, and stated their determination to sustain their claim.

**Hon. Mr. HOLTON** asked the hon. President of the Council to explain the grounds on which the appropriation was asked.

**Hon. Mr. TUPPER** was glad he had satisfied the hon. member for Châteauguay on every other point, and would be able to satisfy him as to the appropriation before he took his seat. The interest charged was upon a statement made by the Local Government itself, and the moment they stated that the cost had been less, the interest had been charged on the smaller amount. The people of Halifax were especially suffering from the want of a post office, and the custom house also was altogether inadequate to the requirements; the Government therefore were anxious not to lose a year, in order that, if Nova Scotia still determined to hold the building, they would be in a position at once to supply the buildings required. They would not, however, take any steps until the people of Nova Scotia had decided at the ensuing elections whether they would sustain the action of the government.

**Mr. SAVARY** thought the item should pass so that the government might be in a position to supply the buildings required.

The Government of Nova Scotia in retaining the building had already lost half the sum they claimed, and if they maintained their position for a few more years, they would have sacrificed the whole amount. He referred to the correspondence before the House, showing that the Minister of Finance had made the fairest promises as to the settlement of the account in the event of the Building being transferred, but the Local Government would not meet that of the Dominion in the matter. He asked whether the Local Government had furnished a detailed statement of their claim.

**Hon. Sir FRANCIS HINCKS:** They have not met.

**Mr. SAVARY** hoped to see the building handed over, but did not care to whom it belonged so that the public might have the advantage of using it. He would be sorry to defend any injustice to the people of Nova Scotia, but he would consider it a humiliation to that people if they should ask for anything to which they had not a just right. He referred to the passing of the clause providing the charge of interest on the cost of the Building and charged the member for Durham West with having been mainly instrumental in passing that clause, and maintained that if the Government had referred the matter to Arbitration, and the Arbitrators had granted the whole claim, that member would have been foremost in condemning such a proceeding.

**Mr. BLAKE** replied to the reference to himself, showing that the clause had been adopted by 126 votes out of 132, that the Government themselves had adopted and supported the clause, and how therefore could he, then an insignificant member of the Opposition, be charged with having overborne the Government and brought about the adoption of the clause. He would not call the attack made upon him by the member for Digby cowardly, but he would see that the way in which the Government had, in correspondence with the Local Government, tried to shift onto him and others of the Opposition the responsibility of the course pursued was cowardly.

The Government of the day ventured by a trumpery trick to direct the attention of the people of Nova Scotia to him as responsible for that measure, thus belying the dignity of their position. They (the Government) told the House that the Act meant a final settlement, that it meant the end of all things financially with Nova Scotia and the Dominion. He (Mr. Blake) said "Put in the Act in plain terms what you mean," and he would tell them why he said so. He said so because he foresaw that the deliberate insult which the Government of the day had offered to the proper representatives in this matter of the people of Nova Scotia would be sure to recoil upon him. The hon. member for Hants and the hon. member for Colchester were not representatives of the people of Nova Scotia, with whom to make a treaty as to the adjustment of its financial affairs. (*Hear, hear.*) The only excuse the Government could have had for coming down to the House—not with a treaty between the Dominion and the people of Nova Scotia, as represented by their Government, but with a proposal to be offered to them—was that they asked the proper representatives of Nova Scotia to enter into negotiations, and

that they refused. But they had not such an excuse, for they did not deal with the proper representatives of Nova Scotia at all. That was the reason why he asked them to put in the Bill in plain terms what the Government said they meant. That was the position he took then. How was it answered? Did the hon. gentleman attempt to say that they had proposed to the legitimate representatives of the people of Nova Scotia, namely, the Local Government, to negotiate in this matter? No, they could not say so because it was false. They were in Halifax at the time, but they did not ask the Local Government to negotiate with them.

It being six o'clock the House rose.

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## AFTER RECESS

The following Private and Local Bills were read a second time, passed through Committee of the Whole, and read a third time:

Act to incorporate the Confederation Life Association (as amended by Standing Committee on Banking and Commerce)—**Mr. YOUNG.**

Act to incorporate the Toronto Corn Exchange Association (as amended by Standing Committee on Banking and Commerce)—**Mr. BEATY.**

Act to amend and explain the Act to amend the Charter of the Ontario Bank (as amended by Standing Committee on Banking and Commerce)—**Hon. Mr. CAMERON (Peel).**

Act to incorporate the Ontario and Quebec Railway Company (as amended by Standing Committee on Railways, Canals and Telegraph Lines)—**Mr. CRAWFORD (Leeds South).**

Act to incorporate the Montreal and City of Ottawa Junction Railway Committee (as amended by Standing Committee on Railways, Canals and Telegraph Lines)—**Mr. MACDONALD (Glengarry).**

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## BANK ACT

**Mr. CRAWFORD (Leeds South)** moved the second reading of the Bill No. 2—An Act to amend the Act 31st Vic., Cap. 11, entitled "An Act respecting Banks" and also to amend the Act 33rd Vic., Cap. 11, entitled "An Act respecting Banks and Banking"—(**Hon. Mr. ABBOTT**)—Carried.

The Bill was referred to the Committee on Banking and Commerce.

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### SUPPLY

The House resumed the debate on the Public Buildings at Halifax, in Committee of Supply.

**Mr. BLAKE** continued to argue that the Dominion Government should have endeavoured to induce the Nova Scotia Government to enter into negotiations for the transfer of the Buildings. He believed that it was for political purposes that they failed to do this. It was to create a bridge by which hon. members sitting on the Opposition might cross to the Government side that the Ministry refused to perform their plain duty, and entered upon what was obviously an abortive effort to settle the difficulty.

**Hon. Mr. TILLEY** begged to correct the hon. member. The leader of the Government had endeavoured in good faith to have the difficulty settled.

**Mr. JONES (Halifax)** said when the leader of the Dominion Government was in Halifax, representatives of Nova Scotia asked if the Dominion Government had any proposition to make with reference to the dispute between them, and the Dominion Government said they had not.

**Hon. Mr. TILLEY** said the Minister of the Dominion Government had not, because he was not there in a position to make such a settlement, but he told them to send their representatives to Ottawa, and efforts would be made to settle the difficulty.

**Mr. BLAKE** said if so, the Minister of Justice two years ago, did not say so, when he (Mr. Blake) said it was the plain duty of the Government to have approached the Government of Nova Scotia, and not merely to have formally approached them, but to have made every effort in their power to induce them to enter into negotiation, and he (Mr. Blake) said further, that unless the House had proof that much had been done, this government was plainly guilty of a dereliction of duty and that there was no proof that any such effort had been made.

**Hon. Sir GEORGE-É. CARTIER** and **Hon. Mr. TUPPER** explained that Hon. Sir John A. Macdonald and Hon. Mr. William McDougall during the convention in Halifax had extended an invitation to the Government of Nova Scotia to send their Finance Minister to Ottawa for the purpose of settling the difficulty.

**Mr. McDONALD (Lunenburg)** corroborated this statement.

**Mr. CARMICHAEL** and **Mr. ROSS (Victoria)** supported the statement of Mr. Jones that no such effort had been made to their knowledge. They most distinctly understood that the Dominion Government had no proposition to make.

**Mr. BLAKE** said there was no documents to prove that the Dominion Government had made any effort to settle the question. The only written evidence that could be furnished was the

Government had negotiated with Hon. Mr. Howe in reference to entering into negotiations directly with the Nova Scotia Government. The necessary result of this, was that the views of the people of Nova Scotia were not represented in the settlement, and they felt irritated and insulted at the manner in which they had been treated. If the negotiations had been concluded with the Representatives of Nova Scotia, the people would, no doubt, have been satisfied. The House was now called upon to pay \$100,000 for buildings, and the House was called upon to support the domineering Act of the Ministry over the Government of Nova Scotia. Mr. Blake here read from a speech, delivered by Hon. Mr. Tupper in Nova Scotia, in which that hon. gentleman had stated that Nova Scotia had received since 1867, \$97,000 more than she had contributed to the revenue, and thus had not aided to the extent of \$1 in defraying the cost of the Intercolonial Railway. Now, he (Mr. Blake) would ask was this true? If so he would not be afraid to justify his course two years ago in relation to the fifth clause, even before a Nova Scotia audience. He explained at considerable length the course which he had then taken and the grounds on which he had acted as he did.

**Hon. Mr. GRAY** had almost been inclined to say, let Nova Scotia have what she claimed if that would satisfy and do away with the complaints. The question was, however, whether the Government could have taken any course other than they had done. The member for West Durham had directed all his arguments to the condemnation of what was done before the passing of the Act, but the Bill had been deliberately passed and the Government were obliged to be governed by it, and they were tied down to a particular rule, without any of the latitude allowed in many other cases. The wishes of Nova Scotia should receive every consideration, but when that had been done nothing further could be allowed, for the Government were the servants of the Dominion Parliament and not of the Nova Scotia Legislature. The House must see that the views of the member for Halifax could not be entertained. He believed the question was one for equitable settlement, and he did not doubt that such a settlement could readily be arrived at. In the present state of the law, the Government had only one course open to them, until the buildings were handed over. In addition to the clause providing for the charging of the interest, another clause enacted that the provisions of that Act, and if the "British North America Act, 1867" should be taken in full settlement of all demands on Canada by Nova Scotia. As to why arbitration had not been called in, the first Minister of the Crown had answered that the Government had no power to employ arbitration. When the buildings had been handed over no one could doubt that the Government would deal with the matter justly and equitably in every way, and if they did not do so, they would incur the censure of the House. The law would not allow of any action now, but when the buildings were ceded and the matter came up, everyone in the House would be anxious to see full justice.

**Hon. Mr. McDOUGALL (Lanark North)** thought it would be a great loss and a great waste of money to have two buildings at Halifax, and certainly, it was most undignified to pass a vote for the sole reason of intimidating and coercing the people of Nova Scotia, to make them relinquish the position they had assumed. On these

two grounds he was opposed to the vote, and he certainly thought there ought to be easy means of enabling the Dominion Government to get possession of what belonged to it, without recourse to arbitration or any other roundabout means. The question ought to be thoroughly enquired into, and it should be ascertained whether the statement of the member for Halifax that the building was erected for purposes, a part only of which came within the power of the Dominion, was correct, and if such should be the case, the matter should be adjusted on that basis. The Union Act provided that Nova Scotia should come in within a debt of \$8,000,000 paying interest on any sum in excess of that amount. She was, however, indebted beyond that amount, but she was not liable for interest on liabilities over that amount, but for matters of debt only. It appeared to him that the additional subsidy granted to Nova Scotia was intended in full settlement of all claims by Nova Scotia, including the expenditure on the building. As to any sum that might have been expended on furniture, that might be dealt with as outside the binding terms of the Act. As far however, as the main sum was concerned, there could be no doubt that it was governed by the terms of the Act, and the Government had no power to act otherwise than in accordance with the law. He was opposed to the vote, as it was simply coercive, and was not intended to be made use of.

**Mr. MACKENZIE** could not agree with the statement of the President of the Council as regarded the amount on which interest had been charged. The Nova Scotia Government had at first named the amount they claimed for principal and interest, but afterwards named the exact cost when they found they were to be charged with interest, but they had not in any way attempted misrepresentation, as the President of the Council had tried to show. He referred to the action of the Opposition with respect to Nova Scotia at the time of Confederation, to show that the Opposition had then stood by Nova Scotia and showed every disposition to give her full justice. The Province of Nova Scotia had not been well used in the correspondence that had taken place, and the money expended by Nova Scotia since Confederation on this building ought to have been paid by the Dominion Government. If part of the building had been destined for local services, the Government could not claim the whole of it. He referred to the construction of the Parliament Buildings at Ottawa, and said that the amount spent, under the old contracts, since Confederation had been borne by the Dominion, and the same rule should be followed in the case of the building at Halifax.

**Hon. Mr. TUPPER** said that he had seen in the hands of the Auditor, statements showing that every dollar expended on the Parliament buildings under contracts in force at the time of Confederation was charged against the old Province of Canada. If the statement of the member for Lambton was correct, Nova Scotia would be enabled to claim hundreds of thousands of dollars expended under similar circumstances.

**Mr. MACKENZIE** condemned the Government for attempting coercive measures, and said that the matter should be fully and fairly considered, and settled equitably, but he could not consent to

the vote being passed simply to ascertain the views of the people of Nova Scotia. Mr. Ross had frankly admitted that the amount expended since Confederation stood on a different basis to that expended prior to that time, and had said that that matter might form subject for equitable adjustment, and that equitable adjustment was exactly what he desired.

**Hon. Sir FRANCIS HINCKS** said the whole tone of the correspondence shewed the readiness of the Dominion Government to decide the matter equitably, and amicably, but hon. gentlemen could not deny that there was some ground for deeming that the matter was not one simply of account. The Government had considered the matter to be entirely on the same footing as the Railway matter, which had been charged against Nova Scotia without objection. Hon. gentlemen seemed very sensitive as respects their former action concerning Nova Scotia, and seemed most anxious to set themselves right with that Province. He could not see any cause for the indignant expressions used by the member for Durham West as regarded references to him in the correspondence as the only statement that could possibly apply to him was that the clause had been proposed by an opponent of the Government and accepted by the Government, and he could not understand how that could be termed a "cowardly attack." The Government was most anxious to dispose of the matter fairly, but it would be most dangerous to open the accounts, as it would open the way for claims for millions of dollars. The Government had most scrupulously adhered to the principle, that all debts and liabilities at the time of Confederation should be charged against the Provinces incurring them.

**Hon. Mr. DORION** asked whether the full amount of the cost of the building, including the \$66,000 made a part of the debt charged against Nova Scotia.

**Hon. Sir FRANCIS HINCKS:** Certainly not.

**Hon. Mr. DORION** said that the sessional papers shewed, as forming part of the debt charged to Nova Scotia, a sum of \$22,000 for the Buildings.

**Hon. Mr. TUPPER** said the whole question was involved in the query of the member for Hochelaga. He stated most distinctly that not one farthing of the \$66,000 was included in or charged against the debt of Nova Scotia. The memorandum cited was not a statement of the actual debt, but a simple estimate, made beforehand by the auditor, of what the debt would be when all existing contracts were fulfilled.

**Hon. Mr. DORION** said the statement in the papers was most distinct that that amount was included in the debt.

**Hon. Sir FRANCIS HINCKS** asked hon. gentlemen whether they could possibly believe or imagine that if that amount had been twice charged, Nova Scotia would have allowed such to be done. It was impossible that such could be the case. Speaking of the vote, he distinctly denied that it was intended to be in any way coercive, but

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the necessity for the Building was very great and the Dominion could not go on year after year until the Government of Nova Scotia chose to hand over the buildings. With these remarks he asked the Committee to support the vote.

**Mr. BLAKE** asked whether interest had been charged on the whole cost of the buildings.

**Hon. Sir FRANCIS HINCKS:** Certainly it had; the Act provided that such should be done, that Nova Scotia should pay five per cent on the cost of the building until it was handed over, and the Dominion Government had no choice.

**Mr. BLAKE** maintained that the Act only intended that interest should be charged on the cost to the Dominion and not on the whole cost.

**Hon. Sir FRANCIS HINCKS** said that the Act certainly allowed of one course only being taken, irrespective of questions of equity, and if the point had been raised at the time the clause was passed, the member for West Durham would have been the very last to admit the view he now advocated.

**Hon. Mr. DORION** was convinced that the Government of Nova Scotia would have handed over the building, if the Dominion Government had asked for, not demanded it. No doubt, the proper course would have been taken if it had not been for the approaching election. The vote asked for was wholly unjustifiable. It was not proposed to expend it; it was simply to be held out to the people of Nova Scotia as an inducement for them to send supporters of the Government to Parliament, or rather as a menace to force them to do so.

**Hon. Mr. SMITH (Westmorland)** agreed with those who believed that it was intended to use this vote to coerce Nova Scotia into submission to this Government. He sustained the view that the Dominion was liable for the cost of the buildings, and should recoup it to Nova Scotia.

**Mr. SCATCHERD** spoke at some length against the appropriation.

**Mr. SAVARY** said if this vote were withdrawn the effect of it would be to keep the buildings closed for a year longer. He could see no attempt at coercion in this appropriation. He believed a mode of meeting this difficulty would be found if the House would vote this money, but he did not see how it could be done without it. He had been charged with having used offensive language in referring to the hon. member for Lambton. He never intended to do so, but he had before, and he repeated it now, that the party, of whom the hon. members for Lambton and Durham were the chief exponents, with endeavouring to fan the embers of the anti-confederate party into a flame to suit their own purposes. (*Hear, hear.*) When he, with other representatives of Nova Scotia, came to this House and saw that the object of the Opposition was to create discord, he joined the

Government party, who were desirous of promoting peace and harmony throughout the Dominion. The consequence was that the Opposition from Ontario opposed every measure brought down by the Government in the interest of Nova Scotia. It did not rest with the hon. member for Lambton to charge him (Mr. Savary) with being a slavish supporter of the Government. The action of the Opposition had resulted in excommunicating every Nova Scotia member from their ranks.

**Mr. MILLS** replied to the remarks of the hon. member for Digby, charging him with inconsistency. He (Mr. Savary) had at one time used the most bitter language in speaking of the hon. member for Hants whose leadership he (Mr. Savary) now followed so faithfully. Mr. Mills continued to speak at some length against the vote. He characterized the course of the Government as shabby beyond measure in lending themselves to so ignoble a purpose as to aid the Opposition in Nova Scotia Legislature. They entered into a contest with the Government of Nova Scotia before the people of that Province, and they had taken advantage of the Act passed two years since to coerce the people of Nova Scotia. This was his reason for opposing the appropriation.

**Hon. Sir FRANCIS HINCKS** thought the argument of the hon. member for Durham West most unfortunate for the country. If the construction of the hon. member for Westmorland was correct as to the \$66,000 it would apply to every open account as incomplete work at the time of Confederation, and thus claims to the amount of millions might be brought against the Dominion. Thus if \$100 were spent on a public work before any Province entered the Union, of a work to cost five millions, the affirmation of this principle would cast this enormous responsibility on the Dominion. That \$66,000 being a liability of Nova Scotia at the Union, was properly chargeable to her. He denied this question could be treated as a matter of account, and that any similar claim had been treated in this way.

In reply to Mr. Scatcherd, **Hon. Mr. TUPPER** said the settlement made by Hon. Mr. Howe on the Government of Nova Scotia had been accepted by her Government, for they had received all the extra subsidy.

**Hon. Sir FRANCIS HINCKS** said the grants and additional allowances had been accepted, but not the liabilities. If the people of Nova Scotia wanted the building for local purposes, they were welcome to it on our terms, and we claimed we must erect other buildings. That is our position.

**Mr. CURRIER** asked could the Local Government build a new building and then hand over the buildings when they liked? Would the Government accept this?

**Mr. BLAKE:** Yes.

**Hon. Sir FRANCIS HINCKS:** Certainly we would not.

**Mr. CURRIER:** Then, after spending \$200,000 on a new building, the present one might be transferred and this Dominion might find itself with two sets of buildings.

**Hon. Mr. DORION** said the Act was very plain; it provided that Nova Scotia shall be charged with interest until the building was placed at the disposal of the Dominion; and therefore the very moment the Nova Scotia Government intimated their intention to hand over the building, the Dominion was bound to pay them the whole subsidy, and not keep back any for interest.

**Mr. BLAKE** said there was not a lawyer in the House who would put the same construction of the Act as the Finance Minister had. There was not the slightest doubt that the instant the Local Government tendered the building to the Dominion at any time under this law, that instant the interest was no longer chargeable to Nova Scotia.

**Hon. Sir GEORGE-É. CARTIER:** Then the law will have to be repealed.

**Hon. Sir FRANCIS HINCKS** wished to know if the hon. member for Hochelaga meant to say that the Government of Nova Scotia could keep those buildings for half a century if they pleased, and then force them on the Dominion Government.

**Hon. Mr. HOLTON** said if it was admitted that the Dominion owned the buildings they could take possession of them at any time.

**Hon. Sir FRANCIS HINCKS** said Halifax must have suitable buildings like St. John, Montreal and other cities in the Dominion.

**Hon. Mr. HOLTON** wished to know if the hon. member understood that the Dominion Government had not the power to eject the Nova Scotia Government from the buildings if they chose.

**Hon. Sir FRANCIS HINCKS:** Most certainly not, if they pay the interest on them.

**Hon. Mr. TUPPER** said the Act established a penalty that so long as the Nova Scotia Government refused to surrender the buildings they were obliged to pay the interest.

**Hon. Mr. HOLTON** said the only true course was to get rid of the difficulty by coming to an agreement with the Government of Nova Scotia.

**Hon. Sir FRANCIS HINCKS** in reply to Mr. Currier, said that the Government would not accept the buildings if they had to build new ones.

**Hon. Mr. DORION** said the Government might accept them or not, but the moment that Nova Scotia refused to pay interest, the Dominion Government must pay over all the subsidy as if they had accepted the buildings.

**Mr. BLAKE** said it was as clear as the light, that if at any future time the Nova Scotia Government chose to give up the buildings, this Government could not refuse to accept them.

**Mr. JONES (Halifax)** in summing up the debate, said there was an impression in Nova Scotia that the Dominion Government would have settled this question long ago but for a member of the Cabinet professing to represent Nova Scotia in the Cabinet. He (Mr. Jones) gave notice that he would propose an amendment on concurrence which would have the effect of testing this question and of relieving this Government from an embarrassing position.

**Mr. KILLAM** opposed the vote.

**Mr. MACKENZIE** asked for particulars of the character of the proposed building.

**Hon. Sir FRANCIS HINCKS** said other votes had been passed on precisely similar information. Plans had not been prepared, for the reason that though the Government thought it desirable to have a vote, they hoped the Nova Scotia Government would surrender the building.

**Mr. MACKENZIE** complained of the want of particulars, and said it proved the factious nature of the estimate.

**Hon. Mr. TUPPER** could not permit the gross misrepresentations of the hon. member for Lambton and others on his side of the House to go unanswered. He had been taunted with being incapable and incompetent and with having unfairly represented Nova Scotia. He had fought and done his best for Nova Scotia at Quebec, and would again accept Confederation on the same terms. The conference at London improved the position of Nova Scotia, and the Ontario Opposition and newspapers denounced that small grant as a fraud on Ontario. When, however, the election in Nova Scotia resulted so unfavourably to Confederation, he had refused position and place in order to occupy the lower place in which he could help to remove the difficulties that had occurred. When the Government had grappled with the matter, and had brought down a measure to remove the difficulties, the Opposition had done their utmost to prevent that measure of conciliation from passing and then they had gone to the Legislature of Ontario, and convulsed that House with complaints of what was done for Nova Scotia, and the member for Lambton had gone from hustings to hustings denouncing the Government for its measure of conciliation to Nova Scotia; and if that hon. member did not believe that he represented the views of Nova Scotia, he would prove it, and a strong corroboration was the fact of Mr. Mackenzie having in his support a man who had ever been hostile to Nova Scotia, who had insulted that Parliament by absenting himself for two sessions, and who had been heard to say that he would take off his hat and cheer were the British flag hauled down throughout Canada.

**Mr. JONES (Halifax):** It is a deliberate untruth.

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**Hon. Mr. TUPPER** quoted from a speech of Mr. Power, to the effect that the Opposition had never been hostile to Nova Scotia—and that Nova Scotia had nothing to expect from a change of Government. The member for Lambton had said that he went into the Public Account Committee, and took good care to see that the amounts chargeable under the contracts for the Public Buildings should be paid by the Dominion, and if that was admitted Nova Scotia would claim \$600,000, instead of \$66,000, and all the members of the Opposition had so far forgotten their duty to the country as to make a baseless insinuation that the Government intended to do what they themselves wanted to do, to make the vote an election cry—and they had asked the Committee to tear the Union Act to tatters, to give them political capital in Nova Scotia. The Dominion Government had sought in every possible manner consistent with the Union Act to obtain possession of the Buildings. The Legislature of Nova Scotia had expressed its determination to keep the Buildings, and the Government had said, “Do so, and we will provide other accommodation for the public services, and charge you the interest decided by Parliament,”—and if that were done the clause in the Act would be obliged to be repealed, but the Opposition desired to keep the people without Post Office and Custom House, and yet provided no means for solving the difficulty. The course of the Government had been one of the most delicate consideration. As to cost of Buildings, the member for Halifax was a living and satisfactory evidence that the amount asked would be fully adequate.

**Mr. McDONALD (Lunenburg):** The circumstances referred to were that in August 1869 the Governor General proposed to make a tour through the Maritime Provinces, when some of the gentlemen of Halifax proposed that he should at least be welcomed to the city. A meeting was held at which a great amount of partisanship was shown. He had then moved a resolution for an address of welcome, and the member for Halifax there rose and opposed anything being done in recognition of the visit. He did not, however, say he would cheer when the flag was pulled down because the meeting would not allow him to do so. He, however, spoke in favour of annexation and said when that day came, and when the British flag was pulled down from Citadel Hill, he would take off his hat (suited the action to the word) and—he was not allowed to finish his sentence by the roar of indignation that followed. He afterwards tried to resume his speech but was not allowed to do so.

**Hon. Mr. HOLTON** raised a point of order that the discussion had no connection with the vote, and called in the Speaker.

**The SPEAKER** ruled that the Chairman should decide points of order in Committee, and the Chairman ruled Mr. McDonald in order.

**Mr. McDONALD (Lunenburg)** said that afterwards a report was published purporting to be an account of what the member for Halifax had said, and what had really been said was not stated, and he supposed the report was what the hon. gentleman would have said in cooler moments.

**Mr. JONES (Halifax)** said that if the President of the Council had desired to verify his statement, he should have appealed to someone more worthy of reliance. The City Council had refused to pass a vote of welcome, and a subsequent meeting had been held, and he held a printed statement of what he then said—to the effect that the Government should receive every welcome due to a distinguished person, but that he should see that he came to a discontented people who considered themselves conquered. He denied that he had said he would cheer when the British flag was pulled down, but there were many who desired independence, and if he honestly desired that, he would be justified in greeting it with pleasure, but he denied the statement even in that sense. He had shown the House that on three occasions the President of the Council had not done his duty to his country, and if he (Mr. Jones) had traded and trafficked on the interests of the country as that gentleman had done, he would be ashamed to show his face in that House.

**Mr. MACKENZIE** was amazed at the expressions of the President of the Council, but he had ever acted as the clacquer of his party, and stung as he must have been by the exposure of the contemptible policy of the Government, there was no wonder that he had availed himself of his powers of invective. That gentleman had said that he had made the treatment of Nova Scotia his chief election cry, but he would refer him to his speeches in which he would not find a single reference to the subject.

**Hon. Mr. TUPPER** asked whether the hon. gentleman had not said that Nova Scotia and New Brunswick were leeches on the other Provinces.

**Mr. MACKENZIE** said he had never said such a thing, and if anyone said he had, they uttered a gross falsehood!

**Mr. McDONALD (Middlesex West)** said when the hon. gentleman had finished, he would tell him he had said so.

**Mr. MACKENZIE** said the President of the Council had accused him of associating with men who would cheer when the British flag was pulled down—but with whom did he associate, why he associated with a man who, at Fort Garry, had said “Take down that rag” and “wished to God that the Yankees had the country.” He himself had ever been careful of Nova Scotia, and repudiated everything the President of the Council had said on the subject.

**Mr. BLAKE** desired also to repudiate what had been said by the President of the Council—he had not by a single word expressed any desire to “tear the Union Act to tatters,” and the hon. gentleman, if he had not wilfully misrepresented, had at least shown great obtuseness in the construction he had placed on what had really been said.

**Mr. McDONALD (Middlesex West)** said the member for Lambton had stated that he had not referred to the subject of the Lower Provinces in his electioneering speeches—but he had been present with him at Mount Brydges, Glencoe, Newbury, and other places, and he declared on each occasion that Nova Scotia got more

money than she was entitled to, and all through the influence and votes of Mr. John Sandfield Macdonald, Mr. Wood, and Mr. A.P. McDonald in the Dominion Parliament, and that the Lower Provinces were perfect leeches on the Dominion. He used the strongest terms, especially against Nova Scotia. In every meeting at which he had been present, the member for Lambton had brought up the money voted by the Dominion Parliament to Nova Scotia, and actually led the people of that country to believe that Nova Scotia and New Brunswick would come for a large sum by and by, and that it was their bounden duty to send strong party men to the Local House, who approved of his views, because the Local House was entirely controlled by the Dominion Parliament. He had also stated that the Dominion Government had thrown away not \$8,000,000 but \$12,000,000, so increasing the amount as he got to small places and away from reporters, and that the Intercolonial Railway Commissioners were going to build a switch three and a half miles long to benefit a member of the Government, and had thrown away a large sum of money in changing the route. He was perfectly willing to vote the amount of the estimate because he believed it just and right to do so, but he thought the member for Lambton had got very patriotic all at once, for while he was in Ontario, Nova Scotia was nothing, but the moment he came back, when he thought he could gain support, he turned round and said she should have \$66,000. The hon. member might deny that he had made these statements, and might bring his friends to shew that he had not, but he (Mr. McDonald) could produce the most substantial men in the country to bear out what he had said.

**Mr. MACKENZIE** entirely denied having made the statements respecting Nova Scotia and New Brunswick attributed to him, and he could appeal to all who knew him to say whether he had ever been guilty of prevarication. The record of his speeches was in the newspapers, and he would scorn to make a statement in the smallest

place that he was not prepared to substantiate in his seat in Parliament.

The item was then carried.

On the motion of **Hon. Sir FRANCIS HINCKS** the Committee rose, reported progress, and asked leave to sit again on Tuesday, the report to be received on Monday.

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#### SAVINGS BANKS

**Hon. Sir FRANCIS HINCKS** moved the second reading of Bill No. 46, "an Act respecting certain Savings Banks in the Provinces of Ontario and Quebec," and that it be referred to the Standing Committee on Banking and Commerce.

Carried.

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#### BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** gave notice that on Tuesday he would present the resolutions respecting the admission of British Columbia into Confederation.

The House adjourned at 2.05 a.m.



March 27, 1871

## HOUSE OF COMMONS

Monday, March 27, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### POSTPONEMENT

**Mr. PICKARD** asked leave to postpone until tomorrow the third reading of the Act to incorporate the Fredericton and St. Mary's Bridge Company.

**Mr. GEOFFRION** called attention to the fact that when in 1869 he brought up a similar measure, the Minister of Justice stated that jurisdiction in such matters lay with the Local Governments.

**Hon. Sir GEORGE-É. CARTIER** said he was obliged to the hon. member for Verchères (Mr. Geoffrion) for calling attention to the fact. He hoped that the mover of the Bill would postpone it until the Government inquired into the merits of the question.

**Hon. Mr. SMITH (Westmorland)** said that the river over which the bridge was proposed to be built was a navigable one, and the question of bridging it came within the jurisdiction of this House.

After some further discussion the matter dropped.

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#### LEGALIZING CERTAIN MARRIAGES

**Mr. BOWELL** moved for leave to introduce a Bill intituled "an Act to remove doubts as to the legality of certain marriages."

**Mr. MACKENZIE** thought this question of so much importance that before the hon. member proceeded further, he should explain the objects of the Bill. It was too important a question to proceed with until the House knew the facts.

**Mr. BOWELL** had no objection to explain the provisions of this Bill, though he thought it better to wait until the second reading of the Bill. Chapter 72 of the consolidated statutes of Upper Canada provides that "no minister or clergyman shall celebrate the

ceremony of marriage, between any two persons unless duly authorized so to do by licence under the hand and seal of the Governor," and by a subsequent Act "by license under the hand and seal of a deputy appointed to sign said license, or by publishing the bonds," etc. In some parts of the former Province of Upper Canada, now Ontario, Issuers of Marriage Licenses who were applied to for licenses had given the party so applying, a writing or document to the clergyman, informing him that he might celebrate the ceremony of marriage, under such writing or document, and that so soon as licenses properly signed by the Governor or his Deputy were received, he would issue one in place of the certificate issues.

Clergymen had married persons with no other authority than those certificates. In some cases duly and properly signed licenses have been substituted for these certificates, while in others, he had been informed, they were not. Some lawyers, eminent in their profession, contend that these marriages are not void nor voidable; while others declare them to be not only voidable but absolutely void. Others again declare them to be legal, until pronounced void by a competent Court. Families have grown up, and are now growing up, the issue of such marriages; and since the facts have become known, the parents of these families have been troubled with doubts as to the legitimacy of their children in the strict letter and interpretation of the law. It is to legalize such marriages the present Bill is introduced. The House, he was sure, would concur in the opinion, that whether these marriages were legal, illegal, void or voidable, it was not only proper but necessary to set the question at rest, and remove all doubts in the minds of persons who had been innocently placed in such a position. He knew there was a doubt as to the jurisdiction of this House to deal with the question. He was desirous of having this point settled, so that if he could not go on with the Bill it could be taken to the Local Legislature.

**Mr. BLAKE** called the attention of the Government to the constitutional point involved in the question before the House.

**Hon. Sir FRANCIS HINCKS** said that the ministers who solemnized these marriages must have been aware of the nature of the certificates that were handed to them, and they must have been guilty of great neglect to have allowed the matter to lie so long unsettled.

**Hon. Sir GEORGE-É. CARTIER** said the parties having acted in good faith should have their marriages legalized. Their children too should be protected by a special Act since the Law had failed to protect them.

The Bill was read a first time.

**CANAL COMMISSION**

**Hon. Mr. LANGEVIN** presented a copy of the instructions issued to the Canal Commissioners, together with the report of that body. He said the printed report would be distributed to members in a short time.

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**NORTH SHORE RAILWAY**

**Mr. PÂQUET** asked whether it is the intention of the Government to consider the North Shore Railway, as well as the Northern Colonization Railway between Montreal and Aylmer, as a part or link between the Intercolonial Railway and that projected in British Columbia, as well as that to Manitoba, which the Government is to construct at its own expense; and whether in view of the advantage which the Federal Government will derive there from, especially in the transport of Her Majesty's troops in the case of invasion, &c., &c., it is proposed to recommend to His Excellency to grant them assistance, whether by an allowance of so much a mile or in a round sum, and in that way granting the prayer of the petitions now before them.

**Hon. Mr. LANGEVIN** took exception to the ground taken by the hon. member that the Government would construct the Pacific Railway themselves. In reply to the first and second questions, he replied in the negative. The Government regarded the railway as a Provincial work.

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**POSTAGE ON AGRICULTURAL PAPERS**

**Mr. GENDRON** asked whether it is the intention of the Government to abolish the postage on Agricultural newspapers published in the several Provinces of the Dominion, in order to encourage the circulation of such newspapers, and to place them within the reach of all farmers who wish to keep themselves informed of the progress of agriculture.

**Hon. Mr. LANGEVIN:** It is not the intention of the Government.

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**INTERCOLONIAL INSPECTORS**

**Mr. MASSON (Soulanges)** asked whether the engineers now employed on the Intercolonial Railway will hereafter act as Inspectors of fences and ties; or whether some other persons will be appointed as such, and if so, what are the names of those persons?

**Hon. Mr. LANGEVIN** said the engineers now employed on the Intercolonial would act as inspectors.

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**CANADA GAZETTE**

**Mr. FOURNIER** asked whether it is by order of the Government that the *Canada Gazette* is no longer sent to the Reverend Curés and to the Registrars in the Province of Quebec?

**Hon. Sir GEORGE-É. CARTIER** replied that in compliance with the expressed wish of the House to conduct the *Canada Gazette* in the most economical manner they could, it was distributed to as few persons as possible.

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**CIVIL SERVICE TAX EXEMPTIONS**

**Mr. BLANCHET** asked whether it is the intention of the Government to cause the Civil Service Act to be so amended as to exempt persons in the employment of the Federal Government from the Income Tax imposed by Municipal Corporations.

**Hon. Sir FRANCIS HINCKS** said it was not the intention of the Government.

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**NOVA SCOTIA RAILWAY TENDERS**

**Mr. JONES (Halifax)** asked whether it is the intention of the Government to solicit Tenders for supplies required for the use of the Nova Scotia Railways, or whether they intend following the course hitherto pursued of obtaining the same by private contract?

**Hon. Mr. LANGEVIN** said that whenever Government deemed it expedient to solicit Tenders, they would do so.

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**TUG SEIZURE**

**Mr. STEPHENSON** moved for correspondence respecting the seizure by the United States Customs officials of a steam tug and barge, the property of Hiram Little, Esq., a British subject, while engaged in legitimate trade in Canadian waters.

**Hon. Sir GEORGE-É. CARTIER** said the correspondence was still going on, and he would therefore ask the hon. gentleman to withdraw the motion.

It was withdrawn.

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**ORDERS IN COUNCIL, DEPARTMENTAL  
REGULATIONS, &C.**

**Mr. MILLS** moved a resolution declaring it expedient that Orders in Council, Departmental Regulations and Proclamations of a permanent character having the force of law be printed each year in the same manner as the Statutes of Canada.

**Hon. Sir GEORGE-É. CARTIER** said that the object sought was very laudable, and suggested that the matter should be referred to the committee on Printing to ascertain what would be the expense of carrying out the proposal.

**Hon. Mr. HOLTON** said he thought the hon. mover had contemplated that the Orders in Council, &c., should be printed and bound up with the statutes. He said that there was a very obvious reason for publishing Orders in Council, as the Government were given very large powers to make certain changes in the laws.

**Hon. Mr. ANGLIN** said that it would be much cheaper to publish these Orders in Council in the manner suggested by the resolution than to publish them in any small country newspaper which had no circulation.

**Mr. BLAKE** said he had seen a small sheet filled with only two things—on one side Government puffs, and on the other Government advertisements. (*Laughter.*)

**Mr. GIBBS** hoped something would be done to make public the Orders in Council having the force of law. He had frequently experienced great difficulty in finding out what the law was with respect to the duties on certain articles which were regulated by Orders in Council under the authority of Parliament.

**Hon. Mr. GRAY** supported the motion, as it was just as important to have such Orders in Council public as the laws.

**Hon. Mr. SMITH (Westmorland)** thought the resolution should include all orders already passed.

**Hon. Sir GEORGE-É. CARTIER** said the Government did not oppose the motion, but before adopting it, they should know the cost; therefore he suggested that the motion be referred to the Printing Committee.

**Mr. MACKENZIE** said it would be impossible for the Printing Committee to make any report in the absence of definite information as to the amount of matter to be published. The Government must first furnish the committee with the Orders in Council that now have the force of law, and in the meantime he would suggest that the motion be allowed to stand.

**Hon. Sir GEORGE-É. CARTIER** said that could easily be done.

After some further discussion **Mr. MILLS** consented to allow his motion to stand.

**PENSION LISTS**

**Mr. BOLTON** moved for an order of the House for a statement of the settlement by capitalization of the several liabilities of each Province on Pension Lists prior to the Union.—Carried.

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**JOSEPH BOUCHETTE**

**Mr. FORTIN** moved an address to His Excellency for copies of Petition or Petitions presented by Joseph Bouchette.

Carried.

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**ACADIA FIRE INSURANCE COMPANY**

**Mr. JONES (Halifax)** moved an address to His Excellency for copies of correspondence between the Government and this Company respecting the substitution of Dominion Bonds in place of Lost Provincial Debentures. He said that since placing the motion on the paper, he had heard the proceedings were in progress for making the exchange desired, and asked if such was the case.

**Hon. Sir FRANCIS HINCKS** said there was no doubt that the Bonds had really been lost on board the *City of Boston* as alleged, and the Government had at first been prepared to grant new Bonds, on receiving the usual security, which the Company had, of course, always been willing to furnish; but a difficulty had originated in the Department of Justice as to the power of the Government to issue Dominion Bonds in place of Provincial Debentures, and the Government were therefore prepared to redeem Bonds by paying the amount of their value, instead of replacing them by Dominion Bonds.

**Mr. JONES (Halifax)** pointed out that when the lost debentures had been purchased they had stood at a considerable premium and that therefore, if they were redeemed at their par value only, the company would sustain some loss.

**Hon. Sir FRANCIS HINCKS** said that the Government from their other transactions were always acquainted with the exact value of the bonds, and were prepared to redeem them at their current value.

**Mr. JONES (Halifax)** then withdrew his motion.

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**STAMP DUTIES OF PREMIUM NOTES**

On the motion of **Hon. Mr. ABBOTT** (in the absence of Mr. Harrison) the House went into Committee on Bill No. 27, an Act to remove doubts as to the liability to stamp duties of premium notes taken or held by Mutual Fire Insurance Companies.

**Mr. MILLS** in the chair.

**Mr. YOUNG** said that some objection had been raised to the Bill by Mutual Insurance Companies, as they considered they should not have to affix a stamp for the whole amount of the note, when they only received a portion of the amount. The Bill further provided that they should affix double to all notes at present in their possession and not stamped. He did not think this provision was right, as the companies had not acted in contravention of the law,—and should not therefore be obliged to pay double duty. Many companies held such notes to a large amount, and if the Bill passed, would have to pay a very heavy sum.

**Hon. Mr. MORRIS** said that as to the first objection raised by the hon. member it certainly could not be acceded to. Although the whole amount of the premium was not paid at once, yet additional instalments were subsequently paid, and the stamp must be affixed in accordance with the face value. As to the companies acting in ignorance of the law in not affixing stamps to their notes, he believed a case had been taken into Court on that ground, and the Judge decided that these premium notes were promissory notes and should be stamped as such.

**Hon. Sir A.T. GALT** said there was a question whether notes taken by Mutual Insurance Companies were promissory notes, or merely agreements to pay money under certain contingencies.

**Mr. BLAKE** said the form of the Bill was to declare documents that might not now be considered promissory notes to be promissory notes.

**Hon. Mr. HOLTON** said he would like it to be observed that the Committee admitted that the Bill increased an extra tax.

**Hon. Mr. ABBOTT** said he wished it to be distinctly understood that he admitted nothing of the kind. He had merely moved the Bill in the absence of the member for Toronto West, believing that there would be no objection to it, but he was not prepared to discuss it, and therefore moved that the Committee should rise and allow the Bill to stand.

The Committee then rose, and asked leave to sit again tomorrow.

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#### NORTH WEST TERRITORY

The adjourned debate on the motion of **Mr. BLAKE**—That the House do resolve itself into a Committee of the Whole to consider certain Resolutions on the subject of the admission of Rupert's Land and the North Western territory into the Union, and the legislation in reference to the same; the motion of the Hon. Sir George-É. Cartier in amendment thereto, and the motion of the

Hon. Mr. Dorion in amendment to the said amendment, was then resumed.

**Mr. BLAKE** said that the point under discussion on the adjournment of the previous debate was whether the amendment of the member for Hochelaga was in order. He maintained that it differed substantially from the motion he had proposed and was entirely in order. It appeared to him that the only proper course would be for Hon. Sir George-É. Cartier to withdraw his amendment to his (Mr. Blake's) resolutions. In that case he (Mr. Blake) might persuade Hon. Mr. Dorion to withdraw his amendment to the Hon. Sir George-É. Cartier's and then his (Mr. Blake's) motion might be allowed to pass.

**The SPEAKER** ruled that the amendment of the hon. member for Hochelaga was in order.

**Hon. Mr. DORION's** amendment was then put with the following result: Yeas, 55; Nays, 77.

**Hon. Sir GEORGE-É. CARTIER's** amendment was then put and the vote was as follows: Yeas, 78; Nays 57.

It being six o'clock the House rose.

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### AFTER RECESS

#### NEW MEMBER

**Mr. WHITE**, the newly elected member for Hastings East, in the place of Mr. Read, recently appointed to the Senate, was introduced by **Hon. Sir FRANCIS HINCKS** and **Hon. Mr. MORRIS**, and took his seat.

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#### NORTH WEST TERRITORY

**Hon. Mr. ANGLIN** resumed the debate on the Resolutions of Mr. Blake, as amended by Hon. Sir George-É. Cartier. He (Hon. Mr. Anglin) continued his protest against the principle advocated by the Minister of Militia. When the Union Act was framed it was regarded as something to be unchangeable except by the Imperial Parliament and only then at the request of the people of Canada as expressed through their representatives. Now, however, the Government were found applying to the Imperial Parliament for a change without ever having consulted this House. They all knew what the results would be. Whether acceptable to this Parliament or not, it would be made irrevocable law. Hon. members should look closely at this measure under discussion. They propose to so alter the law as to take certain powers out of the hands of the Imperial Government and assume them themselves. The Act was framed as though it was to defy the people, and the Government merely chose to inform them what they had done when demanded by this House.

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He doubted very much whether the House would have voted down the motion of the hon. member for Hochelaga if they had considered it carefully beforehand. It was virtually placing this House at the feet of the Government. He had no idea that a majority in this House could have sustained a proposition which would make the representatives of the people mere automatons. But if the House would assent to it, he doubted if they had a right to do so without first appealing to the people. As the constitution did not provide such a safeguard, then some protection should be afforded to the people against these amendments in the Confederation Act. Admitting his views to be extreme, he could not understand how hon. gentlemen could stand up and vote that the Government were right in seeking for a change of some of the most important provisions of the Constitution without at least having first consulted Parliament on the subject. He hoped, while there was yet time, this House would declare that our constitution was too sacred a thing to be altered without being fully discussed by the representatives of the people.

**Hon. Mr. HOLTON** moved that the resolution be amended by adding the following words: "And this House is of opinion that no changes in the provisions of the British North America Act should be sought for by the Executive Government without the previous assent of the Parliament of this Dominion." He could add little to the able speech of the hon. member for Gloucester.

**Hon. Sir GEORGE-É. CARTIER** said that the Government could have no objection to accepting the proposed amendment of the hon. member for Châteauguay.

**Mr. MILLS** said, in ordinary legislation, if the House did not fairly represent public opinion, their successors after the following elections could amend anything which should be found objectionable to the people. But in this case it was different. The constitution was to be amended in such a way that this House would be unable to undo any mischief which that amendment might produce. It was therefore necessary to proceed with extreme caution. Looking at the resolutions, however, he observed that the House was asked by them to declare that they were entirely in favour of the address—an address which had never been submitted to them for their consideration. Then the measure provided that "the Lieutenant-Governor of Manitoba shall be Lieutenant-Governor of the North West Territory." Now, under this provision, if the North West should be divided into forty Provinces, the Lieutenant-Governor of Manitoba would continue to be the Lieutenant-Governor of the whole of them for all time to come. Other unalterable measures were also proposed. When the Manitoba Act was passed it was to meet the peculiar circumstances which prevailed in that Province at the time, and to enable the Government to restore peace there. It was only for this reason that it had attained the assent of a majority in this House, and it was only regarded as a temporary measure, to be replaced by a better matured Act at some subsequent time. But the Government proposed to take advantage of this assent of Parliament to a temporary measure to make it unalterable. Now, if this principle were once recognized, what safeguard had the other Provinces against having their rights

invaded in the future? He would vote against establishing such a dangerous principle.

A vote was then taken on the amendment, which was: Yeas, 137; Nays, none.

**Hon. Mr. HOLTON:** I flatter myself that I have a good working majority. (*Laughter.*)

**Mr. BLAKE** said he could not find words strong enough to express his sense of the treatment which Parliament had experienced from the Government in this matter. Had their action been taken under assumed or real pressure of some great public crisis, there could be hardly an excuse for such a course. Parliament should, at least, be summoned to deliberate on such a grave measure. What language then could be found to express the censure which Government deserved for having, while Parliament was in session, taken upon themselves the responsibility of sending this draft Act to the Imperial Government without ever having asked the assent of the House to it. He congratulated the Government on their speedy conversion with respect to this principle which they had opposed before recess and voted for after recess. He congratulated their independent followers on the manner in which they had followed the Government. He had seen the hon. gentlemen eat dirt before, but he had never seen them swallow it whole before.

But he was opposed to the Manitoba Act on its merits. It proposed to alter the fundamental principle of the constitution—representation by population, and to confer upon this Government the power to adjust the representation of Manitoba and any future Provinces of the North West, as they pleased. The Government had written themselves down as opposed to their own Acts. Having amended the motion now, he would vote against it.

**Mr. MACKENZIE** said the course of the Government this evening showed to what desperate shifts they were reduced to defend their blunders. Their action on this question betrayed a pitiable condition of imbecility. They might have saved themselves this humiliation if the Hon. Minister of Militia had come down and admitted honestly that he was in the wrong.

A vote was then taken on the amended motion, which was carried: Yeas, 99; Nays, 38.

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#### INDEPENDENCE OF THE SENATE

**Mr. BLAKE** moved the second reading of the Act securing the independence of the Senate. He said that he considered the present position of the Senate very undesirable. That body was called upon to perform a most important part in the Government of the country, and there was no reason that it should not be as carefully guarded against Government influence as the "Commons." The terms on which the members of the Senate held their exalted position rather

led to the conclusion that peculiar care should be taken that Government temptations should in no measure affect their usefulness. He would be the last to interfere with the constitution in the smallest matter and to avoid that difficulty he did not propose that anyone should be ineligible to be appointed to the Senate, but a Senator should not be eligible for any office of emolument. No one who cared for the usefulness of the Senate would desire that it should become the mere refuge of the worn out members of the House of Commons, and some Senators themselves would be the last to permit such a thing, although there were cases in which persons who had changed their views had received their reward in a seat in that Chamber. It was obviously wrong to say that members of the House of Commons could not do their duty to the people and be in receipt of pay, but that, when placed in the Senate, they still could receive pay and do their duty to the people. He implored the House, therefore, to consider the matter and aid him in the effort he was making to secure the independence of the Upper House. He knew that in answer to his arguments, he would be referred to the House of Lords, but he held that the House of Lords was by no means a parallel case, and he was quite sure that it was utterly impossible that the Senate could retain that hold on the public confidence that it ought to possess, unless its independence was guarded in the most jealous way possible.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member in the latter portion of remarks had shown that he had no confidence in the principle of the measure he was advocating—he had said that he knew what arguments would be urged against him. Senators were appointed by the Crown for life, and no one could expect them to relinquish any of the privileges that the Crown might bestow on them. If any measure were originated in the House of Commons in England, providing that no Government employment should be granted to a member of the House of Lords, it would be considered an attempt against the usefulness and independence of that body. If that argument was good in England it was good here. The body might be called the House of Lords, the Senate, or the Legislative Council, but the principle was the same, and the same rule ought to be followed.

It was all very well for the House to pass a measure securing its own independence, and providing that its members should not be exposed to any corruption or undue influence, but it should not extend the measure to the other branch. This rule had been maintained in the old Province of Canada. So long as the Legislative Council was appointed by the Crown, there was no interference with it on the part of the other House, but so soon as it was subjected to the electoral system, the laws affecting the one House were applied to the other. The measure proposed that a Senator should relinquish all privileges the Crown might bestow on him, and it was surely too much to ask the concurrence of the other House to such a measure—was it right, was it prudent that any degree of antagonism should be introduced between the two Houses? Surely it was not proper that a measure affecting the privileges of the one House should originate in the other. If such a measure was passed in the Senate and referred to the Commons that might give it their consideration, but constitutional etiquette

required that they should not originate the measure. It was not necessary to discuss the principles of the measure, for he was sure the House would feel that if it were to be considered at all, it should originate with the Senate.

**Mr. BODWELL** supported the proposed Bill. He objected to the vicious principle which would place worn out politicians in such responsible positions as the Upper House. Inasmuch as the Senators were not responsible to the people, they should be placed beyond the possibility of having their independence undermined. They were only human and could not be supposed to be less exposed to danger from temptation than other men.

**Mr. MACKENZIE** said the hon. member opposite seemed to think that in all matters affecting the Senate, this House should take for its model the House of Lords of England. But the cases were not analogous. During the Confederation debate he had expressed an opinion in favour of a nominated Senate, but he confessed that the manifestations of human faults both on the part of the Government and the individual members of the Senate, had caused him to alter his opinion. He had listened carefully to the arguments of the hon. Minister of Militia, and had heard no good valid reason for rejecting this Bill excepting the one that it should have originated in the Senate. If he (Mr. Mackenzie) regarded this Bill as displaying any discourtesy to the Senate, he would not give it his support, but he did not believe that it would be so regarded by the Upper House. The two bodies were constituted with co-ordinate powers, and the Senate had a right to originate a measure affecting this House at any time they might think fit to do so.

**Mr. MILLS** had always been opposed to nominating the Senate. He believed it was an anomaly in our constitution that one of the branches of the Legislation should owe its existence to the Government of the day. Under the present system, the Government, when not wishing to oppose a measure in this House, could have it defeated by their followers in the Senate. He did not believe that the Senate should be converted into a Magdelene asylum for prostituted politicians seduced by the Government of the day. (*Hear, hear.*)

**Mr. BLAKE** replied to the argument of the Minister of Militia that there was anything disrespectful in this Bill towards the Senate. In order that that body should have its full weight in the legislation, it was necessary that its independence should be preserved. Besides, the independence of the Senate was a matter relating to the well-being of the whole Legislature.

The motion was then put and lost.

#### YEAS

##### Messieurs

Anglin	Ault
Barthe	Béchar
Blake	Bodwell
Bourassa	Bowell
Bowman	Burpee
Carmichael	Cheval
Coupal	Currier
Delorme	Dorion
Ferris	Fortier

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Fournier	Geoffrion
Gibbs	Godin
Holton	Joly
Jones (Halifax)	Kempt
Killam	Lapum
Little	MacFarlane
Mackenzie	McConkey
McDougall (Lanark North)	McDougall (Renfrew South)
Merritt	Mills
Morison (Victoria North)	Munroe
Oliver	Pâquet
Pelletier	Pozzer
Redford	Ross (Prince Edward)
Ross (Victoria)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Wallace
Wells	White (Halton)
White (Hastings East)	Whitehead
Young—57	

**THE MANITOBA ELECTIONS**

**The SPEAKER** announced the return of the Writs from Manitoba, declaring Donald A. Smith, Pierre Delorme and Dr. Schultz duly elected, and a tie in the other electoral district of the Province.

**Mr. MACKENZIE** said these Writs could not be recorded on the journals since an address had been forwarded to the Queen, praying that the Imperial Parliament be asked to legalize the Act, on which these elections had taken place, and it was quite impossible for this House to recognize these Writs.

**Hon. Sir GEORGE-É. CARTIER** said the Manitoba Act was quite constitutional, and the draft of the Bill forwarded to the Imperial Parliament was simply for the purpose of removing a legal doubt, nothing more. The returns should be treated just as the returns from any other elections.

**Hon. Mr. HOLTON** said there must be an enquiry on this subject in the present state of the law before these gentlemen were allowed to take their seat.

**Hon. Mr. GRAY** said the Manitoba Act having received the Queen's assent, the members elected to this House in Manitoba were elected under the law and their return was therefore quite valid.

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**GALLERIES CLEARED**

**Hon. Mr. McDOUGALL (Lanark North)** called attention to the fact that there were strangers in the gallery, and demanded that they be turned out.

**The SPEAKER** ordered the galleries cleared and the Sergeant-at-Arms appeared in the Reporters' Gallery and turned out the representatives of the press. The step was taken in accordance with the notification of Mr. McDougall given some time ago that he would order that the galleries be cleared of strangers on the first occasion that he saw Senator Miller in the House.

**NAYS**

Messieurs

Archambault	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Cameron (Inverness)
Caron	Cartier (Sir George-É.)
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Dufresne
Dunkin	Gaucher
Gaudet	Gendron
Gray	Hincks (Sir Francis)
Holmes	Hurdon
Jackson	Keeler
Kirkpatrick	Lacerte
Langevin	Langlois
Lawson	McDonald (Antigonish)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Trois-Rivières)
McKeagney	Moffatt
Morris	Morrison (Niagara)
Pearson	Perry
Pinsonneault	Renaud
Robitaille	Ross (Champlain)
Ryan (Montreal West)	Scriver
Simard	Simpson
Stephenson	Sylvain
Tilley	Tourangeau
Tupper	Walsh
Webb	Willson—58





March 28, 1871

## HOUSE OF COMMONS

Tuesday, March 28, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### SAULT STE. MARIE RAILWAY

**Mr. SIMPSON** introduced a Bill to incorporate the Sault Ste. Marie Railway and Bridge Company, and it received first reading.

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#### MANITOBA ELECTIONS

**Mr. MACKENZIE** referred to the return of the Writs from Manitoba, and asked if it was the intention of the Government to refer the matter to a special Committee to report on them to the House. Under the peculiar circumstances attending the election, some such precaution should be taken. In order to maintain the purity of this House and prevent the intrusion of those not entitled under Imperial Acts to sit here, he thought it was the responsibility of the Government to indicate their position, and that of those elected in Manitoba.

**Hon. Sir GEORGE-É. CARTIER** said the Government did not intend to take any such action until the newly elected candidates should arrive from Manitoba or until objections should be urged to their taking their seats in the House.

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#### QUEBEC HARBOUR

**Hon. Mr. LANGEVIN** introduced a Bill to provide for the improvement and management of the Harbour of Quebec.

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#### ADMISSION OF BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** moved that the House go into Committee to consider a series of resolutions respecting the admission of British Columbia into Union with Canada. This

subject, he said, was one which required few words to introduce it. Its importance was recognized by all.

Who would have thought twelve years ago when British Columbia was erected into a colony by Lord Lytton that it should form in so short a time a portion of Canada. It was due to the foresight and statesmanship of that great literary man that he should quote from a speech of his, delivered in 1858, in which this great union was foretold. He was now quoting from the prorogation speech delivered on the 2nd August, 1858. It said: "The Act to which Her Majesty's assent for the establishing of the Colony of British Columbia was originally required in consequence of the recent discoveries of gold in that district, but Her Majesty hopes that this new Colony on the Pacific may be but one of several in a greater state of progress, by which Her Majesty's Dominions in British North America may be ultimately peopled in an unbroken chain from the Atlantic to the Pacific by loyal subjects of Her Majesty's Crown."

Could the present movement have been more clearly foretold? Since 1858 the scheme of Confederation had made great strides toward completion. He (Hon. Sir George-É. Cartier) regretted the absence of the hon. member for Shefford on this occasion. That gentleman had often complained that this country was advancing too slowly, and said that the Dominion would advance more rapidly if placed on an independent footing. But, if the hon. member for Shefford was present today, he could not charge the Ministry with having been idle since they had brought about the union of all British North America since they had assumed office. While in London with his (Hon. Sir George-É. Cartier) colleagues, at a dinner where several literary men were present, he mentioned to Lord Lytton, who was not then in office, that the Confederation scheme was one of the principal objects which had brought him to England. Lord Lytton replied, "I presume that you have come not merely to see that the British North American Atlantic Provinces should be united. I hope you look forward to the greater Confederation which will reach to the Pacific Ocean."

He (Hon. Sir George-É. Cartier) would now come to the Bill itself. It was before the House, and they could examine it for themselves. He invited the freest and fullest discussion on each and every clause, but he would remind them that the Bill was in the nature of a treaty, and consequently the Government would insist upon the adoption of those terms as adopted in British Columbia—that the amendment of one paragraph or one item of those terms would defeat the whole project. He took this early opportunity of informing the House of the fact. British Columbia had decided to accept the Bill without amendments, though several members of the Legislature of that colony had shown a disposition to amend the

measure in some of its parts. The necessity of accepting this Bill as it stood must be apparent to all. The population of British Columbia was set down at 60,000, and it was certainly not below that number, if the Indians and Chinese were included as well as the white. The customs duty collected under the tariff of the colony amounted to \$350,000, which would give about twice as much per head for the population as was collected in the Dominion. Each inhabitant of Canada was supposed to contribute \$3 to the Revenue per year, while each inhabitant of the colony contributed nearly twice that amount. It might be said that the tariff was higher than ours, but it was not so much so as to make this difference if the population were not there. The House would therefore, admit that the Government did not err in estimating the population at 60,000.

The delegates of British Columbia wished to have the subsidy placed at 80 cents per head for a population of 120,000, but on being informed that it would be impossible to obtain the assent of Parliament to such terms they allowed the population to put at 60,000. This was an opportune time to admit the colony into the union, for it was desirable to extend the Confederation to the Pacific as soon as possible, and on economical grounds it was advisable to admit the colony into the Dominion before the increase of population could increase the subsidy to a very large rate. Then with respect to the clause providing for provisions it must be remembered that British Columbia was a Crown colony. Under it several officers were appointed for life, and they should be provided for. The colony had laterally adopted responsible Government which was to commence from the date of the union, so that no future charges of this kind need be expended in the future. There were very few such pensions to be provided for; the majority of them would be employed under the Federal Government. Then, with respect to the tariff, it was provided that they should retain their own tariff, which was higher than ours, till the completion of the Pacific Railway. No inconvenience need be anticipated from it, and under the peculiar circumstances of the case it was necessary to allow them to retain it.

Item eleven, relating to the construction of the Pacific Railway, would no doubt provoke discussion. There were various unfounded rumours with respect to this. It was not the intention of the Government to construct the road, but it would be undertaken by companies to be assisted mainly by land grants. It was not the intention of the Government to burden the exchequer much to obtain this railway. While this clause was under discussion between the delegates and the Government it was proposed by the Dominion that the colony should hand over a forty mile strip of land towards the construction of the railway. That would be 24,000 square miles of land, or 50,360,000 acres of land, not merely agricultural land, but mineral land. Placing that land at \$1 per acre, it would be equal to a grant of \$50,360,000 towards the construction of the railway. It was proposed to give the colony \$100,000 per annum, which, placing the interest at 5 per cent, would be the annual interest on the value of 2,000,000 acres of land, leaving the remainder to be used by this Government. The railway, starting from Nipissing, would be about 2,500 miles, 700 of which would pass through Ontario. They did not expect to get entirely the 20 mile grant on each side of the

road, but they expect to get from the Ontario Government every alternate lot on each side of the line for that 700 miles. That would give 9,000,000 acres of land from the Ontario Government.

Starting from Lake Nipissing it would connect with the Ontario system of railway and with the Quebec system of railway through the Ottawa Valley. They were prepared to give it to any company which would undertake the construction of the line, with a capital of twenty-five millions of dollars, which with interest at 5 per cent, would represent \$1,500,000 per annum. The hon. member for Sherbrooke had recently remarked that the certain increase of receipts from customs and excise was at the rate of 5 per cent per year. At that rate, taking the customs at \$10,000,000, the increase would be \$500,000, and on excise, taking the receipts at \$5,000,000, \$250,000. That would give a total from these two sources alone to meet \$1,500,000 per annum, a sum of \$750,000. He knew it would be argued that this railway would cost between one and two hundred millions of dollars, if not more.

**Mr. RYMAL:** How much do you estimate the cost at?

**Hon. Sir GEORGE-É. CARTIER** would compare it with the American Pacific Railway, which from Omaha to the Pacific was 1,775 miles in length. That railway was aided by land and money grants, and cost \$50,000,000. The Canadian Pacific Railway would be about 700 miles longer. Yet he would place the cost at double the rate of the American Pacific Railway, and the utmost cost that could be incurred would be \$100,000,000. But whatever it would cost, he would assure the House that there would be no taxation on the country more than existed at present. (*Cheers.*) A certain portion of the public lands had been reserved for the Indians, and the only guarantee that was necessary for the future good treatment of the Aborigines was the manner in which they had been treated in the past. Now, having glanced at the provisions of the Bill he would call the attention of the House to the fact that while our neighbours had taken sixty years to extend their borders to the Pacific, the young Dominion would have accomplished it inside of ten years. And look at the importance of the extension. We need a seaboard on the Pacific if ever this Dominion was to be a powerful nation in the future, and what more convenient time could there be for this union than at the present time? He concluded by an allusion to the splendid position which England had attained by the development of her marine power, and that even Prussia, notwithstanding the triumphs she had lately won, must be content to take a second place beside the great maritime power of England. The hon. Baronet resumed his seat amid loud cheers.

**Mr. BOLTON** said that the House was hardly prepared to enter on the discussion till it heard from the Finance Minister a statement respecting the financial results of the matter now submitted to the House. It was mainly as a financial measure that the House would have to consider this measure. The Minister of Militia had stated that this railway was to involve no new burdens on the taxpayers. The House was entitled to hear, from the greatest financial authority in the House, a statement showing how that would have to be reached without involving additional burdens on

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taxpayers. This was a question that met the House *in limine*, and should be explained by the Finance Minister.

**Hon. Sir FRANCIS HINCKS** had not expected at this early period to go into the financial aspect of the question. As to the railroad, the idea had been that it could be constructed by a liberal land grant and liberal money subsidy. It was not expected to bring this subject forward this session. But various plans would be considered and proposed to capitalists, including land grants. The money change was estimated at one million to a million and a quarter dollars per annum, which would not involve additional Dominion taxation. No capitalists were likely to survey the road at their own expense. Government thought it necessary that they should assume the responsibility for survey and location of line, this expenditure to be afterwards made by first charge in the road. The charges to the Dominion in connection with British Columbia were estimated at \$460,000 a year, and the revenue from all sources about \$360,000 leaving an annual charge of about \$100,000 upon Canada.

**Hon. Sir FRANCIS HINCKS** in reply to Mr. Jones, of Leeds North and Grenville North, said the road would cost about one hundred millions of dollars.

**Hon. Sir A.T. GALT** said the admission of British Columbia into the Union was desirable to all parties, the only question being as to the terms upon which it was to be based. He was willing within two restrictions to accept any terms with this object. The first involved the avoidance of the violation of any constitutional rights of the people of that colony, and the second the abstaining from the imposition of onerous burdens on the people of Canada. In view of the many important public or natural works claiming our attention, it behoved us to guard carefully against unduly augmenting the demands upon our resources. Not only had railways and canals and other works to be provided for, but the defence of the country, according to past contracts and legislation. Now there was no doubt that the union of this colony and the Dominion would be productive of little benefit—would probably, but prove a source of fruitless expense unless it could be also united by means of a good railway communication. That was why a railway had been made one of the terms of the compact. But its conditions necessarily required consideration. We should have to take care not to cripple the powers and means of the Local Government by those conditions, in regard to future enterprises. While it was desirable a road to our Western territory and through the colony should be made for the settlement of that vast region, the Local Government should not be deprived of the means of securing works of local value and promise.

The object of the House then should be the creation of this needed communication in conditions not antagonistic to British Columbia local improvements, without provisions for which we could not expect it to enter the Union. The resources of that country naturally presented themselves to our notice in this connection. What were they? A reliable authority in British

Columbia lately stated the population at 10,000 whites and 40,000 Indians. Now these aborigines should not be placed on an equal footing with the whites for the purpose of framing the financial basis of the Union. They could not be regarded as the equals of the whites for revenue purposes at least. The imports and exports also deserved our notice. The exports were principally furs, lumber and some gold and coal. The imports included articles dutiable in Canada, besides breadstuffs and such like commodities, from which the bulk of the revenue was derived. In 1867 the total amount was estimated at \$537,000, of which the customs yielded \$350,000. The Dominion would receive this, the remainder arising from excise and amounting to over \$150,000 falling to the Colony. The present terms of the Union were considerably less advantageous to Canada than the former both as regards the railway and other matters. Before it was left optional with us when we should commence the work, which, however, was to be completed within a reasonable period, but the subsequent conditions required the commencement of the road within two years and its completion within ten. We might have finished the work within ten years, but were not compelled to do it. The cost of the road would be very great, one hundred million being the Government estimate, and a considerable proportion of this amount must come from the Dominion exchequer. The present engagement as to time was much beyond what British Columbia asked at first, and in the second place the road was rendered more burdensome from the extension to Nipissing, further than at first spoken of. The present terms were enormously more burdensome to Canada than the former. The estimated revenue from Columbia was \$386,000, and payments by Dominion \$536,226 apart from indirect engagements. But this revenue from British Columbia depended upon maintenance of its tariff.

The result was that the colony would receive \$150,000 to \$170,000 a year from Canada for Union, including in trade guarantee for the works at Esquimaux. He would not object to that price for a political union, and did not think it too great an equivalent for valuable lands extracted from the colony for the railway. But there were other conditions of a serious and objectionable nature in view of our circumstances and prospects. He objected to the hands of the country being tied as to the period within which the Dominion should commence and complete the railway. As it was, after the British Columbia delegates came to Ottawa, Canada's obligations became enormously enhanced. If the colonists did not command this condition as compensation for the reduction of the estimate of population from 120,000 to 60,000, or to provide means needed for local purposes, why should our Government have voluntarily assumed this serious obligation not at first proposed. He deprecated interference with one of the principles of our constitution, namely, representation by population, by these resolutions. He indicated the evils of admitting colonies or territories on the footing of present members of Confederation.

The American territorial system presented an attractive contrast with ours in this respect. If not admitted till they

reached a certain stage of growth and development, they would have certain local works completed not necessary to be assumed by the Dominion. At present, to admit such Provinces as British Columbia we had to depart from this principle of representation by population to give the people proper representation, and frame the financial basis of our Union to enable to newcomers to carry on the Government, and other enterprises. One important object for us was to avoid incurring obligations oppressive to our people, who numbered but four millions. By these resolutions they were threatened with a very grave responsibility in regard to the early commencement and completion of the Pacific Railway. He was certainly opposed to terms of this kind, however desirous of extending the Union and meeting the wishes of British Columbia. (*Cheers.*)

**Hon. Mr. TILLEY** referred to the remarks of the hon. member for Sherbrooke as to the difference between the requests made by British Columbia, and what was proposed to be granted by the Government. He said the only difference was as regards the communication, it being decided that there should be a guarantee for the specific time of ten years, which would allow ample time for the construction of the Railway, and the Government had thought it better to limit the matter to ten years instead of making a guarantee in perpetuity.

The member for Sherbrooke had stated that all British Columbia asked for was a coach road connecting Fort Garry with the Government roads of British Columbia and an expenditure of a million dollars a year on a railway, and that the proposition submitted by the Government was less favourable to Canada. He entirely dissented from the hon. member on that matter, on these grounds. When the road had been proposed it had been found from enquiry and investigation that from the high cost of labour and other charges that would have to be met in constructing such a road within the stated time of three years, that the cost would be very heavy, very heavy indeed, and in addition to this it was coupled with a proposition that a railway should be built as soon as practicable, and that there should be an annual expenditure from the commencement of a million of dollars.

Under these circumstances the Government had held that any expenditure on a coach road was useless, and one that was not required, inasmuch as all the traffic would be taken by the railway as soon as completed. Taking this view therefore the Government had at once dissented from the proposition of British Columbia, and would not agree to it. The Government had also considered it unwise to consent to an annual expenditure of a million of dollars from the commencement without having any particulars as to the difficulties that would be met with, and had rather preferred that the whole work should be undertaken in a reasonable specified time,—as they thought a proper survey should be made, and the work then completed as speedily as possible. Then again the propositions of British Columbia had been changed in respect of representation in the Dominion House of Parliament. Reverting

to the matter of the railway, he said the House had heard that it was estimated that the money grant necessary to construct the railway, in addition to the land grant, would amount to 1 and a quarter millions per annum, but it must not be understood that the expenditure of that sum of money was involved in the proposition before the House. That proposition was simply to admit British Columbia into the Dominion and connect her with the Dominion system of railways, and it must be remembered that the agreement entered into by the delegates at the conferences at Quebec and London, was that the six Provinces should be brought together, and also that the Red River country and British Columbia should also be included in the Confederation.

Such was the agreement, and happily, part had been accomplished, for notwithstanding all the trouble, all the anxiety, and all the difficulties that had arisen in connection with the North West, he believed the conviction from one end of the country to the other was that that country had been acquired on very favourable terms. Well the next thing after getting possession, was how to utilize it, and how could it be utilized? Surely not by building coach roads, not by simply improving the communication by water, no—the North West could only be used to advantage by means of a railway running to the foot of the Rocky Mountains, and the Government would not be doing its duty to the Dominion unless it projected that work. It was well known on the most reliable information, that in the valley of the Saskatchewan and the Red River there was a tract of Prairie Land, immense in extent, and magnificent in character, and how could immigration be conducted to that country, how could supplies be carried to settlers, how could the produce of that country be brought to a market unless there was a railway, and he did not hesitate to say that it had been the deliberately expressed opinion of the House and the country, that as soon as the country was acquired, a railway must be built to the foot of the Rocky Mountains. Believing this to be the determination of the Government and the country, the delegates from British Columbia came and submitted a proposition that that Railway should be extended from the foot of the Rocky Mountains to the Pacific, and he put it to the House and the Pacific, whether a line could not be built to the Pacific, much cheaper, in proportion, than one ending at the Rocky Mountains. The one would be available for local traffic only, and very much larger subsidies, therefore, would have to be paid, whereas a line running from the Atlantic to the Pacific would receive a very large amount of through traffic, and in addition to this, it had always been contemplated and determined that there should be such a line through Canadian Territory.

It had been stated both by the Minister of Militia and the Minister of Finance that it was not considered that the amount necessary for the construction of the railway, would involve any increase in the taxation of the people of the Dominion, and he had no doubt that that statement was correct, for taking the calculations of the hon. member for Sherbrooke himself as a basis, that the annual increase of the population of the Dominion

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would be three per cent, (although when the railway to the Pacific was completed, and the vast Territory of the North West opened for settlement, there was no doubt the increase would be much greater), he believed the additional revenue derived from that increased population, irrespective of the increased paying ability, estimated at two per cent by the member for Sherbrooke, would be fully equal to all demands upon it without any increased taxation. He entirely agreed with his hon. friend that it was impossible to take large Provinces into the Dominion with a small population, and acquire all their lands without giving them in return the means of carrying out the local works necessary to make the country attractive to emigrants, and how could it be expected that the people of this large Province, twice the size of Ontario, would be in a position to develop the resources of their country without assistance—and that assistance was what the Government proposed to render in the proposition before the House? The member for Sherbrooke had said that he would have preferred that the Government should have come down and have asked a direct vote for that purpose, but he would remind the hon. member that he had not been in favour of that mode, when it was proposed with reference to Newfoundland. The delegates from British Columbia estimated the population of their country, at 13,000 whites, 5,000 Chinese, and 45,000 Indians.

Then what was there to be got out of this country. At the present time it cost from 12¢ to 14¢ a pound for all supplies sent into that country, and no one could live there unless he earned \$5 a day. If, however, the country were opened up, they would be able to get supplies there as cheap as at Ottawa, and those who now live on \$5 a day would be able to live on \$2.50 a day, and there would very soon be a population which would yield a revenue that would speedily compensate for the cost of the railway. According to his judgment, seeing they had the North West, and must develop it, there was no question but that the Railway must be built, and even in a financial point of view, although he did not assume to have anything like the knowledge or experience of financial matters as was possessed by the hon. member for Sherbrooke, he could not see that there would be any difficulty. The line of railway would pass through magnificent lands, and the proposed grant would give 50 million acres, leaving every alternate lot which could be converted into a sinking fund or some other mode for securing the amount of money granted, and taking into consideration the probable increase of population, the speedy settlement of the North West on its being opened up, and the increased paying ability, he had no fear, and the Government had no fear, that the people would be subjected to any increase of taxation.

**Hon. Mr. McDOUGALL (Lanark North):** There are not forty millions of acres of arable land in the whole North West Territory.

**Hon. Mr. TILLEY** said he was not sure as to the number of acres, but the land would secure the building of the railway.

It being six o'clock the House rose.

## AFTER RECESS

**Hon. Mr. TILLEY** resumed the debate. He had been pointing out the difference between the proposition of British Columbia, and that adopted ultimately, which he regarded as the more favourable to the Dominion. In connection with the railway scheme he would take issue with his hon. friend from Sherbrooke. By the construction of the road the population of the Pacific coast would soon be so increased as to pay for the cost of the road in a very short time. A gentleman who had worked in the mines of California, lecturing on this subject a few years ago, argued that such a result would soon be attained by building the railway. The hon. member for Sherbrooke was willing to give a subsidy to British Columbia without admitting it as a Province for some time to come. In making this admission, the hon. member gave up the whole case, for, if he could not object to giving a subsidy under such circumstances and without deriving every advantage from the expenditure, he surely ought not to object when British Columbia was ready to surrender her revenues to the Dominion. The increase of the debt would not fall on the present population of the Dominion alone. The evidence which the increase of the Western States since the construction of railways through them, was that the North West would soon be filled up with a population brought there by the new railway which would soon pay for its construction. With reference to the question of fortifications, he would say that he hoped the result of the present negotiations at Washington would be such as to prevent all necessity for the constructing such works. The expense for local works would hardly amount to as much as the hon. member for Sherbrooke estimated they would. Excluding the annual sum of \$100,000 for the land grant and the expenses of Government, these charges would amount to a total of \$361,300. The revenue amounted to \$363,400, which, of course, would largely increase in the future. The difference, therefore, was not so great after all. Even supposing that the local Government should accept our lower tariff, the revenue would reach \$308,000. The \$100,000 was, therefore, the amount of expenditure in excess of receipts, and for this the Dominion received a large grant of valuable land. Now, the question was, was the union of the colony worth the cost? The Pacific Railway, already in course of construction through the North Western States of the United States, was being built without the expenditure of a single dollar. It was being built by the land grants which had been made to the company. But, the hon. member for Lambton said there were only 50,000,000 acres of good land to be settled in the North West. Admitting it to be the fact, what difference did it make so long as it was settled. That was the main point. Persons who had travelled through the Fertile Belt had informed him that there was no engineering difficulties to be met with this side of the Rocky Mountains, and there could be no difficulty in getting a company to undertake the construction of the railway. Having said this much, the case was clear. The question was now, whether it was better to embrace the opportunity to complete the Confederation scheme, or to let this best chance of all pass by unimproved for consummating the union. He could understand why Annexationists should be opposed to this extension of the Union, but he could not understand how the Independence advocates like the hon.

member for Sherbrooke could oppose it. He could tell hon. members who did not approve of this scheme that delay was dangerous, and if this chance to bring British Columbia was not improved, that Colony might yet be absorbed into the American Union.

**Mr. BLAKE:** How?

**Hon. Mr. TILLEY** said as the country was at present the miners were obliged to pay enormous prices for the necessaries of life and they were looking to their country for the means of communication by which they were to be supplied at reasonable rates. If Canada would not undertake it, they might look to the Republic for help. (*Hear, hear.*) But this Union could benefit Canada commercially, for the opening up of the North West and the consequent increase of trade must bring an immense volume of trade to Montreal and Quebec and the Maritime cities. Everything conspired to make this Union a prosperous one and he did not doubt that the House would sustain the measure which was now submitted to them. (*Cheers.*)

**Mr. MACKENZIE** regretted that the hon. gentleman opposite could not discuss this question for three quarters of an hour without threatening the annexation of that colony to the United States if this House rejected the present propositions. Such a line of argument could only be indulged in by the hon. gentlemen in order to create a feeling that the papers brought down as agreed between the Dominion Government, and that of Columbia is in the nature of a treaty that is not to be altered by any proposition to be made in this House; if such were the case it would be useless to discuss the question. In 1865 the Parliaments of Canada, Nova Scotia, and New Brunswick were told the same story with reference to the resolutions which formed the basis of Confederation, but those resolutions were afterwards altered by the delegation at London, and he was not prepared to accept these resolutions in the nature of a treaty which this House could not alter. He believed on the other hand that it was essential for the future prosperity of the Dominion, that this colony should be admitted into the Union and that there should be the best possible understanding as to the terms of admission to prevent future complications, and he should not be prepared to acquiesce quietly in the resolutions which had been prepared by the hon. gentlemen opposite. By these resolutions, the basis of our political system would be violated as was done in the case of Manitoba last session, and after the struggle which had to be gone through to secure that basis, he should certainly oppose any further attempt to alter it, that is representation by population as regards the House of Commons. Some deviation he acknowledged might be made in the Senate. The Hon. Minister of Customs tells us that the population of Whites, Chinese, and Indians is 60,000 in that country, but we have never given representation under our system to Indians. If such were allowed we could claim several more members for Ontario. He would consent to a considerable grant of money to carry on the Government of a new colony, and particularly of such a difficult country as Columbia, and he would not show

himself less liberal than any other member of this House in considering what ought to be done in the present case. In the discussion in reference to Newfoundland, he preferred allowing a sum to carry on the Government rather than make over the public hands, as while the revenue was \$3,000 per annum, the cost of management was \$6,000, and he took the same view with regard to the land grant for the construction of the railway to the Pacific.

From all he knew of the country after descending from the Rocky Mountains the country was valueless for agricultural purposes. The gold mines have certainly proved very remunerative, but they are carried on by large companies, and the large importations of breadstuffs into the colony corroborated the barrenness of the land. He thought the Government should be prepared to give every information as to the mode they propose of constructing the Railway, and whether any propositions had been received for its construction. He denounced the Government for desiring to undertake the completion of the work in ten years, and should certainly record his protest against such an arrangement, and he considered that to give such an immense grant as was proposed to any Company would be to retard the settlement of the country, as was found to be the case in the western States. He doubted very much if the Province of Ontario would grant the land as anticipated by the Minister of Customs, and if they did the greater part of it was valueless for cultivation, and certainly would not realize \$1 per acre as estimated. The Northern Pacific road was largely built by English capital before the land and money grant of the United States was obtained, and the difficulties were not to be compared to those which would be met on the Canadian Railway.

The Canadian Pacific Railway would cost from six to seven times as much as the Intercolonial, and he was not prepared to involve the country so deeply. He then moved an amendment that all the words after "that" be expunged, and the following substituted,

"the proposed terms of union with British Columbia pledge the Dominion to commence within two years and complete within ten years the Pacific Railway, the route for which has not been surveyed nor its expense calculated. The said terms also pledge the Government of Canada to a yearly payment to British Columbia, of the sum of \$100,000 in perpetuity, equal to a capital sum of \$2,000,000 for the cession of a tract of wasteland on the route of the Pacific Railway to aid in its construction, which British Columbia ought to cede without charge, in like manner as the lands of Canada are proposed to be ceded for the same purpose. This House is of opinion that Canada should not be pledged to do more than proceed at once with the necessary surveys and after the route is determined, to prosecute the work at as early a period as the state of the finances will justify."

**Mr. GRANT:** I have listened with a very great degree of pleasure to the broad spirited and statesmanlike observations of the hon. Minister of Militia and Defence. Truly, this is the age of union, in which we, as a people enjoying the fullest extent of freedom under the eye and protection of the Mother Country, should come together and realize the privileges of union in the widest and most

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comprehensive sense. Last session the whole of the North West Territory was brought into this Dominion by the almost unanimous consent of the members of this House, owing to the very satisfactory terms arranged by the Hon. the Minister of Militia and Defence, and the hon. member for Lanark opposite. Today we are taking into serious consideration the desirability of adding one more link to the Confederation scheme by the taking in of British Columbia. The time then is not far distant when we shall have a greater degree of intercourse in trade and travel, and if possible a greater extension of those principles of free speech which we now enjoy with courteous personal consultation. These are the signs of the times: these are the signs by which four millions of Her Majesty's subjects, scattered over this widespread country, recognize the importance of self-government with a warm allegiance to that sovereign who, though distant, dwells in the homes and hearts of the people of this country.

It must be a source of great gratification to all interested in the prosperity of this Dominion to learn today the terms upon which British Columbia is to be admitted into the Union. That section of country though remote as to position is an all important one from a Dominion point of view. It possesses a most salubrious climate, well known agricultural capacity, and as to value is entirely beyond present computation both politically and commercially. In looking over the statistics of 1868, I observed that there had been no apparent increase in the population for that year beyond the children born in the country, and notwithstanding the great numbers who annually emigrate from Great Britain and various parts of Europe to the North American continent, it is surprising that with all the attractions of the Pacific section of British North America so few emigrants should have found their way there up to the present date, and more particularly so when we consider its climate, its soil, and its resources, such as coal, iron, timber and gold. The vigorous measures about to be adopted will doubtless be the means of causing a greater tide of immigration than has been observed at any time in the history of that country. An examination of the statistics of the population of British Columbia shows the somewhat remarkable fact that the male exceeds the female population by about 277 per cent. Such an anomalous condition does not, that I am aware of, exist in any other country at the present time—in England, the United States and in Canada—precisely the reverse is the case.

The wonder is that British Columbia should have attained its present prosperous condition wanting in so great a measure so material an element of success. (*Cheers.*) In 1863 British Columbia was looked upon as being then, in a flourishing condition, stimulated as it was to the utmost degree of intensity by the gold fever. After a time, things in general assumed a more normal state, and business on the whole gradually rested on a more substantial basis. Farms became cultivated, immense herds of cattle were raised, saw and grist mills were erected, and the lumberman's axe found its way into the magnificent forests of that country, in places where a few years before such was scarcely dreamt of. Material prosperity and general advancement are now taking the place of the feverish gold excitement, which is gradually passing away. When

we become possessors of British Columbia, we shall have a most magnificent inland sea of harbours such as between Vancouver and the main land. It appears as if set apart by a special providence as a depot for the shipping of the East, and as an entrance to the great highway for all nations across the British American Continent, doubtless in course of time, the trade of China, Japan and the Asiatic Archipelago will centre there. This is the prize that was anxiously sought after in ancient as it is in modern times. Persia, Assyria, Carthage and Rome prospered and held, in fact, commercial supremacy while they controlled the trade of the East. Venice, Genoa, Lisbon, Amsterdam and London each in turn held a proud commercial position, while it catered up the luxuries of the East for the Western world. This is the inheritance of the Pacific Coast.

We, the people of this Dominion, have every assurance that Great Britain has a warm interest in our prosperity. What better or more substantial proof could we have than the expression of the sentiment which only a few days ago flashed across the Atlantic telegraph, that England would as soon think of having itself annexed to the United States as to allow any portion of this country be attached to the neighbouring Republic. Both England and the United States are equally well aware that the time has now arrived when that power which shall be enabled to construct the shortest route between Asia and Europe will hold the commercial supremacy of this continent in its grasp. The great trade of the East will not alone pass through the Suez Canal and the Red Sea. This is the prize which we as a people must look forward to, and certainly it is one which is well worth the endeavour to obtain. An able English writer remarks that the great benefit to be derived from the experience of the past is the application of its teaching to the present. Thus, in taking a retrospective view of Confederation, and the benefits arising out of it, even although the time is short since its inception, we must be cognizant of the fact that day by day we are becoming more intimately associated as a people, co-operating in every way that is possible to develop our resources. During the early discussions on the subject of Confederation, a frequent expression was "whither are we drifting." This was reiterated until at last it became irksome and unworthy of attention. The only sentiment which seemed in any way likely to form with it a twin was the theory of independence. Both of these have had their day, and now I feel satisfied that the impression of everyone who takes a warm interest in the welfare of our country is that both these ill-judged sentiments have gone down unhonoured and unsung.

Fortunate is it that trade has a natural and inevitable power to rectify itself. For a time after the repeal of the Reciprocity Treaty this country was put to a moderate degree of inconvenience; however, the master mechanical minds and the politicians of the country, so accommodated matters and things in general as to tide that difficulty over, and now a more prosperous state of affairs exists than we have experienced for many years. As the result of the vigorous policy of those in charge of the affairs of Government, we are happy to recognize the very important fact that our Finance Minister has been so exceedingly successful in his operations as to have been enabled to bring down in his recent budget a surplus of

no less than two and a half millions of dollars! Truly our Dominion under these circumstances cannot be suffering! Our merchants are not embarrassed; our young men are not leaving the country to seek employment in distant parts as formerly, and we have every assurance that the farmers of the country are reaping the benefits of their labour and industry in finding ready markets for their produce. Still further evidences of the prosperous state of our Dominion are found in the condition of our savings banks, the ordinary bank deposits, the prosperity of our municipal institutions, our increased and increasing railway traffic, our large importations and our rapidly increasing exports. All these beyond doubt point incontrovertibly to a flourishing state of affairs throughout our Dominion at the present day.

When we review the commercial history of the British American Provinces for the past thirty years, we notice that the progress of old Canada dates from the Union of the Eastern with the Western section and has followed the construction of Canals and Railways. The present Canal system of Canada was brought to its present condition, with all its imperfections the finest in the world—during that period. Twenty years ago, there were only some fifty miles of railway in operation in the Province. At present, the total number of miles of rail is nearly 3,000—one of the lines is the second longest on the Continent—the total cost of these works is nearly \$160,000,000—the total amount of their earnings cannot be less than \$13,000,000 annually. In 1841 when we commenced our canal improvements the revenue of Old Canada was \$1,283,000 or \$1 per head for every man, woman and child within its limits. In 1854, the commencement of railway enterprise, it was \$5,694,000, or \$2 per head; in 1866 it was above \$12,000,000 or \$4 per head. In 1850 the population of united Canada was only 1,842,265, and the exports some \$30,000,000 or about \$15.50 for every person. At present the total population is over 3,500,000 and exports \$120,000,000 or nearly \$35 per head. Or let us illustrate the subject by reference to the Dominion. In 1843 the revenue was about \$2,000,000, whilst at the present time it is about \$15,000,000, or about \$3.50 per head of the population. In 1806 the value of exports from all British North America was only \$9,287,940; in 1831 \$16,523,579; in 1870 it was \$73,573,490. In 1851 the tonnage entered inwards by sea in all British North American ports was 1,590,663. In 1870 the tonnage entered inwards by sea in the Dominion was 5,796,663. In 1851 the tonnage cleared outwards in all British North America was 1,583,104. In 1870 the tonnage cleared outwards in Canada was 5,619,745. In 1806, the aggregate tonnage of British America was 71,943; in 1850, 446,935; at the present time, it is upwards of 950,000.

The expenditures have kept pace with the receipts during the period mentioned, and were devoted to a large extent to useful public works indispensable to the material development of the country. Our wealth, however, is increasing in a greater ratio than it was at the time we entered into large expenditures for canals, and our ability to go into important enterprises necessary to the expansion of Trade and Commerce is correspondingly improved.

Before closing my remarks, I would wish to allude briefly to an important union which took place some time ago in the North West

Country, and one which bears materially upon the prosperity of that section as far as the fur trade is concerned. The Hudson's Bay Company is an association formed, as it is well known, of two distinct elements, the stockholders who, as a company have other interests apart from those of fur trading; and the chief factors and chief traders known as the working partners of the fur trade portion of the concern. The stockholders are the representatives of those to whom, under the name of "The Company of Adventurers of England trading in the Hudson's Bay" was granted the charter by King Charles II to trade furs, etc. in the Hudson's Bay and adjacent country. This company established a few posts near the shores of the Bay, and for years confined their operations within comparatively a short distance from the coast. In course of time they advanced into the interior, where they came in contact with other traders, of whom the most active were sent out by a company having its headquarters in Canada and known as "The North West Company."

For a number of years these two rival companies competed for trade with such determination that not unfrequently when opposing parties met a conflict took place, resulting in loss of life. Under these circumstances it is not a matter of surprise that the business was found to be carried on at a considerable loss to both parties in consequence of which a Union took place. Since that time, business has been carried on to the mutual benefit and satisfaction of all parties concerned. The Factors, Traders and Officers in the service of the Company, generally may be considered Canadians as hitherto with but few exceptions, they have all either settled on the Red River or come down to Ontario and Quebec. In dealing, therefore, with this question of the Hudson's Bay Company, it is to be hoped that the interests of these people will not be overlooked. The Fur Trade is a subject of no ordinary importance at the present time. Instead of leaving the Indians at the mercy of whoever may come in contact with them, there are but two alternatives, either of which, according to the opinion of experienced men, if adopted, might be made a source of large revenue to the Dominion. Of course it cannot be expected that the company will continue the fostering care with which it has hitherto treated the Indians in the trade operations with them. The fur country may become flooded with unscrupulous adventurers in consequence of which the company will be obliged in a great measure to abandon the practice of giving supplies to them. Without the usual advances in the autumn a great number of the unfortunate people will be obliged to abandon systematic fur hunting in order to devote their chief attention to pot-hunting to support their families and prolong their own lives. It is only in case of competition that there is danger of the Indians suffering.

When in the control of a company it will be the duty of that company to give proper supplies, which could not possibly be accomplished with rival parties scouring the country, and it is not unlikely that the scenes enacted half a century ago would under such circumstances be revived. It appears to me that some plan such as that adopted with regards to the salmon fisheries of the Lower St. Lawrence might be applicable in letting out the fur country of the North West. It is true that a few individuals might thus control the trade, but such would



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be vastly preferable to leaving it open to all comers from all parts of the world, which could not but prove exceedingly injurious to the trade. The existing divisions of the country into districts as recognized by the Hudson's Bay Company is of great importance, inasmuch as such districts have different tribes—a very important fact both for the Indians and the trade.

If not disposed of as the salmon fisheries the whole trade might be managed by an experienced Board of Direction. This would be the best for the country, and likely under all circumstances most profitable. This trade is a subject of vast importance, for it involves the living of fully 75,000 of our fellow subjects, and nothing could be more desirable than to direct the affairs of the Indians in such a manner as may be generally acceptable to the chiefs of those great bodies. The principle must be *protection* not *extermination*. Thus, the Indians would become peaceable subjects, and warm adherents to whoever would tend most towards the welfare of the Northern fur trading country.

At the lowest estimate, the value of the exports, that is including the fur obtained from British Columbia, would amount to about \$1,000,000 annually. This, if well managed, it is supposed by competent authority would yield fully half that amount to the revenue of this Dominion. As this whole matter will no doubt receive the consideration of the Government, I would merely say in conclusion that I trust the day is near at hand when British Columbia will become part and parcel of the Dominion. (*Cheers.*)

**Mr. MASSON (Terrebonne)** had always been opposed to the acquisition of the North West, and to-night he heard from the hon. member for Lambton that he had good reason for that opposition. It seemed that, after all, there were only some 50,000,000 acres of habitable land in the whole territory which was capable of sustaining a population of about two millions of people, giving twenty-five acres to each person. A very different state of affairs to what the House had been led to believe existed. Now, after having acquired the unsettled four-fifths of the territories there, the House was asked to take possession of the remaining settled one-fifth. It seemed to him that having got the worst part of the land, having pushed our boundaries up to the verge of the wilderness, the House need hardly hesitate about extending the Dominion to the Pacific. Then, with respect to the railway, he believed it would be better to construct it with as little delay as possible, and he believed the Government policy to be the correct one.

**Mr. CARTWRIGHT** doubted whether \$100,000,000 was a sufficiently large estimate of the cost of constructing a Pacific Railway 2,500 miles in length. The House should consider well before taking upon the Dominion such a debt as they were now asked to bear. The present obligations of the country either actually incurred or to be incurred amounted to not less than \$130,000,000. Then they were asked to increase it

\$6,000,000 by this measure, and besides the minimum cost of the Pacific Railway, which was \$100,000,000. This would give a total debt of \$240,000,000, which would place on each family in the Dominion a debt of \$125. The result would be to ruin our credit at home and abroad. Then the Government proposed to give to this railway a grant of land amounting to 100,000 square miles—a tract of country equal to the whole New England States, or to New York, Pennsylvania and Ohio. He believed if the people of British Columbia who had shown such a liberal spirit in these negotiations were informed that it would be physically impossible for this Dominion to undertake the construction of a railway at a cost of from \$100,000,000 and complete it within ten years, they would consent to a modification of the terms proposed to this House. He was strongly in favour of the Union and was willing to go as far as it could safely be done to consummate Confederation by the admission of this colony into the Dominion. But the House should be careful before risking the safety of the Confederation by incurring a burden of debt under which they might sink.

**Mr. YOUNG** said that while he was a Unionist, he felt that the measure before the House was objectionable. He was of opinion that the Dominion should not seek to incur large indebtedness to secure the admission of British Columbia into the Union until all the Eastern Provinces were added to the Confederation. Under any circumstances there were provisions in this Bill which were objectionable. Chief among these was the departure from the established principle of representation. He referred to the proposed railway, and read from a report of Mr. Fleming on the subject an extract to the effect that the engineering difficulties to be overcome were startling in their magnitude, while the cost of keeping the road in running order would alone render it a formidable undertaking, being not less than \$10,000,000, and until the gross annual earnings of the line should reach \$14,000,000, the railway would not pay the expenses connected with maintaining it. Speaking of the financial aspect of the measure he quoted statements as to the charges on the Government. And the revenue to be derived, showing that British Columbia would receive \$225,000 more than she paid in, and even that calculation was contingent on the continuance of the tariff now in force, which was very uncertain. He maintained that these conditions were not fair to the rest of the Dominion, and the result would be that the finances would go back to the chronic state of deficiency that had existed some years ago.

**Mr. BLAKE** desired to call the attention of the House to the single point before it. As one who was always desirous that the Union should be created, and that the express objects of the Union Act, which contemplated the admission of British Columbia, should be consummated as rapidly as circumstances and prudence would permit. He retorted on those who had uttered it, the accusation that he was desirous that the Union should be consummated. He had been at a loss how an Administration basing its claim to public confidence on professions of representing the Great Union Party

could come down to the House with a proposition which would be fatal to the existence of confederation. A reference to public documents, however, had convinced him that the true object of the Administration must have been to destroy all present hope of a Union on reasonable and prudent terms. His reason for this conclusion was that the Department which was naturally charged with the conduct of negotiations on this subject was under the control of a gentleman who had, some time ago, in a letter to the public of Canada, used expressions, which in him (Mr. Blake) would have been called treason, and he could not but think that the preposterous proposition of the Government with respect to the Pacific Railway, was specially framed to defeat a Union with British Columbia.

These observations were made by Mr. Howe, when he was about to assume the position of Secretary of State. These being his expounded views, written in a deliberate letter, who could wonder that he was a party to bringing down a measure so iniquitous that the House could not help rejecting it. No wonder then that Governor Musgrave should have stated publicly that he was amazed at the concessions granted by the Canadian Government. Were not hon. members justified then, in asking for further information before taking this irrevocable step. If this measure should become law, the faith of the Dominion would be blighted and without the consent of British Columbia could never break one jot or tittle these cast-iron obligations. But the hon. Minister of Militia did not propose to increase the taxation of the country. Let him then put it in the bargain with British Columbia that no future misunderstandings might arise in the fulfillment of our pledge. Hon. members opposite had stated that they were willing to give 60,000,000 acres of land to aid the railway, and to pay off the interest on the debt incurred by the railway by the sale of lands in the North West. The Ontario Government had found it advisable to make free grants of their

lands to settlers, instead of making a revenue from them, and the Dominion Government would find it no less difficult to derive a revenue from lands in the North West.

He (Mr. Blake) called upon every member in this House to consider whether he was not betraying the interests of the Dominion in ratifying this bargain which the administration of the day had made. The fixed date of commencement and completion of the railway were dead weights on the enterprise under which the country was already staggering. They enhanced the difficulty of the undertaking. Could any country expect more than a promise to build this railway as soon as possible? Could British Columbia expect more from this Dominion? He was an advocate of Union, but under such terms as these, he considered it his duty to oppose it. He did not blame British Columbia for these unjust stipulations, but he blamed this Government for having stultified themselves by making such proposals. No solid argument could be brought against the view that the terms proposed by British Columbia and to which the colony was content to submit, should have been accepted by the Dominion Government. The amendment of the hon. member for Lambton was not in opposition to the union. The Opposition did not oppose the scheme but the unjust terms by which it was accompanied, and he could not see how any lover of his country should hesitate as to what course to take with respect to this measure.

After a short discussion as to whether the debate should be adjourned or continued,

**Mr. BOLTON** rose to explain his position with respect to this measure, and opposed the Ministerial scheme.

The debate was adjourned, and the House rose at midnight.

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## HOUSE OF COMMONS

Wednesday, March 29, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### NEW MEMBER

**Mr. SMITH (Selkirk)**, the newly elected member for Selkirk, Manitoba, was introduced by Hon. Sir George-É. Cartier and Mr. Simpson, and took his seat immediately behind Hon. Mr. Tupper's place.

**Mr. MACKENZIE** called attention to the fact that the hon. member who had just taken his seat did so under an Act, the confirmation of which was now being sought for at the hands of the Imperial Parliament, and as doubts existed as to the propriety of any member taking his seat under that Act, he thought that, following a precedent set by Government themselves lately, the matter should be referred to a Committee. This case seemed to demand the same treatment as the Government had followed lately itself. The Opposition divested themselves of all responsibility after having given this notification.

**Hon. Sir GEORGE-É. CARTIER** said that the hon. member who had just been introduced had taken his seat under an Act of this House which had met with the sanction of the Imperial Government, and which had not been disallowed or declared null by any legal authority. Consequently if it was binding upon anybody it was on this House, which had passed the Act. But, at the same time, he might add, if any hon. member should raise a question of privilege with regard to the assumption of a seat in this House by the hon. member for Selkirk, the Government would be ready to discharge their duty and advise the House with regard to the law as it was to be applied in the present case. Until the present law should be set aside the Government could not act otherwise than they had done.

The subject was dropped.

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#### RETURNS NOT MADE

**Mr. MACKENZIE** asked why the Government had not brought down a statement of the allowances granted under the Superannuation Act of last session. They should also have furnished

a statement respecting confidential printing. Neither of these statements had yet been presented.

**Hon. Sir FRANCIS HINCKS** said he would inquire the cause of the delay, and let the House know why the law had not yet been complied with.

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#### INTERNAL ECONOMY

**Mr. MACKENZIE** called attention to the fact that no statement of the appointments made under the commission for the internal economy of the House had been laid before the House.

**The SPEAKER** said the information would be brought down.

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#### MANITOBA CONFIRMATORY ACT

**Hon. Sir GEORGE-É. CARTIER** moved that tomorrow the House go into committee to consider certain resolutions for an address to Her Majesty on the subject of the draft of a bill intended for submission to the Imperial Parliament for the purpose of removing doubts which may have been entertained respecting the powers of the Parliament of Canada to establish provinces in the territories admitted, or which may be hereafter admitted, into the Dominion of Canada, and to provide for the representation of such provinces in the said Parliament, and vesting such powers in the said Parliament.—Carried.

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#### ROCKWOOD ASYLUM

**Hon. Mr. MORRIS** moved that tomorrow the House go into committee to consider a resolution to empower the Government to treat with the Province of Ontario for the lease or sale of Rockwood Asylum to that Province, any such lease or sale to be subject to the approval of Parliament.—Carried.

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#### BRITISH COLUMBIA DEBATE

**Hon. Sir GEORGE-É. CARTIER** said the debate on the British Columbia resolutions would be resumed after recess this evening.

**THE HALIFAX PUBLIC BUILDINGS**

**Hon. Sir FRANCIS HINCKS** moved concurrence in the report of the Committee of Supply on the item of \$200,000 for the erection of a Post Office and Custom House in Halifax.

**Hon. Mr. DORION**, with a few introductory remarks moved the following: "That the Province of Nova Scotia having recently erected a suitable building for a Custom House and Post Office at Halifax, it is inexpedient to appropriate the sum of \$200,000 for the erection of another building for the same purpose until some further attempt shall have been made to effect a settlement with the Government of Nova Scotia, in reference to their claim of \$66,000 expended since the 1st July, 1867, the payment of which sum by the Dominion Government will secure to them the possession of said building."

**Hon. Sir GEORGE-É. CARTIER** moved in amendment to the amendment that all the words after "that" be struck out, and the following substituted, "that the said resolution be referred back to Committee of Supply for the purpose of inserting therein after the word 'Halifax' the following words, 'or for the payment of such amount, not exceeding \$66,385, as may be awarded by Arbitrators as justly due to the Province of Nova Scotia, in case the new Provincial Building is made available for the purpose.'"

**Hon. Mr. DORION** said as long as the hon. members opposite were willing to accept the proposition of the Opposition, he would not oppose them. The amendment of the Hon. Minister of Militia was even better than the one he (Hon. Mr. Dorion) himself had proposed, which until today, the Government had opposed. He would be happy to accept the amendment.

**Hon. Sir FRANCIS HINCKS** said all the difficulty in the matter had been caused by Nova Scotia, and the Dominion Government had always shown themselves anxious to settle the question.

**Mr. JONES (Halifax)** said the Government had evidently modified their views considerably since the recent debate on this question, and he maintained the first thing to be done was for the Dominion Government to propose to submit the matter to arbitration.

**Hon. Sir A.T. GALT** thought the present position of the matter should be satisfactory to both Governments, and trusted that no small differences would stand in the way of a friendly settlement.

The amendment, as amended, was carried.

**Hon. Mr. HOLTON** thought the matter should be clearly understood. The Minister of Militia had accepted the principle of settlement, but proposed to take an absolute vote of the amount, but

the Government ought to undertake not to expend any money until the result of the arbitration was ascertained.

**Hon. Sir FRANCIS HINCKS** said the Government would certainly expend nothing until after arbitration.

**Hon. Mr. DORION** was perfectly satisfied with the action of the Government, and hoped Nova Scotia would place no obstacles in the way.

**Mr. MACKENZIE** could not see how the Nova Scotia Government could do so. That Government had already proposed to submit to arbitration, but the Dominion Government had refused until the buildings were given up to them. This Government had receded from their position, and agreed virtually to the plan of the local Government of Nova Scotia for arbitration. If the Dominion Government had done this two years ago, the buildings would now be in the possession of the Dominion Government. This Government was now taking a step which the Finance Minister a few days ago said they could not take, but this new course was adopted under the pressure of the opinion of the House.

The House then went into Committee to amend the resolution as to this item, **Mr. BLANCHET** in the chair, and then rose and reported the resolution amended.

On the motion of **Hon. Sir FRANCIS HINCKS**, the resolution was concurred in, **Hon. Mr. HOLTON** stating he would not object on the ground of order.

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**COMMITTEE OF SUPPLY**

On the motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee of Supply, **Hon. Mr. GRAY** in the Chair.

On the item of \$624,000 for construction of Canals,

**Mr. MACKENZIE** thought the Government should give full information on the subject.

**Hon. Mr. LANGEVIN** said the report of the Canal Commissioners was before the House, and the Government after considering it, had concluded not to ask a vote for the Sault Ste. Marie Canal this year. About the Welland Canal, the report recommended the raising of the Banks and locks two feet, so as to obtain 12 feet on the sills, which would cost \$300,000, they also recommended a new canal from Thorold to Port Dalhousie. The Government was ready to recommend the first proposition to the House, but they were not prepared to ask a vote for the new canal this year as the surveys were not completed. Next session, however, the Government would lay their views before the House. As to the Lower Ottawa, the House was aware that the locks of the Grenville

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Canal were in course of enlargement so as to allow two boats to be in the locks at once. The work that had been performed during the past year was not useless, as it would have been required for the larger locks, and the Government would ask an appropriation to make the locks, of the size recommended by the Canal Commissioners this year. The lock at St. Anne's would of course be enlarged similarly. This would be proceeded with next Fall. As to the Chats Canal the Government did not intend to enlarge it at once, but would do so when practicable. The St. Lawrence from Montreal to Quebec was recommended to be deepened to 22 feet, but the Government would not ask a vote for that purpose this year, but would make investigation and report at the next session. As to the Baie Verte Canal, the surveys were not completed, and when they were reports and plans would have to be performed and might not be ready for some months; and the Government could not therefore ask a vote, but they recognized the great importance of the work, and intended to be ready at the next session to say whether they could recommend a vote. The St. Lawrence Canal would depend on what was decided on at the Welland Canals. The channel of the St. Lawrence from Lake Ontario downwards, however, required improvement and an appropriation would be asked in the supplementary estimates.

**Mr. ROSS (Prince Edward)** asked why the Murray Canal had not been treated of.

**Hon. Mr. LANGEVIN** said this canal was not included in the report, and he had not therefore referred to it. The Government had not, however, decided to proceed with it.

**Mr. McDOUGALL** asked what amount was involved in the proposed expenditure.

**Hon. Mr. LANGEVIN** could not give the exact figures, but the Welland Canal would probably require \$300,000, the Lower Ottawa \$200,000 or \$250,000 and the Upper St. Lawrence about \$100,000.

**Mr. MACKENZIE** spoke of the deepening of the St. Lawrence above Montreal, and thought some particulars should be given as to the points at which the work would be required.

**Hon. Mr. LANGEVIN** said when the votes came down he would give all information, but could not do so now.

**Hon. Sir A.T. GALT** asked whether these sums were additional to what had been already voted for the Welland Canal and the Lower Ottawa.

**Hon. Mr. LANGEVIN** said they were.

In reply to Mr. Merritt, **Hon. Mr. LANGEVIN** said the Lake Erie level would not be obtained by the proposed work.

**Mr. MERRITT** thought the proposed expenditure would be thrown away if the Grand River should but furnish enough water.

**Mr. McCALLUM** asked whether 300,000 pounds sterling would give 12 feet of water in the Welland Canal.

**Hon. Mr. LANGEVIN** said yes, it would.

**Mr. MACKENZIE** said that generally speaking the plan met his approval, but regretted that a vote had not been asked for the Sault Ste. Marie Canal. The enlargement of the Ottawa, he considered absolutely necessary, but Canada ought to be rendered entirely independent of the United States. The plan taken by the Commission was the only one that could be taken, and the Government might well have arrived at the same result without the expense of the Commission. The Welland Canal when increased would doubtless be sufficient for all the wants of trade. The Commission, however, had not referred to the best mode of carrying produce destined for foreign countries. His own view was that a transshipment at the Welland Canal would be an advantage as it would benefit the grain and prevent it from heating. The experience of sending vessels from the West to Foreign Ports was very unfavorable.

The Commissioners had not referred to the want of accommodation for produce at Quebec and Montreal, and many shippers would send their goods by New York on account of the difficulties at Montreal. At New York, there was every facility, and he might mention that not a single vessel had loaded from Montreal with petroleum, simply in consequence of the lack of accommodation. Private enterprise had done much, but it was for the Government to consider what could be done to accommodate produce at Montreal, and he was surprised that attention had not been called to so important a matter. With regard to the Welland Canal, he did not think it necessary to proceed immediately with the enlargement proposed for Canadian trade only, and unless it was certain that such an enlargement would induce a large amount of foreign traffic. He had always considered that if the Western produce was to be conducted in barges, the route of the Ottawa was decidedly the best, and he thought that barge navigation would be the best and cheapest that could be adopted. On the other hand, the canals could be utilized for years to come, and he was not inclined to ask for the construction of works not necessary. The future, however, should be looked to, and if the Americans should enter into closer connection with Canada, it would, no doubt, be necessary to enlarge the Welland Canal, so as to accommodate American trade. He thought the plan of the new canal was good.

The requirements of the mining trade on Lake Superior ought also to be considered, for there would soon be an enormous shipment of ores from that District. The Commissioners had not spoken of the Rideau Canal, although

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it was known that when the Ottawa and St. Lawrence had been navigable, that canal had fallen into comparative disuse, and it should be considered whether the amount annually expended could not be saved. The opening of the Upper Ottawa would conduce more than anything to developing and improving the country, and was sorry the Government had gone no further than propose to improve a few local works, as he thought they ought to be able to initiate a distinct policy on the subject, making the present appropriations a mere commencement of an ultimate plan.

**Hon. Mr. LANGEVIN** stated that the works being now undertaken were really only part of the plan proposed by the Commissioners.

**Mr. MACKENZIE** was glad such was the case, and he asked the serious attention of the Government to what he had indicated as to the want of accommodation at Montreal. Those engaged in developing the mineral resources of the West were daily complaining on this subject.

**Hon. Sir FRANCIS HINCKS** said the defective arrangements at Montreal certainly deserved consideration. He referred to the Lake Ste. Marie Canal, and admitting its importance, he thought that, considering the present negotiations at Washington, a plan to construct that work would really be a doubtful policy. He read an extract from the papers before the House, being a minority report from Mr. Laidlaw, showing that as the recommendation of the Commission was that the canal should be built on the same plan as the Welland Canal, it would not be large enough for the vessels passing through the American Canal, that no tolls would be obtained, and would not be of the slightest possible use except in case of war. Of course the Government had not adopted this view, but they thought it inadvisable to proceed with the work at present.

**Mr. MACKENZIE** said that such were the facilities for constructing the Canadian Canal that if it were built it would be used at once to its utmost capacity, and he regarded Mr. Laidlaw's report as most puerile.

**Mr. WORKMAN** spoke of the want of accommodation at Montreal, and explained the way in which the Harbour was worked, and he was sure that the Harbour Commissioners had done everything that could be expected of them. As to the petroleum, the absence of shipments arose from the transfer of the article itself, but as regarded the staple products of the country, matters were conducted more cheaply, more efficiently and more expeditiously than at any other port on the continent, and he had heard many captains of vessels testify to such being the case. Of course he would not object to Government aid but certainly he would not ask for it.

**Mr. RYAN (Montreal West)** thanked the member for Lambton for having drawn attention to the matter, but could not agree with

his colleague from Montreal. The Harbour Commissioners might have done what they could, but if that body were differently constituted, very much more might have been done.

The Committee rose, reported progress, and asked leave to sit again.

It being six o'clock the House rose.

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## AFTER RECESS

### FREDERICTON AND ST. MARY'S BRIDGE

The Act incorporating the Fredericton and St. Mary's Bridge Company was passed through Committee, **Hon. Mr. GRAY** in the Chair.

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### THE BRITISH COLUMBIA DEBATE

**Hon. Sir GEORGE-É. CARTIER** moved the resumption of the adjourned debate on the proposed motion that the Speaker do leave the chair, for the House to go into committee of the whole to consider certain resolutions respecting the admission of British Columbia into union with Canada, and the motion of Mr. Mackenzie in amendment thereto.

Carried.

**Hon. Mr. GRAY** resumed the debate. He said that it mattered little how this House might regard the measure unless they were backed up by public opinion, and that opinion was greatly affected by statements made in this House. The measure should be viewed by the light of the ledger, in the practical light of the present day, rather than in the light of the past. This House should regard it too, in the light of the experience of the neighboring Republic, and see how we might profit by it. As had been observed by the hon. member for Sherbrooke, there were two precautions to be taken. The constitution was in no way to be infringed and the Dominion was not to incur a financial burden too heavy to be borne. In this view, he believed every member in the House concurred. And first, with regard to the objection urged against the representation of British Columbia that it was too large, he would say that the British North America Act did not limit representation to the white population but even if it were so limited, the number of representatives under the circumstances of that Colony was not too great. When the Manitoba Act was passed last session exception was taken in the debate to the representation given to the new Province, but the reply was that the expected increase in the population would, *within a very short period*, be proportionate

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to the representation. This view was not disputed by the hon. member for East Toronto, or by his hon. friend from Bothwell.

**Mr. MILLS:** I did dispute it.

**Hon. Mr. GRAY** would quote from the hon. member's own speech to show that he had not objected to it.

**Mr. MILLS** said he would not accept any report made last year as a correct one.

**Hon. Mr. GRAY** would quote from the *Globe* report, which the hon. member would hardly object to. The passage of the hon. member's speech referred to, contained the following: "The representation was based no doubt, on the expectation of an immediate increase of the inhabitants, but he contended that it would be better to give representation to the number of people, increasing the number if it was thought best, every two years, or leaving to the local legislature if they thought it better." Here was the expression of opinion from the hon. member, and thus, though the point was raised, there was no record on the journals of the House, no action taken, no resolution or amendment moved to show that the representation of Manitoba was unconstitutional. The objection that was taken in debate last session by the hon. gentleman was as to the power of the Parliament to give representation at all—not as to its numerical character.

Here then was a precedent for this case before the House—a precedent established by the House itself. He had no fear that the smaller Provinces would be overridden through this Act. If the representation were to be based strictly upon population according to the law as at present interpreted by the hon. member for Bothwell, British Columbia would have but one representative, if any. Now, in that colony there were two separate and distinct interests, the insular and continental. The country was divided into two sections, Vancouver Island and the main land. If the colony were permitted to send but one member to this House, which section would he represent? He could not represent both very well, and one of them would remain unrepresented. It was clear, therefore, that no other course could have been adopted with reference to this point, than that embodied in the measure before the House. The position he took with reference to this question was this, that until the Province became a member of the Federal compact, it would not be governed by the provisions of the British North America Act. That the terms and conditions on which British Columbia came in were to be agreed on, and if it as an independent province she chose to say her interests required our representatives in the House, she could, and there was nothing in the British North America Act to prevent our acceptance of such a proposition, but after she came in, her future representation must be governed by the 31st section of the British North America Act, and must revolve like that of the other Province, around the representation of Quebec as a pivot. In accepting her therefore,

as set forth in the resolutions in that respect there was no infringement of our Constitutional rights under the British North America Act, and thus the first point stated by the member from Sherbrooke was complied with. For it must be assumed that if there were other important constitutional objections they would not have escaped the acumen of the member for Durham West.

The next point was as to our capability to enter upon the contemplated arrangements respecting the Pacific Railway. The necessity, of course of communication with the Pacific was admitted by every hon. member who had spoken on this subject. The Government did not propose to build the railway themselves, but it would be done by companies, and if the land grants should prove nearly as valuable as it was alleged they would, the cry of one hundred millions which was used to create so much alarm would prove to be a mere bugbear. With regard to the part of the line falling in Ontario he was not prepared to speak, but with respect to the other portions he desired to say something. The hon. gentleman here described the mode and means by which the Pacific Railway from Omaha to Sacramento was built, shewing the companies, the land grants, and Government Bond subsidies in aid, describing the character of the country, and the difficulties which met the constructors of the road, the unstable nature of the soil about the Missouri River, the arid character of the American desert, and the Alkali plains, the elevation of the passes of the Rocky Mountains, and of the Sierra Nevada Range, and went on to explain how the Government Bond subsidies were divided, increasing proportionately with the cost of construction of different parts thus preventing the Government aid being entirely used on the easy gradient, and thereby obviating further calls on the Government. The American Government had divided the subsidy, giving one amount for the easy part of the line, and a larger amount for the difficult sections. The whole bond subsidy amounted to fifty-eight millions, and in addition a land grant was made of alternate lots of 20 miles along the route. The cost of the entire road had also been largely increased to the extent of twenty millions by a stipulation that no rails should be used except those of *home* make,—a limitation which would certainly not be imposed by us—as our rule was to buy in the cheapest market.

**Hon. Mr. McDOUGALL (Lanark North)** said he supposed steel rails would be used.

**Hon. Sir GEORGE-É. CARTIER:** The hon. gentleman knows better.

**Hon. Mr. GRAY** resumed his description of the construction of the American line, and the difficulties met with in that work. He quoted from a speech of the member for Lambton made last session during the Manitoba debate, shewing that the Canadian line would pass through an infinitely better country than that through which the American line had passed.

**Mr. MACKENZIE** said his words had applied to the portion lying between Red River and the Rocky Mountains.

**Hon. Mr. GRAY** said he admitted that he had spoken in that limited sense, but that covered 1,400 miles of the distance. As the American line had been built at an expense of sixty millions, what fear need there be as to the cost of the Canadian line, which would pass through an infinitely better country, and the elevation to be attained would be much less. (The hon. gentleman here read extracts of Cheadle & Milton's work, shewing that whereas the highest elevation of the American line was 7,400 and 8,000 feet above the level of the sea, the Jasper House or Yellow Head Pass through the Rocky Mountains, with us was only 3,760 feet, with a gradual slope on either side; and also showing the nature and character of the country on this side of the Rocky Mountains, and of the valley of the Fraser River on the other.) It had been alleged that the line must necessarily be built within ten years, and that if a company would not undertake it, the Government would be obliged to do it.

Now, the Americans had built their line in three and a half years, and could it be supposed that the Canadians were so inferior that they could not build a line of comparatively easy construction in ten years. And in the light of the experience of that country, how could it be said companies would not be found to build the line. British Columbia possessed every means of becoming one of the most prosperous Provinces in the Dominion, and indeed its union had been one of the stipulations of, and inducements for Confederation. He then spoke of the prosperous condition of the Dominion at present, to show that Canada need have no fear of the responsibility it was proposed to incur, and referred to statistics to prove his position.

The Member for Durham West had based his statements that Canada could not bear the burden to be laid on her, under the impression that the Dominion would have to pay one hundred millions, but that was not the case. There was a vast difference between the burden of a work of that amount—say 100,000,000 borne by various parties—public Companies—land grants and aids of different characters—and the cost of the same work borne by one exchequer. It was not intended that the exchequer or revenues of Canada should bear the charge of the work, but simply that they would aid it. If Canada should refuse to give this aid, the work would pass out of her hands, British Columbia would not be included, and the Dominion, instead of becoming a great and leading power on the continent, and advancing in material wealth and prosperity, would revert to its old position of discontented and opposing Provinces, small and insignificant—the worse for having thrown away the opportunities which had been afforded her.

**Mr. JOLY** said when he had listened to the discussion, he could not help thinking of the fable of the frog and the ox. The frog had admired the size of the ox, and deciding that it was its duty to become as large as the ox, it went on swelling until it burst, and when he had heard the description and glowing terms of the

Minister of Militia, he thought he could see the Dominion swell like the frog. It was very fortunate the Pacific made a boundary to the land to be annexed, although it was true China and Japan were beyond, and perhaps the Pacific might yet be made a Canadian sea. When the Minister of Militia had named fifty-two millions as the cost of the railway, he could only have referred to the cost to the Dominion, and in the same way the population had been much exaggerated.

**Hon. Sir GEORGE-É. CARTIER** said he had stated the population correctly at 63,000, being 15,000 to 17,000 Europeans, some 5,000 Chinese and the remainder Indians.

**Mr. JOLY** must, of course, admit his mistake. He could not consider the railway a Canadian but an Imperial Policy, and, of course, it was natural that England should desire to see British North America confederated and independent of the United States, and if that was her desire, the best thing she could do would be to aid in constructing this line of communication. The great advantage Canada possessed over the States was her freedom from debt and taxation, but if, to the present debt of \$100,000,000 was added another \$100,000,000 for the construction of the railway, the debt of Canada would become in proportion almost as large as that of the United States, and Canada would lose her only advantage. He came to conclusion that an additional debt of \$100,000,000 would be mentioned on account of the construction of the railway, from the remarks of the member of the St. John. The Americans had paid fifty-eight millions of dollars as a subsidy, and had made twice as large a land grant; the money grant would have to be larger. For years to come, the line could not pay a tenth part of its cost, and no Company would undertake it unless they received every assistance, for the line would not obtain anything like the traffic that the Union Pacific obtained, and he believed the result would not be that the Government itself would have to build the line. As to the time that would be required to build the line, if the same energy were shown as had been exhibited in the construction of the Intercolonial, the Pacific would take twenty years. Why not say to British Columbia, "we are willing for you to join us, but we cannot pledge ourselves to this heavy expenditure—but if British Columbia only wanted to see which country, Canada or the States would give them the best terms, he, for one, was not prepared to buy them that way." The present position of Canada and the States to each other could not last much longer, and if more friendly relations should be established, why should not Canada avail herself of the Northern Pacific road until she was able to build a line for herself.

**Mr. JACKSON** was glad to see the unanimity of belief that union with British Columbia was a necessity, and that the construction of a line of railway was also a necessity. It had been conceded that the amount to be granted to British Columbia was not extravagant, but objection was taken as to the mode of payment. Objection had also been raised that the proposed representation was too large for the population, but looking at the matter in a common sense view only, although the abstract principle of representation according to population might be right, he thought area should enter into the arrangement, and he saw



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nothing in the objection. As to the objection of the railway having to be constructed in ten years, British Columbia was to be taken into the Union, and the understanding was that the whole Dominion should be connected. The responsibility might be great, but in all agreements certain conditions were implied, which might operate to change the agreement. If the present prosperity continued, there was no reason to doubt the ability of the Government to construct the railway within ten years, but if circumstances should prevent that, what danger could ensue? He should certainly support the resolutions of the Government on the grounds he had stated.

Some years ago he had entertained doubts of the success of Confederation, but he was very glad to see how satisfactory the results had been. He thought the definitiveness of the proposition for the construction of the line, would obtain for it greater consideration and greater confidence on the part of English capitalists. He would not try to foreshadow the future, but there was every reason for hope. The member for Lotbinière had said that the increased responsibility would make Canada's debt equal to that of the United States, but the view was most erroneous, for while the Canadian line would open up a splendid country and consolidate the country, the Americans had only destroyed property and desolated homes without result.

**Mr. MILLS** would not have spoken but for the remarks of the member for St. John. That hon. gentleman entirely misapprehended the system of Government provided by the British North American Act. He disputed his reading of the constitution as affecting powers and duties of Canada in relation to the colonies to be admitted into the Union. He had contended the Indians should be embraced in framing the basis for representation. That had not, however, been done as regards the other Provinces. The Indians did not enter into the social bond, and could not stand on the same footing as the white population. The member for St. John argued that because the principle of representation by population had been violated in the treatment of Manitoba, it should be in the case of British Columbia, and he had stated representation by population was not the principle established by the constitution, but the Union Act plainly showed it was and the representation was to be altered every ten years in harmony with the growth of the country and population, and in a prescribed relation to the sixty-five members always to be possessed by Quebec.

In answer to the member for St. John, he contended that the phraseology of the Union Act proved that the terms applicable to the four Provinces of the Confederation as to representation, applied also to the Provinces after-admitted. The Union could be extended only on the federal principle, and the principle he now contended for governed his objections to the Manitoba Bill last year. He held now as before that the very principle of our constitution was violated in the terms we granted that

Province last year, that we had no authority to grant her representation beyond that to which by population she was entitled. So much for the precedent cited by that hon. gentleman. He did not believe British Columbia would complain of our altering terms before us in obedience to our reasonable wishes and interests. If she was prepared to accept reasonable terms he would not oppose her entrance into the Union. If she was not so prepared, it would simply show the time had not come for her admission.

As to the remark that we ought to be able to construct a railroad in less than ten years, and that the Americans constructed theirs in three years and a half, it was apparently forgotten that their railroads previously extended a thousand miles further west than ours, that they had thirty millions this side of the Rocky Mountains against our four, and had a large population on the Pacific coast and infinitely greater resources on both sides of the Rocky Mountains than ours. He would like to know how we could build it in ten years when at the present rate of progress, and with our adequate means and other advantages that Intercolonial would require seven years. At its rate of construction, it would take 37 years to build the Pacific Road. He was convinced we should not draw so largely upon the future, should not incur obligations we had not certainty of being able to meet. On this ground alone, were there no other objections to the resolutions, he would be disposed to oppose them. The geological survey of the country was an incident of the local possession and management of the lands, and it should be undertaken by the local authorities alone.

We had no power to enter upon this work, the proposal of which was another instance of irregular or illegal Acts we were asked to perform. He would oppose the resolutions and support the very proper amendment before the House.

**Hon. Mr. LANGEVIN** then proceeded to explain in French the proposals and policy of the Government on this subject, and to recite the circumstances that led to the submission of this scheme, dating back to the period of Confederation. He reminded the House that these terms had been accepted by the Legislative Assembly of British Columbia on the understanding that they would not be altered by the Parliament of Canada. In reply to the hon. member for Sherbrooke and other gentlemen, he contended that the present terms were not less favourable to Canada than the former, because in the first instance the colony was to have four senators at Ottawa and eight Commoners, while now she was allowed but three of the former and six of the latter. With regard to the railway, he urged that there was no comparison between the Intercolonial and the Pacific road, because it would not be undertaken by the Government but by a company upon the basis of a liberal land grant and an annual payment of money within the means of Canada, and without augmenting its debt.

**Mr. GEOFFRION:** Suppose you don't find a company?

**Hon. Mr. LANGEVIN:** Who could doubt their finding a company with the double inducement of land and money, when in the States and other countries railways were begun and completed on the basis of land grants only? We were bound, irrespective of British Columbia, to construct a railway to the Rocky Mountains, certainly through a magnificent country for hundred of miles; but what would be the use of stopping there? Would it not be to a certain extent money ill-spent, when the road stopped short of the natural boundary of the Dominion, of the natural ocean outlet on the Pacific? Our interests undoubtedly dictated that prolongation. He maintained that in a revenue point of view Canada would not lose by this measure, for, as he had pointed out, the consumption of dutiable goods per head of the population was much greater than in Canada. There was already a population of 60,000, including Chinese and Indians, many of whom were civilized and useful inhabitants. He denied the statement of the member for Lotbinière that we already owed \$100,000,000, our debt being but \$80,000,000, and as the Government intended having the railway built by a private company they would incur nothing like another hundred millions of debt.

As to the pension list, several of the recipients could be made useful to the Dominion as public officers. It was absurd to suppose Canada could depend on the American Northern Pacific Railway, and if we wished to extend our population and trade and colonize our vast Western region, we must possess a railroad through our own territory, instead of travelling westward by one 100 or 200 miles from our frontier. It was necessary to satisfy the Columbians, as well as to give confidence to British capitalists, that a period should be fixed for the completion of the road; but if in seven or eight years it should appear with representatives from that Province sitting among us, that despite our good faith and utmost efforts it was impossible to complete the work within the time named they could not and would not find fault with us. He did not anticipate any failure, but looked at the worst contingency. He believed it was our duty and our interest to complete Confederation and establish a British empire in North America, with the freest institutions in the world, under the British Flag now protecting us, and which would continue to protect us so long as we desired. He believed his countrymen of all origins and classes desired this result, and that trifling difficulties would not induce them to abandon reasonable effort for its attainment. British Columbia did not merit the treatment proposed by the amendment and he hoped the House would not refuse to adopt cheerfully the resolutions of the Government. (*Cheers.*)

**Hon. Mr. SMITH (Westmorland)** thought the subject was one of the greatest magnitude, and Government ought to have absolved all parties to allow every one to give the matter the freest possible consideration. He had at first done his best to oppose Confederation but he was now friendly to the Union,

and would be glad to see the whole of British North America united. There were two very important considerations—one was that there was a great departure from the principles of the constitution in the matter of the representation. With regard to the financial aspect, however, he could not but believe that lasting injury would be done to the country by the expenditure to be incurred. The cost of the railway could not be less than \$100,000,000, and it was equivalent to the Imperial Government asking England to embark in an enterprise involving a thousand millions. Was not the matter, therefore, sufficiently grave to merit the most serious consideration—and he entreated the Government to pause. The faith of the country was pledged by the resolution to complete the railway within ten years, no matter if the result should be ruin. No verbal reservations could have effect, the written record alone could hold, and the words of the resolution were clear, and if in two years the railway was not commenced, British Columbia could appeal to the Imperial Government. They had been told that the expenditure would not burden the people, but could that be believed, and no one would undertake to say that a Company would undertake the work as a remunerative scheme, and therefore sooner or later, the Government would have to pay every dollar of the expense, and the contractors would want the land as a profit. No one could suppose that even after the road was built, it would pay one tenth of its working expenses, and how, therefore, could British capitalists be expected to undertake the work.

The Minister of Customs had intimated that if they did not strike quickly, they would alienate British Columbia from the enterprise, but was that an element for discussion; no, if such were the case, the matter belonged to the Imperial Government only. Was the House ready to involve the country in so large an increase of debt? That debt was already \$100,000,000 and there were many burdens that would arise from the Intercolonial and other works. The Union Act had provided for the extension of the Canal system and that had only been delayed because of the deficient state of the finances of the Dominion. The cost of the railway could not be named, it might be much greater than the amount named and yet *coûte que coûte* the country would stand pledged to complete it. He should oppose the measure because it would impose burdens on the people that they were not able to bear and would involve the country in ruin and disaster.

**Mr. RYMAL** like the previous speaker, had not much faith in the blessings of Confederation, and should oppose the present measure, because he believed it violated their constitutional rights. In the Confederation scheme the principle of representation by population had been conceded, and yet that principle was now being violated. The Minister of Militia himself represented many times the whole number of white men in British Columbia, and there were many similar cases in the House, and the thing was so absurd and unjust that if it were the only objection, he would oppose the scheme for while he asked nothing more than justice, he would take nothing less.

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As to the financial aspect the responsibilities about being incurred, added to the cost of Intercolonial and the enlargement of the canals, a debt of \$300,000,000, would be incurred, which at five per cent would involve an annual expenditure of \$15,000,000. Added to this there would be the yearly and ever increasing burden of maintaining the railway, all of which would fall on the poor tax payers. To use a well known phrase, he would say "whither are we drifting," and the only answer was that bankruptcy and ruin stared them in the face, and the credit and good reputation of Canada would be a thing of the past. The Minister of Finance had well nigh ruined the country before, and he would do so again, if the present Ministry retained their seats, and were led on by the Minister of Finance. Language failed him to express his detestation of the Government that thus prejudiced the good interest of the country, and it appeared to him that the prospects of the Confederation were being destroyed.

**Hon. Mr. DUNKIN** said the question proposed was the adoption of resolutions for the admission of British Columbia into the Union, and the objection raised in the amendment was a very narrow one. No sufficient reason was given for the postponement proposed, which was in effect the adjournment of the whole scheme. He referred to the circumstances connected with Confederation, and the

feelings with which it was regarded at first, and after its accomplishment. The experiment was tried, one of its express objects being to bring in the British North West Territory, and construct a Railroad from the Atlantic to the Pacific, and were they now to hesitate, letting *I dare not wait upon I would*. He argued that British Columbia and the North West could not be retained without a railway. They had already incurred the greater part of the expenditure, independent of British Columbia, and they must advance; they could not recede. Without executing the policy these Resolutions embodies we should expose ourselves, our present constitution and national position. Not to advance was to go back the whole distance. He argued that the road could be built to the Pacific at a cheaper rate than one to the Rocky Mountains only, and possibly for a smaller amount than to this point.

**Mr. BODWELL** rose to speak, but was interrupted by cries of "adjourn."

After a short discussion the debate was adjourned, to be resumed tomorrow after recess.

The House rose at 12.50 o'clock.



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## HOUSE OF COMMONS

Thursday, March 30, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### RED RIVER EXPEDITION

**Hon. Sir GEORGE-É. CARTIER** presented a statement of vessels chartered for the use of the Red River Expedition.

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#### REIFFENSTEIN DEFAULT

**Mr. LAPUM** asked whether it is the intention of the Government to pay the Municipalities of the former Province of Upper Canada (now Ontario) the amounts due under the Municipalities Fund, irrespective of the default of G. Reiffenstein, now imprisoned in the Penitentiary for having appropriated a portion of those monies.

**Hon. Sir GEORGE-É. CARTIER** replied that it was not the intention of the Government that any municipality should suffer through these frauds.

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#### LACHINE CANAL

**Mr. RYAN (Montreal West)** moved for papers and reports having reference to the construction of culverts on the Lachine Canal since last session.—Carried.

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#### PRINTING OF ORDERS IN COUNCIL

**Mr. MILLS** resolution declaring it expedient that Orders in Council, Departmental regulations and proclamations of a permanent character having the force of law be printed each year in the same manner as the Statutes of Canada.

**Hon. Sir GEORGE-É. CARTIER** read a report from the Queen's Printer showing they would cost, if printed separately, \$5,720, and if bound up with the Statutes a saving of half the press-work would result, making the cost probably from \$2,500 to \$3,000.

In answer to some remarks from the Opposition,

**Hon. Sir GEORGE-É. CARTIER** recommended having the motion stand over until Monday, when the Government would be prepared to state their views on the subject.

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#### S.J. DAWSON'S REPORT

**Mr. MACDONALD (Glengarry)** moved for the report of S.J. Dawson, Esq., on the Red River Expedition of 1870.—Carried.

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#### CUSTOMS DUTIES

**Hon. Sir FRANCIS HINCKS** in reply to **Hon. Mr. Holton**, said the Government had given notice to customs officials that the repeal of duties on coal, coke, flour, wheat, &c., should take effect on April 1.

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#### INSOLVENT ACT

**Mr. GODIN** moved the House in Committee on Bill No. 35—an Act to amend the Insolvent Act of 1869, with which are combined the provisions of the Bill No. 20, an Act to amend Section 2 of the Insolvent Act of 1869, as amended by the Select Committee.

**Mr. MAGILL** in the Chair, the Bill was reported with an amendment, read a third time and passed.

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#### ANNEXATION OF SEAFORTH

**Mr. CAMERON (Huron South)** withdrew his Bill to annex the Village of Seaforth to the South Riding of the County of Huron, on receiving the assurance of the Government that no election would take place before the re-adjustment of constituencies resulting from the census.

## PRIVATE BILLS

The following private and local Bills were read a second and third time and passed:

Bill No. 45—An Act to incorporate the Isolated Risk Fire Insurance Company, as amended by the Standing Committee on Banking and Commerce—Mr. Harrison.

Bill No. 51—An Act to incorporate the Kingston and Pembroke Railway Company, as amended by the Standing Committee on Railways, Canals and Telegraph Lines.

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## BRITISH COLUMBIA

**Mr. JONES (Halifax)** resumed the debate on the Bill to admit British Columbia into the Dominion. He moved that the following words be inserted after the word "purpose" in the amendment: "The proposed engagements respecting the said Pacific Railway would, in the opinion of this House, press too heavily on the resources of the Dominion." He argued that the Government might well hesitate to enter into such engagements after the fears and doubts expressed by the hon. member for Sherbrooke and other fathers of the Confederation. But, the Government would do well to hesitate if they desired to consummate the Union. There were other colonies to be added to the Dominion. Newfoundland and Prince Edward Island had yet to be brought in and it was not likely that they could be induced to join the Confederation under less advantageous terms than were now offered to the Pacific Colony. Hon. members opposite argued that if the Dominion was not immediately extended to the Pacific, the Western colony would be absorbed into the American Union, but the hon. members were adopting the very measures which would promote that movement.

The strongest argument against annexation had always been that our taxes were light, that while the Americans had a debt amounting to \$60 per head, ours was not quite \$27 per head of our population. Let these engagements be entered into by the Dominion, which were now before the House, and the result would be to leave us with a heavier debt in proportion to our resources than at present weigh down the American Union.

The cause of our prosperity hitherto had been the contrast between the United States and the Dominion, but the Government proposed to reverse the present position of the two countries. While the Americans were paying off their debt and reducing their taxes, Canada was about to incur liabilities too great for her to bear. He referred to the immense charge which the construction of the Pacific Railway would bring on the country. He asked the House to take a business view of this engagement, and ask themselves should the Dominion undertake it. (*Hear, hear.*) This extravagant proposal was the natural sequence of the Finance Minister's budget speech in which that hon. member had spoken of the advantages of a great national debt, and quoted from Macaulay in support of this view.

**Hon. Sir FRANCIS HINCKS** said he had not advocated the creation of a national debt, nor had he quoted from Macaulay in support of such a view. He had merely quoted the passage referred to, to show how the great resources of England had enabled her to surmount the difficulties of a great national debt.

**Mr. JONES (Halifax):** Then why refer to it at all. If the Hon. Finance Minister had no intention to foreshadow the creation of a great debt, why quote the passage? There was no doubt that the hon. gentleman had that end in view, and the House should unite in opposing such a suicidal policy.

**Mr. BODWELL** in seconding the amendment of the hon. member for Halifax, spoke at considerable length against incurring the heavy liabilities which the construction of a Pacific railway would cause. He denied that there was any danger that British Columbia would be annexed to the United States if it were not brought into the Confederation. Did hon. members opposite suppose that Great Britain would allow the republic to absorb any portion of Her Majesty's possessions without a struggle? If the cause was so weak that the government was obliged to resort to such an argument in order to coerce their followers into voting for this measure, it would be better to drop it altogether. He quoted from the speech of the hon. member for Brome in the report of the Confederation debate to show how some of the advocates of this measure had once been most bitterly opposed to Confederation.

**Hon. Mr. MORRIS** said it was most surprising, in looking back on the past history of Canada, to see what great tasks had been accomplished. The government had been taunted time after time with not being sincere in the great work of building up a British power on the Continent, but they could turn to their record, and challenge their opponents on the other side of the House, by what they had really done. Was it nothing that the Dominion already stretched from the Atlantic to the Rocky Mountains! And now the question was whether they should or whether they should not make what had once been considered a dream a living reality, by doing their utmost to weld the provinces from one ocean to the other into one solid Dominion. He was surprised at the course taken by some hon. gentlemen in the present debate, and especially at that taken by the hon. member for Sherbrooke, who had formerly taken the deepest interest in the question, and had spoken most earnestly in favour of the union now proposed; and he was more than surprised at the course of the hon. member for Lambton, who, though a later convert to the benefits of Confederation, had, with his party, stated that he should set himself to assist to establish and consummate the work.

But now, after speaking so often of his zeal for union, placed on record a motion which, while admitting the Pacific Railway to be an "urgent political necessity," attempted to prevent the House from entering on the discussion of, and adopting the proposed terms of union. The member for Sherbrooke had dealt with the matter on a broader basis than had more recently been introduced into the debate, and, while admitting that he had no quarrel with the amount of subsidy to be granted to British Columbia, stated that he would

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have preferred the terms originally proposed by British Columbia to those now proposed by the Government. He was sure, however, that that preference would not be shared by the House or the country. The original terms had provided the building of a coach road within three years of union, and that the railway also should be built as early as possible, with a specified expenditure of a million a year. The member for Lambton stated that he had never contemplated anything more than a road from Lake Superior, but of what benefit would such a road as that be.

He also told the House that he was opposed to locking up the lands of the country by handing them over to a company, but he (Hon. Mr. Morris) maintained that the course being pursued by that hon. gentleman would lock up the lands for ever. How could the lands be available for settlement and cultivation unless facility of access was provided? The Illinois road, which had been used by the hon. gentleman as an illustration of the danger of locking up lands by handing them over to a company, was a proof that the very reverse was the case, for the results of that road were that Illinois was peopled rapidly, and the lands, instead of being locked up, were almost entirely disposed of, for out of a grant of two and a half millions of acres, only half a million remained in the hands of the company. He asked the House seriously the nature and character of the land proposed to be acquired. That land consisted of the United Province of British Columbia and Vancouver's Island, and no one, who understood the matter, could deny that the addition of that province would increase enormously the wealth, the resources, and the prosperity of the Dominion. He had several extracts from works on the country, showing its valuable nature and character, and thought the member for Lambton was not justified in the remarks he had used to the effect of there being scarcely any arable land in the whole of British Columbia.

**Mr. MACKENZIE** stated that what he had said was that after descending the slopes of the Rocky Mountains, the country was the roughest on the continent.

**Hon. Mr. MORRIS** thought the construction he had put on the hon. member's remarks was not very far wrong, but he could state on the undisputable authority of Mr. Trutch, the Surveyor General of British Columbia, that taking the whole of British Columbia and Vancouver Island fully one-third, or about 50,000,000 of acres was good farming land, while the whole acreage of Ontario was 77,000,000 acres. It appeared to him that throughout the whole debate a strange fallacy had existed. The Railway had been spoken of as a mere bargain to induce British Columbia to enter the Union, whereas that work was of more importance to Canada than it was to British Columbia, for, having already acquired the great North West they were compelled by force of circumstances to go forward and render it a valuable acquisition, and he was convinced that if the House turned its back on British Columbia by adopting the amendment of the member for Lambton, it would do a grievous injury to the cause of Confederation which might prove irreparable. The present position of Canada was analogous to that of the States some years ago, when that country, recognizing the importance and necessity of communication from one side of its territory to the

other, both as a bond of union between the people of the east and west, and as a means of securing the vast trade between Europe and Asia, had taken steps which in a short time would result in three different lines from the Atlantic to the Pacific, and the reasons that had urged America should be equally powerful with Canada, and he believed the Canadian line could be constructed in a satisfactory manner, by means of the proposed land grant without in the least degree overburdening the people.

The House in the course of the debate had rung with cries that a debt of a \$100 million was being incurred, but the speakers knew well that by means of the land, the line could be constructed without any approach to a burden that the people could not bear, and no Ministry would ever dare to propose to incur such a debt as had been spoken of in this case. The Northern Pacific was being constructed on a land grant only, and could it be doubted therefore, that Canada, with better lands and fewer difficulties, would be able to devise such a scheme as would attract foreign capital, as the Americans had done. The House must be aware that before a dollar could be expended or an acre of land granted, a scheme would have to be submitted to and endorsed by the House, and therefore the whole matter would be within the control of Parliament. The question was whether or not British Columbia should be invited to join the Union, and whether or not the railway should be constructed, and he believed that when the Union should be accomplished and representatives from British Columbia should sit in that House, there would be no doubt of the railway being proceeded with as rapidly as the resources of the country would admit. He had every confidence not only that the House would endorse the proposition of the Government, but that it would be approved by the people of the country also, and it would be a bright day for the Dominion when the first sod was cut on the Canadian Pacific Railway, and in time to come many of his friends opposite, who were really desirous of consummating Confederation, though they might now oppose this scheme, would rejoice that the Government had not been deterred from following out the work, but had persevered in their determination to carry forward the work of union with the Pacific colonies.

**Hon. Sir A.T. GALT** would not again have spoken but for the allusions made to him, but under the circumstances he felt bound to express his views on the important question before the House. Referring to the remarks of the Minister of Inland Revenue he (Hon. Sir A.T. Galt) considered that the course he was pursuing would tend much more to build up Confederation on a sound basis than that pursued by the government, and that a policy of prudence and foresight was more necessary for the future progress of the Dominion than the unwise incurring of obligations now proposed could possibly be. They should not lose sight of the real interests of the country in rushing forward in the path, which, though all might desire to follow it ultimately, if too hastily followed would defeat the very object desired to be obtained.

As to the coach road proposed by British Columbia, involving a useless expenditure of money, he maintained that the necessities of the railway would require the construction of such a road so that it

would have to be made in any case. As to the railway, the people of British Columbia had only asked for an expenditure of a million yearly, and even if that were continued in perpetuity it could not represent more than twenty millions. Those people had never presumed to demand that the line should be completed within a given time, and the proof that they had not done so had been shown by the Minister of Inland Revenue himself, who had argued that it was Canada that wanted the railway and not British Columbia.

**Hon. Mr. MORRIS** stated that what he had said was that, throughout the discussion, the matter of the railway had been deliberately treated as if the whole benefits were to accrue to British Columbia, whereas Canada also had an equal interest in the work.

**Hon. Sir A.T. GALT** said he could not admit the statement that if the Government's resolutions were carried, Parliament would still retain the control of the matter. The details of the measure might come before them, but the obligation would remain that the work must be carried through *coûte que coûte*. Five years ago, it had been decided that the Intercolonial Railway could not be undertaken without an Imperial guarantee; five years ago, the Province of Canada had to take a portion of the circulation of the country to meet her floating debt; two years ago, the Government had to borrow \$2,500,000 from the Bank of Montreal, to enable them to say that the money borrowed for the Intercolonial was still within their control, and only one year ago, the Finance Minister had to ask an increase of 5% on all duties to provide against a possible deficiency of revenue, but yet, when it now fortunately happened that we had a surplus, it seemed to be believed that this state of things must continue, and that it was safe to incur any amount of obligation. He thought the people of British Columbia, if they really desired union, would be quite satisfied that the Dominion would construct a railway as rapidly as her resources would admit, and would not ask for any more. He hoped and believed the House would confirm the amendment of the member for Lambton.

It being 6 o'clock, the House rose.

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### AFTER RECESS

**Mr. OLIVER** resumed the debate arguing that the Pacific colony should be admitted into the Union on the same terms as the other provinces. He denied that those who favoured the amendment were opposed to the admission of British Columbia, or even to the building of the Pacific railway. He favoured these schemes, but thought we should consider the effect of such a very large expenditure at the present time. He considered that to allow six gentlemen from British Columbia to take their seats as representing only 100,000 people, was unfair to the other parts of the Dominion. Another feature in the scheme was unfair. The debt of British Columbia was taken at \$1,666,620, which was assumed by the Dominion. This amounted to \$20 odd per head of the population, whereas in Quebec and Ontario the amount per head of debt assumed by the Dominion and subsidies was only \$2.07. It had been proposed that thirteen million of acres of lands running

alongside the railway should be appropriated. If so, these lands would be a constant cause of expenditure for management and surveying. (*Hear, hear.*) It would be better that these lands should remain in the lands of the Local Government of British Columbia; otherwise they might pass into the hands of land speculators, a state of things which would prove ruinous to the settlement of the country. If these lands were not locked up, they would be sufficient to support a population of two millions, and it would be better that a money bonus should be given and these lands opened up to the people for settlement. (*Hear, hear.*) He believed that the railway should be prosecuted with energy, and all the money that could be spared spent upon it. That was the proposition contained in the amendment before the House. It was the duty of the Finance Minister in introducing this scheme, which pledged the country to complete the road in ten years, to tell the House where the money to build it was to come from. He calculated that our present debt, and obligations already or soon to be incurred, would amount to \$127,000,000, and if to this were added \$100,000,000 for the Pacific Railway, the amount would be \$227,000,000; the interest per annum would be \$11,350,000. He for one was not prepared to go that length. To do so would injure the present and future prospects of the Confederation. He would support the amendment.

**Mr. MAGILL** was in favour of bringing all British North America into the Union, but on terms equitable and fair to all the provinces. The terms proposed by the Government were not of that nature, and if the measure were carried, it would have the effect of driving immigration from our shores. It was proposed to sap the very foundations of the constitution which had been framed with such care and at such a cost. It was too much to expect this colony with its 13,000 of a population to override our constitution and create dissensions in this Dominion with its four millions of people. He protested against the position in which the Government had placed the House by bringing down this measure, framed by themselves, without having had the opinion of this House or of the people of this Dominion on the subject, and say that it should not be altered in any degree. It was unfair and he, for one, should record his vote against it. (*Hear, hear.*)

**Mr. COLBY** believed that the hon. member for Lambton expressed the opinion of the whole country when he said that it was desirable to bring British Columbia into the Union, that it was expedient to prosecute the construction of the Pacific Railway and to commence and push it through as soon as the financial condition of the country would permit it. That was exactly the policy announced by the Government. They brought down no cast-iron treaty. No one supposed that if they failed to complete the railway within the 10 years they would be guilty of a breach of faith. They proposed to do their best to complete it within that period. All the opposition which had been offered to this measure now before the House, had been presented in exactly the same manner as the opponents to Confederation had fought against the Union in the past. He would not be surprised if the people of British Columbia should fail to obtain this union with Canada, if they looked to the United States for the introduction of capital to open up their country.



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**Hon. Mr. ANGLIN** said this was a matter of too great importance to be made a party question. He hoped every member would look upon it in a purely practical light, and oppose it as a utopian measure brought in by the visionaries who were hurrying the country to ruin. Looking at the measure on its merits there was something objectionable in every one of the clauses. He disapproved of the unfair Parliamentary representation, giving six members to 13,000 people; to pensioning officers, and to the payment of \$100,000 per annum to sustain a corrupt and extravagant Government, given, too, under the pretence that it was rent for public lands. Let the House know all the meaning of these terms. The Government of the Dominion were to undertake the construction and completion, under any contingency, of a Pacific railway within ten years after the date of the union. Why could not the Government come forward honestly and friendly and tell the truth, that they knew it would lay a heavy burden on the Dominion to carry out this engagement? But no, each member of the Government tried to make light of the difficulties to be encountered in the construction of this road.

The Red River expedition, in their march to Fort Garry, had given evidence as to the nature of the country between the head of Lake Superior and Red River, and they had proved it to be of the most sterile character. It was proved to be, for hundreds of miles, a wilderness of rock, swamp and lake, quite uninhabitable, and presenting the greatest difficulties to the construction of a railway. At the Rocky Mountains, fresh difficulties were to be met, and the *British Colonist*, a paper published at Victoria, V.I., favourable to confederation, spoke of the route through which it was proposed to run the railway, as a "sea of mountains." If this account were correct, it would be difficult to find those vast tracts of fertile country spoken of by hon. members opposite, and it could be no easy matter to run a railway through it. With this much known, this House should be enabled to understand how much of a burden they were expected to bear, before they were asked to vote for this measure. He spoke of the resources of the United States as very superior to those of Canada.

**Hon. Sir GEORGE-É. CARTIER:** We have more in proportion than they have. You may defend the American system; we are opposed to it.

**Hon. Mr. ANGLIN** said that the proposed debt would take away Canada's only advantage over the States, and the policy of the Government was breaking down all barriers and would ultimately tend to annexation. He condemned the proposed expenditure as enormous, and pointed out how a proposition to incur an amount in England equal, in proportion to her wealth, would be received, and said it could not be supposed that the amount could be paid without a greatly increased taxation. He spoke of the present surplus revenue as very exceptional, and spoke of the difficulties and deficiencies of former years, and said that the Minister of Finance himself understood that in the proposals now before the House, a debt of \$100,000,000 was

incurred, under which the Dominion would stagger. In addition to this amount for cost of construction there would be the working expenses to add to the burden, and the result would be as described the previous night by the member for Wentworth. Where was the amount to be obtained? It could not be obtained, and the obligation was only to be incurred because some few thousands of people on the Pacific coast were discontented and would otherwise seek annexation to the United States. The Statement that the cost incurred would only amount to a million and a quarter, could not be believed by a single member of the House. They would pledge themselves to construct the line in ten years, and who could say that the country would not have to pay every dollar. A company had been spoken of, but where was the company? How could any company raise seventy-five millions of dollars on fifty million acres of barren waste land, and the Government only played with the House and imposed on the credulity of their supporters in saying the work would be done by a railway.

The question should be viewed calmly and dispassionately and not as a party question, as the Minister of Militia had tried to make it. The Minister of Customs had imagined a teeming and prosperous population in British Columbia and the North West, but were they to base their vote on baseless imaginings. Where was this population to come from when it was well known that the population of British Columbia had materially decreased of late years! It could only be explained by the fact that the country was not inviting to settlers. It was hard to persuade settlers to come even to Ontario and the other parts of the Dominion, and how could it be supposed that a larger immigration could be directed to these new colonies. The House had been told that it was bound to construct the railway to the Rocky Mountains, but he would like to know how, when and where that obligation was incurred;—they were bound to do nothing of the kind unless the finances of the country fully justified it. It had also been stated that although they incurred the obligation, they would not be compelled to carry it out unless they chose.

**Hon. Mr. MORRIS** said he had stated that the House was not to be led away, but was to remember that any scheme for carrying out the work would have to be submitted to it, and that it would control the whole matter, and those were the facts.

**Hon. Mr. ANGLIN** resumed that if the representative of British Columbia honestly considered the interests of his people he would repudiate the whole Government scheme. Let not the members believe the statement of any Minister, but let them read the words of the resolutions themselves, and judge what a burden they involved, and he believed that if every duty and tax was doubled the expenditure would not be met, but when the debt and taxation was then increased, the way to annexation would well be opened, and he stood there to do what he could to save the country from the fate, and from the irresistible ruin that would ensue from this scheme. He implored the House to ignore party and think of the country.

**Hon. Sir FRANCIS HINCKS** had been anxious before speaking to hear the views of others. He had listened with great attention to the gentleman who had preceded him, and there could only be one opinion that the whole tone of his remarks showed opposition to the acquisition to British Columbia, and opposition to the constructions of a railway, and the coalition that had taken place on the opposite side showed only opposition to the cause of union with the Pacific colonies. He would ask members on both sides to consider the position of the Government, and he assumed they were all in favour of Confederation. He desired to call particular attention to the fact that all proceedings were of the character of negotiations between two parties, as to the best means of accomplishing an object on which both were agreed. The Government entered into the negotiations, and with one or two exceptions the whole House seemed in favour of the Union with British Columbia and of the construction of the railway.

He was surprised, however, to hear the member for Gloucester cheered by the gentleman round him when speaking of ignoring the whole population except the whites. The remainder of the population contributed most largely to the revenue, and he could speak from experience that the Chinese were an exceedingly valuable class as a duty paying people. The objections of hon. gentlemen had dwindled down entirely to the matter of the railroad. The proposition made was that the railway was an absolute necessity, and that Canada should use every exertion to construct it at as early a date as possible. In the negotiations that took place, it was found impossible that Canada could undertake to commence this railway and make a stated payment annually, and it had never been understood that the Government themselves should undertake the work, but that it should be done by means of Companies with a land grant and money grant. Every calculation had been based on that understanding.

**Mr. MACKENZIE:** Give us the calculations.

**Hon. Sir FRANCIS HINCKS** said it was necessary to give minute details, and he had already given a rough estimate based on statements of the most eminent engineers. Hon. gentlemen had admitted the necessity of the railway, but that had not been the tone of the member for Gloucester. His views were widely different from those of the representatives of Ontario. During the course of the discussion, he could not help thinking of the important proceedings at Washington, and thinking of those and of the important negotiations with the delegates from British Columbia, he was surprised at the cavilling on small matters which had taken place. The member for Gloucester seemed entirely opposed to the railway, but that was not the view of the member for Sherbrooke, who was well known as a promoter of such a railway, and a believer in its practicability. The Government scheme was a modification of the propositions of British Columbia, and although they would not undertake a stated annual expenditure, they fully admitted the necessity of the construction of the railway.

**Mr. SCATCHERD** asked whether if the land would not build the road, the road would not be built.

**Hon. Sir FRANCIS HINCKS** said no, he had already stated that it was estimated that the Dominion would have to pay about a million and a quarter a year, but it was well understood that if insurmountable difficulties arose, the Government could not be supposed to proceed to anything ruinous.

But it was necessary to satisfy British Columbia that Canada was in earnest in going on with the work, and therefore a time was specified. No one had answered the argument that the railway was not entirely a bargain with British Columbia, for if that colony had not consented to join the Union would not a railway to the Rocky Mountains still have been a necessity. The negotiations had necessarily to assume the shape of a Treaty, and in all such matters concessions had to be made on both sides. The delegates themselves had been of different opinions, and the result of the conferences that had taken place was embodied in the resolutions before the House, and no amendments could be made without throwing open the whole question. These were questions on which the people of British Columbia dissented from the terms now settled, and any amendment would reopen the whole matter. The matter must be dealt with and accepted or rejected as a whole.

Very many more forebodings had been expressed as to the financial result of the propositions. The debt of Canada was about \$20 a head and that of America \$60 a head, and yet they could undertake three different lines of road, and he did not think Canada need have any fear on the matter. As to the debt of \$100,000,000 Government had no intention of incurring anything of the sort. Of course the Government undertook the work in ten years, but if after doing everything to carry out the engagement in good faith, it should be found that untoward circumstances should prevent the completion of the work, could it be supposed that Canada would be required to proceed to her own serious disadvantage, even if the work might be delayed for some years? He referred to the strictures of the member for Wentworth as to the Municipalities Laws, and shewed that the measure he had proposed had been most generally supported, and yet he was charged individually with the whole matter. All that had been done however, was to enable municipalities to borrow money in their own discretion. He spoke of what the member for Oxford South had said, as to his departure from, and return to Canada, explaining the circumstances that had led to his doing so, denying all charge of inconsistency. He then continued, they had either to spurn or accept British Columbia, and the result of the amendment, if carried, would be to do away with all hope of bringing British Columbia into the Union.

**Mr. WORKMAN** deprecated any party feelings in the discussion, the question being one of the utmost importance to the future of the country. He regretted very much that he would have to dissent from the Government scheme, which appeared calculated to damage the country. He was friendly to the completion to Confederation, notwithstanding. It was his opinion that this railroad would involve Canada in an expenditure of at least fifty millions. The cost of this work, the great difficulties natural and other in its way were reasons for our carefully considering this scheme and its consequences before rashly embarking in it. He ridiculed the

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spread-eagle anticipations and flourishes indulged in respecting this railway, and particularly the notion that the trade of China and Japan could be attracted over North America by this trans-continental road. Any merchant or intelligent man knew that the products of the East would be damaged by railway carriage, and that the shipping presented the best means of transportation. It was all nonsense to attribute to Confederation the credit for the present prosperity of the country. As to the expectations connected with the Intercolonial, he believed from reliable information that it would be a source of expense, trouble and anxiety to us. But at any rate let us see how it worked before entering upon another and longer railway. It was bad enough to have one elephant on our shoulders without a second. In the name of his constituents and of the trade and commerce of the country he protested against this scheme, which made him tremble for it; and it was because he thought it would be ruinous to the Dominion that he would vote against these resolutions.

**Hon. Mr. McDOUGALL (Lanark North)** said that although the debate had extended over three days there were two or three points to which no reference had yet been made, to which he felt it his duty to draw attention. He believed that a very large majority of the members of this House were desirous of seeing British Columbia united to the Dominion. Some twenty years ago, when he first entered into public life as a journalist, he had placed on his political platform as one of its most prominent planks Union of the British North American Provinces. In 1859 he was present at the Reform Convention in Toronto when the political condition of the country was discussed, and on that occasion he moved a resolution which embodied the principle on which this great scheme was founded. It received the assent of a majority of that assembly, and ever since then he had been endeavouring to the best of his ability to promote and advance this great measure.

Along with hon. members opposite, it had been his good fortune to help push forward Confederation, and he now accused them of having failed in the performance of their duty in the final accomplishment of the work. He said so boldly, looking at it from no political or party standpoint, and feeling no desire, as might be the case with some hon. members of the Opposition, to see the Government displaced from their seats at the present moment if they would only do their duty. Taking an impartial view of the case, he must charge them with having struck a fatal blow at the great measure with which for the last few years they had been connected, and for the success of which they were pledged to this House and responsible to the country. They propose, in order to induce, as they alleged, British Columbia to enter the Union, to load the Dominion with a debt double that under which the country now suffered, under which, at all events, it now labored. For the purpose of accomplishing this Union, no such sacrifice, no such burden, no such evil consequences were at all necessary. He failed to hear any decent reason why this Government should, without the authority of Parliament and without submitting the proposition in any form for public discussion, spring it on the House as they had done. Under the constitution, no such authority was delegated to the

Government. No authority was given them, of their own motion, to enter into, and finally conclude, negotiations which, as the House was told, must be accepted without qualification of amendment.

**Hon. Mr. TILLEY:** What did you do at the Quebec conference?

**Hon. Mr. McDOUGALL (Lanark North)** had expected to hear this question asked, but he would tell the hon. member that this was an entirely different case. The Quebec conference was a body of gentlemen assembled together to discuss the propriety of passing the law which regulated this very matter. The terms of that law were publicly discussed in the press and in the various existing legislative bodies of the several Provinces. It was agreed by them and alterations were made in accordance with expressions of opinion at the very last moment in England to meet the difficulties developed by these discussions. These circumstances were altogether different from those which surround the present case. In the Union Act were the *ipsissima verba* which show how the Union of the other colonies is to be consummated. The Constitutional Act points out the parties who are to negotiate. It declares that the members of this House are one body, and the members of the other House another body, who are to settle its terms.

**Hon. Sir GEORGE-É. CARTIER** said the proper way to bring in the colony was through the Government of the day. It involved a pecuniary expenditure, and could not emanate from any other source.

**Hon. Mr. McDOUGALL (Lanark North)** said the proposition which had been under debate for the last three days was not subject to the ordinary rule. The Government had taken every precaution to tell the House that this measure was in the nature of treaty, that not one of its details could be altered, and that it must be accepted as it was submitted to the House. Now, the meaning of the constitution was very different. It was only after full consideration in this Parliament that the measure should be accepted. Of what use was this debate at all, if the measure must be adopted without amendment? He would remind the House, that British Columbia was a Crown colony, with a population principally of miners and adventurers, and a very small number of permanent settlers. It was so at the time of Confederation, possibly the population was larger then. There was no popular representation at that time. This position did not fail to strike the attention of the Conference. It was the policy of the Imperial Government, and the four Provinces to complete the Union and all British America as soon as possible. He with others at the Conference had contended that it was the duty of the Imperial Government to bring pressure to bear on its own officers of British Columbia to submit to reasonable terms in order to secure Union with Canada. The small number of the inhabitants did not justify the admission of a colony on more favourable terms than those offered to the older and more populous Atlantic Provinces. The circumstances were entirely different and it was absurd to say that the future destiny of that country was in the hands of a few adventurers who were mining there. Since Confederation was agreed upon, the Imperial Government has put it out to their power to use that effective influence they might have used to secure

proper terms and compel their acceptance by the Government and people of that colony. He did not believe there was any desire on the part of the majority of the people of British Columbia to make demands unreasonable or impracticable. What right had they in discussing terms with Canada to stipulate for construction of public works not only inside their own territory, but in the North West territories or in Ontario? He did not believe the people of that Colony ever expected that privilege or would have insisted on this railway on the present conditions. The railway would have three sections, differing as to character of country, quality of the land and other features. We know that no person would settle along the Ontario end of the line stretching to a distance of a thousand miles between the Ottawa valley and the Lake of the Woods, for it presented no agricultural or trading advantages to attract settlers. The middle sections consisted of good land, but had too sparse a population to afford a business for a railway for many years to come. Through and beyond the Rocky Mountains the country was of a nature most difficult for a railway and most discouraging as regards the prospects of settlement and traffic.

It was absurd and unreasonable then for us to rush into a vast expenditure for a work of this kind without accurate knowledge of the country, without surveys, without any means of enabling us to form a reliable estimate as to its cost. Did the Government, then, in the absence of any knowledge, that capitalists would undertake this road, contemplate the construction of the line themselves? Or did they really intend to delay the completion of the road if serious difficulties arose, notwithstanding the pledge and promise now offered British Columbia? If that was the intention of the Government, why not say so frankly and honestly? All, he thought, that should be promised or undertaken at present was the construction of a telegraph and coach road, or at the utmost, of a railway from Pembina to the Rocky Mountains. In a short time the American road from the borders of Ontario to Pembina would be completed, and be as accessible and serviceable to our people as to themselves. Besides the Government of Canada would shortly establish a mixed land and water communication from Lake Superior to Fort Garry, which would provide all the facilities we needed for the present, perhaps for years. He saw no difficulty, whatever, in making use of the American road to reach Fort Garry and the Rocky Mountains. By giving liberal land grants to a company, and retaining alternate sections of land we might secure a railway across the plains and promote the rapid settlement of the fertile belt. Beyond that a good serviceable post road could be opened to the Pacific coast, realizing all the people of that colony some short time ago solicited, and accomplishing all the trade and interest of the Dominion, generally, required.

He was as anxious as any man to see this Confederation completed; but denied he was therefore bound to accept every absurd, extravagant scheme proposed professedly with that object, and not shown to be either necessary or practicable. Was he to be blamed for hesitating to agree to every wild proposition of this kind? If we assented to this proposition we should weigh down the Dominion to a position which would not only excite dissatisfaction

among her own inhabitants, but destroy all confidence in our future among the people of other nations.

With respect to the political arrangements he considered that the representatives for so small a number of people was a violation of the principles laid down in the Union Act, but the evil would be cured in a few years if the matter was not of serious consequence. The Manitoba measure had been passed under peculiar circumstances and was no precedent to sanction the present violation of the fundamental principles of the constitution, but, as he had said, the evil would be temporary, and might be conceded to British Columbia. The same might be said of the money grant, which, though based on a larger population than really existed, did not form a serious objection, for it had always been understood that the small Provinces should be enabled to carry on their Government and local works and he would be quite ready to vote directly a sufficient sum to enable British Columbia to meet her expense. While, however, the matter of the railway stood on its present basis he had no hesitation in opposing the Government scheme, although he yielded to no one in his desire to complete Confederation.

He was astonished that Government should have attempted to impose the condition that no alteration should be made, for the Act of Union gave to the two Houses of Parliament and to no other body the right to make any amendment they might deem expedient, and while the Legislative Council of British Columbia had discussed every detail of the scheme, he contended that the same right belonged to the people and Parliament of this Dominion.

**Mr. BEATY** had received no intimation from his constituents to oppose the Government scheme, and he believed the general impression in Ontario was that Confederation could not be completed without British Columbia. He had every confidence in the Ministry both in legislation for the present and future, and he believed the interests of the country would be well cared for by them. In the matter of Manitoba the people of Ontario had been warned against the narrow minded Frenchmen, but he maintained that for every liberty they possessed, civil and religious, they were mainly indebted to the representatives of Lower Canada. If the present scheme carried and the railway was constructed successfully, as he believed it would be, the honour would belong to the Minister of Militia and his noble band of reformers. The matter had been fully discussed, and what was the policy—well, his idea was that the policy was whether the gentlemen of the Opposition should be allowed to sit on the Government benches. That was their policy, and they did not care whether the North West was developed or not. The Government now proposed, however, a scheme of opening up the country and numbers of emigrants would come in, instead of leaving for the States as at present, and before many years elapsed, thousands of emigrants would be attracted if the Government were allowed to carry out their plans of development. He looked forward to a great future for Canada on these grounds, and having every confidence in the resolutions he should support them, and if he did otherwise, he would think he had degraded himself.

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**Hon. Mr. DORION** said the question had two aspects, the political and the financial; the latter, however, was much the most important and had listened to the Government statements on that head in hope of being able to vote for the resolutions, but the minister of Finance had been able to give no favourable statement. He took great care not to give any details, and beyond the assertion that a cost of \$100,000,000 would be practicable, they had heard nothing. The American lines had been cited as examples, but it had not been stated that in addition to the land grants an enormous amount of money had also been granted. The Minister of Finance ought to be able to state definitely the amount involved so that the House might not have to make a blind vote, and he regretted the humiliating proposal of the Minister of Inland Revenue, that after the pledge had been given it might afterwards be retracted. He spoke of the heavy obligations the Dominion already sustained, and maintained that the Union Act provided that the canal system ought to have been completed before any other responsibilities were incurred.

**Hon. Mr. TILLEY** read the resolution at Quebec to show that the North West question was to be an express object of Confederation.

**Hon. Mr. DORION** said that matter had already been attained. He had never had, and had not now, any faith in Confederation, but he had felt in duty bound not to oppose it, but if he were most anxious for the downfall of Confederation, he could desire for nothing more than the present scheme to attain that object. Reverting to the canal improvement, he considered it unjust that the credit of the country should be pledged to this immense extent before that canal improvement was completed. He quoted from a report of Mr. Fleming, characterising the Pacific Railway as a commercial absurdity and that the maintenance of such a line would cost eight millions annually, and in fact that it was altogether impracticable, and stating that a macadamized road to the Rocky Mountains would require seventeen years for construction, and yet hon. gentlemen opposite presumed to say that this gigantic work could be commenced and completed within ten years. What greater absurdity could be uttered in any intelligent Assembly? If Confederation must be had in some direction better have it with the 150,000 of Newfoundland and the 100,000 of Prince Edward's Island than with the 10,000 of British Columbia, while the inhabitants in one case were settled, and in the other mere roving adventurers. He did not admit the necessity of a Canadian Pacific line, but thought the American lines should be used, and expend the money rather in opening up the North West by roads. He thought the four millions of people inhabiting the basin of the St. Lawrence were entitled to greater consideration than the small population of British Columbia, and if this large expenditure were to be incurred rather let it be used in enlarging the canals and so securing the great trade of the West.

The members were called in at one o'clock and the amendment

of Mr. Jones, of Halifax, was put with the following result: Yeas, 63; Nays, 98.

**Mr. ROSS (Dundas)** had ever been desirous of uniting the Provinces into one compact body, but the scheme was not perfected, and he thought the amendment he was about to move would open the way for a better settlement than that proposed in the resolutions before the House. He felt the country did not properly understand the question and thought every one should be able to communicate with his constituents. He proposed in amendment that, in the opinion of this House the further consideration of the question be postponed for the present session of Parliament in order that greater and more careful consideration may be given to a question of such magnitude and importance to the people of this Dominion.

The vote on this amendment was as follows: Yeas, 75; Nays, 85.

**Mr. MACKENZIE'S** amendment was put with the following result: Yeas, 67; Nays, 94.

On the main motion being put,

**Hon. Mr. DORION** moved in amendment that the speaker do not now leave the chair, but that it be resolved that, in view of the engagements already entered into since the Confederation and the large expenditure urgently required for canal and railway purposes within the Dominion, this House would not be justified in imposing on the people of this Dominion the enormous burden required to build within ten years a railway to the Pacific as proposed by the resolution submitted to this House. The amendment was lost on the following division: Yeas, 70; Nays, 91.

The main motion was again put.

**Mr. MACKENZIE** gave notice that he would move other amendments in Committee.

**Hon. Mr. ANGLIN** said the Government had not had a clear majority of the total number of the House.

**Hon. Sir GEORGE-É. CARTIER** said that had all been present, the Government majority would have been greater.

The main motion was carried and the House went into Committee on the resolutions. **Mr. COLBY** in the Chair. The resolutions passed through Committee and the Committee rose.

The House adjourned at 2 o'clock a.m.



March 31, 1871

## HOUSE OF COMMONS

Friday, March 31, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### CANAL COMMISSION

**Hon. Mr. LANGEVIN** in reply to Mr. Mackenzie, said that the Government had closed the Canal Commission and would distribute the minority report.

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#### PUBLIC ACCOUNTS

**Hon. Sir FRANCIS HINCKS** announced that a report of the Committee on Public Accounts was now in the hands of the printer, and would be distributed as soon as possible.

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#### PARLIAMENTARY LIBRARY

**Hon. Sir GEORGE-É. CARTIER** gave notice that tomorrow he would move that the House go into Committee to consider a plan for the management of the Library and remuneration of its officers.

**Mr. BLAKE** suggested that some arrangement should be sought with the Provinces of Quebec and Ontario and should be compensated for their libraries.

**Hon. Sir A.T. GALT** asked if it were not possible that the libraries of the other Provinces belonged to the Dominion.

**Hon. Sir GEORGE-É. CARTIER** said that was another question. His motion was carried.

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#### CUSTOMS DUTIES

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee to amend the Customs Act. The resolutions previously

passed by the House were inserted in the Bill, and the Bill was reported to the House.

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#### COLLECTION OF REVENUE

**Hon. Mr. MORRIS** moved second reading of the amendments made by the Senate to Bill No. 29, for the prevention of corrupt practices in relation to the collection of revenue. The motion passed.

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#### WEIGHTS AND MEASURES

**Hon. Mr. MORRIS** moved the second reading of Bill C. 61, respecting weights and measures. He explained the objects of the Bill to be the defining of standards throughout the Dominion, and providing for a proper inspection of weights and measures.

After some further conversation the second reading was carried, to be referred to Committee tomorrow.

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#### METRIC SYSTEM

**Hon. Mr. MORRIS** moved the second reading of an Act to render permissive the use of the metric system of weights and measures.

**Hon. Mr. HOLTON** questioned the advantage of the Bill at all, if rendered permissive.

**Hon. Mr. MORRIS** said he was following the example of England and other countries, where the result of making the Bill permissive in the first instance, and so allowing the change to be brought about gradually, had been very beneficial.

**Hon. Mr. ANGLIN** was opposed to the Bill and hoped it would not pass further than the second reading.

Second reading carried.

**DOMINION NOTES, &C.**

On motion of **Hon. Sir FRANCIS HINCKS**, the Act to provide additional facilities for the deposit of savings at interest with the security of Government; and for the issue and redemption of Dominion notes was read a second time.

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**CRIMINAL LAWS**

On the motion of **Hon. Sir GEORGE-É. CARTIER**, the Act to extend to the Province of Manitoba certain of the Criminal Laws now in force in the other Provinces of the Dominion (from Senate) was read a second time.

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**INSPECTION LAWS**

On the motion of **Hon. Sir FRANCIS HINCKS**, the Act to amend and consolidate and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce was read a second time and referred to a Select Committee on Banking and Commerce.

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**EXCISE DUTIES IN MANITOBA**

On the motion of **Hon. Mr. MORRIS**, the Act to amend the Inland Revenue Act, 1868 and to alter the duties of excise chargeable in the Province of Manitoba was read a second time.

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**INDIAN LANDS**

On the motion of **Hon. Sir GEORGE-É. CARTIER**, the Act to prolong for a limited time the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee was read a second and third time and passed.

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**PORT WARDEN AT QUEBEC**

On the motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee of the Whole to consider certain Resolutions for the appointment of a Port Warden at Quebec, **Mr. MILLS** in the Chair.

The resolutions passed through Committee, were read a second time, and a Bill was introduced and read a first time.

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**BANK OF UPPER CANADA**

On the motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee of the Whole to consider a Resolution declaring it to be expedient to amend the Act 33 Vic., Cap. 40, respecting the settlement of the affairs of the Bank of Upper Canada, **Mr. MILLS** in the chair.

**Hon. Sir FRANCIS HINCKS** explained that in winding up the affairs of the Bank the Government had found great difficulty in being unable to redeem outstanding notes and obligations of the Bank, and the object now desired to be attained was that the Government should be authorized to advance a sum not exceeding \$250,000 so as to clear off all outstanding notes and claims, and wind up the whole matter. The sum advanced would be amply secured by good mortgages bearing seven per cent interest.

The resolutions passed through the Committee and a Bill was introduced.

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**NORTH WEST LOAN**

On the motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee of the Whole to consider the following:

*Resolved*, That it is expedient to provide, that the loan of one million four hundred and sixty thousand dollars, or three hundred thousand pound sterling, raised in *England*, with the guarantee of the Imperial Government for the payment of the interest thereon, under the authority of the Act of *Canada*, 32 and 33 *Victoria*, Cap. 1, for the purpose of paying a like sum to *Hudson's Bay Company*, for the purposes set forth in the said Act,—be made the next charge on the Consolidated Revenue Fund of *Canada*, after any charge thereon created or to be created thereon, under the Act of *Canada* passed in the 31st year of Her Majesty's Reign, Chapter 41, for any loan for fortifications; and that further provision be made with respect to the loan first above mentioned in conformity to the requirements of the Act of the Imperial Parliament, 32 and 33 *Victoria*, Cap. 101, under which the guarantee of the Imperial Government was given for the payment of the interest on the said loan.

The resolution was approved by the Committee and read a second time. A Bill embodying its provisions was introduced by **Hon. Sir FRANCIS HINCKS** and given first reading.



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### FISHING BY FOREIGN VESSELS

On the motion of **Hon. Mr. TUPPER**, the House went into Committee of the Whole, **Hon. Mr. GRAY** in the Chair to consider a Resolution declaring it expedient to amend the Act respecting Fishing by Foreign Vessels, passed in the thirty-first year of Her Majesty's Reign, &c.

**Hon. Mr. HOLTON** asked whether the Government thought it expedient in consideration of the Commission now sitting at Washington, to pass a measure that might well be considered by the United States as needlessly aggressive, if not offensive. He thought the powers sought to be given to the Minister of Marine, as extraordinary and exceptional.

**Hon. Mr. TUPPER** was quite sure that every one must desire that the present negotiations at Washington might result in rendering the provisions now proposed unnecessary, but he thought that on examination the Bill would not be found open to the objection that had been raised. It in no way increased the stringency of the law, but proposed to carry out the present law in a more convenient way by transferring to the Minister of Marine the power, now vested in the Governor in Council, to order to what port a captured vessel should be taken.

**Hon. Mr. HOLTON** thought this objectionable, for if a vessel captured at the Bay des Chaleurs should be ordered to Halifax or Quebec, great hardship and injustice might ensue.

**Hon. Mr. TUPPER** said it might be inconvenient not to order a vessel to the nearest port. No substantial change in the law was proposed, but only one of convenience.

**Hon. Mr. SMITH (Westmorland)** thought the change proposed was desirable, but objected to the captors receiving any pecuniary reward for seizure.

**Hon. Mr. TUPPER** said such an objection would only apply in case the seizing officer was a judicial officer and the principle of reward was carried out in the case of customs and other Government officers.

**Mr. MACKENZIE** saw nothing objectionable in the resolution. He said that if we had laws we should carry them out, and although there had been one or two seizures of a questionable nature, still there was a necessity for making the law as effective as possible.

**Hon. Mr. CAMPBELL** said that a captured vessel had been rescued at Charlottetown, and there was not sufficient protection for the prizes under the present system.

The resolutions then passed through Committee, and a Bill was introduced and read a first time.

### QUEBÉC HARBOUR

On the motion of **Hon. Mr. LANGEVIN**, the Act further to amend the Act respecting the improvement and management of the Harbour of Quebec, was read a second time, and referred to the Standing Committee on Banking and Commerce.

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### ROCKWOOD ASYLUM

On the motion of the **Hon. Mr. MORRIS**, the House went into Committee to consider a resolution to empower Government to treat with the Province of Ontario, for the lease or sale of Rockwood Asylum to that Province. **Hon. Mr. GRAY** in the chair.

The resolution, after some conversation, passed through Committee, and a Bill was introduced and read a first time.

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### INSURANCE COMPANIES

On the motion of **Hon. Sir FRANCIS HINCKS**, the House went into Committee (**Hon. Mr. GRAY** in the chair) to consider the following resolution: That it is expedient in amending the Act respecting Insurance Companies, to provide for the appointment of an Inspector of Insurance Offices, and to establish certain contributions to be paid by the several Companies for making good the expense to be incurred for such inspection.

The Committee afterwards rose, report to be received tomorrow.

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### FREDERICTON AND ST. MARY'S BRIDGE COMPANY

The Act to incorporate this Company after being amended in Committee, was read a third time, and passed.

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### PUBLIC ACCOUNTS

**Hon. Sir FRANCIS HINCKS** submitted the report of the Standing Committee on Public Accounts.

The House then rose.

**AFTER RECESS****BRITISH COLUMBIA**

**Hon. Sir GEORGE-É. CARTIER** moved the reception of the report of the Committee of the Whole on certain resolutions respecting the admission of British Columbia into Union with Canada.

**Mr. MACKENZIE** said that in the speech of the Hon. Minister of Militia, the statement had been made that one-third of the land in British Columbia was fit for agriculture. But it was admitted that this statement embraced the Island of Vancouver. Now, in dealing with this question, the Island must not be taken into consideration at all. From all the evidence he could obtain respecting the main land, not one-fifth of it was available for settlement by farmers, and the remaining four-fifths through which the road was likely to run, had yet to be proved good for mining purposes. It was simply absurd to put the price of that land at \$1 dollar per acre. The Hon. Minister of Customs, in his speech the other evening, had advocated entering into an obligation which he could not say the country would be able to perform. It had been said the other evening over and over again during the debate, that he (Mr. Mackenzie) had stated that he regarded the construction of the Pacific Railway as a pressing political necessity. He denied having made any such a statement. He would admit, however, that he would be willing to subject the country to some inconvenience in order to obtain communication with the Pacific through Canadian territory. He was in favour of opening up communication immediately through the country lying between the head of Lake Superior and Red River. From that point to the Rocky Mountains the way was comparatively easy and quite clear enough for the use of emigrants passing into the North West country. On the Pacific slope, there was no doubt that it would be necessary to expend large sums of money from time to time as the financial condition of the Dominion permitted in opening up a good route to this side of the Rocky Mountains.

But this country should not be bound to construct, within so short a time, such a gigantic work. The Grand Trunk had never yet paid one per cent on the capital expended on it, though passing through a well peopled country and having no scarcity of traffic, yet the hon. gentlemen opposite wished to lead the House to believe that this Pacific Railway which was to run for 2,500 miles through an uninhabited wilderness, would be a paying enterprise. We had unfortunately 200 mile lying between the head of Lake Superior and Winnipeg, which was an uninhabitable desert. Now, he would recommend a cheap narrow gauge railway with steamers on the smaller lakes, as the proper means of communication with the open prairie extending west of Fort Garry and through which it would be unnecessary to construct a road for years to come. He considered this attempt as one of the most foolish things that could be imagined—and what was it for? In order to get some 10,000 people into the Union, they were actually agreeing to pay \$10,000 a head on their account.

Such terms argued either insane recklessness on the part of the Government and their supporters, or a painful want of patriotism, which would damage the country and the character of the hon. Minister of Militia. For thirty years to come it would be unnecessary to construct the greater portion of this line. The only part of the road which would need to be constructed immediately was in British Columbia itself. He would be prepared to consider that as soon as estimates of the cost, &c., should be submitted to this House. Holding these views, he moved that all the words after “that” be omitted, and the following inserted: “having regard to the vast importance of the questions involved in the said Resolutions, (including the obligation to construct within ten years the Pacific Railway, the cost of which is estimated to exceed one hundred millions of dollars), time should be afforded to the people and their representatives for consultation before coming to a final decision; and that the consideration of the said Resolutions should, therefore, be postponed to the next Session.”

**Hon. Sir GEORGE-É. CARTIER** said that he had hoped after the discussion of the last three days all the arguments against this measure would have been exhausted, and that he would not be called upon to speak again. But after the remarks just made by the hon. member for Lambton, he felt called upon to make some reply. He was willing to give credit to the hon. members who opposed this measure, for sincerity. He (Hon. Sir George-É. Cartier) was much surprised, at the line of argument which they had followed. He was surprised that the member for Lambton should try to meet such a great question on the mere ground of cost. He admitted that the Union was a necessity and that the railway also was a necessity, but the honorable gentleman objected to be tied down to a specified time. He objected to being bound to build a line of 2,500 miles in ten years—but in past years even when the country was new and with comparatively few resources she had built 2,000 miles in eight years. Had Canada been ruined by those works, had her agricultural interests suffered on this account. And in addition to this, Canada had built the Victoria Bridge at Montreal, itself equal to 500 miles of railway, and other large bridges in different parts of the country. Had she suffered from building those works? No.

It was true that the G.T.R. proprietors were not receiving so good a return as he would like. If the railway was practicable at all, every one would admit that it could well be built in ten years. If there had been any complaint it should have been that the time allowed was too long. When it had been proposed to extend the Customs Laws of Canada to Manitoba, it had been objected to as unfair, and that the people of that country were beyond the circle of Canada, and therefore a delay of three years had been allowed until the countries could be more effectively joined and connected. Let the member for Lambton and his friends read their speeches on the North West question. Then no expense was too great, no haste too much, no trouble too great, if only the North West could be acquired, but now they said don't go so fast. He wanted to get hold of the Red River country at any cost, and now from the very same mouth that had spoken of the fertility of the North West, they heard the very opposite. He had then been willing to send any number of men to obtain possession of the country.

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**Mr. MACKENZIE** had stated his willingness to send any number of men not to acquire the country, but to establish the supremacy of law over insurrection.

**Hon. Sir GEORGE-É. CARTIER** resumed the comparison of the expressions of the member for Lambton last year, and this, then he had stated distinctly that the acquisition of the North West would be the only way to obtain British Columbia, but now he did not want the Union.

**Mr. MACKENZIE** denied this; he was as much in favour of Union as ever.

**Hon. Sir GEORGE-É. CARTIER** said the member for Lambton had stated distinctly that in swallowing the Quebec scheme he had made a mistake, and now the great Reformer of Upper Canada, the representative of everything good, the representative of the great Party of Progress, said no, we must pull up, we must stop. The Government were really the Party of Progress and action, and the member for Lambton, and those who had followed him would at the next election be taken to task by their constituents for having in order to make a case against the Government made the humiliating confession that they had made a mistake in accepting the scheme of Confederation. The member for Lambton in his argument had said that between Thunder Bay and Fort Garry there was no soil and the railway could not be built but that question could be settled by Parliament hereafter, when the railway scheme should be submitted.

**Mr. MACKENZIE:** What about the obligations?

**Hon. Sir GEORGE-É. CARTIER** said, suppose the hon. gentleman undertook an obligation, could he be obliged to fulfil it, if he should be prevented by unforeseen circumstances. No one could be compelled to perform an impossibility. The time was too long, and the objection could only come from an economical Scotchman, and he would predict that in a very few years the hon. gentleman would be one of the most ardent supporters of the railway. He had not been sorry to lose his motion yesterday, and he was not sincere in his present proposal. That proposal was to entail a delay of seven months; what object could there be in so doing? The matter had already been discussed sufficiently, and the time was now come for settlement, and he would say that without the prospect of British Columbia, they would never have persuaded a majority of the House to consent to acquire one inch of the North West. For the sake of the member for Lambton himself he trusted his speech would not be well reported, and especially that part in which he had spoken of the character of the land in most disadvantageous terms, and yet he said he was in favour of building a railway as soon as possible. If the land was as described by the hon. member, why should a railway be built at all? He reiterated 10 years was too long, and as to the mode of building the railway that would all be submitted to Parliament, and within the next few days the Government would ask for an appropriation for the preliminary survey. He maintained that Canada was better able to-day to undertake the Pacific railway than she had been years ago to

advance fifteen millions to the Grand Trunk. The whole affair of the hundred millions was a bugbear. There was no such thing as incurring that debt in a few years—it was an absurdity to make such a statement.

The policy was purposely to retain the lands of the country in order to build railways and open ways of communication. Canada would not have to bear the expenditure alone. British Columbia would be represented in the House, and would be equally interested in the work. Speaking of the cost of the railway, he maintained the gentlemen on the other side had played the parts of old nurses, but the children on his side of the House were not so easily frightened. He spoke of the North Pacific, quoting from a statement showing the whole length to be 2,000 miles, and the entire estimated cost seventy-six million dollars in greenbacks. It had been objected that the estimate for the Canadian Pacific might not be correct. He admitted that, but the argument worked both ways. The cost might prove very much below the estimate, and an immense amount of land was reserved to cover it. He quoted a statement showing the average cost of railway communication in the United States, showing 2,600 miles of line in operation, the average cost being, in the different States, from \$25,000 to \$33,000 per mile. It was admitted that there was a large extent of prairie land to be crossed, and the smaller expenditure necessary there would leave means to overcome difficulties in other portions. The hon. members opposite had been sufficiently unpatriotic to represent the country as that it would never attract immigration, and he quoted from the proceedings of the House of Representatives of the State of Minnesota speaking of the Canadian line as practicable, and the territories of the North West and British Columbia, as fertile, and the most valuable of the Continent; and yet men in this country, the leaders of their party, did their utmost to decry their country.

**Mr. MACKENZIE** denied that he had done anything to decry the country.

**Hon. Sir GEORGE-É. CARTIER** was glad he had given the hon. member an opportunity to correct himself. He quoted from an article from an American paper, copied into the *Globe* characterising the Saskatchewan country as most valuable in soil and minerals, and British Columbia as possessing rich mineral resources, magnificent climate and fine soil. It was fortunate that the truth could be ascertained even if it came from opponents. The Government had stated again and again that they themselves would not build the railway, but that it would be constructed by Companies assisted by such subsidies as would not oppress the people. It was absurd to speak of building a line to the Rocky Mountains only, a vote could not be obtained for such a purpose, but when it was proposed to extend the line to the ocean, the question assumed a very different aspect. Many great works had been accomplished in England, but what were any compared with the scheme now proposed, and he could say that already there was a motion in England to assist the measure, and there would doubtless be capitalists to take the matter in hand, and everything was in favor of the successful construction of the road. The Minister of Justice had telegraphed him to present his congratulations to his friends on the vote of yesterday.

**Mr. BLAKE** said the member for Lambton (Mr. Mackenzie) in his amendment had pointed out the importance of the matter the grave nature of the burden proposed to be incurred, and therefore suggested the postponement of the consideration of the matter, and it was impossible to answer those statements. Much had been heard that the railway would not cost the Dominion in cash \$100,000,000, but no one attempted to deny that the railway would cost that amount and where could the money come from but from the resources of the country. It might be in lands and it might be in money, but the result was the same, and the only argument the Minister of Militia had used was to speak of the American lines and contrast greenbacks with gold. He complained of the system of alternate sections not being followed in land grants. The argument seemed to be that they would not be compelled to perform impossibilities, but an honest man would fulfil an obligation, though the result might be bankruptcy. If rashly the national credit and faith were pledged to build that road in ten years, he said that any one who voted for that obligation with the mental reservation that they would not be compelled to fulfil the obligation unless such should be desirable was a base man. The spirit and the letter of the bond were alike binding, and the question was most serious.

The Bill was not one that could be repealed but was an irrevocable determination to build the road in ten years whatever the hazard, whatever the results, and should they not seek to communicate with their people before arriving at this irrevocable determination. It had been urged in order to secure votes that there was a reserve power of repudiation, but if the obligation was undertaken, the people would hold themselves bound by it, and could gentlemen be prepared to meet an indignant people if they incurred this responsibility without consulting those they represented, and if the gentlemen did so act, though they might go back to their people, they would not come back to that House. The question was whether the debt of the country should, at a stroke, be doubled, or whether they should have an opportunity of consulting their people before taking such a step. They had been urged to haste, but he maintained that there had been too much haste in bringing about Confederation already, and he was not anxious to ruin entirely that portion of the scheme which had been too hastily consummated. He had not heard what harm could result from postponement and as to the argument that British Columbia was hanging in the balance, he would say that while England was true to herself, the result did not lie with British Columbia, and therefore time for consideration should not be refused.

**Hon. Mr. TILLEY** said it was a great advantage to be able to hear both sides of a question, but he could see no very great difference in the proposition of the Government and the amendment proposed. The hon. member for Lambton after his defeat last night was obliged to adopt the more successful stand which had been taken by the hon. member for Dundas. There was no talk about the necessity of this delay from the hon. gentleman opposite before this evening. It was all very well to

ask for this delay now, but the scheme had been before the people and had been discussed in the papers for months. The terms were published in Toronto papers three months ago, and, in fact, the Union had been talked of ever since the commencement of the Confederation. In reply to the arguments of the hon. members opposite, he said that a grant of \$10,000 per mile in addition to the land grant would place the construction of the railway beyond the possibility of a doubt. There could be no difficulty in disposing of the lands at a fair price. The fertile belt was spoken of by the American writers who had visited it, as being of immense extent and of great fertility. The Northern Pacific railway looked to it for a portion of their future trade. It was, therefore, in the interest of this Dominion to construct a road through our own territory to the Pacific.

**Hon. Mr. McDOUGALL (Lanark North)** said the House should not be led away by claptrap speeches from the hon. gentleman opposite. Let them look at the facts. Here was a statement of Mr. Hind, an officer appointed by this Government, who explored the North West, and submitted his report thereon. This gentleman stated that in the whole of the fertile belt there were not 40,000,000 acres of available land. Taking a fertile belt in the Rocky Mountains which was not mentioned in that report, to contain 10,000,000 acres more, there were but 50,000,000 acres of any commercial or exchangeable value, in the North West. Where then were the Government lands to come from after granting large sections to the railway? The experience of the United States had shown that it was not in the interest of a country to grant its unsettled lands in large blocks to private companies. The proposition before the House was to give all the valuable lands of the North West to a company which was not yet formed. After the experience of English capitalists on Canadian railways, it was not likely that capital could be got to construct this railway. The money must be had in some way even at the risk of involving the Dominion in ruin. In reply to the statement of the Hon. Minister of Customs that this question had been before the public for some time, he would refer the hon. gentleman to the files of papers in the reading room. If he would look at them he would see that the country was startled at the gigantic proportions of this scheme. On the 27th of that month, the *ipsissima verba* of the scheme were presented to this House, and that was the first time the public had an opportunity of passing judgment on it. It was only after it was taken up and discussed in this House the other day, that it might be said to have been placed before the people. Could the hon. gentleman then deny that delay should be granted before passing this measure. It had not been presented to the House in the constitutional manner and it was only right to give the people an opportunity to express their approval or disapproval of it.

The amendment was put and lost on the following division: Yeas, 7; nays, 135.

**Mr. BODWELL** moved in amendment to leave out all the words after "that" and insert the following: "That the proposed terms of

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Union with *British Columbia* provide for its representation in the Senate by three Members, and in the House of Commons by six Members, while its population is about 10,000, and such representation in the House of Commons is enormously in excess of the proper number according to population, and is in violation of the fundamental principle of the fact between the Provinces, a principle which ought not to be disturbed without the assent of the Provinces, and that the said Resolutions be referred back to a Committee of the Whole for the purpose of reducing the number of representatives of *British Columbia* in the House of Commons.”

**Mr. JONES (Leeds North and Grenville North)** said though both sides deprecated the party considerations, he had never heard a question made so completely one of party. He did not think the country was in a position to undertake the expenditure proposed. He considered the Imperial Government ought to share in the expense of any scheme for opening up the North West. He maintained that the country was not suitable for settlement, or the present population would have been much larger. He objected to the Indians being taken into account, as they had done but little good to Canada. He was in favor of the consideration of the matter being postponed and should vote for the amendment.

**Mr. BOLTON** in explaining the reference made to him by the Minister of Customs, said he had not charged him with making reckless statements, but that while giving him and the Government every credit for being in earnest in desiring to construct the road, he thought it very doubtful whether a company would be found to undertake it.

**Mr. MACKENZIE’S** amendment was then put, and the following vote taken: Yeas, 68; nays, 85.

**Mr. CARTWRIGHT** believe that the Government had been led into the inconceivable blunder of naming a period for the construction of the road and the amendment he was about to propose differed from others in these respects, it did not interfere with the pledge to commence the railway, and only pledged that they would use their utmost exertions to go on with the work as fast as practicable, and it need involve but a very short delay. He moved

that the eleventh paragraph should be amended by inserting the words “use their utmost exertions” after the word “further.”

**Mr. KILLAM** then moved in amendment to the amendment, that the words “while its population is about 10,000” be struck out.

**Mr. KILLAM’S** amendment was rejected on the following division: Yeas, 43; nays 100.

**Mr. BODWELL’S** amendment was then put, and the vote resulted as follows: Yeas, 58; nays, 87.

**Mr. BLAKE** moved in amendment to leave out all the words after “that” and insert the following: “The proposed terms of Union with *British Columbia* provide for the payment by the Dominion to *British Columbia* of a yearly sum of \$100,000 in perpetuity (equal to a capital sum of \$2,000,000) for the cession of a tract of waste land on the route of the proposed Pacific Railway to aid in its construction, while any such land required for that purpose should be ceded without charge in like manner as the lands of the Dominion are to be so ceded, and that the said Resolutions be re-committed for the purpose of amending the same in accordance with this Revolution.”

The amendment was put and the vote was as follows:—Yeas, 59; nays, 84.

The first, second, and third resolutions were carried.

**Hon. Sir GEORGE-É. CARTIER** moved that an address, embodying the said resolutions be presented to Her Majesty and that a Select Committee, composed of Messrs. Tilley, Morris, Tupper, Chauveau, Ferguson, Savary, and the mover be appointed to draft such address.—Carried.

The Committee presented the draft address, which was received and read a first time, to be read a second time, at the next Session of the House.

The House adjourned at 1.45 a.m.



April 1, 1871

## HOUSE OF COMMONS

Saturday, April 1, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

**Mr. CURRIER** introduced a Bill to incorporate the Dominion Construction Co. The Bill was read a first time and referred to the Committee on Miscellaneous Private Bills.

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### INSURANCE ACT

**Hon. Sir FRANCIS HINKS** moved the second reading of the Bill respecting Insurance companies.

**Mr. BLAKE** objected to the measure, as limiting the class of securities to be deposited with the Government. He also objected to establishing a system of inspection.

**Hon. Sir FRANCIS HINCKS** assured the hon. member that there was no disposition to limit the class of securities, but, on the contrary, to relieve companies of the necessity of depositing cash with the Government.

The Bill was read a second time and referred to the Committee on Banking and Commerce.

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### BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** moved the second reading of the Address to Her Majesty for the union of British Columbia with the Dominion.

**Mr. MACKENZIE** did not propose to reply to the speeches of the hon. members opposite delivered last night. They extended over a good space of time, but there was nothing in them. He merely wished to enter his protest against the extraordinary address now about to be read a second time. He, therefore, moved the following:

“Resolved that this House, while willing to give its best consideration to any reasonable terms of union with British Columbia, is of opinion that the terms embodied in the said address are so unreasonable, and so unjust to Canada, that this House should not agree thereto.”

**Hon. Mr. TUPPER** said he had not taken any part in the debates on this subject so far. He had listened with mingled pain and pleasure to the speeches of hon. members. He had heard with pain old friends of Confederation opposing this union movement. He defended the policy of the Government at considerable length, arguing that everything conspired to favor the construction of the Pacific Railway. While the United States had to contend against great natural difficulties in pushing their railways to the Pacific, the territory through which the Canadian route would lie, was of great natural fertility, and presented comparatively few engineering difficulties to the construction of a railway. It gave us a pass through the Rocky Mountains 2,000 feet lower than the best pass through that chain on American territory. The hon. member for Lambton had endeavored to show that the route from Nipissing to Fort Garry was an almost impassable wilderness. Only last session the hon. member had taken a very different view of the question and had stated that the very best route to the west lay through Canadian territory North of Lakes Huron and Superior. The hon. gentleman could not say that he had heard anything to present the matter in a different light. There were then, all these favourable circumstances to aid this great enterprise, but in addition to all that, the route once opened would place Canton and Liverpool 1,000 miles nearer than by any other line of communication that could be found. The hon. member had pleaded for delay in order to submit this question to the people, but the hon. gentleman had taken the ground on a former occasion that Parliament, representing the people, could act for them in a case like this.

**Mr. MACKENZIE** said this was a very different matter. When the Confederation scheme was first mooted he (Mr. Mackenzie) went before his constituents and presented the matter to them in twenty speeches held in different parts of his constituency and told them that if they were not favourable to Confederation they might elect some one who would oppose it in Parliament, he would not.

**Hon. Mr. TUPPER** admitted that the honourable member for Lambton was an important member of the House, and honoured the intelligent electors who sent him to Parliament, but he did not represent the whole people, and the Confederation scheme was not submitted to the country generally. But this question had been submitted to the people of British Columbia and the terms had been accepted by them. It was not new to the people of Canada. Six months ago the *Toronto Globe* had published the terms and they

had appeared in other leading papers. No objections were urged against them that he had heard of, till now. He did not believe the people were so wanting in intelligence that they would silently submit to terms which did not meet their approval without protesting against them. When a small question of duties came before this Parliament, the people who disapproved of them petitioned against them, and the Press generally discussed the question very thoroughly. It was absurd, therefore, in the face of these facts to say that the people were taken by surprise on this question, or that the scheme met with their disapproval. But if this House had accepted the position which the hon. members of the opposition wished to force the country into, they would bring discredit on this country which would probably be fraught with consequences which might be irreparable.

The hon. member for Sherbrooke had raised a question as to how far this enterprise lay within our means. The hon. member had done better justice to the position of the Dominion in a former speech in which he had depicted the prosperity which Confederation had brought upon the country. It showed that the hon. member who first presented Confederation in a tangible shape, in the year 1858, had spoken with prophetic zeal when he referred to it as the great means of elevating them, not only in the political, but in the financial and commercial scale. The friends of Union might proudly point to the present position of the Dominion as irrefragable proof of the correctness of that statement for the prophecy had been more than realized. The Confederation was but a movement of yesterday, and the result already was a large surplus in the treasury after meeting all the Dominion engagements that the necessities of the Local Governments required, but the Government of this Dominion could come down, and not only point to the prosperity of every one of its component parts, but, at the same time, show that this Dominion had entered on a career of financial prosperity hitherto unknown to Canada. If this had been the result in the past, what might we not expect in the future? Two years ago the hon. member for Sherbrooke, in his criticism on the budget speech, had complained of what was not in it, rather than of what it did contain, and had said that some provision should have been made for opening up the North West. He (Hon. Mr. Tupper) thought the Government deserved credit rather than censure for having adopted the suggestion.

In reply to the objections of the hon. member for Lambton about the cost of the proposed railway, he referred to the fact that its construction would be undertaken by a private company. No one had disputed the necessity of providing means of communication with the North West in order to settle it, yet hon. gentlemen opposite complained that large grants of land should be made to any company undertaking the construction of a railway. Yet it was only by means of a railway that the country could ever be settled, and the Dominion could give infinitely better land for the purpose than the United States had offered or could now offer to American companies. The reservation of large blocks of lands, which would be greatly enhanced in value through the construction of this railway, would enable the Government to cover largely any outlay they should be called on to make. Confederation had changed the

whole story of financial deficit, and had enabled the Government the other day, partly without their consent, to reduce the taxation of the country by \$1,000,000—thus, too, at a time when they were constructing the Intercolonial and other kindred works and preparing to improve the canal system of the country—without embarrassing the Government. He believed, also, that if this railway were built, the Northern Pacific road would either be abandoned or become a branch of the Canadian Pacific. It could never compete with our line, running as it did through a much less fertile country than our North West, and lying between our line and the Central Pacific route.

This union was a question of such magnitude, when regarded in the light of the status it was going to give to this Dominion that it naturally tempted him to descant upon it. He believed God and nature had placed it in the power of this Parliament to take up this question and give us advantages in connection with becoming the great highway of communication, not only across this continent, but between Europe and Asia. The Government would be recreant to their trust if they failed to meet the wishes of this country as expressed by the majority in this Parliament and carry it forward to a successful issue.

**Mr. SCATCHERD** was surprised to find that in the debate on the present question there was less enthusiasm than was shown on the first scheme of Confederation. He complained that only one party to this compact, the people of British Columbia had had an opportunity of pronouncing on this subject, while the greater party of the people of Canada had received no such opportunity. Already we had the Intercolonial Railway on our hands, for which we had had to submit to increased expenditure and taxation. Yet we were told that a larger and more difficult work would not add to our burdens. A more monstrous and unreasonable proposition was never urged than this vast road could be built without increasing the burdens of the people. He held that Confederation so far had not proved the success predicted. In various sections there were jealousy, ill-feeling and discontent in relation to this Union and three sections, Nova Scotia, Quebec and Manitoba might be cited in support of his theory that Confederation had not been very satisfactory. He saw no difference between the position of the minority in 1865, and that of the minority now. The conduct of the Government was as unreasonable and arbitrary now as then. He believed this scheme would but add to difficulties and taxation on the country, and that its ill effects would be felt for 50 years. Holding these opinions he would vote for the amendment.

**Hon. Mr. HUNTINGTON** said he was prepared and desirous to see this scheme of Confederation carried to a magnificent success, and that he was prepared to go quite as far as the hon. member for Cumberland, or indeed any one, in the great scheme of Confederation, but while he claimed credit for earnestly and sincerely entertaining the desire to consummate successfully that great scheme, he could not shut his eyes to the fact that, Confederation was not a machine that would run without winding, but that it contained many details which from time to time required serious consideration. When the Dominion Parliament had first



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assembled, the obligations of the country had been largely increased, and now all at once the whole debt of the country was to be doubled. Surely this was a serious matter, and even the Hon. Minister of Militia had termed it a "big job" though he had afterwards tried to make it a very little job. It was useless to say that the country would not be expected to accomplish impossibilities, and that no burden would be added to the people, for when they had entered into a compact, they must carry out their promise, and when they went to England to raise money they would find this obligation considered a charge on the credit of the country. Notwithstanding the glowing terms in which the grandeur of Confederation had been depicted, the fact still remained that the debt had first been increased fifty per cent and now it was sought to be doubled.

He maintained, however, that the measure of Confederation had been carried, not by the Government but in consequence of the loyal respect of the people for the policy of the Imperial Government which was known to favor the scheme, and now the Government was breaking away if not from Imperial policy at least from Imperial aid, in proposing to carry out the work of communication alone and unassisted. If it had been the duty and the policy of the Imperial Government to aid the construction of the Intercolonial Railway it was a hundred fold their duty and policy to aid the construction of the Pacific, and he would ask the Government for what reasons they had absolved the Imperial Government from all duties in the work of consolidating British power on this continent. He referred to rumours which he said had been greatly influenced by the presence of Capitalists and Contractors who were opposed to the Northern Pacific Railway, and who thought that if the Canadian Government would decide definitely to construct the Canadian line, it would operate strongly against the Northern Pacific, and said he could not but think that those rumours had gained weight by the utterance of the President of the Council that if the Canadian line was constructed the Northern Pacific would never get beyond Red River. That hon. gentleman had also urged as a reason for hurry in this matter, that if they did not hasten to accept the terms proposed, British Columbia might exact conditions still more difficult, but such an argument was absurd.

British Columbia was a Crown colony, and if it were really, the policy of the Imperial Government, to consolidate British power on this continent, though every man in that colony might be in favor of annexation, their power to bring about such a result would be as light as a feather, it would be as nothing. If ever the British possessions on this Continent should become part of the United States, it could only be at the cannon's mouth, and as the consequence of the total ruin and prostration of British power on this continent. The same reason for hurry had been urged in the discussion on Confederation, and he very much deprecated it as tending very much to unsettle the minds of the people.

These great questions should be discussed solely on their merits without the fulmination of insincerities in regard to alternatives that might ensue in case of the scheme being rejected. He had no doubt that many, hon. gentleman, had been writing to their constituents

speaking of the wonderful benefits of Confederation as evinced in their being no longer a deficiency in the revenue, but a surplus of two millions, and he could not but commiserate them in having now to write that that surplus of two millions had disappeared to be replaced by a debt of one hundred millions.

**Mr. RYMAL** had hoped that the Government would have been forced to explain in what way the money for the railway was to be raised. He ventured to say that the Minister of Finance was not properly performing the functions of his office, in failing to explain fully the financial aspect of the matter. He feared nothing he could say would change one single vote, but he was convinced that if the question had been one of policy and not of party, the resolutions would never have been carried. Richelieu had said that many persons who, as private members might be saved, were in great danger of being damned for having wandered into public life, and if Richelieu had lived in these days and uttered those words, he (Mr. Rymal) would have been quite sure that his eyes were fixed on the gentlemen of the Canadian Government.

**Mr. THOMPSON (Ontario North)** desired to explain why he should support the amendment, which was because no explanation had even been attempted as to how so large a debt as that proposed could be incurred without crippling most seriously the resources of the country.

**Mr. MACKENZIE'S** amendment was then put with the following result: Yeas, 68; Nays, 86.

On the amendment being declared lost,

**Hon. Sir A.T. GALT** rose and said, it might be considered that the address was practically carried, but he desired before the final passage, to place on record an explanation of the terms under which the address was understood to be adopted. The Government had stated as a reason why these terms should be accepted, that it was not their intention to undertake the whole cost of the railway out of the money reserves of the Dominion, but that they proposed to do it through the intervention of companies to whom they would be prepared to give subsidies of land and money, and further that this was the understanding between themselves and the delegates from British Columbia. He therefore moved: That the word "now" be left out, and the words "on Monday next, and that meantime it be Resolved, That in accepting the terms of Union with *British Columbia*, this House understands that the engagement for the construction of the *Pacific* Railroad within ten years is subject to the understanding had between the Government of the Dominion and the Commissioners from *British Columbia* that the said Railroad should be constructed through the medium of private Companies, receiving subsidies in money and land, and that it was not intended to pledge the Dominion beyond the application of its money and resources to the loyal and earnest prosecution of the work, without entailing undue and excessive burdens upon the people.'

**Hon. Sir GEORGE-É. CARTIER** said this amendment was equally objectionable with the others that had been moved to prevent to passing of the address, and he would announce to the House, and to the hon. member for Sherbrooke, that the Government intended and determined that this great railway should be carried out by companies and not by the Government, and through the means principally of land grant and small money subsidies, and further that early in the ensuing week, the Government would place before the House a resolution by which to take the sense of the House with regard to the manner in which that Railway should be built, and he might announce beforehand that the determination of the Government was that, when the sense of the House had been so taken, they would carry it out more prudently with regard to the Exchequer of the country than was proposed in the amendment of the hon. member for Sherbrooke.

**Mr. MACKENZIE** said that the terms of the amendment were so general that he was not prepared to vote for it.

**Mr. BLAKE** said he must oppose the amendment not only for the reason named by the hon. member for Lambton, but because he considered that no action could put an interpretation on the terms other than that they literally contained.

**Mr. BOWELL** said his great objection to the amendment was that it did not go far enough for it would not prevent the Government from carrying on the Railway after its construction.

The amendment was lost, the vote being—Yeas, 7; Nays, 126.

The main motion was then carried and the address read a second time, and on the motion of **Hon. Sir GEORGE-É. CARTIER** the address was ordered to be engrossed, and a motion for an address to His Excellency, praying His Excellency to transmit the address to Her Majesty the Queen was carried; the address to His Excellency was ordered to be engrossed, and to be presented by such members of the House as belonged to the Privy Council.

It being six o'clock the House rose.

### AFTER RECESS

The following Private and Local Bills were read a second and third time and passed:—

An Act to comprise in one Act the financial affairs of the Great Western Railway Company, as amended by Standing Committee on Railways, Canals and Telegraph Lines.—**Hon. Mr. CAMERON (Peel)**.

An Act concerning the Vandreuil Railway Company, as amended by Standing Committee on Railways, Canals and Telegraph lines.—**Mr. SHANLY**.

An Act to incorporate the Metropolitan Bank, as amended by Standing Committee on Banking and Commerce.—**Mr. WORKMAN**.

An Act to incorporate the Western Bank, as amended by Standing Committee on Banking and Commerce.—**Mr. KILLAM**.

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### SUPPLY

On the motion of **Hon. Sir FRANCIS HINCKS** to go into Committee of Supply,

**Hon. Mr. HOLTON** called the attention of the Government to the manner in which a certain parcel of land belonging to the Dominion was leased to the Montreal Warehousing Company. The history of the land was this: In 1865 Government purchased from private parties in Montreal a lot of land adjoining the canal basin, on the recommendation of Mr. Allan, for the purpose of increasing the wharfage and shed accommodation there. For this lot the Government paid the sum of \$25,000. The Warehousing Co., through Mr. Brydges, made application to Government for the purchase of the lot subsequent to confederation of the Provinces, but on the advice of the officers of the Public Works Department, the Government refused to sell it. On the 19th July, 1870, the hon. the Minister of Militia, in the absence of the Minister of Public Works, and acting for that minister, reported to the Council in favor of granting the lease of this lot to the Warehousing Company for a term of 21 years with an annual rental of \$700, that being considered less than simple interest on one half the cost. This report was made to the Privy Council without being supported by any of the professional gentlemen connected with the Department. One of the conditions, however, was that the Government might resume possession of the property on giving three months' notice, on condition of paying for any building that might be erected thereon, subsequent to the lease of the property. He, therefore, moved an amendment to the motion to go into Committee of Supply, reciting the facts above stated, and resolving "that this House is of opinion that it is the duty of this Government to take immediate steps to resume possession for public uses, of the said lot of ground."

**Hon. Mr. LANGEVIN** said he would take the full responsibility of the transaction on himself. He had no desire to shield himself behind the Minister of Militia in this matter. The action in the matter was taken while he (Hon. Mr. Langevin) was absent, but it was with his entire approval. What he had to complain of was that the hon. member for Châteauguay had not gone farther back in the history of this affair. The hon. member knew quite well that in order to arrive at the true position of affairs, it was necessary to go back further than 1865. In 1851 the Government of the day offered for

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sale by public auction a number of lots on the Lachine Canal basin. Some of these lots were purchased by Messrs. Hooker and Holton, and three by the Hon. John Young. A few years afterwards Messrs. Hooker and Holton sold their lots to Hon. John Young for four thousand pounds, making a very handsome profit by the transaction. The action of the Government at that time met the approval of the hon. gentleman, and was a very nice transaction for him.

**Hon. Mr. HOLTON** felt that he must interrupt the hon. gentleman. He strongly disapproved of the sale of those lots by the Government in 1851 as a matter of public policy, but he attended the sale and purchased the lots as a merchant doing business in Montreal. He invested in them as a good speculation.

**Hon. Mr. LANGEVIN** was prepared to show the hon. member his opinion about the sale of those lots. At the time they were sold the Government still retained possession of all that land within 70 feet of the canal basin. It was then felt that it was a very great inconvenience that warehouses should be 70 feet back from the wharf, and a great deal of pressure was brought to bear upon the Department of Public Works—not to induce them to save the lands for public purposes, not on the plea that it would benefit the country, but with a view to induce the Government to sell a little more land, to give up all the land on this side of the canal basin within ten feet of the wharf. An application to the foregoing effect was made by the Hon. John Young in 1854. That gentleman now agreed with the hon. member for Châteauguay that the land should not be sold, but in 1854 he applied to the Government to purchase that same land which the Montreal Warehousing Company now asked for, a company incorporated by the Parliament, the preamble of whose Act of incorporation sets forth that the warehouses to be erected were for public purposes. The application submitted by the Hon. John Young made it appear that the wharfage accommodation would be improved by the erection of warehouses there, and that no inconvenience to the public could result.

But Mr. Young, in sending that application, sent with it a certificate signed by Hon. Mr. Holton and a large number of influential merchants and forwarders of Montreal highly approving of the scheme. His hon. friend in May 1859 thought that this whole ground should be conveyed with warehouses owned by his friend, the Hon. John Young, but in 1870 he found that the same land should be occupied by the Montreal Warehousing Co. He (Hon. Mr. Langevin) thought he would be able to show the hon. gentleman's opinions had changed. Moreover, the Montreal Board of Trade at the same date (1859) passed resolutions which were adopted unanimously, by which they declared their opinion that the property then in the hands of Mr. Young, and now in those of the Montreal Warehousing Co., should be covered by warehouses, the trade requiring that accommodation.

He went on to show that the property leased for 21 years to the Montreal Warehousing Co., could not be expected to yield a larger rent than \$700 per annum, when coupled with the rent were the

following conditions, viz.: That at any time the Government could resume possession of the property on giving three months' notice, and that the wharf was to be free to all parties, and the front of the wharf should not be occupied to the exclusion of vessels belonging to third parties, which would have the right to trade and unload there without hindrance. The hon. member for Châteauguay had said that this property should not have been leased because Mr. Page recommended that it should not be leased. In matters of engineering the Government abode by the recommendations of the chief engineer, but in matters affecting trade they preferred to act with the approval of such undeniably good authorities as the forwarders of Montreal, the Montreal Board of Trade and the now hon. member for Châteauguay.

**Hon. Mr. HOLTON:** Recommendations made 12 years ago.

**Hon. Mr. LANGEVIN:** What was good 12 years ago held good now. Mr. Page objected to the leasing of this property because the wharf should be open to the public. The Order in Council reserved the right to the public to come to that wharf, to load and unload vessels there, and keep them fifteen feet back from the wharf so that carts might pass with freights.

**Hon. Mr. HOLTON:** The street is not there; it is built over.

**Hon. Mr. LANGEVIN:** There was never a street there. The hon. member, as a citizen of Montreal, knew what steps he ought to take in the matter. The hon. gentleman complained that the price was too low. In 1856 the property was sold for four thousand pounds, and the hon. gentleman knew that when in 1859 he endeavored to induce the Government to sell that land he was endeavoring to protect his own mortgage.

**Hon. Mr. HOLTON:** I will call the hon. gentleman to order. Since 1854, when I sold out my interest on that property to Mr. Hooker, I had no interest in that land. The hon. member should not make accusations; they are ungentlemanly.

**Hon. Mr. LANGEVIN** could not do otherwise than admit that what the hon. member had said was correct. After some explanations, he contended that the Government were subsequently obliged to buy back that property purchased by the Hon. John Young to protect themselves. They held a mortgage on the property amounting to \$18,000 or \$20,000—he thought the latter was the correct figure. The property was purchased at a rate higher than its actual value. He proceeded to quote the prices paid for property in proof of what he had said, and showed that land in the immediate vicinity, notably that on which Mr. Young's elevating warehouse was situated and the seminary property at the corner, had been sold 36 to 30 cents a foot after deducting the price of the buildings. The rental paid by the Montreal Warehousing Company afforded, therefore, a fair rate of interest on the value of the property. The hon. gentleman explained that the property had not been put up for public competition. The principle had been established by other governments that property on the Lachine and other canals might be sold on valuation. He cited instances of such transactions, which

had taken place while the hon. members for Hochelaga and Châteauguay were members of the Cabinet. The hon. member spoke very highly of that lot of land. The fact was however, that it had never been put to any use. The Government had leased it to the Montreal Warehousing Company at \$700 per annum, which was so much in the treasury. Besides that the Warehousing Company was erecting large warehouses, which would afford three times the accommodation which the mere wharf would have done. With these statements he left the matter in hands of the House.

**Hon. Sir GEORGE-É. CARTIER** said the principle advanced by the member for Châteauguay was that the Government should always sell its property by public auction, but that was not the principle of the Government nor was it desirable that it should be. The transaction had not been termed a sale, but it was not a sale; many applications had been made to Government to purchase the land, but they were refused; but afterwards, a Company was formed on the business of warehousing, and the property was leased, not sold, with a view merely to meet the wants of the increasing trade of Montreal, on the condition that if the land was required for public uses, the Company should relinquish it after three months' notice, and, of course, the same money would not be paid for the land on such a condition, as if it had been an absolute sale. The motion proposed that the Government should resume the property, and it had been stated that buildings had been erected, and, therefore, if the property were resumed, the Government would have to pay the value of those buildings, an expenditure for which there was no appropriation, and the Government could not assent to this proceeding merely to please the hon. member for Châteauguay.

**Mr. WORKMAN** maintained that a 21 years' lease was equivalent to a sale—and if there was a power of resumption, that power should be exercised.

**Hon. Mr. DORION** complained that any sale should be made contrary to the advice of the Chief Engineer of the Department of Public Works, and that it should have been effected privately—and said the transaction might be considered a sale as the Government could not resume possession, except under penalty of paying the value of any buildings that might be erected. He hoped the Government would be forced to accept the motion and resume possession of the property.

**Mr. MACKENZIE** said the Engineer's report should not have been asked for if it was not to be acted upon. The matter not only affected the merchants of Montreal but the produces of the West, and the whole matter could only be regarded as a "job." The property was certainly sold for twenty-one years.

**Hon. Mr. LANGEVIN** said it had been tried to be shown that the lease was a sale, but such was not the case, for the Government could resume possession at any time on three months' notice, and it was also provided that any buildings erected should be either stone or brick, and that the wharf property in front should be open to

public use. The company had taken a lease of the property for warehousing, as well as Hon. Mr. Holton, who is now the hon. member for Châteauguay, and the Board of Trade had urged that that very property should be improved for that purpose, and, therefore, the wishes of the Board of Trade had been carried out. If more accommodation was necessary there was plenty of available ground in the immediate vicinity, and that ground belonged to the Government.

**Mr. BLAKE** opposed the action of the Government, and said they had shown no cause why the redemption clause, which they admitted, should not be acted on.

The amendment was put and the vote was:—Yeas, 38; Nays, 59.

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#### CENSUS ABUSE

**Mr. BLAKE** called attention to a report that Mr. Daly, one of the Census commissioners, when visiting a place in the West—in his (Mr. Blake's) constituency—used all his influence to induce an enumerator to vote for the one who was called the government supporter, and that in consequence of having refused to do so was refused his appointment.

**Hon. Mr. DUNKIN** had not the slightest knowledge of the matter.

**Hon. Mr. DORION** thought the officers who had been guilty of such interferences should be at once dismissed.

**Mr. MASSON (Soulanges)** said that the Hon. Mr. Dorion, when a candidate for Soulanges, had himself afterwards dismissed a gentleman who refused to vote for him.

**Hon. Mr. DORION** denied the statement.

**Mr. JONES (Halifax)** said that in Nova Scotia they were quite used to this sort of interference. At the first election for the Dominion the Customs officials had been expressly directed to vote for the Union candidate, and the same thing had been done in the late election for the local election,—and many officials had been removed for their voting wrongly,—and he was surprised therefore that those in Ontario should think so much of a single instance. He added that the Postmaster at Guysborough had been dismissed for a similar reason. He also said that the enumerators recommended for the Halifax members had not been appointed, but those who were Government supporters were appointed in their place.

**Hon. Mr. CAMPBELL** dared the member for Halifax to state the real reason why the Postmaster at Guysborough had been dismissed. It had no connection with the late election, but was for malpractices in connection with his office.

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**Hon. Mr. TILLEY** said he had received a telegram asking him to instruct the Customs officials to vote for the Union candidates at the time referred to, to which he had replied that he could in no way influence his officers, but should be pleased if they could see their way to vote for the Union candidates.

**Hon. Mr. TUPPER** said that in the case of the list of enumerators that had been sent in, referred to by the member for Halifax, it was found that the recommendations were entirely of partisans opposed to the Government, and all that had been done was that half the recommendations had not been acted on.

**Hon. Mr. HUNTINGTON** said that it was well known how Government patronage was abused, and no one, who was in a Government position, had any right to interfere in election matters, unless they expected to be turned out of their offices on another Government coming into power. He was afraid they were fast verging towards the corrupt system existing in America.

**Hon. Mr. HOLTON** said that considering the census appointments outside the usual Government patronage, he had made recommendations which in the majority of cases had been carried out.

**Hon. Mr. ANGLIN** had written the Minister of Agriculture to ask whether he desired any information or advice in the matter of the census appointments, and had received the answer that though the Minister would be delighted to receive any advice or information, he would not feel bound to act on it. He made similar complaints of officers being dismissed for their political action.

**Hon. Mr. DUNKIN** replied as to the reason of the dismissals referred to.

The House went into Committee, and, it being 12 o'clock, immediately rose and the House adjourned.



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## HOUSE OF COMMONS

Monday, April 3, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

**Mr. MACDONALD (Glengarry)** complained of delay in printing Bills. He feared that the delay was caused by inadequacy of prices charged and paid. The efficiency and promptitude of the old arrangement were wanting.

**Hon. Mr. HOLTON** corroborated this statement, and pointed out that the public lost, instead of gaining, by the present system despite the nominal saving in cost.

**Mr. YOUNG** said the present cheap system had proved to be inefficient, just as he had predicted it would, when this matter was before the House about two years ago. As much (if not more) was paid for printing as under the old system. He thought the chairman of Printing Committee, who was present, ought to call the Committee together at as early a day as possible, and bring this question before them, so that some means might be taken to have the printing done more rapidly. He believed that the prices paid, taking all the different sections of the contract, were more than under the old contract, and at the same time, the work was not done in the same way as by the old contractors. The House must have learned from experience that it would have been much better to have taken the experience of practical men, and to have given fair prices for good work.

**Mr. STEPHENSON** said the work was done as promptly now as ever it had been done. He thought it was unfair and unjust so far as the contractor was concerned to bring up these complaints here.

**Mr. MACDONALD (Glengarry)** said he merely spoke from his own experience, and he had found very great delay in furnishing work.

**Mr. SIMARD** confirmed the statements of the hon. member for Glengarry (Mr. D.A. Macdonald) respecting delays in printing Bills. Especially with respect to French documents, he was compelled to say that justice had not been done the House. He said he was a printer himself.

**Hon. Sir GEORGE-É. CARTIER:** And a printer's devil too.

**Mr. SIMARD:** Yes, and a devilish good printer. The evidence respecting the Intercolonial Railway was not yet printed in French.

**Mr. McDONALD (Lunenburg)** said the printer in this case had given reasons for delay which were not satisfactory. He stated two of his machines had given way. Now, such excuse should not suffice. The printer ought to have sufficient presses to take the place of those which might break. He ought also to have an adequate staff of printers. While these were reasons for dilatoriness in supplying the printing, they were not proper excuses. Hunter and Rose having had to throw up their contract, there was no establishment in the city where any printing could be done but that of Mr. Taylor. The Printing Committee therefore, were without the means of supplying the present deficiency. It was unfortunate there should be delay, but they could not help it, as the present low price had driven away competition. It was for the House to say whether the present contract should be continued till the end of the contract period of five years, or adopt a new system.

**Mr. STEPHENSON** said the printing was as well done now as formerly, quite as promptly, while more cheaply. The Printers were not to blame, the fault of delay not lying with them.

**Mr. SIMARD** had gone to the translator's office to learn the cause of delay, and had learned the Printers had more work in their hands than they could perform. The last speaker could not as a practical man say he would undertake composition at twenty-five cents a thousand ems. The translators at any rate were not responsible for the delay.

**Mr. BROUSSEAU** stated that the Printer had excused himself by stating he had too much work to do, and that Government sometimes insisted on their measures taking precedence. The Printing Committee should consider as to the best means of expediting the work.

The subject was dropped.

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### RETURN ON RAILWAY ACCIDENTS

**Mr. BLAKE** called attention to the fact that a return respecting accidents on railways—voted for early in the session—had not yet been brought down.

**Hon. Mr. LANGEVIN** said he would see about it.

**ARRIVALS OF MAIL TRAINS**

**Mr. MACKENZIE** inquired why the returns respecting the time of the arrival of mails at certain stations between Sarnia and Quebec had not been brought down.

**Hon. Mr. LANGEVIN** said he would attend to that also.

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**PRIVATE BILLS**

The following Bills were read a second and third time and passed:

A Bill to incorporate the District of Bedford Bank.

A Bill to incorporate the Bank of Liverpool.

An Act to amend the charter of the Sun Insurance Company.

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**THE PRORAGATION**

**Hon. Sir GEORGE-É. CARTIER** in reply to Mr. Masson, of Soulanges, said that the intention of the Government was that, this House should sit every day this week, excepting on Good Friday. If the House would support the Government in despatching the public business as speedily as possible, there was an expectation that His Excellency could prorogue the House on Saturday next, but that it depended on the progress made with the business in both Houses.

**Mr. MACKENZIE** said he hardly needed to say that if the Government and their friends would show a less factious spirit than they had done, the business would be greatly facilitated. (*Laughter.*) But the Government must tell the House what measures they intended to push on to completion. It was well known that there were some measures, one large one in particular, which the House had not yet had time to read, which would require long discussion in Committee as well as in this House. Then there was the Election Bill which had been postponed indefinitely without any reason that he could see. If the Government would deal with that Bill in the way he would like, perhaps it would not occupy much time, but if they did not deal with it in that spirit, it would take a great deal of time. It was of the last importance that the business should be done well, no matter what time it should take. The country did not expect them to push business through in an immature state.

**Hon. Sir GEORGE-É. CARTIER** said that Government intended to proceed with all the Bills on the orders of the day. Tomorrow or Wednesday the Minister of Finance would be in a position to lay the supplementary estimates before the House and then there was a measure which was not yet before the House, to

extend to Manitoba and British Columbia, when it should come into the union, the general clause of the Act relating to the Public Departments just for a short time. Then, with regard to the election law, Government intended to proceed with it. The reason why they did not press it earlier, was on account of the absence of the hon. member for Lambton, the hon. member for Durham West and other important members on the opposite side of the House.

**Mr. MACKENZIE:** My excuse is that I was away on election business. (*A laugh.*)

**Hon. Mr. HOLTON** said it was idle, from what had just been said to expect that the House should be prorogued on Saturday. Friday would be a holiday. What reason was there to suppose, then, that the Supplementary Estimates, which would be of unusual magnitude, coming down on Wednesday, too, could be disposed of in time to prorogue the House on Saturday. Why could not the Government say to their followers that it would be impossible to prorogue the House this week, instead of endeavoring to throw the blame of delay on those who were willing to remain any length of time, in order to discharge their duty faithfully to the country.

The subject was dropped.

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**MANITOBA CUSTOMS**

**Hon. Mr. TILLEY** in reply to Mr. Oliver, said that no returns of revenues collected in Manitoba had yet been received by the Government. In reply to another question as to whether the Hudson's Bay Company has paid any duties on goods imported into the North West Territories in 1870 and if so, how much, the Minister of Customs said it was difficult to get accurate returns, but he believed about \$10,500 had been received in duties from the Hudson's Bay Company. These were paid for goods consumed in territory which was supposed to belong to Ontario before the acquisition of the North West by the Dominion. The amount paid to the 30th June last was \$10,422.

**Mr. MILLS** asked if Government intended to appoint a Collector of Customs at York Factory.

**Hon. Mr. TILLEY** replied that the matter was under the consideration of the Government. He had a communication from the Collector of Customs at Sault Ste. Marie to the effect that collections could be made through him. During the past year \$5,522 had been collected at Sault Ste. Marie on goods imported via York Factory into the Dominion.

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**WITHDRAWAL OF THE TROOPS**

**Mr. CARTWRIGHT** moved for an Address to Her Majesty setting forth:



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That this House fully recognizes the duty of the Dominion to maintain order throughout the vast extent of its territory, and also its obligation to contribute to the utmost of its power towards its own defence against attack from whatever quarter.

That this House does not desire to express any opinion upon the system of military concentration which is understood to have become the settled general policy of Her Majesty's Imperial Government, but that from the peculiar position of *Canada* this House cannot but feel strongly that in the interest alike of the Empire and of this Dominion such policy of concentration ought not how as regards *Canada* to be pushed to the extreme length of retaining therein no other imperial garrison than that of *Halifax*; and that it desires therefore respectfully to express the earnest hope that Her Majesty will be graciously pleased also to continue to maintain such garrison at *Quebec*.

He said he was aware that there were people both in the House and outside of it, who deemed it unwise to deal with a subject of this kind. He thought differently however, for if this was not a subject with which this Parliament should deal, it was idle for them to sit there. In view of this discussions in the British Parliament and the assurances of the British Government to the Canadian Government, it would be unwise for this House to shut their eyes to any part of the Imperial policy affecting this Dominion. He did not intend in the slightest degree to censure the colonial policy of Great Britain. He merely wished to speak of it as affecting this colony which was admitted to occupy a different position from that of any other colony of the empire. There was no doubt that the Government of Great Britain had shown a want of vigor and zeal in protecting the honour of Canada. He contrasted the manner in which the British Government had acted when a Canadian subject had been murdered by rebels in the North West while under British authority, with the course which the Imperial Government pursued toward Abyssinia in the recent expedition to that country. The contrast between the policy of Great Britain to her subjects in the East and her subjects in the West was a little too marked.

Then again, with regard to the Fenian invasion, the mother country had not taken up our cause as she should have done. He contrasted the manner in which the Fenian leaders had been treated by the American Government, with the treatment which the St. Alban's raiders had received at our hands. Did any one suppose that if the Ku Klux organization established headquarters in Canada, had made occasional raids into the United States (and he considered that the Ku Klux were very similar in character to the Fenians)—did any one suppose that the United States Government would not have demanded reparation for the outrages without delay. The Fenians raids were the result of hostility to Great Britain and this Dominion was subjected to outrages from the Fenian organization through our position as a British Colony. He believed, therefore, that Great Britain should have taken up our cause with greater energy and promptitude than she had done, and demanded indemnification for these raids. It was hardly fair or generous for Great Britain to withdraw her troops at the time they were taken from the country. The request of this Government that a small body of troops should

be left with us to serve as a rallying point in case of emergency, should not have been denied us. He had not the slightest doubt that the people of this country were competent to repel raiders of this country, but still, the Imperial Government should have left some small assistance in case of sudden attack. The fortifying of Halifax was practically useless, for the only enemy we had to fear would not take the trouble to attack us through a seaport while much more convenient localities could be found on our frontier. He concluded by sharply criticising the policy of Mr. Gladstone's Government.

**Hon. Sir GEORGE-É. CARTIER** said he desired to call the attention of the hon. mover of the resolution to the circumstance that his motion did not recite the real state of the facts. Though unfortunately the greater number of Her Majesty's troops had been withdrawn from the Dominion, they had not been withdrawn entirely, there being still the garrisons at Halifax and Quebec. As to the merits of the motion he might say that, generally, it embodied the views of the Government. The Government had availed itself of every opportunity to remonstrate against the entire withdrawal of Her Majesty's troops, and one of the express objects for which he and the member for Lanark North had visited England was for that purpose. Subsequently the Postmaster General was deputed to press on the Imperial Government the necessity for not withdrawing the whole of the troops, and especially of continuing Quebec as a permanent garrison on the same footing as Halifax. He had been instructed to urge that Quebec was, as it were, the Gibraltar of the Continent, and that it was most important that a certain number of British troops should be stationed there. The Government would not offer any opposition to the passage of the resolution, but when the House should be in Committee on it, he hoped the mover would alter so as to correctly state the facts of the case, and he would suggest also that there should be added a clause to the effect that the House expected that Quebec would be continued permanently to be occupied by British troops.

He could not, however, agree with the desponding view which the member for Lennox had taken of the question, with regard to the determination of England to maintain, with all her might, the British Flag on the Continent. Though the government regretted the sudden withdrawal of the troops, they had, at the same time, been repeatedly assured that that withdrawal was not with a view to impress the people of Canada with the feeling that in case of need, the power of England would not be applied to the defence of their country; on the contrary, they had been informed in several despatches that the arrangement was merely for times of peace, and the Imperial Government have given repeated assurances that in cases of need the power and might of England would always be ready to defend Canada. He made these remarks in order to remove any doubts on the subject that might be created in the minds of the people by the expressions of the member for Lennox. He himself, and the Government also, was quite sure that England was determined to continue the British connection, and that nothing would ever be done on the part of England which would be conducive to break up the happy tie now uniting the different parts of the Dominion.

**Mr. CARTWRIGHT** said that he should have no objection to make the alterations suggested.

The House then went into Committee to consider the resolution, **Mr. BLANCHET** in the Chair, and rising, reported progress, and asked leave to sit tomorrow.

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#### BEAUHARNOIS CANALS

**Mr. MASSON (Soulanges)** moved an address for a statement of monies expended on the Beauharnois Canal. He regretted that the Canal Commission had not given this Canal the attention it ought to have received. He replied to a series of questions put to him on the subject by the Commissioners, but found on his arrival at Ottawa that his letter had not been considered. The Canal had, undoubtedly, been constructed on the wrong side of the river and he trusted the Government would ask an appropriation of money to remedy the evil.

**Hon. Mr. LANGEVIN** said the Government had no objection to agree to the address, as the mover said that the Canal had been built on the wrong side of the river, and that the amount required for this enlargement would exceed that necessary to construct a canal on the other side. The letter written by the hon. member had been lost sight of but the Government would take his views into consideration.

Motion carried.

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#### CONDUCT OF SOLDIERS IN THE NORTH WEST

**Mr. MASSON (Soulanges)** moved an address for copies of correspondence respecting the conduct of soldiers forming part of the Military Expedition.

**Hon. Sir GEORGE-É. CARTIER** said there was no correspondence on the subject that could be brought before the House.

Motion allowed to stand.

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#### PRINTING OF DOCUMENTS

**Mr. MILLS** renewed his motion for the consideration of the resolution declaring it expedient that orders in Council, Departmental Regulations and Proclamations of a permanent character, having the force of law, be printed each year, in the same manner as the statutes of Canada. He hoped no objection would be

made to the motion, as he was satisfied the publication of the documents would prove a great convenience.

**Hon. Sir GEORGE-É. CARTIER** said the question was one of money, rather than anything else, and the Government would give their attention to the matter, and would show their decision when the supplementary estimates were brought down.

**Hon. Mr. McDOUGALL (Lanark North)** said when the motion was first made, he had doubted the expediency of the proposal, but from circumstances that had recently come to his knowledge, he was persuaded of the necessity of publishing all such documents. He was often surprised, however, to see how ready the House was to hand over the legislative power to the Government.

Motion allowed to stand.

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#### PUBLICATION OF DEBATES

**Mr. BLANCHET** moved an instruction to the hon. the Speaker with other Commissioners on Internal Economy of the House to secure stenographers for the publication of debates, and in both languages. He said he had no fault to find with the way in which the debates were at present published in the newspapers, but he thought it was very necessary that a full official report should be published. He spoke of the anxiety of persons to become members of the House not only on account of being able to represent the interests of their constituents, but on account of the vast amount of information to be obtained while sitting in the House. Some very important debates had taken place since Confederation, and yet it would be a matter of the greatest difficulty to ascertain the views expressed by the leading minds of the country in those debates. This was the only Parliament in existence that had no official report, and the great questions that would have to be dealt with in the future necessitated the taking of immediate action. The commissioners to whom it was proposed to give this matter in charge were well qualified for the task, and he had no doubt they would provide some good practicable scheme. He hoped the motion would be adopted so that a proper account of the debates might be obtained and published in both languages.

**Mr. YOUNG** said there was only one way in which such an account could be economically obtained, and that was as proposed by the Printing Committee in 1868. It was most necessary that such a report should be had, and it was done in almost every other country. The reputation of every Member of the House rested very largely in the hands of the reporters, and it was only fair there should be an official reliable report that could not be questioned.

Nothing was said in the motion as to the printing of the debates, whereas the scheme of 1868 had included the reporting and

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publication of the debates at an estimated cost of \$12,000, and he did not think that amount too much.

**Hon. Sir FRANCIS HINCKS** said the question was one of great difficulty, inasmuch as at present no newspaper could undertake to print everything that was said. There was also the difficulty of the two languages, and if he thought that the debates could be published in both languages for \$12,000 he should consider it money well spent. The debates of the Senate would have to be included and he hardly thought that \$12,000 would provide any large number of copies.

**Mr. DUFRESNE** opposed the proposition on the ground of its cost.

**Hon. Mr. GRAY** said there was no question of the advantage to be derived from the carrying out of the proposition, as although the present reports were very fair, they could not be so full as desirable. In the Lower Provinces, reporters had been advertised for and engaged, and so the labour was properly divided, and the report obtained could not be otherwise than reliable, it being open to correction. The expense had amounted to \$1,600 a Session.

**Mr. MILLS** said he understood from the reporters that he had no doubt that \$4,000 would cover the entire cost of reporting for the Session, and he supposed the printing could be done like any other official printing at the usual contract rates. He thought the speeches would be reported in the language in which they were uttered.

**Mr. CURRIER** trusted the motion would not carry as he was convinced the cost would be very great.

**Mr. MACKENZIE** referred to a report of the Printing Committee, recommending the reports to be taken verbatim, but extended at not quite so great length. It was estimated that this would take about 14 columns of newspaper printing daily and would cost, the speeches being printed in the language they were uttered, about \$12,000, translation costing \$4,000 more. This would be much less if the printing was done at the present contract rates. He was entirely agreed as to the necessity of an official report, and thought it would tend to lessen rather than increase the length of the debates.

**Mr. POPE** thought the publication of the debates in the way proposed would very much lengthen the debates, and he was of opinion that nothing should be done in the matter. The money would be squandered away for nothing.

**Mr. MACDONALD (Glengarry)** thought that if the motion were carried out the debates would be endless, and that the country already received a quite sufficiently full report, and he hoped the matter would be voted down.

**Mr. GIBBS** had always opposed the matter on the grounds that it would cost more than it was worth, but he thought the matter should be given a trial, and he should therefore vote for it.

It being six o'clock the House rose.

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## AFTER RECESS

**Mr. BELLEROSE** regretted that the motion of the member for Lévis had been brought before the House, and would vote against it.

**Hon. Mr. TUPPER** agreed with the hon. member for Lambton that faithful reports of the debates of this House would tend to improve the tone of the speeches. Private enterprise has no doubt been successful in sending summaries of the debates throughout the country, but, still, that did not do away with the necessity of having authentic official reports made. Objection had been made to the ground taken by the hon. member for Lambton that verbatim reports were not necessary. No unfairness need be shown to anyone. In Nova Scotia, where official reports had been made, the system had proved very successful. A Committee formed of members from both sides of the House, at once checked anything like unfairness. He was opposed to the idea that these speeches should be printed in the language in which they were delivered. It would not cost a great deal to publish all of them in both languages. A tender had been received last year offering to publish very full reports in both languages for \$10,000. He considered that amount too small. It was too late to make any arrangements for the present session, but he hoped some plan would be adopted to take reliable reports next session. He was confident that if fairly tried for once, it would never be given up.

**Mr. BLAKE** could seldom agree with his hon. friend, but he coincided with him this time in the opinion that the debates should be published in both languages. He did not think the Confederation debates should be accepted as anything like a fair test of the system. It was understood at that time that a great deal of latitude should be allowed to speakers, and everyone was expected to make a speech. He was in favor of giving it a trial for one session at least. He knew it was a trial of strength between the speaking and the silent members, and as the latter were in the majority, they might vote down the motion.

**Messrs. KIRKPATRICK and WEBB** opposed the motion on the ground of economy.

**Mr. BARTHE** supported the motion, and thanked the English speaking members for the liberal spirit they had shown towards the Quebec members. The French members had a special interest in having impartial reports taken, for, under private enterprise their speeches were seldom reported.

**Mr. ROSS (Victoria)** said this was an age of progress, and the people should know from authentic sources what was going on in their legislative halls. Some of the best speeches of the best men in Nova Scotia had never been reported.

After some further discussion,

**Mr. CHEVAL** moved that the motion be amended by adding the following words: "and the expense thereof to be paid out of personal indemnity of Members of Parliament."

The amendment carried. The motion as amended was then lost: Yeas 51; Nays 91.

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#### GEORGE STERLING'S CLAIM

**Mr. CURRIER** moved for a Select Committee to consider correspondence respecting the claim of George Sterling against the Government.

**Mr. MACKENZIE** said the motion could not be proceeded with without the Government's assent, and he thought the proceeding irregular.

**Mr. CURRIER** explained the nature of the claim.

**Hon. Mr. McDUGALL (Lanark North)** objected to the mode of procedure proposed, as tending to decisions being come to by Committees on very cursory examinations, in favour of claims, which the Government might have the very best grounds to refuse. He had had the case under his consideration when Minister of Public Works, and maintained Mr. Sterling had no claim against the Crown, and under no circumstances was it a proper case for the consideration of a Committee of the House, as the Government alone should be alone responsible for a proper settlement.

**Mr. CURRIER** again spoke of the circumstances of the case, and repeated that it was only fair that the case should be considered by a Committee.

**Mr. JOLY** asked that his name might be struck out of the Committee, and thought the matter should be laid before the Board of official Arbitrators.

**Hon. Mr. LANGEVIN** said that when the matter first came before him he found that his predecessor had decided against the claim, but the claim being again urged on legal grounds, he referred the matter to the Minister of Justice who reported that there was no claim in law whatever.

**Mr. MACKENZIE** objected that the whole motion was out of order, as no Committee could be appointed to consider a claim against the Crown, except with the assent of the Government.

**Hon. Sir A.T. GALT** thought that Parliament should be able to consider any grievance.

**The SPEAKER** ruled the motion out of order.

**Hon. Mr. HOLTON** thought the motion was not only out of order, but most undesirable.

Some further conversation took place on the point of order, but the Speaker confirmed his ruling, and the motion was withdrawn.

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#### CONTROL OF INDIAN LANDS

**Mr. MILLS** said some names of Townships on maps in the Indian Department had led him to suppose that the Government considered that all unsundered lands of the Indians were under the control of the Indian Department, whereas they were really under the control of the Local Government.

**Hon. Sir GEORGE-É. CARTIER** said the matter could not be discussed without proper notice, and as the motion had not been on the notice paper, it must be postponed.

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#### PATENT ACT

**Mr. OLIVER** moved the second reading of "An Act to amend the Patent Act of 1869." He said that he had postponed the consideration of this matter more than once, and he now thought he was entitled to an expression of opinion from the Government. His amendments applied to the 12 months residence in Canada required of every applicant for a Patent, and as to the extension of Patents.

**Mr. BROWN** thought the Bill should not be pressed. It was not in the interests of the people, and was certainly not desirable at the present time.

**Mr. SCATCHERD** also opposed the Bill. He thought it would open the way to the flooding of the country with American Patents, and thought there were quite enough Patents already.

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**Mr. CAMERON (Huron South)** said he hoped the measure would be pressed. The Government were committed to it, having undertaken to introduce a measure to remedy the evil themselves, and had promised that when Americans took off their discriminations against Canadian inventors, they would do the same with regard to American inventors. He believed the Bill to be in the interests of the country.

**Hon. Mr. DUNKIN** said the Government at this moment, were not prepared to cede much to the Americans on any question, and could not assent to the Bill. The present law on the matter of residence had been tried two years, and there was no reason to change it. As to the matter of extension of time, it was not of very great importance, but there was certainly no advantage in the proposed change, as the majority of Patents were of no practical value, and it was, therefore, advisable to limit them to five years in the first instance, after which, if valuable, they could be extended, and if otherwise, they lapsed. Government was not prepared to legislate on the subject at present, and certainly not in the way proposed. He hoped the measure would not be pressed.

**Mr. OLIVER** had no desire to force the Bill on the House, but at the previous session, the Minister of Agriculture had promised to consider the Patent Law and introduced some amendments. He thought it very desirable that Americans should be allowed to obtain Patents—but leaving that point, he thought it was very hard that a patent should only be granted for five years, and interfered very much with the sale of Patent rights. He thought the Government should undertake to consider this section of the law.

**Hon. Mr. DUNKIN** said that there was now no hesitation as to the renewal of Patent, which might be obtained at any time.

**Mr. OLIVER** withdrew his Bill.

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#### STERLING'S CLAIM

**Hon. Sir A.T. GALT** said he desired to revert to the matter of Mr. Sterling's claim. The motion was only to refer certain papers to a Committee, and not a step towards any appropriation. He, therefore, submitted the question for the further consideration of the Speaker.

**Mr. MACKENZIE** said that the object of the motion, as stated by the mover, was for the payment of a claim.

**The SPEAKER** asked leave to withhold his ruling till tomorrow, and the motion was allowed to stand.

#### INSOLVENCY LAWS

**Mr. COLBY** moved the second reading of an Act to repeal the Insolvency Laws now existing in this Dominion. He would very much like to let the matter stand, in order to facilitate the business of the House, but could not do so in view of the dissatisfaction that existed on the subject. The matter had been thoroughly discussed, and, no doubt, there were many arguments in favour of the law, but it was certainly not a beneficial law for Canada, however well it might have acted in other countries. The law had had a trial, and members would be able to say from their own experience what the tendency of the law had been. He believed the tendency had been highly immoral, as people were coming to believe that the discharge from an obligation was equivalent to the payment of that obligation, and the great facilities for passing through the Insolvency Court, were exceedingly injurious. As an exceptional case an Insolvency Law might be an advantage, but as a general principle it could not be justified. It did away with all stimulus to any one in embarrassed circumstances, and a man in that position instead of making every exertion to extricate himself found it much easier to take advantage of an Insolvency Act. The effect of the Act was to sap all commercial morality, and if not yet generally apparent throughout the country it would gradually become so, and the time had arrived when it might safely be abolished. He felt it his duty to press the Bill.

**Mr. CURRIER** thought some provision should be made for those who might now be preparing to take advantage of the Act.

**Mr. COLBY** did not anticipate the Bill would become law this Session, and therefore, every one would have ample notice.

**Mr. ROSS (Dundas)** was in favour of the measure, as many commercial transactions were carried on under the most deceptive appearances, and the Act opened the way to numbers of swindlers. Every one who contracted a debt should pay it, and not have so many facilities for escaping payment.

**Mr. OLIVER** in seconding the motion for the second reading of the Bill, said that though there were, at the time of the passing of the Act, many reasons in its favour, he believed it now to be entirely unnecessary. Many dishonest speculators were now able to go into business, looking forward to a sure relief in the Insolvency Act, and in this way great harm was done to the honest trader. The only classes now benefited by the Act were lawyers and assignees, and there could be no doubt of its evil effects in commercial matters, and it was very necessary in the interest of the country that it should be repealed. Unless an exception crisis in times of "commercial cases" a creditor should not be forced to accept a part of the amount due him.

**Hon. Sir GEORGE-É. CARTIER** said the measure was a large one, inasmuch as it was to do away with what was now the law of the land. He thought at this time of the session the Bill had better not be pressed, and would suggest the adjournment of the debate.

**Mr. COLBY** said that although he had no intention to have his measure made law this session, he would very much like an expression of opinion by the House if the Leader of the Government saw no special objection.

**Hon. Sir GEORGE-É. CARTIER** moved in amendment to the second reading that the debate should be adjourned till next Thursday week.

A decision was had on the amendment, and resulted as follows:—Yeas 60; Nays 79.

The motion for the second reading was carried.

**Mr. COLBY** moved that the House go into Committee on the Bill next Thursday week. He had no desire to press the House to a hasty decision on this important measure, but he would next session bring it up again, and he hoped the Act would be swept from our Statute books.

**Mr. MACKENZIE** said the hon. gentleman might have brought in the Bill for the purpose of trying the temper of the House, but he (Mr. Mackenzie) was not disposed to have any such step taken. He, therefore, moved in amendment that the Bill be referred to the Committee of the whole to-morrow.

**Mr. WORKMAN** hoped this law would not be annulled, for it had proved to be of great service to hundreds of unfortunate men and to their creditors. Honest men need have nothing to fear: it was

only rogues against whom it was directed.

**Mr. CURRIER** moved in amendment, that the House go into Committee on the Bill forthwith.

**Mr. SIMARD** said the Bill was ruining the retail trade of the country. People who entered into business should be made to understand that they must conduct it legitimately.

After a long discussion the Bill was ruled out of order, the House having passed on another Bill on the same subject, affirming an opposite principle.

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### LEGALIZING CERTAIN MARRIAGES

On the order for the second reading of the Bill introduced by Mr. Bowell, to remove doubts as to the legality of certain marriages therein mentioned,

**Hon. Sir GEORGE-É. CARTIER** said the Government had come to the conclusion that this measure was not within the jurisdiction of the Dominion Parliament. It was a matter for the Local Legislature.

**Mr. BOWELL** said his object was to remove any doubts as to the legality of certain marriages—not only in his own county, but he believed in other localities. After the statement of the Minister of Militia, he would move that the order be discharged.

After some discussion, the House adjourned at one o'clock.

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## HOUSE OF COMMONS

Tuesday, April 4, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### AFTER ROUTINE

**Hon. Sir GEORGE-É. CARTIER** moved that the House do *resolve* itself into Committee of the Whole tomorrow, to consider the following resolution:

*Resolved*, That the railway referred to in the Address to Her Majesty concerning the Union of British Columbia with Canada, adopted by this House on Saturday, April 1, instant, should be constructed and worked by private enterprise, and not by the Dominion Government; and that the public aid to be given to secure that undertaking should consist of such liberal grants of land, and such subsidy in money, or other aid, not unduly pressing on the industry and resources of the Dominion, as the Parliament of Canada shall hereafter determine.

**Mr. MACKENZIE** said after the ruling of the Speaker yesterday in the case of the Insolvency Act, this resolution was clearly out of order.

**Hon. Sir GEORGE-É. CARTIER** said it would be time enough to raise an objection when the motion should come before the House tomorrow.

The **SPEAKER** said he would decide tomorrow when the motion was made for the House to go into Committee.

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### CUSTOMS DUTIES

**Hon. Sir FRANCIS HINCKS** moved the third reading of the Bill to amend the Act relating to duties on Customs.

**Mr. CAMERON (Huron South)** expressed his regret that the duties had been removed from salt. It could not fail to inflict serious injury on the salt interests of Western Canada. He repeated his argument in favour of continuing the Tariff, and predicted that if removed, the whole trade would revert to the Americans in two

months, and the Canadian salt boilers would see their business ruined. He, therefore, moved that the Bill be referred back to Committee of the Whole for the purpose of striking out the word "salt" wherever it occurred in the measure.

**Hon. Sir FRANCIS HINCKS** said the House had already expressed, by a large majority, their opposition to the Tariff, and he thought it undesirable that these duties should be retained.

**Mr. BOWELL** moved in amendment to restore all farm products recently enfranchised to the dutiable list, leaving coal and coke free. He hoped some consideration would be shown for the farming interest.

**Hon. Sir FRANCIS HINCKS** said the Government could not assent to a proposition to remove the duty from coal and coke and leave it on flour and wheat. He felt, however, that it would be impossible, after the opinions expressed by the House, to adopt the amendment of the hon. member for Hastings North.

**Mr. GIBBS** spoke on behalf of the salt interest, and hoped the House would not withdraw the protection which they had extended last year, and which had assisted so materially to bring it up.

**Mr. JACKSON** said he would vote for the amendment of the hon. member for Huron South, believing it to be in the interests of the whole community to protect so important a manufacture.

**Mr. O'CONNOR** believed that the interests of the farmers should be looked after as well as those of the manufacturers. He would, therefore, support the motion of the hon. member for Hastings North.

A division was then taken on **Mr. BOWELL'S** amendment, which was lost: yeas 38; nays 110.

**Mr. LAWSON** moved an amendment that the second clause be struck out.

**Hon. Mr. HOLTON** said the amendment was out of order, as it asked the House to impose duties on certain articles, several of which the House had just before decided should remain on the free list.

After some discussion on the point of order,

The **SPEAKER** ruled that the motion could be put.

The amendment was lost: yeas 43; nays 109.

**Mr. OLIVER** moved an amendment that the Bill be not now read a third time, but be referred back to Committee for the purpose of striking out salt, peas, beans, barley, rye, oats, Indian Corn, and Buckwheat from the second clause.

The amendment was declared lost on a division.

**Mr. CAMERON'S** amendment was then put, and the vote was yeas 37, nays 114.

The motion for the third reading of the Bill was then declared carried.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved that the House should go into Committee of Supply.

**Mr. MACKENZIE** said that before the House went into Committee of Supply there were one or two matters to which he desired to draw attention. Complaints had already been made of the interference of the Dominion Government in the local elections in Ontario, and he had now received a letter from the county of Essex in which he was informed that Mr. Gilbert McMicken went to that county and stated that he was there as the authorized agent of Hon. Sir George-É. Cartier, and that he (Hon. Sir George-É. Cartier) desired Mr. Prince rejected and the opposing candidate returned. He had this information on the most reliable authority, and asked that enquiry should be made, as there could be nothing more improper than to allow Government officials to interfere in the local elections. Another case had also been brought to his notice in connection with the census. A gentleman appointed as Census Commissioner for the county of Lambton was applied to by the Assessor of one of the townships in that county for an appointment of enumerator, the applicant stating that he could discharge the duties of the two offices in conjunction. He was however informed that the census appointments were purely political, and unless he could state that he had supported the Government at the last election, or would promise to do so at the next he could not be appointed. He could make neither the statement nor the promise, and did not receive the position. He condemned these attempts to influence the late elections in Ontario as none the less criminal because unsuccessful.

**Mr. JONES (Halifax)** here commenced to speak, but the Speaker said he desired it to be understood that though of course any member was at liberty to state any grievance, the subject of that grievance could not be debated unless a distinct motion was laid before the House.

**Mr. JONES (Halifax)** then said that he had on a previous occasion directed attention to the interference of the Government in the Nova Scotia local elections, and he had since received a most extraordinary corroboration of the statements he had made. He had

received a letter from a young gentleman of the name of Peter MacNab, son of the Hon. James MacNab, a member of the Legislative Council, of Nova Scotia. It was well known that on account of the interference of the Heads of Departments in the Dominion Government in forcing their servants to vote against their wishes, the Nova Scotia Government desired to pass a measure to disfranchise all servants of the Dominion Government. When the measure came before the Legislative Council, the Hon. Mr. MacNab chanced to be very ill, and it was therefore hoped that his absence might be secured, and so help to defeat the Bill. In order to accomplish this, a gentleman named Dr. Wickwire, formerly a partner of the Hon. President of the Council, approached the son, Mr. Peter MacNab, with an offer that if he would persuade his father to remain at home he should receive a situation under the Dominion Government, worth \$700 a year.

The young gentleman thought this a most outrageous and insulting offer, but he was advised to carry on the negotiations, in order to ascertain from whom the offer emanated. The result would be seen from the documents he had received, and which he would read to the House. First, telegram from Hon. Mr. Tupper to Dr. Wickwire, dated at Ottawa, 31st March 1871. "Your telegram received.—Anything Hill engages to do, I will carry out." Second, letter from M.B. Daley to Mr. Peter MacNab, dated Halifax 31st March, 1871.—"I will guarantee you a situation under the Dominion Government in Halifax, worth at least \$700 per annum, if will carry out the arrangements which you and Mr. Wickwire have made." Third,—letter from D. McNeil Parker to Mr. Peter MacNab, dated 1st April, 1871. "Telegram from Hon. Mr. Tupper to Dr. Wickwire has just been received, in which Hon. Mr. Tupper states he will carry out any arrangements made by Mr. Hill with you. Mr. Hill is just now absent from the city, but the matter will be arranged by Mr. Daley, and I hereby undertake that Mr. Hill will ratify any arrangements made with you by Mr. Daley, on his return." He thought this was quite sufficient to substantiate the general charges he had made against the Government on a previous occasion, and he would ask whether a member of the Dominion Government should be allowed so to prostitute the patronage of the country as to attempt to coerce a local legislature. To his mind, the transaction was so disreputable as only to require to be laid before the House to receive the condemnation it deserved. The local Government of Nova Scotia was at all events carrying out the views for which it was elected, and should be exposed to no interference at the hands of the Dominion Government. He might state also that the President of the Council had endeavoured to invoke religious discord into the public affairs of the Province, and he trusted this and the other action of that hon. gentleman would not fail to receive the condemnation it so well deserved.

**Hon. Mr. TUPPER** was glad that he was thus afforded an opportunity of explaining this matter.

**Mr. MACKENZIE** said that as no motion was before the House, there could be no discussion.

**Hon. Mr. TUPPER** charged the member for Lambton with attempting to prevent him from refuting the accusations brought against him.



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**Mr. MACKENZIE** said the hon. gentleman was entirely mistaken; he had no desire to prevent him from speaking, but merely to make the discussion regular.

**Hon. Mr. TUPPER** said that no one could doubt that when such serious charges were made against a member of the Government, it was quite competent for him to give the answer on the instant, and he was sure there was not a member in the House who would not desire that he should be allowed to reply to the imputations thrown upon him. He would state the facts of the case as briefly as he could, and would leave it to the judgment of the House and the country whether any blame attached to him in the matter.

He had already stated that when it became necessary to appoint enumerators for the taking of the census in the county of Halifax, Mr. Power, one of the representatives for that county, was invited to make recommendations, but that calling in the assistance of the other member for Halifax, he abused the confidence of the Government by presenting a list composed almost entirely of the bitterest opponents of the Government. Since that time, his hon. colleague, the Secretary of State for the Provinces, and he determined in cases of future appointments to ask the recommendation of Mr. Hill, the member representing the same constituency in the local legislature, and ever since all applicants for appointments there, had been referred to that gentleman. A Bill was under the consideration of the House brought in by the Local Government of Nova Scotia for the purpose of disfranchising all office holders and employees under the Dominion Government throughout Nova Scotia. The Bill was introduced by the Attorney General, who stated that he hoped to pass a Bill that would prevent any one who had a "smell" of Canada from voting.

When it was introduced into the Upper House, Mr. Stairs, who had been appointed by the present Government, was a gentleman of the very highest standing in Nova Scotia, threw up his seat in the Legislative Council rather than support a measure so monstrous.

It then became a matter of importance to the friends of this Government that this measure should be defeated, and he would ask whether it was not only important to the Government but to the whole Dominion, that there should be in Nova Scotia a Government which had not emblazoned on its flag the destruction of the Union, which was certainly the object of the present Government. Well, then, who was this Mr. MacNab whose vote it seems was to be secured. Why, he was a gentleman who had ever sat side by side with him (Hon. Mr. Tupper) in the Government of Nova Scotia, and in approaching him he approached an old political friend. At this time, however, Mr. MacNab had become utterly broken down by age and illness, so as to be both in body and mind utterly incapacitated for the discharge of his duties. In former times Mr. MacNab urged him (Hon. Mr. Tupper) to recommend his son for an appointment, which had not then been done. When it was ascertained that the Local Government were endeavouring to obtain Mr. MacNab's vote by promising to provide a situation for his son, and under these circumstances he was asked whether if Mr. MacNab went right, he would guarantee that his son should receive

an office. The gentlemen who had been named in the matter were all of the highest character and standing, and all were ready to prove that no person approached Mr. Peter MacNab with an offer, but that, on the contrary, that young man went to Dr. Wickwire with a statement that if an office were given to him, his father would be prepared to vote right, but if not, the Local Government would give him an appointment if his father would act with them. These were the circumstances under which the application was made to him, and he dealt with it in the same way as all other applications from that district, he referred the matter to Mr. Hill, telegraphing, "Anything Hill undertakes to do, I will carry out."

**Mr. BLAKE** asked for the message to which that was an answer.

**Hon. Mr. TUPPER** read it as follows: "Hon. James MacNab votes to-day on disfranchising Bill. Can you guarantee Peter office if father is put right?" This message showed him that unless something were done, the son would go and say, "You see Hon. Mr. Tupper refuses to give me any consideration, you had better go for the Bill." He had not, however, guaranteed any office nor named any sum, but simply referred to Mr. Hill, the representative of the County, who was consulted on every such case. Under these circumstances considering that Mr. MacNab had been his constant supporter for many years, and had many claims for consideration at his hands, he was not prepared to give an answer to the request which would secure an additional vote in support of a measure which he believed to be utterly hostile to the interests of the Dominion, and most injurious in its consequences, and he was confident that his explanation would be considered perfectly satisfactory. The hon. member for Halifax had stated that he (Hon. Mr. Tupper) had endeavoured to evoke religious strife. At the time he entered public life, there was the greatest hostility between the Protestant and Roman Catholic bodies, but the course had since changed, and he had always had the hearty co-operation of His Grace the Roman Catholic Arch-Bishop and of that body except on the Union question, and had in fact very recently received a letter from His Grace stating that the good feeling which had ever existed between them remained unbroken.

**Mr. JONES (Halifax)** said that Mr. MacNab had, subsequently to his being a member of the Government, of which the Hon. President of the Council was at the head, become an earnest supporter of the anti-union body, and therefore could not be the firm friend represented. At the time the message was sent to Mr. Hill, he had ceased to be a member of the Legislature of Nova Scotia, having forfeited his seat. The Hon. President of the Council had failed to say whether the steps he had taken were authorized by his colleagues.

**Hon. Mr. TUPPER** said that his colleagues now learned the matter for the first time, he having taken the whole responsibility.

**Mr. BLAKE** then rose to speak, and after some discussion as to whether he was in order in continuing the debate, the Speaker allowed him to proceed. He then spoke in the strongest terms in condemnation of the course taken by the Hon. President of the

Council, and said that in his opinion, the very admissions he had made, rendered it unfit that that hon. gentleman should remain a Minister of the Crown for a moment longer. The hon. gentleman had stated that his colleagues were entirely ignorant of the matter, but he warned them they must either endorse or condemn the conduct of the President of the Council, and that they could only escape the disgrace which attached to that conduct by taking the necessary action to separate themselves from him. There could be no mistake in the matter, the hon. gentleman had himself acknowledged the course he had taken, and the only justification he could urge was that the Local Government were bidding for the vote; he therefore thought it fit to go into the market and outbid them, and he asked the House whether they would endorse the proposition that a Minister of the Dominion was justified in using the patronage of the country for the purpose of buying votes in the Legislatures of the Provinces; he thought it was quite prudent that the hon. gentleman had, by his own confession, proclaimed his utter unworthiness for the high position he occupied.

**Hon. Mr. HOWE** said he had always abstained from introducing the local matters of Nova Scotia into that House, as whatever differences they might have in that Province, he thought it better they should be settled there. He regretted that he had been absent when the hon. member for Halifax had chosen to take some liberties with his name, and he should take a fitting opportunity of replying to the assertions cast upon him, but he did not desire to mix his own affairs with the matter now before the House. He desired to mention, however, that on the occasion of the late election at Halifax, the hon. member had defamed his character and aspersed his policy behind his back, and had repeated the same thing in different parts of the country, and he thought that proceeding cowardly and base in the extreme. He (Hon. Mr. Howe), although asked to interfere in the election there, had refused to do so, and had not addressed a single word to the country on the subject, and as to the utterances of the member for Halifax, he knew he would one day have him face to face.

He remembered that that hon. gentleman had once followed him into the county of Hants, and had greatly alarmed the electors by the statement that if he (Hon. Mr. Howe) were elected, he (Mr. Jones) would never take his seat. He remembered also that he had then done his best to reassure the electors that even were that threat to be carried into execution, the crops might still grow, and the flowers bloom. The hon. gentleman had, however, taken his seat, and here he was at his dirty work again. He reminded him of the nursery rhyme about Little Bo-peep, who had lost his sheep and did not know where to find them; But he left them alone till he came home, Wagging his tail behind him.

Jones, like Bo-peep, had come home at last, but there was not much wag in his tail, nor was it very long. He might say that he had invariably consulted the representatives of the Counties in matters of patronage, and in nineteen cases out of twenty their recommendations had been accepted.

In the case of the Census Enumerators, when in Nova Scotia last summer he fell in with Mr. Power, and asked him to send up a list

of suitable judicious persons to act as enumerators for the County of Halifax. He had no doubt that had Mr. Power depended on himself alone, the list would have been a good one, but, unfortunately, he consulted his colleague (Mr. Jones), who was incapable of dealing with the Government in a fair and honourable spirit, and the list was found such that it could not possibly be acted on.

It being six o'clock the House rose.

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## AFTER RECESS

**Hon. Mr. HOWE** resumed. He said the list of enumerators sent up from Halifax included hardly a Dominion supporter, and this was through the influence of the hon. member for Halifax. With respect to these telegrams which had been read in the House he knew nothing. He could say, however, that he regretted to hear that his esteemed old friend, Mr. MacNab, had grown so feeble in mind and body. A more manly, generous, honourable, noble-minded man never lived, and he (Hon. Mr. Howe) believed the hon. gentleman was incapable of a dishonourable act. He (Hon. Mr. Howe) would like to hear all the particulars of the transaction, and if it should be found that the young man had failed to protect his father's honor, he deserved that the curse of heaven should follow him. He (Hon. Mr. Howe) could express no opinion on the subject until he could hear all the particulars on both sides, but he feared that the young man had been playing fast and loose, and betraying his imbecile father's honor. The Hon. President of the Council had stated truly in saying that he had taken this step entirely on his own responsibility.

**Mr. MACKENZIE** said this was matter of too great importance to be allowed to pass without recording the opinion of the House respecting it, on the journals. It had been frequently asserted that there was a close connection between this Government and the Governments of the local legislatures; but this was the first instance on which the administration of the day had interfered in a direct and flagrant manner with the action of the local legislatures. It was desirable that there should be no connection whatever between the central and the local Governments, and he felt it his duty to bring this principle before the House and have a decision respecting it. We had in this country large Companies, such as the Grand Trunk Railway Company grossly interfering in the elections, and bringing an undue pressure to bear to elect supporters of the Government. It was high time that this undue interference on the part of this Government should be checked.

He therefore moved that all the words in the motion after "that" be expunged and the following substituted: "It appears from the statement made to this House by the Hon. Mr. Tupper, C.B., President of the Council, that on the 31st day of March, last, a Bill was depending in the Legislation Council of Nova Scotia for the disfranchisement of Dominion officials at Nova Scotia elections, and that the vote of Hon. James MacNab, a member of the said Council, was material to the decision of the Bill, and that the said

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Hon. Mr. Tupper was desirous that the said Bill should be defeated, and that on the said day he received a telegram from Halifax as follows: 'Hon. Mr. MacNab votes to-day for disfranchising Bill. Can you guarantee Peter an office if his father is put right. A. Wickwire,' to which he replied as follows: 'Your telegram received. Anything Hill engages to do, I will carry out. Chas. Tupper.' And that in pursuance of the said telegrams, in order to secure the vote of the said Hon. James MacNab, an office in the Dominion service was offered to the said Peter MacNab, son of the said James MacNab. That, in the opinion of this House, the conduct of the Hon. Mr. Tupper in proposing to so exercise the patronage of the Dominion Government as to influence the action of the Local Government of Nova Scotia, was a flagrant violation of laws and public morality and calculated, if unrebuked by Parliament, to reflect deep disgrace on the country and its institutions."

**Hon. Mr. TUPPER** said though late in the session he hoped the House would indulge him for a few minutes while he defended himself. Five years ago to-day he was fighting the battle of Confederation under the banner of George Brown, Macdonald, and Cartier. Five years ago to-day he was on the floor of the Legislature of Nova Scotia, striving to carry out the great policy of endeavouring to unite the Provinces for the public good. When his opponents were baffled and defeated by every fair and honourable means, the leader of the present Government in Nova Scotia, who was then in opposition, rose in his place and appealed to Parliament to defeat this measure because, he affirmed on his honour as a man, that George Brown had approached him and endeavoured to bribe him to support Confederation. (*Hear, hear.*)

Five years ago, he (Hon. Mr. Tupper) was not only fighting the battle of Confederation, but he was also defending the character of the very man whose colleagues were now endeavouring to blacken and destroy his (Hon. Mr. Tupper's) character. He stood in this House making no suppliant appeal to the followers of the Government to support him. He absolved the Government and he absolved their supporters from any claim. He was unwilling to put the question on such a ground as that. It had never been his position as a man or as a member of an Administration. For sixteen years, he had served his native Province as a public man, and he left the Legislature of his Province without a single stain on his character, without a single political crime against him except that of fighting the battle of Confederation. Every one knew that party spirit had gone to as high a pitch in Nova Scotia as anywhere. After he had carried the question of Confederation and resigned his position as leader of the Government and thrown himself into the hands of the people, he stood there in the presence of his countrymen without an act that could touch his character as a man or his political honour. He stood in the same position here tonight.

The motion of the hon. member for Lambton might be carried, but it would not touch the Government. It would touch him and him alone. It would place him on a seat as an independent member untrammelled by any consideration in serving in the best manner "the best interests" of the Union. Let every hon. member in this House deliver his condemnation if he thought it a duty he owed to

this Parliament and his own conscience. He (Hon. Mr. Tupper) as an independent member of this House would be able to give the Government his support as well in such a position as under any other circumstances.

Now, what were the particulars of the case? Happily a letter from Hon. James Macdonald appeared in the Toronto *Telegraph* received by this night's mail. He would just read this communication from a man who enjoyed the confidence of the country and whose word was taken wherever he was known:—

"On Saturday morning last Dr. Wickwire came into my office and told me that Peter MacNab, the son of the Hon. James MacNab, had informed him that his father was not disposed to vote for the bill to disfranchise the employees in the Dominion offices, but that Mr. Annand was pressing him and promised to provide an office worth \$600 a year for him, if his father would vote with the Government, or resign. That he (Peter MacNab) had, some time before, applied to Hon. Mr. Tupper for an office under the Dominion Government, but had not succeeded in his application; that his father was infirm and would probably not be able to attend in his place, but if he could do so, he wished to vote against the Government bill, and if he (Dr. Wickwire) would use his influence with Hon. Mr. Tupper to get him an office under the Dominion, it would enable his father to vote on the measure then pending in the Legislative Council, according to his wishes, and at the same time secure the interest of his son. I asked Dr. Wickwire if he had seen the Hon. James MacNab. He said not. I then told him I feared Peter MacNab might be attempting to deceive and mislead him, with the view of playing into the hands of the Government, and putting Mr. Hill and his friends into a false position at the approaching election. I had not spoken to Mr. MacNab or his son for months; the latter I barely knew on the street; but from what I had heard of his past character and conduct, he is certainly the last man to whom I would knowingly give the opportunity of truthfully charging me with an intrigue as he now seeks to fasten upon me. Dr. Wickwire showed me Hon. Mr. Tupper's telegram as published, and hearing from the statements of Dr. Wickwire that the negotiations between himself and Mr. Peter MacNab was perfectly legitimate and proper, I had no hesitation in undertaking for Mr. Hill that he would use his influence to supplement any proper and legitimate arrangement made by Dr. Wickwire. I deny that I or any other of the gentlemen who signed the letters published, contemplated any corrupt or improper approach to the Hon. J. MacNab. The dishonour is with the man who by his own admission, led his friend who was labouring for his interests only, to believe in his truth and honour, while he was deliberately betraying him. I may be allowed to say that after Mr. Stairs' announcement on Friday in the Legislative Council, I looked upon the opposition to the bill as hopeless, as I supposed the Government would immediately fill his place, and thus secure a commanding minority. The endeavour to enable Mr. MacNab to vote according to his wishes, was, I think, perfectly legitimate, and I do not believe that a Government who are driven to the necessity of striking down the privilege of hundreds of honourable and upright men, to enable them as they hope to carry this country are the people to attack by means of such tools as Mr.

Peter MacNab, the character and standing of such men as Dr. Parker, Mr. Hill, Mr. Daly or Dr. Wickwire.’

This was the statement of the case made by Mr. Macdonald. The anti-unionists had already driven the Hon. Mr. Stairs to resign his office before this circumstance had ever occurred, because he felt that while he owed his position to Mr. Annand, he could never vote for a measure so obnoxious to the country. The attempt was made by Mr. Annand to purchase the vote of Mr. MacNab, a gentleman who for seven years sat side by side with him (Hon. Mr. Tupper) in the Government of which he was then head. He was not only under a deep obligation to Mr. MacNab, personally, but was pledged to this very Peter MacNab to find him an office as soon as possible. This proposition came to him (Hon. Mr. Tupper) at a time when the Local Government were endeavouring to purchase the vote of Mr. MacNab when he had lost mental and physical vigour; and when there was a most important crisis to this country impending, an attempt was made to purchase Mr. MacNab's vote in this emergency, by offering his son an office worth \$600 per year, fearing that Mr. MacNab would be brought to vote contrary to his own wishes; he (Hon. Mr. Tupper) was told that he might prevent it by finding the young man an office. His (Hon. Mr. Tupper's) answer was that Mr. Hill, the gentleman recently elected to represent the county of Halifax in the Local Legislature, was the party to be consulted, and instead of saying I will give you an office if your father votes against the measure, he telegraphed, "Whatever arrangements Mr. Hill makes, I will carry out." There was the case on which he was brought before the House, under circumstances which should cause the gentleman making this motion, to blush. Who were his (Hon. Mr. Tupper's) accusers? Who was it that dared to stand up and assail him because he consented, when Mr. Hill recommended a gentleman to an office, or promised him a place, that he (Hon. Mr. Tupper) would meet his wishes and provide an office for the son of his old colleague?

The hon. member for Lambton was his accuser, and before he (Hon. Mr. Tupper) sat down he would show that the hon. member had reduced bribery to a science. (*Cheers.*) He would show that the hon. gentleman should be the last to dare to lay a finger on the character of a public man. Mr. Annand was the man who, on the floor of the Legislature of Nova Scotia, had affirmed on his honour that George Brown had endeavoured to bribe him, and yet the hon. member for Lambton became his henchman. (*Cheers and laughter.*) Mr. Wilkin's speeches had been quoted in the House and had excited disgust in the mind of every honourable man who had heard them, and yet these were the men who had united with the hon. member for Lambton for the most corrupt purposes that had ever disgraced public men. The hon. member for Lambton was an humble follower of George Brown who had taken advantage of that cry that Ontario's money had been sacrificed to satisfy Nova Scotia. The hon. gentleman was one of those who had opposed the just claims of Nova Scotia, and yet was ready to seize on the support of any one from that Province, no matter how opposed he might be to Confederation. The hon. member for Lambton had gone to the lower Provinces and united with those men who not only assailed this Government, but had also vilified the Opposition of this House

in equally abusive terms. He was one of those who, though he had staked his honour as a public man that the public treasury of this Dominion had been robbed for Nova Scotia, yet, in secret, had bargained with anti-unionists and annexationists promising for their own support to give \$66,000 more of the public money to Nova Scotia.

The hon. member for Lambton had in a former debate denied that he had, during his recent speeches, said a disparaging word of Nova Scotia. The hon. gentleman in a speech delivered at a political banquet in Toronto, on the 16th of December, was reported by the *Globe* to have said there—after having made a compact with the anti-unionists and annexationists—the hon. gentleman had the hardihood to stand up and say: "The Government said, we will pay \$2,000,000 more to these people, and they had an idea that this would give ample satisfaction to the Province, while in fact it was received as a bone thrown to a dog to stop his growling." (*Cheers.*) This was the manner in which the hon. member had insulted the people of Nova Scotia. That was the way the hon. gentleman had acted, instead of standing up honestly, and saying: "Gentlemen, I am bound as a public man to confess that the statement that I made in Parliament that the Administration of the day had not only robbed the country, was not true, they have refused to give Nova Scotia what she should have, and I will ask Parliament to give her \$66,000 more." That would have been honest, but instead of that, the hon. member went back to Ontario with the same cry that carried it before—that cry of sectionalism. Having secured his election on that cry and secured support for his friends, he had the hardihood to come back here and demand that \$66,000 more should be added to the bone already thrown to this dog to stop him from growling. (*Cheers.*)

**A MEMBER:** What dog does he mean?

**Hon. Mr. TUPPER:** Nova Scotia is the dog, as the member for Lambton says, to whom the bone was thrown. If any hon. member should blush for shame at the mention of bribery it should be the hon. member for Lambton; for a more damning record could not be brought against any member of this Parliament. (*Cheers.*) The hon. member for Durham, too, had attacked him (Hon. Mr. Tupper) but the life of that hon. gentleman had been spent in defending either side of the question—assisting the innocent or defending the guilty—whichever gave the highest bribe. (*Cheers and laughter.*) He (Hon. Mr. Tupper) expected nothing else, but upon the most flimsy and paltry pretence that the hon. member would rise with affected indignation to talk about public morality. (*Laughter.*)

He would like to hear what the hon. member would have to say if such a charge were brought against any gentleman on his own side of the House. He could imagine the withering terms of indignation against the accuser to which the House would be treated if such a charge were brought against a member supporting the hon. member for Durham. But after the action of the hon. gentleman in the Local Legislature with respect to the Nova Scotia Act and afterwards coming to this House and joining with the hon. member for Lambton in demanding more money for Nova Scotia—he (Hon.

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Mr. Tupper) could understand his speaking for any side. The hon. member for Shefford had spoken with much solemnity on public morality in the House tonight, but the hon. members opposite were guilty of bribery and corruption of the blackest dye, and yet come here and lecture the House on the virtue of political propriety. If there were any gentlemen in this House who should blush when bribery is mentioned, and hide their heads whenever political corruption was spoken of, it was the members for Shefford, for Châteauguay and Hochelaga. They were the men, who, when the interests of their party were at stake, were not only ready to use \$66,000 to buy up support in a Province where they had none, but they were the men who, when power and place were at stake, did not hesitate to elevate to the highest judicial position, not their friend and colleague, but one of their strongest opponents, and this judgeship was given in order to retain their places in the Government. (*Cheers.*) If he had such a record in his past history, he would not be able to stand up in this House tonight and challenge an independent verdict, and yet these gentlemen came here having done that which the hon. member for Shefford admitted, had convulsed this country with indignation and disgust.

**Hon. Mr. HUNTINGTON** begged leave to correct his hon. friend. His statement was that it had convulsed the Tory party, not the people of the country. (*Hear, hear.*)

**Hon. Mr. TUPPER** said he was not at all surprised that the hon. member began to feel his position. (*Laughter.*) Orator and essayist as the hon. member was, if he believed that his paltry clap trap would wipe out the record of his former career, he was mistaken. (*Hear, hear.*) He (Hon. Mr. Tupper) would not detain the House longer. When the whole transaction should be placed before the people of this country this miserable, futile attempt to endeavour to strike a blow at the Government would excite the commiseration and contempt of even the followers of his accusers in this House and throughout the country. (*Cheers.*)

He could understand that the hon. gentlemen opposite, hungering for position and place, were ready to lend themselves one day to one principle, and the next day to trample the very principles they had propounded, beneath their feet to purchase support. He could understand that they would stick at nothing, and were ready to stoop to anything in order to accomplish their purposes, but if they thought they could injure him they were mistaken. Having spent the prime of his life in steady, unqualified exertion to build up the interests of this country, he placed himself unreservedly, not in the hands of the hon. members who supported the Government, but unreservedly in the hands of hon. members on the other side of the House. He was in this Government today, not because he wished to belong to it for the sake of office, but under the conviction that his presence gave them increased strength in carrying out the great work in which they were engaged. He should much prefer to be an independent member of this House, and if it were the unbiased judgment of hon. members sitting on both sides of the House that he had been guilty of anything which rendered it improper that he should remain any longer a Minister of the Crown, he would retire to an independent bench. He was alone responsible for his own act, and if it were necessary he would retire into private life, with the

proud conviction that, regardless of party, he had thrown his best energies into the work of Confederation, and striven in whatever position he had been placed in such a manner as was best calculated to carry out the union of the Provinces, and he should retire into private life with the satisfaction of knowing that his efforts, humble though they had been, had assisted in placing this country in a position higher than it would ever have occupied without Confederation. He left the matter to the House, willing to bow to their decision, whatever that might be. (*Prolonged cheers.*)

**Hon. Mr. DORION** said those who listened to the hon. member must have felt disappointed, as he (Hon. Mr. Dorion) had. He (Hon. Mr. Tupper) had been communicated with for the purpose of securing a vote in the Nova Scotia Legislative Council, and in order to secure that vote he had given a *carte blanche* to a friend of his to make whatever bargain he pleased which would secure the vote. He put the patronage of the government in commission in the hands of Mr. Hill: and what were his answers to this accusation? Why, that Mr. George Brown had attempted to bribe Mr. Annand, that the hon. member for Lambton had attempted to bribe members from Nova Scotia by voting for the \$60,000 on the question of the Provincial buildings, and that other hon. gentlemen had attempted to bribe in various ways. That was his defence. A rule of the House stated that any person who attempted to approach any hon. member of this House with an offer of money or any advantage was guilty of crime and misdemeanor, and that such acts tended to the subversion of the constitution. The local legislatures were part of our constitution, and if a bribe to members of this House tended to the subversion of the constitution, the same things applied to an attempt to bribe members of our local legislatures. Hon. Mr. Tupper had defended the bribe on the ground that Mr. Annand was offering another bribe—one of \$600.

He (Hon. Mr. Dorion) had never yet seen anything to equal this conduct. Now Hon. Mr. Tupper had charged almost everyone with bribery, but even were this the case, it would not justify the act of the President of the Council. That gentleman had attacked him (Hon. Mr. Dorion) for the appointment of Judge Sicotte; but that gentleman was an honour to the bench, and his appointment was objected to at the time because it was a sore blow to the Minister of Militia. It would seem that bribery was the order of the day last Saturday. The House was informed of a scheme by which Mr. Brydges who could secure 2,000 or 3,000 votes had leased to him and one of the others a lot of land on the Lachine Canal for 21 years at a rental of \$700 per year, the property having cost the government the sum of \$25,000. He could not but express his total dissent from the opinions of hon. gentlemen on the other side that this action on the part of the President of the Council should not meet with condemnation.

**Mr. SIMARD** said that he saw nothing wrong in the act of the President of the Council. He (Mr. Simard) would have done the same thing. As an independent member of the House he would endorse the act of the President of the Council.

**Mr. MACKENZIE** replied at some length to the remarks which Hon. Mr. Tupper had made. His desire in moving his amendment

was to absolve the House from all responsibility in Hon Mr. Tupper's conduct and to affix the merited stigma upon the guilty party.

After a few words from **Mr. BLAKE** the House divided, when **Mr. MACKENZIE'S** amendment was lost by the following large majority—Yeas, 51; Nays, 93.

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### SUPPLY

Several items for canal expenditure were adopted, also for the items for slides and booms, and the items for improvements of rivers, roads and bridges.

On the item \$8,000 for a bridge at Portage du Fort, **Mr. MACKENZIE** asked for explanations. **Hon. Mr. LANGEVIN** said that the Local Government had appropriated an equal sum. **Mr. MACKENZIE** was opposed to expenditure of money by the Dominion Government on this bridge. The fact that the Local Government had contributed an equal sum in no way improved the matter, for if the Local Governments were to be connected with matters of this kind, the result would be endless complications.

**Hon. Mr. HOLTON** said that if the bridge had been built to accommodate the country which the Finance Minister represented, and it had the effect of bringing that gentleman again into public life, he would not object to it, but it was said that amongst the blessings which Confederation would bring was its getting rid of roads and bridges.

**Hon. Sir FRANCIS HINCKS** denied that he had anything to do with the bridges, and affirmed that at his election he had distinctly stated he would have nothing to do with local improvements.

The item was passed.

**Mr. MACKENZIE** asked where the \$5,000 under the head of miscellaneous was to be spent.

**Hon. Mr. LANGEVIN** said it was to meet contracts on the Matapedia and Temiscouta roads. He promised that no part of the \$5,000 would be spent elsewhere.

**Mr. MACKENZIE** asked where the \$850 spent last year on the Annapolis Road, as stated in the public account, came from, as no such appropriation had been voted.

After some delay, **Hon. Mr. HOLTON** said he would answer the question. He had no doubt that money would be taken out of the appropriation for miscellaneous roads last year, contrary to the pledge which the Minister of Public Works had just given for the future, and that it was spent as a local job—a small bribe in the county of Annapolis.

**Hon. Mr. LANGEVIN** said he was not in the government at the time this money was spent, and therefore did not know anything about it. No money had been spent on that road or any other similar road since he took the office of Minister of Public Works. At the suggestion of Mr. Mackenzie he agreed to add to the vote "For expenditure on the Matapedia Military Road Only."

The item passed.

On the item \$10,000 for arbitrations and awards, **Mr. MACKENZIE** asked if the claim of Mr. McGreevy with respect to the Parliament Buildings was again to be submitted to arbitration.

**Hon. Mr. LANGEVIN** said that under the contract with McGreevy there was a clause under which any difference of opinion between the contractor and the Public Works department was to be referred to engineer Page and two architects.

**Mr. MACKENZIE** said that the arbitrators had already given their decision, and now the new ones were to be employed. A frightful sum had already been paid for work done on this House under the estimate of the engineer Page. That officer might be an engineer, but was evidently not acquainted with minutiae of building contracts.

The item was passed.

In reply to Hon. Mr. Holton, **Hon. Mr. LANGEVIN** said he could not exactly state what the alterations in the Custom House at Montreal would cost.

The item of \$313,000 for Public Buildings was carried.

On the item of \$8,000 for Rideau heating apparatus and water supply,

In reply to Mr. Mackenzie, **Hon. Mr. LANGEVIN** said it was proposed to erect a windmill in order to procure water supply.

**Mr. MACKENZIE** said that Rideau Hall was the most incongruous heap and the ugliest combination that human ingenuity ever devised. On the principle that nothing could make the building more hideous he would vote for a windmill.

The item was passed.

The Committee rose and reported and asked leave to sit again.

The house adjourned at 1.15.

April 5, 1871

## HOUSE OF COMMONS

Wednesday, April 5, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### MANITOBA AND BRITISH COLUMBIA

**Hon. Sir GEORGE-É. CARTIER** introduced a Bill to extend to the Provinces of Manitoba and British Columbia certain Acts therein named. He also announced that as the Government were anxious to bring the business of the Session to a close as soon as possible, he would be glad if the House would sit on Monday afternoon next. A resolution to this effect was carried.

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### BUSINESS OF THE HOUSE

**Hon. Sir GEORGE-É. CARTIER** said it was the desire of the Government to bring the session to a close as soon as possible, and suggested that as Good Friday was a holiday the House should sit on Saturday, and if no objection were taken, on Monday from one to six.

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### NEW MEMBER

**Mr. DELORME (Provencher)**, was introduced by **Mr. SMITH (Selkirk)** and **Mr. BLANCHET**, and took his seat on the Ministerial benches.

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### INTERCOLONIAL RAILWAY

**Hon. Sir FRANCIS HINCKS** moved second reading for a resolution concerning the Intercolonial Railway granting a sum not exceeding six million dollars for the defraying of expenses.

**Hon. Mr. McDOUGALL (Lanark North)** moved that the following words be added: "Provided that the gauge of said railway shall not be greater than 4 feet 8 1/2 inches."

**Hon. Mr. LANGEVIN** said the resolution proposed was contrary to Law, which provided that the gauge should be 5 feet 6 inches. Besides, the change of gauge would involve an expenditure

of \$1,000,000. There were the two alternatives, either to construct the road upon the broad gauge principle, or to change the gauge at a cost of \$1,000,000.

**Mr. SHANLY** was in favour of the narrow gauge, but believed it should be adopted gradually, and by arrangement with other roads.

A long discussion ensued.

**Mr. BLANCHET** pointed out that though the narrow gauge might be the best, yet if it were adopted by the Intercolonial it would in order to avoid a break of gauge have to be adopted by the Grand Trunk also.

**Mr. McDONALD (Middlesex West)** was in favour of the narrow gauge if it would be adopted gradually. He thought the matter should be left over until a general change could be effected.

**Mr. WORKMAN** was in favour of an immediate change.

**Mr. MACKENZIE** said there were only 149 miles of railway connected with the Intercolonial to be changed, and it would be cheaper and better to adopt the narrow gauge at once than to leave it for a future time.

**Hon. Mr. LANGEVIN** pointed out there was no provision in the contract for a change of gauge, as the law definitely provided that the gauge should be 5 feet 6 inches. Enquiries had been made, and it was estimated that to change the gauge of the Government Railways in Nova Scotia and New Brunswick would cost \$1,000,000.

**Mr. WALSH** said a change of gauge would involve more difficulty now than if it had been done earlier. With regard to the changeable car or shifting axle plan it had not been found adapted to passenger cars, and could only be applied to freight cars. Whatever might be the advantage of the narrow gauge principle he did not think it advisable to alter the gauge now.

**Hon. Sir GEORGE-É. CARTIER** showed that the change of the Intercolonial Railway gauge could not be considered alone, and without taking into account the gauge of the Grand Trunk and the Nova Scotia and New Brunswick Railways. A change of gauge at Rivière du Loup would destroy a large portion of the traffic, and would induce forwarders to send it to the Lower Provinces by Portland and Saint John. The Intercolonial gauge could only be changed when the Grand Trunk Company consented to change their gauge, which they had no inducement to do.

After some further discussion, the House divided on **Hon. Mr. McDOUGALL'S** amendment—Yeas, 75; Nays, 78.

**Hon. Mr. McDOUGALL (Lanark North)** then moved that the following words be added: “and the rails to be used shall be of iron similar to that use on the ordinary railways of the country.”

**Hon. Mr. LANGEVIN** said contracts had already been given for steel rails, and the motion should not therefore be pressed. The steel rails would be cheaper than iron in the long run.

**Mr. MACKENZIE'S** opinion in this respect differed from that of the Minister of Public Works.

**Hon. Mr. TUPPER** said the Government had only determined to use steel rails after obtaining the opinion of the highest professional experience both here and in England.

**Mr. WALSH** in reply to a question from Mr. Bolton, explained the mode in which the specifications for the steel rails had been prepared, and that the contracts were in accordance with these specifications. The desire was that the road should be a first class one.

After a few remarks from **Mr. BLAKE**, the House divided on **Hon. Mr. McDOUGALL'S** amendment—Yeas, 62; Nays, 88; and the main motion carried.

It being six o'clock, the House rose.

## AFTER RECESS

### CANADIAN PACIFIC RAILWAY

**Mr. GRANT** asked leave to introduce a Bill to incorporate the Canadian Pacific Railway.

**Hon. Mr. HOLTON** said the orders would not permit its introduction, and as it could not possibly be carried this session it was dropped.

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### SECOND AND THIRD READINGS

The following Bills were read a second and third time and passed:—

Act respecting the Commercial Bank of New Brunswick.

Act to extend to the Province of New Brunswick the operation of the Act of the Legislature of the late Province of Canada concerning the Synod of the Church of England in Canada.

Act to incorporate the Mutual Life Association of Canada.

Act to incorporate the Kingston Board of Trade.

Act to incorporate the Board of Trade of the Town of Windsor (Ontario).

Act further to amend the Acts respecting the improvement and management of the Harbour of Quebec.

Act to incorporate the Sault Ste. Marie Railway Company.

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### NEW MEMBER

**Mr. SCHULZ (Lisgar)** was introduced by the **Hon. Mr. TILLEY**, and **Mr. O'CONNOR**, member for Essex, and took his seat beside the latter gentleman.

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### BANK ACT

**Hon. Sir FRANCIS HINCKS** moved the House into Committee on the Act relating to Banks, and Banking, **Hon. Mr. ABBOTT** in the chair.

The Bill was reported from Committee, read a third time and passed.

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### SECOND AND THIRD READINGS

The following Bills were read a second and third time and passed:—

Act to amend the Act respecting the settlement of the affairs of the Bank of Upper Canada.

Act respecting the loan for the purpose of paying a certain sum to the Hundson's Bay Company, and to make other provisions with respect to such loan.

Act further to amend the Act respecting fishing by foreign vessels.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee of Supply.



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**Mr. MACKENZIE** asked for explanations respecting the Militia estimates. He said the force was too large for the maintenance of police regulations, and too small for war purposes. He particularly required explanations respecting the changes recommended by the Adjutant General.

**Hon. Sir GEORGE-É. CARTIER** asked the member for Lambton to particularize the points on which he wanted information.

**Mr. MACKENZIE** said the Staff Military Schools and other matters where changes had been introduced.

**Hon. Sir GEORGE-É. CARTIER** said he heartily approved of the system recommended by the Adjutant General, which provided that Staff appointments should be for five years. That the Militia should be encamped and drill for 15 days—that military schools should be carried on under the superintendence of militia officers at Toronto, Kingston and Montreal. That the schools should be open from November till June, and that only 550 pupils could attend them. That in time of peace the Adjutant General and the Deputy Adjt.-Generals should rank as Colonels, and in time of war the former should rank as Major General.

**Mr. MACKENZIE** referred to the proposal to fill up the ranks by ballot.

**Hon. Sir GEORGE-É. CARTIER** said if at any time the ranks could not be filled up by volunteering the ballot would have to be resorted to, at present the active militia numbered 4,000 more than the law required.

**Mr. MACKENZIE** inquired about the naval estimates.

**Hon. Sir GEORGE-É. CARTIER** said no expenditure was required for naval defence as the Imperial Government had assumed that duty.

**Mr. CARTWRIGHT** asked for information as to establishing a small permanent force.

**Hon. Sir GEORGE-É. CARTIER** said the Government did not think it advisable to organize a permanent force, three regiments would cost as much as the whole militia under the present system. Provision was made for maintaining two garrison batteries of 100 men each. One battery would be stationed at Kingston, and the other would be divided between Toronto and Montreal.

**Mr. MASSON (Terrebonne)** disapproved of a permanent force except in Artillery. He recommended the establishment of field as well as the garrison batteries. He asked what was the total amount

of stores and ammunition available for the defence of the country, and was most anxious that the men should be thoroughly and efficiently equipped.

**Hon. Sir GEORGE-É. CARTIER** said the militia were all armed with the Snider Rifle, and that the Dominion had purchased from the Imperial Government stores amounting to 170,000 pounds sterling, which had to be paid in three years.

**Mr. BROWN** thought that whether the drill was for 8 or 15 days should not be left optional; it should be made compulsory.

**Mr. MACKENZIE** approved of the decision that there should be no standing army, and thought that the appointment of staff officers for only five years would not work well. He thought the optional system would involve the breaking up of brigade camps, which were in his opinion far more valuable than battalion camps.

**Hon. Mr. TUPPER** regretted the concentration policy of England, but thought the House should not be so repeatedly told, that all the troops were withdrawn as there were still troops at Halifax and Quebec. Although we had no war department he believed the militia system, one fully equal to any emergency that was likely to arise.

**Mr. MACKENZIE** was ready to say that the Adjutant General conducted the militia affairs well. He considered the enrollment two years ago a complete farce and of no utility.

**Mr. BLANCHET** disapproved of a standing army, but there must be sufficient training to secure efficiency. He did not believe England would in any degree abandon Canada but merely concentrated the troops for Imperial purposes.

**Mr. KIRKPATRICK** thought the artillery branch of the service deserved especial consideration as its importance was fully shown by recent events in Europe. He was of opinion that the encampment would be a failure unless it was made compulsory. He thought 16 days drill too great an increase at once, and the pay of 50 cents a day altogether too small.

**Hon. Mr. HOLTON** thought the House should get into committee which it did. **Mr. STEPHENSON** in the chair.

The items of the estimates were separately taken up and discussed and without divisions were passed. The Committee then rose, reported progress, and asked leave to sit again tomorrow.

The House adjourned at 11.30 p.m.



April 6, 1871

## HOUSE OF COMMONS

Thursday, April 6, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### SEIGNIORIAL TENURES

**Mr. POPE** moved for a return showing the amount distributed under the Seigniorial Act to each municipality according to returns made in 1864; the amount distributed up to January, 1871; the amount placed to the credit of the several municipalities indebted to the Government on account of the Municipal Loan Fund; and the reasons for any change in the distribution.—Carried.

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#### LIGHTHOUSES

**Mr. KEELER** asked when will the lighthouses of Lake Ontario be lighted for the purposes of navigation for the present season.

**Hon. Mr. TUPPER** said, in consequence of the prospect of an early opening of navigation, instructions had already been issued for the purpose.

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#### CRIMINAL PROSECUTIONS

**Mr. SAVARY** moved for correspondence respecting the duty or liability of the Dominion or Local Governments to defray the cost of criminal prosecutions.

Carried after a short discussion.

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#### NORTH WEST TERRITORY

**Hon. Mr. McDOUGALL (Lanark North)** moved the House into Committee of the whole to consider the following resolutions:

1. That it appears, from an Order in Council and Memorandum of the 1st of March, 1871, transmitted by His Excellency the Governor General, for the information of this House, that the system approved by an Order in Council of the 23rd September, 1869, for the survey and subdivision of Townships in the North West Territory, has been materially altered to the disadvantage of intending settlers.

2. That the area of Townships has been reduced from eight miles square to six miles square, and each quarter section or lot from two hundred acres to one hundred and sixty acres.

3. That the allowance for roads, which under the former system was added to, and included in the section, thereby leaving the location and direction of roads to the judgment of future settlers (as under the American system) has been limited to one chain in width, and ordered "to be set out and allowed between all Townships and sections," without any reference to their utility or convenience.

4. That the proposed distribution of the 1,400,000 acres appropriated by Act of Parliament "towards the extinguishment of the Indian Title to the lands in the Province of Manitoba," among all the half breed residents, instead of limiting the said grant to, and dividing it "among the children of the half breed heads of families residing in the Province at the time of the transfer to Canada" is a violation of the express conditions of the appropriation, and contrary to law.

5. That the restriction of the right of pre-emption to "surveyed" and unappropriated public lands in Manitoba, while this right is secured by Act of Congress to settlers in the unsurveyed as well as the surveyed lands of the United States, will tend to discourage settlement in that Province, especially in view of its small area, its large reserves, its northernly climate, and its distance from the markets of the world.

6. That the exclusion of *Foreigners* from the rights of "pre-emption" and "homestead" in Manitoba, while they are freely admitted to these rights in the States and Territories of the American Republic, is practically to exclude them from the Province, and to contradict and annul the policy approved by the House in voting money to maintain emigration agents in foreign countries.

7. That while the best lands of the Crown in Ontario are offered to settlers at 70 cents per acre, and in Quebec at prices ranging at from 60 to 20 cents per acre, the regulation which fixes the minimum price of public lands in the distant Province of Manitoba at one dollar per acre, will discourage emigration to that Province, discriminating, as it does in favour of the older Provinces, as is in

direct opposition to the policy of "free grants" and "cheap lands for settlement," which the people of this Dominion, through their Local Legislatures, have recently and distinctly affirmed.

8. That the assumption of authority by the Executive Government to prescribe oaths to settlers to authorize its agents to administer such oaths, and to declare guilty of perjury all persons who may falsely swear them, is illegal and unconstitutional, inasmuch as the right to prescribe oaths, inflict penalties or extend the criminal law, belongs exclusively to Parliament.

9. That an humble Address be presented to His Excellency the Governor General, praying to provide for the issue of amended regulations for the survey, distribution, settlement and sale of lands in Manitoba, pursuant to the foregoing Resolutions.

**Hon. Mr. McDougall (Lanark North)** said that the existing regulations were such as to interfere with the settlement of the North West. Whether through ignorance or through a set purpose, it would seem as if this were the very object they had in view. There was in the United States pre-emption right by which it was provided that a settler had the first right to purchasing the land which he occupied at a minimum price. This privilege is now secured to squatters in the unsurveyed part of the North West, but the language conveyed the impression that none but subjects of Her Majesty by birth or naturalization were entitled to it. He thought if it were a sound policy to invite foreigners to settle amongst us, they should be entitled to do so on the same footing as our own citizens. He did not wish to occupy the time of the House, but he would like to refer to an order in Council, by which a system or scheme of survey had been agreed upon. Under that system, the lots and townships were too small in extent. The farms consisted of 160 acres of land, and the townships were only six miles square. It would present difficulties in municipal government, and would interfere with the settlement of the Province, the farms being too small.

Another matter he objected to was laying out the future roads on the map. In the United States experience had proved that it was better to leave it to the settlers to decide where roads should be run. The experience of Ontario was against the system of rectangular roads. Government had assumed the right to take the 1,400,000 acres and distribute it in their own way, among another class to that intended. It was the desire to resist the assumption of power which induced him to draw attention to the matter. Considering that in Ontario the public lands were offered at 70 cents per acre it was preposterous to ask \$1 per acre for land 1,000 miles further west, and whatever hon. gentlemen might say the people would not believe that they desired to see that country thickly settled while they charged so much for the land. Ontario offered very possible inducements to induce settlers by way of easy payment, while in Manitoba lands

could not be obtained under \$1 per acre cash. With regard to the administration of oaths, the executive Government had no power to administer oaths, which could only be obtained by Legislative enactment, and the course taken by the Government in this respect was not correct. He hoped the Government would at all events amend the resolutions in three respects; first, to secure the pre-emptive right of all settlers whether upon surveyed or unsurveyed lands; second, that both pre-emptive and homestead rights would be made free and accessible both to subjects and foreigners; and third, that the price of the public lands should be considerably reduced.

**Hon. Mr. MORRIS** was unable to concur in the view taken in the second and third resolutions, and thought the change in the size of the lots would be very beneficial. The country lay alongside a territory in which the same system was adopted, and there was no doubt that 160 acres of good prairie land were fully equal to 200 acres of the ordinary land in Ontario. The system being the same as that adopted in Minnesota and Dakota was well known to the class of emigrants that was to be attracted, and this was a strong argument in favour of its adoption in Manitoba. The honourable member for Lanark had objected to the allowances for roads, but the plan had worked most admirably in Quebec and Ontario, and though it was not in force in the United States, many of the American surveyors had expressed their approval of it, and the Government thought they could not do better than adopt a system which had proved so acceptable.

As to the allotment of the land among the half-breeds, the hon. member had objected to the interpretation put upon the Act in that respect by the Order in Council, but the terms of the Act fully justified the Order in Council, and it was certainly desirable that the term "children of the half-breeds" should include all children whether of mature age or not. As to the exclusion of foreigners from the right of pre-emption and homestead, he believed the member for Lanark was to some extent correct in his views, but not entirely. The Government were willing to go as far as the States in this matter. In Canada an alien was required to reside a certain period in the country, and to comply with the naturalization laws; in the States an alien could settle upon a lot of land, but his patent would not issue until after a period of three years. While, therefore, he believed every encouragement and facility should be afforded to settlers, it was necessary to retain some such safeguard as the Americans provided, and only a patent when the settler should have determined to assume all rights and obligations of a British subject, and on the payment of a small fee necessary to cover the expense of the survey. If, however, the settler desired to obtain a title to his land at once he could do so by paying \$1 an acre. The American lands cost \$1.25 an acre, and the Government had fixed the price in order to offer every encouragement for settlers, and taking care at the same time that the lands should not be undervalued. The House was unanimously agreed that these lands were valuable, and he considered it would be anything but true wisdom to undervalue

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these lands. It was no hardship to ask a man to wait three years for his title, when at the end of that time he received a practically free grant.

The member for Lanark had objected that the regulations at present did not admit of entrance on unsurveyed lands. The original Act of Congress, after which the Canadian Act was framed, expressly provided that there should be no settlement on unsurveyed lands, or on lands with respect to which the Indian title should not be extinct. There was an Indian title in Manitoba, and the matter had to be approached with the utmost delicacy, and with a view to secure a firm and binding union with the warlike tribes of Indians in that country, unless they wished a repetition of the scenes which had taken place in some of the Western States of America. The Government had every desire to complete the survey, but they had to proceed very carefully for this reason, so that settlers might take possession of the lands without any fear of interference or danger. The member for Lanark had charged that the regulations seemed to be framed purposely to prevent settlement, but he could point to every action of the Government, their treatment of the volunteers, their desire to open a line of water communication, and everything they had done to show that their earnest desire was to encourage emigration to the utmost extent possible. The objection that had been taken in the matter of the administration of oaths could be very easily remedied.

**Mr. BOWELL** desired to call attention to the regulations respecting volunteers. Only those of the two battalions settling under the homestead rights, were entitled to the 160 acres grant. Those volunteers who had been discharged, and those who did not become actual settlers were not entitled to the grant. He was sure this was not the object of the Government.

**Hon. Sir GEORGE-É. CARTIER:** Hear, hear.

**Mr. BOWELL** took this as a favourable indication that the Government would so amend the Act as to include all the volunteers who had been connected with the Red River expedition.

**Hon. Sir GEORGE-É. CARTIER** assured his hon. friend that it was the intention of the Government to deal in the most liberal manner with all the volunteers, even extending to those at St. Helen's Island who had shown a disposition to go to Red River with the expedition. The only ones who would not be entitled to free grants were those who had been discharged for misconduct, and he was happy to say there were very few such cases. Free grants would be given without conditions of settlement to all others, and this would not deprive them of the right of securing an additional lot in the same manner as other settlers. The price of \$1 per acre was put on the land in order to prevent mere speculators from getting hold of the lands. These regulations had been adopted after mature consideration of the American system, and would be well suited for the speedy settlement of the Province. Actual settlers received free grants, and it was only actual settlers that the Government wished to encourage in taking up lands. They desired to exclude land companies from monopolizing large tracts. It was the British North

American land company which had impeded the settlement of the Eastern Townships and the Government wished to guard against a repetition of such speculations in the future, so far as the North West was concerned. He was glad the hon. member for Lanark had brought this matter before the House in no party spirit, but with the object of amending regulations which had been framed in haste and in which some clerical errors, he observed, had been made.

**Mr. SCHULTZ** said he feared he might be considered presumptuous to address the House so late in the session, yet, he was encouraged to do so by the information that this matter had been delayed somewhat awaiting the arrival of the Manitoba members. In giving his views upon it, he would simply refer to the principle adopted as shown by the Orders in Council. And first, he would refer to the order relating to the system of surveys. He stated decidedly and confidently that in his belief, and in the belief of the people he represented, the plan of survey of the Province of Manitoba was superior to that of the Province of Ontario. (*Hear, hear.*) There could be no reasonable doubt that the Americans had struck the true principle in the matter of survey, and that it was the best adopted to a prairie country. There was no doubt, too, that it would be found as advantageous on the north side of the boundary line, as it had been proved to be on the south of it. Had the Province of Manitoba been as large as he had hoped it would have been, he would have been of opinion that townships eight miles square with two hundred acre lots would have been better than six miles square townships, with 160 acre lots. But, remembering that the Province was small, and that one-twentieth of the lands were set apart for the Hudson's Bay Company, it was better that the lots should be small. The regulation reserving woodlands, and permitting settlers on prairie lands to purchase 40 acres each of this woodland reserve, was an excellent provision.

With respect to road allowances, he had very little experience, but he would give the experience of the settlers in the Western States. Before a country was settled and before lands became valuable it made very little difference where the roads ran, but in a well settled country, it was a different matter. In conversation with a very intelligent settler in Minnesota, he had been assured that this regulation had become a very objectionable feature indeed in settling that part of the state. It was all very well for the public to run the road in the most direct line, but it was not so pleasant to the man through whose land the road ran. He gave an instance of where a Democrat who lived in a Republican neighbourhood had a road run through his lot, not because it was necessary to locate it there, but because he differed in politics from his neighbours. (*Laughter.*)

If he were allowed to make a suggestion, he would recommend the government to increase the road allowance from one chain to one and a half in width. Few in this House, perhaps, had any practical experience of prairie countries, and he could assure them that it made a very great difference whether these roads were broad or not in Manitoba. Existing roads were two chains wide, and in Minnesota they varied from 80 to 100 feet in width. In prairie countries, the surface of the prairie, untouched by the plough and shovel, presented the best roads—it was impossible to construct a

better. After cutting through one track with wagon wheels a new track could be chosen. In winter, too, when the fences were too close together, the road became drifted, so that until late in the spring, after the melting of the last snow, they were rendered impassable. If Government would consent to make the breadth of the road one and a half, instead of one chain in breadth, it would please the people he represented, and, he believed, the whole of Manitoba.

With respect to the grant of 1,400,000 acres to the half-breeds, he was instructed by his constituents to thank Government for them. He might explain that the people in his constituency were almost entirely mixed races. He was also instructed by them to say that they did not believe the stories against the volunteers, and that they were anxious to have them remain and settle in the Province. (*Cheers.*) He might say, in addition for his constituents, that they had some hesitation in accepting this grant of 1,400,000 acres. They feared that it would bring them into collision with the Indians, the lands being for the extinction of the Indian titles. They said, unless these Indians were satisfied with something more than this concession to the half-breeds, it would not be sufficient and they were anxious to have some satisfactory assurance respecting this point. He hoped it would be given before the discussion closed. With respect to the distribution of lands, he believed the Government regulation would please the people of Manitoba.

He might mention, with respect to the census, that the belief in Red River settlement was that the census lately taken there was somewhat incorrect. They did not say it was wilfully done, but from the hasty manner in which it was done and from the fact that it was taken for a special purpose there were very grave inaccuracies in it, and he would be very glad to be assured that the census now about to be taken throughout the Dominion would be extended to Manitoba as well. (*Hear, hear.*)

He referred to the settlement of the Crown Lands, and expressed his gratification at the assurance of the Government that precautions would be taken against permitting speculators to buy up lands in Manitoba. He mentioned as an instance of the evils of permitting such men to get hold of large tracts of country, a place in Minnesota, where on one side of the road there was a prosperous settlement while the other side of it was yet a wilderness through being in the hands of what a resident in the neighborhood called "the cussed speculators." (*A laugh.*) He hoped the Government would take every necessary precaution to prevent the lands in the North West from falling into the hands of the "cussed speculators."

He hoped there would be no grounds for further objections respecting settlers from foreign countries. Manitoba should be placed in a position to compete with the Western States in securing the emigration from Europe, and all settlers should be allowed equal privileges in the North West. If his suggestion on this point and his recommendation respecting road allowances were adopted, he would be perfectly satisfied with the Government resolutions. It seemed to him that the reservation of the woodlands was a most

important much needed provision—a provision which, if the inhabitants of Manitoba had not got, would have given rise to very grave difficulties in future. Immediately after the survey of the lands, the first settlers would have seized on these woodlands, thus greatly embarrassing settlers coming afterwards. The departure from the American system in this matter was, he believed, a wise one. He hoped that settlement in the North West, for a time, would be confined to Manitoba, and that no encouragement should be given to settle outside of it. There was no doubt that the Indians were, if not in an excited state, at least in a very unquiet state, not that they feared that the Government would deal unfairly with them, but they were anxious to know what policy would be adopted towards them. He would be very much pleased if the Government should give some outline of what that policy was to be.

**Hon. Sir GEORGE-É. CARTIER** said it was the determination of the Government, as soon as the House should be prorogued, to send a commissioner who was acquainted with the Indian character to Manitoba at once, and make such a treaty with the Indians who might be interested in the lands in Manitoba, that full security would be given to anyone who would obtain under these regulations any lot in the Province, and not only that, but the Government policy was to settle as much as they could with the Indians outside of Manitoba in the North West. (*Hear.*) For instance, in order that the fair region bordering on each side of the Saskatchewan should be settled as soon as possible, they would take care that the settlers should be secured against being disturbed in the enjoyment of their property. With respect to the road allowances, the Government would give full consideration to the suggestion of the hon. member for Lisgar.

**Mr. SCHULTZ** expressed his gratification at the explanations of the hon. Minister of Militia and especially those relating to the volunteers. He certainly thought that the liberality with which the Government had treated the volunteers had been perfectly deserved by them. Certainly if any class of men deserved the most favourable treatment at the hands of the Government, and to be recognized by the country, it was the volunteers who went to the Red River settlement. He was pleased that the concession had been made and the explanation offered. (*Hear, hear.*)

**Mr. OLIVER** objected to the clause permitting half breeds to take up lands at eighteen years of age, while whites were not permitted to do so before attaining their majority. He believed that no distinction should be made between the different races.

The House rose for recess at six o'clock.

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## AFTER RECESS

### ELECTION BILL

**Hon. Sir GEORGE-É. CARTIER** said since the previous discussion some amendments had been suggested with regard to the list of electors, a difficulty having arisen in consequence of a

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duplicate list not being really a certified copy of a list. He was therefore prepared to introduce an amendment as follows: Any copy of the voters list certified as being a true copy thereof by the Clerk, Treasurer or Secretary Treasurer having made or having the custody of the original, shall be held to be a duplicate of such voters list for all the purposes of this Act, as respects the election of members to serve in the House of Commons. To meet other objections he would also propose the following amendments: Any Registrar who shall deliver to a Deputy Returning Officer any list of voters which shall not be conformable to the duplicate or certified copy of a voters list deposited in the office of such Registrar at least one month before the date of the writ of election, shall incur the penalty of \$400 for each copy so delivered. Any Clerk, Treasurer, or Secretary-Treasurer who shall deliver to any Registrar any list of voters which shall not be conformable to that remaining of record in the office of such Clerk, Treasurer or Secretary-Treasurer, shall for each list so delivered incur a penalty of \$400. The penalty hereby imposed shall be recoverable and appropriated in the manner provided by the 6th chapter of the consolidated statutes of the late Province of Canada with respect of penalties of like amount enforced by that chapter. The foregoing provisions of this section shall apply only to elections for the House of Commons of Canada, and to voters lists to be used at such elections. With regard to Nova Scotia, the laws prevailing of 1st July, 1867, would be reverted to, and the ballot which had since been introduced would be discontinued.

**Hon. Mr. DORION** said that he agreed with the amendments proposed to a very great extent. He thought it unnecessary, however, that two Justices of the Peace should recognize the lists to make them legal, and he thought one Justice was enough.

**Hon. Sir GEORGE-É. CARTIER** said he would introduce an amendment to province for one Justice.

**Hon. Mr. DORION** was perfectly satisfied with this, but regretted this Bill should be brought up now, instead of bringing up a complete Bill on settled principles when there was plenty of time for discussion. He did not think there was any necessity for the amendment inflicting a penalty for a falsified list as the law already made it a misdemeanor.

**Hon. Sir GEORGE-É. CARTIER** said that considering the previous amendment this provision was necessary.

**Hon. Mr. DORION** did not object to it, but thought it unnecessary.

**Hon. Mr. CAMPBELL** thought the principle being ceded, the House should go at once into Committee and consider the amendments. On the suggestion of Hon. Sir George-É. Cartier, he would explain the amendment he was going to propose. At the time of the Union, a revised list was prepared in Nova Scotia, and after scrutiny a complete register was formed on which the elections were held. He proposed to give the franchise to every one enjoying it at the time of the Union, irrespective of subsequent legislation of

the Local Government. Although there might not be a general election before another Session, vacancies might occur, and it was therefore necessary that a proper law should exist. To accomplish his object, he proposed to appoint a Commissioner for each district in Nova Scotia, to make their voters lists exactly what they would have been under the laws in force at the Union. He did not of course propose to interfere with the local elections, but the Local Legislature had interfered with the elections for the Dominion Government, and he proposed to correct this. The parties that had been excluded were all those having the "smell of Canada."

**Mr. JONES (Halifax)** thought the Bill dealt with the electors of Nova Scotia most unfairly. It took from the people of that Province that control over their own affairs, which the other Provinces enjoyed. The ballot system had become the law of the land, and while the Bill ceded it to New Brunswick, it refused it to Nova Scotia. In Quebec and Ontario, no employees of the Dominion Government enjoyed the franchise, and the same law existed in Nova Scotia, but was now to be taken away. He only asked that Nova Scotia should be placed in exactly the same position as the other Provinces. It was necessary that Nova Scotia should be protected from the influence and coercion of the heads of the departments at Ottawa, by disfranchising the employees of the Dominion Government altogether. He referred to the Inspection Law, as an instance of class legislation as while in every other city in the Dominion having a Board of Trade, the examiners were appointed by that Board, in Halifax they were appointed by the Governor in Council. Nova Scotia proposed to disfranchise every one drawing their annual salary from the Dominion, but not those who were employed temporarily or drawing only a small amount. The Bill was partial and unfair, and he was ashamed that any member from Nova Scotia should acquiesce in it. He objected to the amendment of the member for Guysborough, as placing the whole power in the hands of one Commissioner. For instance, if a Commission had to be appointed for Guysborough, no doubt the member for that county would have an extreme partisan appointed, and there would be no stopping him. The law ought to be general, the same throughout the Dominion; and he wanted to know whether the people of Nova Scotia were not to have the protection of their own laws.

(Here a number of members on the back Government benches attempted to drown the speaker's voice by causing a variety of unseemly disturbances, of which the members of the Government took no notice.)

**Mr. MACKENZIE** called the attention of the Speaker to the fact, observing that if the Government could not make their supporters keep order they should say so openly.

**The SPEAKER** said that a certain amount of noise was allowed in Parliament, but on this occasion it was carried to excess; and he hoped the members would preserve order.

**Mr. JONES (Halifax)** then resumed, and said he would move when the House went into committee that the Dominion elections

should be held under the law in operation in the various Provinces at the time such elections are held.

**Mr. YOUNG** said the Government had agreed to certain modifications with respect to Quebec, and he thought they ought to yield to the views of the people of Ontario and hold all the elections in that Province on one and the same day. He proceeded to point out the evils connected with the system of allowing the Government of the day to bring the elections in each county on whatever day they pleased. When the House went into committee he would move an amendment "That the elections in Ontario be held on the same day," and he hoped the Minister of Militia would lay aside his crochets on this subject and accept such amendment.

**Hon. Mr. HOWE** regretted very deeply that the member for Halifax should bring up day after day, topics which were only calculated to create irritation, without doing good. He complained that Nova Scotia was not to have the ballot. Did he not know that only last Session, the Local Legislature adopted the ballot, and this Session they had repealed it.

**Mr. JONES (Halifax):** No they have not.

**Hon. Mr. TUPPER** said the ballot was adopted a year ago; this year every member of the Government in the House of Assembly voted for its repeal, but the other House refused to accede.

**Hon. Mr. HOWE** said at all events the Bill had passed the popular branch by a majority. He desired to call the attention of the House to the following contrast. When he stood at the head of the party in Nova Scotia, they fought the whole Dominion, and won the elections, though every man connected with the Dominion was against them, and now the hon. member for Halifax came up whining for the disfranchisement of Dominion officials. The hon. member had got in for his (Hon. Mr. Howe's) old county, into which he would not have set his foot without his (Hon. Mr. Howe's) influence by a majority of nearly 400, but recently Mr. Garvie, supported by Mr. Jones, ran the same county, and was left in a minority of fifteen. What had done this? Why it was the wholesale abuse of him (Hon. Mr. Howe) behind his back. Of all the poor spectacles he had ever seen presented by any public man, he had never seen the equal of that presented by the hon. member for Halifax. He desired to disfranchise those who might have spent all their lives in their country's service, but who might vote against him and his precious party at the next election. The hon. member must remember that in this House he met a body of gentlemen, who knew how to speak and act on wider views than those by which his conduct was governed.

**Mr. MACKENZIE** said the same rule should hold in every section of the Dominion. The question was not whether the Nova Scotia Government had acted from good or bad motives, but whether their act was consistent with the general law or not. In Ontario and Quebec certain officers of the Government were disfranchised and no good excuse could be urged for enfranchising

men holding similar offices in the Lower Provinces. The amendment proposed by the hon. member for Antigonish embodied a most dangerous principle. It gave the Government power to appoint Commissioners who might prepare voters lists and strike from it whoever they pleased. He (Mr. Mackenzie) approved of the motion of the hon. member for Halifax. It provided that the same machinery by which the local elections were managed should be employed in the Dominion elections. He could not give his assent to the appointment of Commissioners by the Government. Such officers could hardly be expected to be impartial in making out the voters lists.

**Hon. Mr. TUPPER** was certain that the hon. member for Lambton had not appreciated the amendment of the hon. member for Guysborough. In 1867, the anti-unionists in Nova Scotia carried the elections. A complete revolution had taken place in public sentiment since. The object of this amendment was to appoint Commissioners to add to the voters' lists names which had within the last week been struck from them by the Local Legislature. The desire of the Government was to restore the election law to the position in which it stood in 1867.

**Mr. MACKENZIE** wished to know why these Commissioners were to be appointed in Nova Scotia alone. Why was it not done in Ontario?

**Hon. Mr. TUPPER** said a change had taken place in the basis of the franchise in Ontario. No such change had taken place in Nova Scotia. The same basis remained and all that was desired by this Bill was to add to the list names which had been excluded by recent legislation in the Parliament of Nova Scotia. It was absurd to expect that this House should adopt the election laws of the Local Legislatures, for in Nova Scotia, the ballot was adopted one session and in the following session the new law was repealed. While the Bill recently passed in Nova Scotia disfranchised the Dominion officials, it did not interfere with the employees of the Local Government. It was for this reason that he desired to see the election law in Nova Scotia restored to the condition in which it was in 1867.

**Mr. BLAKE** said that Dominion officials in Ontario were disfranchised, while employees of the Local Government had the right of voting. Why not treat the two Provinces in the same way? Was it right with the revelations of the other day to enfranchise Government officials? The franchise meant freedom of choice, but these men had not such freedom. They were under the curse of being obliged to vote at the dictation of their employers; and not in accordance with experience and the dictates of their conscience. They were now asked to decide whether the Government should or should not be allowed to use their horde of officers as tools to prevent the expression of public opinion in Nova Scotia. (*Hear, hear.*)

**Hon. Mr. DUNKIN** said the question was a very clear one. The Union Act declared that the elections should take place



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according to the laws in force in the different Provinces at the time of the Union until the Dominion Parliament chose to alter it. Several attempts had been made to change it, but it had not yet been done. England had outgrown the prejudices which were now urged. Though, two years ago, the Government proposed to disfranchise Government officials, last session, they adopted the opposite principle. There was no analogy between the legislatures of the States and Congress, and the different Provinces and the Dominion. The States were allowed a much wider field than the Provinces. The Local Legislature had no right to interfere with Dominion matters. The Government accepted the Ontario system, because there was nothing unfair or wrong, but in Nova Scotia, in order to prevent any men having the smell of Canada having any voice, they had declared that no employee of the Dominion Government should vote, but they had not disfranchised their own officials. There were very many more local employees than Dominion employees, and the matter was not only a wrong but an insult. The local legislature might do what they liked in their own elections, but why should they interfere in Dominion elections?

**Hon. Mr. HOLTON** said the question was whether or not, it was right that employees of the Dominion Government should vote for members of that House. They could not do so in the greater portion of the Dominion, and why should they be allowed to do so in Nova Scotia. The English law had only allowed employees of the Government in consequence of the enormous extension of the franchise which rendered it unimportant, whether a comparatively small number of employees should vote or not.

**Hon. Mr. DUNKIN** said the Canadian franchise was pretty nearly as extensive as the English.

**Mr. MILLS** said there was a great difference between these matters in England and Canada, as to the position of heads and subordinate officials, so that the Government in England had nothing like the direct influence over their employees voting that existed in Canada. He had no objection to the Government employees voting if only they had secret voting, but not otherwise—and so long as open voting existed they ought not to vote. This was already the case in Ontario and Quebec, and it ought to be the rule throughout the Dominion.

**Hon. Mr. GRAY** said there was no exclusion in New Brunswick, and no difficulty had ever arisen. The principle had recently been adopted in England and it ought to obtain in the whole Dominion. True, they had the ballot in New Brunswick, but Ontario and Quebec would not adopt it.

**Mr. JONES (Halifax):** Is the ballot good?

**Hon. Mr. GRAY** said it was.

**Mr. JONES (Halifax):** Why do you not give it to us in Nova Scotia?

**Hon. Mr. GRAY:** We have, but you will not keep it. You repealed it a few days ago.

**Mr. JONES (Halifax):** No, we did not.

**Hon. Mr. GRAY** said Nova Scotia legislators recently voted to repeal it. At any rate they in New Brunswick were content with the present system which they did not wish to see disturbed.

**Mr. McDONALD (Antigonish)** supported the Government Bill, stating they did not wish to disfranchise anybody in Nova Scotia, but to enfranchise some already disqualified by the Local Legislature. They had improperly disfranchised one set of officials, while leaving their own in possession of voter's right which required as much protection from them as that of Dominion officials did from Canadian Ministers. He disapproved of any class legislation of this kind, of any restriction of the franchise proposed. He criticized some features of the election laws in the different provinces, finding fault with the provisions of the Ontario Law. He contended there was nothing dangerous in the appointment of Commissioners to put in names wrongfully struck off, and remove others improperly put in by Provincial authorities, so as to leave the lists in the same condition as in 1867. Gentlemen who contended for uniformity in respect of disfranchisement of the Dominion officials in all the Provinces were inconsistent, as they had advocated permission to the different Provinces to arrange the franchise as they pleased, in which case there would be no uniformity at all. He believed he would be doing an injustice to a large class by supporting the proposal for their disqualification.

**Hon. Mr. ANGLIN** said there was very little change proposed with regard to the Province of Ontario, the principal one being the completion of the polling on one day. They had been kept waiting week after week before legislating on this subject just to undo what the people of Nova Scotia had done. He had differed with his confreres around him to the extent of believing a general election law should be brought in. The Government had not done so, but proposed an entirely different principle for Nova Scotia from that authorized for Ontario. The members from Nova Scotia seemed to tremble in their shoes lest the servants, he might say the slaves, of the Dominion Government should be deprived of the right to vote. (*Cheers.*) Nothing more conclusively showed the change that had taken place in the sentiments of these gentlemen who had come here determined to defeat the Dominion Government, or struggle to the last for the repeal of the Union, than the zeal now displayed for the enfranchisement of their officials in that Province. He contended that it would be better and fairer to the officials themselves to deprive them of a right which the Canadian Government could secure the abuse of, at discretion.

Recent events demonstrated the readiness with which this could be done. He maintained the propriety of a uniform

system, disqualifying all Government officials. At present Dominion employees swarmed in certain localities in the Lower Provinces and their votes would be practically at the command of the Canadian authorities. It would be monstrous to place the power contemplated in the hands of election Commissioners. It would be grossly perverted for party purposes, and the recent vote in this House declaring wrong was right and black was white, showed the kind of redress they might expect at its hands in case of abuses of the sort most probable. This Bill, he believed, would be tantamount to authorizing the Government of Canada to take such steps as it deemed necessary to secure the results of the forthcoming Provincial elections in its favour. (*Opposition cheers.*)

**Mr. McDONALD (Lunenburg)** said a most important provision of the Bill had been overlooked. Since this Bill had first been introduced, a law had been passed in Nova Scotia changing the election law. Hon. gentlemen in this House were anxious to make the Dominion law conform to that change. It had been asserted that Dominion officials swarmed in Nova Scotia. He denied that statement. In the County of Halifax there were not more than ten or twelve altogether, and that County might be taken as a fair specimen of every constituency in the Province. If the principle were correct that all Dominion officials ought to be disfranchised in Nova Scotia, let it be applied to all the Provinces. There were three times as many Local as Dominion officials. At the present moment there was a sum of \$400,000 at command of the Local Government for the purchase of the forthcoming elections. Each constituency was allowed its quota of money for roads, bridges, &c., and each had a number of officials administering these funds and discharging official duties. Let all these employees be excluded, if the principle were to be promulgated at all. The Local Legislature had made such changes and modifications as suited the requirements of the Local Government, apart altogether from any principle. Were we to be dragged at the tail of every Provincial Legislature, to accept every change they chose to adopt? The present Bill but proposed to carry out the law in force in 1867; not to change the basis of the representation, but merely to decide as to the right as to certain names to appear on the electoral lists. While Dominion officials were liable to be influenced by the wishes of Dominion Ministers, he denied that in all cases this was the result, and cited instances to the contrary. If the principle was to be adopted, let it be extended to the Local Government officials, including road Commissioners swarming in all the constituencies, and who, from the temporary character of their appointments, were more likely to be influenced by Provincial Ministers than the Dominion officers in question by the heads of their departments. (*Hear, hear.*)

**Hon. Mr. DORION** found fault with the provisions of the Bill changing the number of electors for each polling place from 600 to 200, and transferring from the municipality to the returning officer the power of subdivision in the case of an excess of this number. He urged the confinement of the polling

within the limits of the territorial subdivision, so as not to draw voters away from their domiciles.

**Hon. Sir GEORGE-É. CARTIER** defended the points assailed, stating the municipalities in Lower Canada in the past had neglected their duty in this respect. As the polling was reduced to one day, they were obliged to give for it all the facilities possible. He had no objection to putting a small distance between the polling booths, but there was no use in providing for the discharge by municipalities of duties which they would continue to neglect.

**Hon. Mr. DORION** repeated his arguments in favour of leaving the law as it stands, continuing to municipalities the power of making the necessary subdivisions; and he also proposed granting this authority to Returning Officers in case they neglected the duty, and also an arrangement preventing the assembling of more than 200 voters at any place.

**Hon. Mr. HOLTON** supported the arguments of the previous speaker, and pointed out the liability of the proposals of the Bill to abuse.

**Hon. Sir GEORGE-É. CARTIER** promised to consider these suggestions, and announce his conclusions at a later stage.

**Mr. BLAKE** urged that the leaving of these matters to the municipality would result in securing the proper central location of the polling places, and the satisfactory creation of the subdivisions.

**Hon. Sir GEORGE-É. CARTIER** stated his willingness to accept some changes recommended, including some calculated to secure uniformity in the method of paying returning officers and greater economy.

**Mr. COSTIGAN** proposed an amendment providing that where dual representation was not in force, namely in New Brunswick and Nova Scotia, any one holding a seat in the Local Legislature should, before being nominated for a seat in the Commons, produce a certificate of his resignation of his seat in the former.

**Hon. Sir GEORGE-É. CARTIER** said it could be moved in concurrence.

**Hon. Mr. DORION** gave notice that he would propose a few amendments; first, returning officers in cities and towns should be selected from municipal councilors, and that in counties and ridings it should be either the Warden or Secretary-Treasurer, and in case those parties were disqualified, the Government should appoint whom they might; second, to disqualify all permanent officers of the Government receiving salaries from the Government; third, that

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contested elections should be tried before the ordinary tribunals of the country as in Ontario.

**Mr. McDONALD (Antigonish)** here replied sharply to a few remarks from Hon. Mr. Holton reflecting upon his consistency and abilities, stating he had always proved capable of defending himself either outside or inside of the House, and was not afraid of the member for Châteauguay, but was ready to meet him on any occasion.

On motion of **Hon. Sir GEORGE-É. CARTIER** the Speaker then left the chair and reported the Bill as amended. Concurrence to be taken on Saturday.

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#### **EXTENSION OF THE MILITIA ACT TO MANITOBA AND BRITISH COLUMBIA**

On motion of **Hon. Sir GEORGE-É. CARTIER**, the House went into Committee on the Bill to extend the Militia Act to Manitoba and British Columbia, which was read a third time and passed.

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#### **SECOND AND THIRD READINGS**

The following Bills were read a second and third time and passed:

An Act to permit the sale or lease of Rockwood Asylum.

An Act respecting certain officers of the Trinity House of Quebec.

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#### **INLAND REVENUE**

On motion of **Hon. Mr. MORRIS** the House went into Committee to consider the following resolution:

That it is expedient to amend the 19th section of the Act passed in the now last session of Parliament, chapter 9, respecting Customs and Inland Revenue, by reducing to sixty-three cents per gallon, the duty of excise of sixty-five cents per gallon thereby imposed on spirits manufactured from molasses in bond: and that such reduction of duty shall take effect on and after the 15th day of April in the present year.

The Report was received and the resolution referred for incorporation in the Bill.

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#### **THE LIBRARY**

On motion of **Hon. Sir GEORGE-É. CARTIER** the House went into Committee to consider a resolution on the subject of the Library of Parliament, and the salaries of the Librarian and other officers and servants. The resolution proposed that the Library be under the joint control of the Speaker of the two Houses, assisted during each session by a joint committee.

Resolution reported, when the Committee rose.

The House at twelve adjourned till Saturday.



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## HOUSE OF COMMONS

Saturday, April 8, 1871

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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### PROROGATION

**Hon. Sir GEORGE-É. CARTIER** said that it was the desire of the Government if assisted by the hon. members opposite to prorogue Parliament on Wednesday next.

**Hon. Mr. HOLTON** said that Government might safely assume that everyone in this House was anxious to have business brought to a close as soon as possible, but they owed a duty to the public to give due consideration to every measure brought before them, and all of the most important orders on the papers were yet in a very incomplete state. The supplementary estimates were very large and he did not see how it was possible that Parliament could be prorogued on Wednesday. The sessional indemnity was based on a session of one hundred days, and it was rather unfair that hon. members should endeavour to complete the business before the House in a sixty-day session.

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### PROVENCHER ELECTION

The **SPEAKER** read a letter from Mr. William Dease of St. Norbert, Manitoba:

March 8, 1871.

To the hon. the Speaker of the House of Commons of the Dominion of *Canada*:—

I, the undersigned Petitioner, respectfully request that your Honorable House will grant me a Committee to enquire into the election which took place on the second of March, in the district of Provencher, for the election of a representative to your most Honorable House.

I claim that I am the proper representative of that District, on the ground that the person proposing the other candidate was not a qualified voter, and for other reasons which I can bring before a committee of your Honorable House, and I protested against the said election to the Returning Officer immediately after the declaration of the Poll.

And your Petitioner, as in duty bound, will ever pray.

The House took no action.

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### CONTRACTS FOR BINDING

**Mr. MACKENZIE** asked for explanations regarding contracts for binding. The Government had now sent down the Orders in Council, which the law required them to pass before they could spend a single farthing; they had incurred extra expense for binding, and so he asked for Orders in Council justifying it.

**Hon. Mr. MORRIS** said he believed this Government had complied with the law.

**Mr. YOUNG** said the Government had seen fit to give the Departmental Printer a contract for binding, which contract was very little else than an exorbitant contract of the late Queen's Printer.

**Hon. Mr. MORRIS** said that contracts for binding were given out, and there was nothing wrong about it.

**Mr. YOUNG** asked why the binding was not let out by tender?

**Hon. Mr. MORRIS** said the law had permitted the Government to do what they did. They had acted on the recommendation of an officer who knew all the facts, and acted economically.

**Mr. YOUNG** said that if Government had let the contract by tender a very large saving would have been effected. The subject then dropped.

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### THE ELECTION LAW

**Hon. Sir GEORGE-É. CARTIER** moved the second reading of the amendments made in Committee of the Whole to the election Bill. He said the Government had no objection to adopt the amendment of the hon. member for Hochelaga, which was to give municipalities power to divide polling districts when necessary.

The House accordingly went into committee to adopt the amendment.

On the motion for concurrence,

**Hon. Mr. DORION** moved that the report be not now concurred in, but that it be referred back to Committee of the Whole with a view to provide that in the Province of Quebec the Returning officers in a city or town shall be one of the councillors, in counties and ridings the Warden and Secretary Treasurer and that in the other Provinces the several officials who are by law now qualified to act at the local elections.

**Hon. Sir GEORGE-É. CARTIER** said the Government could not accept this amendment, in consequence of the necessity of providing a temporary Act to meet the requirements of the Provinces later brought into the Union. It would be necessary to leave some discretion with the Government as to the appointment of officers.

**Mr. BLANCHET** said this amendment if adopted would be inconvenient in his county (Lévis) on account of the fact that there were numbers of persons qualified for the position of Returning officers and it would be hard to decide which to take.

**Hon. Mr. MORRIS** said some good reason should be given for making a change like this. It was necessary there should be some discretionary power somewhere, and as the system had worked well, why should not the principles of the Union Act be adhered to.

**Mr. MACKENZIE** denied that the system had worked well, as in his own county, a person had been appointed Returning officer, who was a strong partisan, and offensive to the majority of the people. If the Government would only leave the law as it stood before Confederation in the old Province of Canada, he would be fully satisfied. He thought the Government would be better with the responsibility taken off their shoulders.

**Hon. Mr. HOLTON** said he would infer from the remarks of the Hon. Minister of Inland Revenue that he was opposed to the reform of Mr. Baldwin in the old election law of the Province of Canada. The hon. Minister of Militia, however, seemed to take a different and to his (Hon. Mr. Holton's) mind a better view of it. The reform of Mr. Baldwin was to prevent the Government from abusing the control they had of the public patronage. It had been found to be a necessary reform and, no doubt, it would be an equally wise provision to incorporate in the Bill before the House.

**Mr. BLAKE** instanced another case in which the system had not worked well in respect of the appointment of the Returning officer, who had been offered the position by the first Minister of the Crown on condition that he would retire, he being then a candidate. He advocated that the old system before Confederation should be reverted to.

**Hon. Mr. MORRIS** condemned the introduction of any such statement as the last speaker had made of an offer being made by the first Minister of the Crown to induce a candidate to retire, at a time the first Minister was not in his seat and could not reply to the

assertion. He was quite sure that if the Minister were present, he would give the assertion a proper answer.

**Hon. Mr. TUPPER** said the law of Nova Scotia made the sheriff the returning officer. The Sheriff was appointed annually by the Government of the day, and consequently it gave the Local Government great influence in the elections. He mentioned as an instance of this, the last election of the hon. Secretary of State for the Provinces, the hon. member for Hants. In that election Mr. Wilkins, the Attorney General for the Province, who was a violent anti-Unionist, travelled all the way from Halifax to Windsor, a distance of forty-five miles, to remind the Returning officer for Hants that he held his office from the Local Government, and proceeded to place in his hands written instructions as to what he (Mr. Wilkins) contended was the law defining the duties of Returning officers to the House of Commons. An illustration of that kind was quite sufficient to show to this House the gross impropriety of giving such power to the Local Governments.

**Hon. Mr. HOLTON:** Did Mr. Wilkins succeed?

**Hon. Mr. TUPPER:** No; the instructions given to the Sheriff were so grossly illegal that he refused to obey them and Mr. Wilkins himself could not enforce them, for he felt that he had jeopardised his position. A weaker man might have been frightened easier into obeying the instructions.

**Hon. Mr. McDOUGALL (Lanark North)** was sorry that he could not concur with the arguments addressed from the Opposition side of the House. He believed that the Government should have the appointing of these officers, that they might hold them responsible if they should be guilty of undue interference in the elections. He did not think it was quite safe or prudent for the House to resign the control they possessed over these Returning officers.

**Hon. Mr. HOWE** corroborated the statement of the Hon. President of the Council as to the proceedings taken in Nova Scotia at the elections.

**Mr. BARTHE** was opposed to a uniform system throughout the Dominion, as what was suitable to one Province might not be suitable to another. He was also opposed to give the Government discretionary power in the appointment of the returning officers. In his own county, for instance, an officer was appointed personally opposed to him (Mr. Barthe) and great injustice had thus been done. The Government had exercised an undue influence at the election in his county, and he should support the amendment.

**Hon. Sir GEORGE-É. CARTIER** said if undue influence had been used he had no knowledge of it. The hon. member had done very wrong not to mention this sooner. He should have informed not only the Dominion Government but the Government of Quebec if undue influence had really been exercised, so that the officer at fault might have been discharged.

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**Hon. Mr. DORION's** amendment was then put, and the vote taken as follows:—Yeas, 38; nays, 90.

**Mr. TREMBLAY** proposed an amendment to introduce the system of voting by ballot throughout the Dominion. He quoted from speeches of Mr. Gladstone in support of it, and said that in the United States, Belgium and the other countries where it was in force, it had worked most beneficially. As long as human nature remained unchanged, it was necessary to provide measures for the prevention of bribery, corruption and intimidation at elections, and this could best be effected by the ballot.

The House divided on the amendment with the following result:—Yeas, 39; nays, 90.

**Mr. COSTIGAN** moved in amendment an addition to the Bill to prevent dual representation. He had found his colleagues so unanimous in their approval of this amendment that he would not have said anything on the subject, but his motion had been objected to on the ground that it was opposed to a system which had really been adopted by the House, but he denied that that system had been adopted as a principle, as the measure introduced on the subject had reference only to Ontario and Quebec. His motion had only reference to the Lower Provinces, and he left the matter in the hands of the House.

**Mr. BLAKE** said the true remedy for the evil complained of was for the Local Legislatures who objected to dual representation to disqualify members of the Dominion Parliament from sitting in the Provincial Legislatures.

The amendment was rejected on the following division:—Yeas, 57; nays, 63.

**Mr. YOUNG** moved an amendment to the Bill, to provide that the elections be held on one and the same day. There was no doubt that public opinion was strongly in favour of his motion, and he hoped Government would accede to it.

**Hon. Sir GEORGE-É. CARTIER** said it was obvious that the motion must be resisted by the Government. The system proposed was not adopted in England, which was acknowledged to possess the best political institutions in the world, and Canada, in order to gain force and strength, was adopting as much as possible the practice of the old country—the mover had been obliged to make special provision for Algoma, Manitoba, and British Columbia, and so proved that his principle was wrong. If the system was good for four Provinces, why should it not be good for the whole Dominion. There was no doubt as to the objectionable nature of the proposal, and he need only mention that in the late election in Ontario, the friends of the hon. member for West Durham had thought it safer, in order to secure the presence of that hon. member in the Local Legislature, to have him nominated for two Constituencies. He had full confidence in leaving the matter in the hands of the House.

**Mr. BLAKE** said that he had never doubted his election for South Bruce, and had not sought the nomination for Durham.

The vote on the amendment resulted as follows:—Yeas, 56; nays, 66.

**Mr. MILLS** moved an amendment that at all general elections, the same polling day should be appointed for the election in each Province, though different days might be appointed for the different Provinces. The vote was yeas 58; nays 65.

It being six o'clock the House rose.

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## AFTER RECESS

The debate on the Election Bill was resumed.

**Mr. FOURNIER** moved that the 82nd section, chapter 6, of the consolidated statutes of Canada, be re-enacted. The clause is for the prevention of bribery and intimidation in any shape or form at elections.

**Hon. Sir GEORGE-É. CARTIER** said the Government had not the slightest objection to adopt the most stringent measures to prevent corruption at elections. In 1858-9 Mr. Ogle R. Gowan enacted a clause in the Act called the Lafontaine Act, a clause even more rigorous than the 82nd clause which consequently disappeared. This amendment just now proposed went even further, and proposed to throw the whole responsibility of selling liquor on election day, whether vended at a licensed tavern or in "any other house." He thought the words "any other house" should be struck out.

**Hon. Mr. DORION** said the clause which had been struck out in 1858-9 was the penal clause which he was glad to see his hon. friend was about to restore.

**Mr. GEOFFRION** said the words "any other house" were very necessary in the amendment as a candidate might instruct some friend to treat the electors at a private house.

The House went into Committee on the Bill.

**Mr. GEOFFRION** in the chair.

The Bill was reported as amended.

**Hon. Mr. DORION** moved an amendment to disqualify employees of the Dominion Government from voting at elections for the House of Commons, and imposing a fine of \$200 for each and such offence, and declaring the vote null and void. He said it was an old law which had long prevailed in Lower Canada, which

he desired to re-enact since the ballot had been rejected by the House. Some such provisions as this should be introduced into the Bill.

**Hon. Sir GEORGE-É. CARTIER** reminded his hon. friend that this measure was merely a temporary one, and it would hardly be fair to introduce into it such a sweeping clause as this. The Superannuation Act made the Government officers, to a certain extent, independent, and the Government would never proceed to the length of discharging an employee for voting against a Government candidate. He considered the amendment ill-timed and he would therefore vote against it.

**Hon. Mr. CAMPBELL** said the amendment of the hon. gentleman would prove to be futile if its object was to prevent the Government from influencing elections, for each employee of the Government, although he might not be allowed to vote, could exercise his influence in favour of the Government candidate.

**Hon. Mr. TILLEY** said that under the laws of New Brunswick every Government official with a certain salary could vote, and the proposition was to deprive them of the right to do so. In England all these officials were allowed to vote, and he could not think that the House would sanction that some thousands of people throughout the Dominion should be deprived of the franchise.

**Hon. Mr. DORION** said that the telegram which the Minister of Customs had acknowledged he had sent was quite a sufficient justification of the amendment he proposed, and he was sure if the officials themselves were consulted they would desire to have no votes.

**Mr. MASSON (Soulanges)** said the hon. member for Hochelaga was certainly not consistent in his proposition. He (Mr. Masson) was in favour of universal suffrage, and certainly so important a class as the officials should not be excluded.

**Mr. CURRIER** saw no reason why Government officials should not have as much right to vote as anyone else, and he for one had never seen any undue influence exerted by the Government.

**Hon. Mr. HOLTON** said the motion of his hon. friend was practically to revert to the system in force before Confederation. The hon. member for Hochelaga had been charged with inconsistency in the present motion, but this motion would not have been proposed had the ballot been accepted. He thought, however, the motion was too sweeping, as certainly he thought Postmasters should be allowed to vote.

**Mr. SCATCHERD** was not inclined to disqualify any one who was not at present disqualified; on the contrary he thought there were many now disqualified who ought to vote.

**Mr. BLAKE** said as the voting was open in Nova Scotia, the employees ought to be disqualified, but as the ballot was existing in New Brunswick, they might be allowed to vote. He, therefore,

moved an amendment that in Nova Scotia, the same classes of Government servants should be excluded as were excluded in Ontario and Quebec.

**Hon. Mr. TUPPER** did not think any sufficient reason had been shown for the proposition just placed before the House. The last general election in Nova Scotia fully proved that Government influence had no control over public opinion. There were on the other hand very serious objections to the proposition, it would produce two evils. It would induce the influential intelligent men who would otherwise accept Government appointments, to refuse them when accompanied by the degrading condition that they should lose the right to use their just influence and to exercise their right to vote, and further, it would induce those called upon to nominate persons for appointments to nominate the most feeble and incompetent men to office—and as it was most important that the service of the most influential and the most intelligent men should be obtained for the public service, the effects of the proposition would be most mischievous.

**Hon. Mr. HOLTON** said the proposition was merely to apply to Nova Scotia the rule in force in Ontario and Quebec. If the arguments of the Hon. President of the Council were good for anything, it was the bounden duty of that hon. gentleman to allow those officials in Ontario and Quebec, who were now excluded to exercise the franchise.

**Hon. Mr. TUPPER** supposed the hon. gentleman intended that they ought to adopt the system existing in England.

**Hon. Mr. HOWE** said the measure the Government proposed would have every Province in its former position. It was most unwise to allow a Local Government to step in and declare who should vote at elections for members of the House of Commons.

**Hon. Sir GEORGE-É. CARTIER** said that as the Bill before the House was merely a temporary measure, this was not the time to discuss a general system with regard to whether or not Government officials should vote. At present, the rule in this respect was different in each Province, whereas the motion of the member for Durham West would imply that the same rule existed in Ontario and Quebec, which was not correct. The motion was not to establish a uniform system, because the hon. member admitted that he did not wish to interfere with New Brunswick, and therefore, such a motion should not be introduced in a temporary measure. The hon. member excepted New Brunswick, but if a public officer had no right to vote in one place because he was a public officer, he ought not to vote anywhere.

**Hon. Mr. DORION** said he had not contended that it was immoral for a public officer to vote, but that it was unjust and degrading to an employee to be coerced into voting for a Government candidate. As long as voting should be open these men should not be enfranchised.



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A vote was then taken on **Mr. BLAKE's** amendment, which was yeas 47, nays 83.

**Mr. BLAKE** moved in amendment that whereas in Ontario and Quebec the elections for the Dominion Parliament are held under the same rules as the Local election, and whereas in New Brunswick Dominion employees are qualified to vote, but the mode of voting is secret, therefore the general elections in Nova Scotia shall be conducted under the Local rules.

The amendment was lost on the same division as the preceding one.

**Hon. Mr. DORION** moved that an amendment be introduced to provide that contested elections be tried and decided by courts of justice as Local contested elections in Ontario and New Brunswick and municipal elections in Quebec are tried.

**Hon. Mr. McDOUGALL (Lanark North)** said he would vote against this amendment, not because he disapproved of the mode of trial suggested, but because it would require more machinery to manage it properly than existed at present, and because it was too late to take up such a measure and deal with it at this late period in the session. There were quite a number of contested elections to be tried in Ontario under the new system, and it might be as well to wait till next session when the House could have the experience of the Local Legislature to guide them.

**Mr. MACKENZIE** said that if the member for Lanark approved the principle he had no right to oppose it because of the period at which it chanced to be presented. However hon. members might desire prorogation, it was the duty of the House to take full time to perfect every measure before it.

**Hon. Mr. ANGLIN** had some experience on Election Committees, and was decidedly of opinion that some change was absolutely required in the mode of deciding controverted elections. He approved of the abstract principle of the proposition and should therefore vote for it.

**Hon. Mr. DORION's** amendment was then put with the following result:—Yeas, 50; nays 80.

**Hon. Mr. CAMPBELL** moved an amendment to provide the appointment of Commissioners to revise the lists of voters in Nova Scotia so as to place them all voters who were entitled to vote at the time of Confederation, but who had since been disenfranchised by Acts of the Local Legislature. He explained the circumstances under which he considered the motion necessary.

**Hon. Sir GEORGE-É. CARTIER** understood that the present motion was simply to make the lists the same as they were on the 1st of July, 1867.

**Mr. MACKENZIE** did not think the particulars of the amendment bore out the statement made to the House. It was provided that a new list should be made out, and there was no appeal from or check on the Commissioner. There was also full power to excise certain names.

**Hon. Mr. TUPPER** said that the understanding of the House was clear, and if there was anything in the clauses contrary to that understanding, it would not be adopted in Committee.

**Mr. BLAKE** thought the motion before the House should be clear, and he thought the proper way to meet the case was for the Revisers when preparing lists for the local election to prepare like lists of electors for the Dominion Government, adding thereto the names of all those who had been disfranchised since the time of Confederation by the Local Government. He moved an amendment to that effect.

**Hon. Mr. CAMPBELL** said that the Revisers in Nova Scotia were obliged to make the lists by the 1st of March; therefore, if any election took place before next year, the old law would govern.

**Mr. McDONALD (Antigonish)** said this House should provide its own machinery for making out the voters list.

**Mr. BOWELL** said the Revisers were officers of the Local Government, and might refuse to make out the lists.

**Mr. MACKENZIE** said that if it was true that public opinion in Nova Scotia was unfavourable to the Local Government, it was not likely the Revisers would be appointed otherwise than friendly to the Dominion.

**Mr. BLAKE** said the Dominion Government had full power to appoint any one they chose, and also to inflict penalties for non-performance of the duties. The member for Guysborough proposed to appoint Commissioners, and he (Mr. Blake) proposed to do the same, but, in addition, to name those Commissioners.

**Mr. KILLAM** said the Nova Scotia law allowed full time for the preparation of the lists by the Revisers.

**Hon. Mr. ANGLIN** said the House seemed to be very much in the dark as to what they wanted to do. The safest way of choosing proper persons was to choose the Revisers. He thought it very inadvisable that a Commissioner should be appointed sole judge in this matter, but the authority should be confined to the real want.

**Mr. McDONALD (Lunenburg)** said that proposal was clear, and the authority assigned to the Commissioner definite and concise, to add to the voters lists every one who would be on those lists according to the law in force at the time of the Union.

**Hon. Mr. HOLTON** said the House would be maintaining its dignity if it refused to allow a few hon. members to wreak their vengeance of members of their Local Government, and it was tiresome in the extreme to hear those constant and repeated complaints.

**Hon. Mr. TUPPER** had perfect confidence in the Revisers as Commissioners, as the duty was so simple that no mistake could occur, and if there was time for the Revisers to do the work, he was fully satisfied to let them do so.

**Mr. BLAKE** said the Revisers were able to submit lists up to 10th May.

**Hon. Mr. CAMPBELL** said a further law had been passed fixing the day as 20th April.

**Hon. Mr. ANGLIN** said that would allow ample time.

**Hon. Mr. HOWE** said he was fully satisfied with anything that would obtain the simple object desired. What he complained of was the disqualifications enacted by the Local Legislature, and if they were agreed that these should be revoked, let them go into Committee to frame a clause that would meet the case. He was in favour of the sheriffs doing the work.

**Hon. Sir GEORGE-É. CARTIER** said the object desired by the member for Guysborough was asserted to by the motion of the member for Durham West, but it was urged that the revision might have been so far proceeded with as to prevent the addition desired. He would suggest an alteration providing that if the time had elapsed, it should be extended.

**Hon. Mr. ANGLIN** said the best plan would be for the persons affected to present themselves at the poll and record their votes.

**Mr. ROSS (Victoria)** was in favour of the appointment of the Revisers.

**Mr. BLAKE** altered his amendment in accordance with the suggestion of Hon. Sir George-É. Cartier.

**Mr. SAVARY** said it was necessary to make a separate list of voters for the Dominion elections, in accordance with the laws at the 1st July, 1867, and it was immaterial who did the work, but Revisers would cost much more than commissioners, as they would be much more numerous.

**Mr. BLAKE'S** amendment was carried.

**Hon. Mr. CAMPBELL'S** amendment, as amended, was carried, and the House went into Committee to amend the Bill accordingly.

The amendment was read a second time.

**Mr. DREW** moved an amendment to provide that the polling sub-divisions in Ontario shall be the same as those used in the election for the Local Legislature.

Carried.

The Bill was then reported from Committee as amended, read a third time and passed.

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### CANAL OPENINGS

**Hon. Mr. HOLTON** asked at what time the St. Lawrence Canals would be opened for trade.

**Hon. Mr. LANGEVIN** said the Welland Canal was already opened. He could not say when the other St. Lawrence Canals would be opened, but preparations were being made to open them at an earlier period than usual, in consequence of the early breaking up of winter. He had seen a telegram from Montreal this evening in which it was stated that although the river was open opposite the city, the ice still remained in the bays and basins.

The subject was dropped.

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### THIRD READINGS

The following Bills were read a third time and passed.

Act to provide for the appointment of a Port Warden for the Harbour of Quebec.

Act to authorize the sale of Oakville Harbour.

Bill to amend the Act respecting Insurance Companies (as amended by Standing Committee on Banking and Commerce).

The House adjourned at midnight till Monday at 1 p.m.

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## HOUSE OF COMMONS

Monday, April 10, 1871

The **SPEAKER** took the chair at 1 o'clock.

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*Prayers*

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### AFTER ROUTINE

#### NORTHERN RAILWAY

An Act to authorize the Northern Railway Company of Canada to make agreements for the leasing, using and working of the lines of railway of other Companies (as amended by Standing Committee on Railways, Canals and Telegraph Lines), was read a second and third time and passed.

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#### THE MEMBER FOR PROVENCHER

**Mr. ROSS (Prince Edward)** said before proceeding any further with the public business, he wished to draw attention to the fact that it was reported publicly that the member for Provencher had been a member of Riel's Government, and, if so, the hon. member was guilty of high treason. It was also said that the hon. member had been a member of the Court-martial which had condemned Scott, and if so, the hon. member was guilty of murder. He (Mr. Ross) thought it was due to that hon. gentleman himself and to the House, that he should set himself right. It was much better to take this step now than to leave the matter unsettled, for there was a good deal said through the country about it. There was a feeling among the people that any one connected with such an atrocious murder should be brought to justice. He (Mr. Ross) had heard that Riel was frequently in Manitoba, and he did not understand, if it were so, why the Local Government had not arrested him.

**Mr. DELORME (Provencher)** said the rumours were false. He knew nothing about the murder till two days after it was committed. (*Cheers.*) He had nothing to do with Riel's Council. When Mr. Smith was sent as a Commissioner by the Canadian Government to Manitoba, he (Mr. Delorme) was a delegate at the convention. (*Cheers.*)

**Mr. SMITH (Selkirk)** said it would be in the recollection of most of the members of this House that a certain party in Red River got up a Council last winter, which was called the Provisional Government. That was composed of Mr. Riel and several French members. With that Council, he was well aware, the hon. member had nothing to do. (*Cheers.*)

He also referred to the events connected with his mission to the people of the North West. He agreed to the public meeting which was held on the 18th and 19th of January. Members were freely elected to that convention by both sides. The Convention met in February and were occupied in discussing the so-called Bill of Rights. That discussion was as free and unrestrained as any discussion in the House up to a certain point. The hon. member for Provencher was a member of the Convention. Then, and not until then, had the hon. gentleman anything to do with the disturbances or insurrection at Red River. (*Hear, hear.*) He never heard anything mooted against Mr. Delorme until the other day, and certainly had he believed there was any foundation for the charge, he (Mr. Smith) would not only have hesitated, but actually refused to have been in anywise instrumental in introducing the hon. member before this House, as he had done. He would have regarded it as unbecoming his position as a member of this House, and still more as an insult to his honour if he thought the hon. member had been in any way connected with the so-called court martial. (*Hear, hear.*)

As to who constituted that court martial he did not know, but this he could gainsay, that Mr. Delorme was one of those people who arrogated to themselves the power to sit in judgment on a British subject and condemn him to death. There was a further convention and delegation which was sometimes called the House of Assembly of Red River. To that, he believed, the hon. gentleman had also been elected, but, elected by his parish. He (Mr. Smith) took some little part in bringing that Assembly together. A great deal had been said about that—a great deal erroneously. What was done at that time was this: There was at that time a gentleman from Canada condemned to death. Intercession had been made for him by several parties, but without avail. At a later hour in the evening he (Mr. Smith) visited those who were then in power and it was given him to understand that they were absolutely in favour of the union with Canada, and merely desired to have the people of Red River come to an understanding exactly on what terms and conditions they were to enter the Confederation. He assented, so far as his assent was necessary, on behalf of Canada to this Council being called, and further said he would go amongst the people and induce them to take part in this Council or Convention, but absolutely and only with the view of making arrangements for a union with Canada.

Of that Convention the hon. member for Provencher was also a member. He believed that having said so, he had said all that was necessary on the subject. There was in the first instance a Council called the Provisional Government—the member for Provencher had nothing to do with that. In the Convention of which the hon. gentleman was subsequently a member, there were several gentlemen who took part in it, not simply because they happened to be present, but they actually took a more active part in bringing matters forward than the French speaking members, and there could

be no imputation against their loyalty. (*Hear, hear.*) Further, he might say that he fully believed that there were none who deplored the sad events of last winter more than the people of Red River, not only the English, but the French-speaking population of Red River. (*Cheers.*)

**Mr. ROSS (Prince Edward)** said the hon. member had distinctly stated that he did not know who composed the Court Martial. If so, how did he know that the hon. member for Provencher was not a member of it. (*Cries of Oh, oh! and confusion.*)

**Hon. Sir FRANCIS HINCKS:** It is entirely out of order. The hon. member has asked a question and got a reply. What more does he want?

**Mr. MACKENZIE** said the hon. member for Prince Edward's was quite in order. He had but called attention to the fact that the hon. member for Selkirk had not in this particular corroborated the statement.

**Hon. Mr. McDOUGALL (Lanark North)** moved the following resolution:—That Mr. Walter Ross, Member of the House of Commons, for the County of Prince Edward, having stated in his place that there were rumours, that Pierre Delorme, who on the 5th day of April instant was introduced and took his seat in this House as Member for Provencher in the Province of Manitoba had been concerned in the rebellion against the authority by Law established in the Hudson's Bay Territories, which was lately quelled by Her Majesty's Troops, and moreover that he was directly implicated in the murder of one Thomas Scott, a British subject, by persons in arms against the authority of the Crown in that Territory, and the said Pierre Delorme, Esq., having stated in his place, that the said charges were utterly unfounded and untrue.

*Resolved,* That a Select Committee be appointed to enquire into the truth of these allegations, and if the charges should be sustained, to report the proceedings which ought to be taken in order to relieve this House from the disgrace and dishonour of receiving amongst its Members any one guilty of such offences; the said Committee to consist of the Hon. Messieurs Morris and Dorion, Messieurs Street and Macdonald (Glengarry), the Hon. Mr. Cameron (Peel), and Messieurs Blake and Gibbs.

**Hon. Mr. McDOUGALL (Lanark North)** said if it were true that the hon. member for Provencher had not been connected with Riel's Council it should be proved and made plain in the most public manner. He did not think that the mere statement made by the hon. member himself in such an imperfect way was sufficient. He thought there was none who should be more anxious than the hon. member himself that a Committee should be appointed to investigate the matter and report to this House. The hon. member for Selkirk would see when his speech was published that his statements were not quite in conformity with some of the facts which had been made public respecting this North West difficulty.

**Hon. Sir GEORGE-É. CARTIER** said the discussion was out of order. The hon. member should give due notice before moving a resolution.

**Hon. Mr. McDOUGALL (Lanark North)** said it was perfectly obvious that if a notice of two days were required this matter could not be investigated this session.

**The SPEAKER** ruled that it rested with the House to decide whether the resolution could be moved without notice.

**Hon. Sir GEORGE-É. CARTIER** moved in amendment to Hon. Mr. McDougall's motion that the matter be referred to the Standing Committee on Privileges and Elections, to be considered forthwith.

**Mr. BLAKE** said the distinct statements made by the hon. members for Provencher and Selkirk were quite satisfactory to his own mind. (*Hear, hear.*) He thought that the country owed a debt of gratitude to the hon. member for bringing up this matter in the House. It appeared to him that the distinct statements of the hon. gentlemen opposite were quite enough, and that there was no necessity for the appointment of a committee. However, he did not at all object to having it investigated by a Committee. He deprecated any attempt at turning the wicked, unprovoked, damnable murder which had occurred in the North West into a matter of nationality or creed. It was one that had not been looked after by the constituted authorities of this country, and he believed they would receive the condemnation of all classes in this Dominion for having neglected to punish the murderers. He had not taken any steps thus far in the matter because when he had brought it up in the Legislature of the Province of Ontario, it had there been declared that the House had no right to take any action in the matter. When he had failed there, where the public were unanimous in condemning the murderers, he had little hope of being successful in this House. He thought he would leave it to those who had thought proper to impute to him improper motives in bringing it up in the Local Legislatures.

**Mr. JONES (Leeds North and Grenville North)** charged the member for Durham West with heartlessness in trying to make political capital out of the murder of Scott. The hon. member had the hardihood to bring it up in the Local Legislature, but here, where there was a large proportion of French representatives, he did not dare to bring it up here.

**Mr. FERGUSON** said the Local Legislature of Ontario was not the right place to bring up a matter of this kind. Here, in this Parliament, was the place to discuss the matter, and here the hon. member should force the matter on the attention of the Executive instead of bringing his buncombe resolutions up in a House that had nothing to do with the case.

**Mr. SMITH (Selkirk)** said the hon. member for Lanark North, who seemed to take upon himself the championship of the North West people, had declared that the statements he (Mr. Smith) had made would not be borne out by facts. He merely wished to say in reply that he could substantiate every statement he had made.

**Hon. Mr. DORION** said if proof was necessary to corroborate the denial of the hon. member for Provencher, none better could be asked for than that furnished by the hon. member for Selkirk. Yet,

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in the fact of all this an hon. member rose in his place and moved a resolution to try an hon. member on a mere rumour. It was most unfair at this late hour of the session to treat any member of this House in such an unfair manner—to send him home with the imputation hanging over him that he was guilty of so great a crime that it was found necessary to bring him to trial. There was no positive declaration that the hon. member had done anything wrong and the House should be very careful, therefore, before proceeding to such an unjudicial act. He hoped the hon. member for Lanark would withdraw his motion. If not, he (Hon. Mr. Dorion) would move an amendment to it, that there was no case to bring before a Committee of this House.

**Hon. Sir GEORGE-É. CARTIER** said this discussion only proved how right he (Hon. Sir George-É. Cartier) was in raising a point of order at the outset. He knew very well that there was no actual charge to proceed upon. He merely moved his amendment to show that the Government had no hesitation in giving the best opportunity of investigating the matter. The view taken by the hon. member for Hochelaga was the view taken by the Government, but they did not wish to give any pretext whatever for a charge against the members for Quebec, that they wished to screen a man who had been guilty of a crime, from justice.

**Hon. Mr. McDOUGALL (Lanark North)** said that he would not withdraw his motion, believing as he did, that it was in the interests of this House and of the country that this case should be investigated by a committee. He dissented entirely from the doctrine propounded by the hon. member for Hochelaga, that the statement of an hon. member, affecting himself, should be accepted without discussion. He had no desire to see the hon. member found guilty, but he would show the House a photograph of Riel's Privy Council, in which the picture of the hon. member for Provencher appeared in proof of the statement of the hon. member for Prince Edward. There was a Pierre Delorme, a member of that Council; was it the hon. member for Provencher? The hon. gentleman might not have been one of those implicated in the murder, but there had been no proof, except the hon. gentleman's own statement, that he never had been a member of Riel's Council. The hon. member for Selkirk did not corroborate that denial, and there was every ground, therefore, for investigating the case.

**Hon. Mr. HOLTON** said some hon. member must take upon himself the responsibility of reading some direct charge against the hon. member for Provencher before putting him on his trial. On no other ground could a Committee be granted.

**Mr. DELORME (Provencher)** said he had no objections to have the matter tried. He was present with a number of Indians when the photograph in the hands of the hon. member for Lanark was taken and his picture was among the number, but there were several there who were not connected with the Council and his picture was among these latter.

**Hon. Mr. CAMERON (Peel)** argued that the House could not grant a Committee to whom to refer a mere rumour, which was contradicted by the hon. member whom it affected. It would be establishing a pernicious precedent to carry this motion.

**Mr. BLAKE** said he understood the hon. member for Provencher to deny that he ever was a member of Riel's Council. On that ground he (Mr. Blake) had asserted that there was no ground for sending this matter to a committee.

**Mr. DELORME (Provencher):** I never was a member of Riel's Council.

**Mr. WHITE (Hastings East)** said if the hon. member for Durham West had pursued the same course in this Legislature that he had followed in the Local House, he (Mr. White) would have aided him to the best of his ability in pressing upon the government the necessity of punishing the murderer of Scott. He (Mr. White) believed the hon. members who were so anxious to prevent the appointment of a Committee to investigate this matter, desired to make political capital out of it. He would vote for the original motion.

**Mr. FERGUSON** would support the motion of the hon. member for Lanark on the same ground.

**Hon. Mr. DORION** moved an amendment, reciting the points brought out in the discussion and resolving that no case had been made out for sending this case to a Committee. He stated that he held in his hand a copy of the photograph which had been referred to by the hon. member for Lanark, and there appeared in it the portraits of Mr. Spence and other gentlemen who were known to have never been connected with Riel's Council. (*Hear, hear.*)

**Mr. SMITH (Selkirk)** corroborated the statement of the hon. member for Hochelaga respecting the photograph.

**Mr. MACDONALD (Glengarry)** thought that the discussion should be brought to a close, and hoped the hon. member for Lisgar would inform the House what he knew of the matter.

**Mr. SCHULTZ** said he had not purposed to speak of the matter of all. He would vote for the amendment of the Hon. Minister of Militia, and when the case came before the Committee, he would tell all that he knew about the matter. He might say now, however, that when Riel's Council was in session, he (Mr. Schultz) was in prison, and that when Scott's murder took place, he (Mr. Schultz) was making his way towards Lake Superior.

**Mr. MACKENZIE** said he would have preferred to allow this matter to stand over till next session, but, under the circumstances, he saw nothing for it but to vote for the motion of the Hon. Minister of Militia, especially as the hon. member for Provencher had asked for the appointment of a Committee.

**Hon. Mr. HOLTON** said there was but one view to take of it. Was there any case to bring before the Committee? He had not heard any made out, and whether the hon. member for Provencher desired to have his case sent before a Committee or not, the House should consider the matter as it stood, quite irrespective of the wishes of any member in this House.

**Hon. Mr. TUPPER** quite agreed with the remarks which had just fallen from the hon. member for Châteauguay. He challenged the hon. member for Lanark to find a precedent in British

parliamentary practice for the course which he had taken. He (Hon. Mr. Tupper) approved of the motion of the hon. member for Hochelaga, although he could quite understand the motives which had induced the Hon. Minister of Militia to propose the amendment which he had moved.

**Mr. O'CONNOR** would vote for the amendment of the hon. member for Hochelaga.

**Mr. FORTIN** denied that the hon. member for Provencher had asked for a Committee, he had merely said he had no objection to have the case investigated by the Committee.

**Mr. McDONALD (Antigonish)** approved of the motion of the hon. member for Hochelaga.

Some misunderstanding having arisen as to the statement made by Mr. Ross, out of which the discussion arose, he was requested to repeat it, which he did.

**Hon. Mr. TUPPER** said it was obvious that the hon. member was mistaken as to the basis of his motion, and he hoped the hon. member would withdraw or modify it.

**Hon. Mr. McDUGALL (Lanark North)** refused to do so. He said he was not mistaken, and that he desired to have a record of the events placed on the journals of the House.

**Hon. Sir GEORGE-É. CARTIER** hoped the hon. member for Lanark would not press his motion after the distinct denial of the hon. member for Provencher and the discussion to which the House had just listened.

**Hon. Mr. McDUGALL (Lanark North)** said he would consent to let this matter remain over till next session. (*Cries of "no, no," and "withdraw," from the Ministerial side of the House.*)

**Mr. MACKENZIE** said it would be better to adopt the suggestion of the hon. member for Lanark.

**Mr. MASSON (Terrebonne)** said the suggestion was unfair to the hon. member for Provencher. In fact, the whole discussion was unjust to that hon. member. After his public denial it should have been dropped. It would never do to let this unfounded charge hang over the hon. member's head till next session.

**Hon. Mr. McDUGALL (Lanark North)** said the hon. member entirely misunderstood him. He was willing to withdraw the motion. (*Cheers.*)

**Mr. McDONALD (Middlesex West)** said this matter had been used in the local elections of Ontario and had caught many a good Conservative vote. It was, no doubt, brought into this House at this late hour of the session for the purpose of making political capital out of it in like manner.

The House having refused to allow Hon. Mr. McDougall to withdraw his motion a division was called for. The amendment moved by **Hon. Mr. DORION** was first put and the vote resulted

as follows: Yeas, 94; nays, 46; and the House passed on to the next item.

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#### MUTUAL INSURANCE COMPANY

**Mr. BAKER** in the absence of Mr. Workman, moved the second reading of the Bill to incorporate this Company—motion carried, and the Bill passed through Committee and was read a third time and passed.

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#### DOMINION TELEGRAPH COMPANY

**Hon. Mr. CAMERON (Peel)** moved the second reading of the Bill to incorporate this Company—motion carried, and the Bill passed through Committee and was read a third time and passed.

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#### BAIE VERTE CANAL SURVEY

In answer to Hon. Mr. Anglin, **Hon. Mr. LANGEVIN** said it would not be possible to have the report of the engineers on the Baie Verte Canal, as the surveys were not yet completed. As soon as the report was ready he would have it sent to the hon. members.

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#### RIEL

**Mr. WHITE (Hastings East)** asked whether the Extradition of Riel for the murder of Thomas Scott had been demanded; If not, why not? and whether any steps have been taken to bring to trial the murderers of Thomas Scott in the Province of Manitoba; and what instructions, if any, were given to Governor Archibald in reference to the bringing to trial of said murderers.

**Hon. Sir GEORGE-É. CARTIER** said that at the time of the murder the Dominion had no authority in the matter and could not, therefore, demand the extradition of Riel. The Extradition Act under the Ashburton Treaty did not extend to the North West, and if it had extended there, it did not include the crime of high treason, or murder in furtherance of high treason. As to the second question, the administration of criminal justice did not rest with the Dominion Government, but with the Local Government, and as to any instructions to Governor Archibald, all such instructions had been laid before the House, but no instructions could be given him on such a subject, as the matter rested with him and his responsible advisers selected under the Constitution.

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#### INSPECTION OF FISH

**Mr. FOURNIER** moved an address to His Excellency for copies of all correspondence respecting the inspection of fish.—Carried.

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#### ADMISSION OF PROVINCES INTO THE DOMINION

**Mr. MILLS** moved that the House should go into a Committee of the Whole to consider certain Resolutions on the subject of the admission of Provinces into the Union. He said he did not desire any discussion, but simply that the Resolutions should be recorded on the journals of the House.

**Hon. Sir GEORGE-É. CARTIER** said as the hon. member only desired to record his resolutions in the journals he would move that the debate be adjourned.—Carried.

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#### MILITARY EXPEDITION TO MANITOBA

**Mr. MASSON (Soulanges)** moved an address for all correspondence respecting the soldiers forming part of the military Expedition.

**Hon. Sir GEORGE-É. CARTIER** said there was no such correspondence in the possession of the Dominion Government though there might be some between the Imperial Government and its officers.

**Mr. MASSON (Soulanges)** said many reports had reached Canada of disorders created by the soldiers, and he desired to know whether there was any official information on the subject in the possession of the Government. When Riel and the unfortunate half-breeds created some disturbances, troops were at once sent to quell the disorder, but instead of keeping the peace they had broken the peace, and no steps were taken to punish them. He maintained that the people had the right to resist the entrance of one who was not their proper Governor, and to ask the protection of the British flag. A man named Goulet, on suspicion of being one of Riel's Cabinet, had been pursued by the soldiers to the bank of the river and killed there, and another man named Lepine was threatened with assault and death if he were seen in the neighbourhood. One of the volunteers had been put in jail for some offence and had been rescued by his comrades, and one of the officers had been insulted and even wounded. He did not desire to defend Goulet or Lepine, but such acts as these on the part of the volunteers ought not to be passed by unnoticed.

**Mr. BOWELL** said he understood the remarks of the hon. member referred to the Volunteers from Ontario.

**Mr. MASSON (Soulanges)** said he had not mentioned the Volunteers of any particular Province.

**Mr. BOWELL** said he thought he was justified in considering that the Ontario Volunteers were referred to, and he desired to say that the member for Lisgar had pointedly and distinctly stated in his seat that the reports in circulation in reference to the Volunteers in Manitoba were totally untrue. He held in his hand a copy of a resolution passed at a public meeting in Manitoba, stating that the Volunteers had been insulted, abused and misrepresented without just cause, and that the meeting could testify to their excellent

conduct. He thought it was only justice that the facts should be known.

**Hon. Sir GEORGE-É. CARTIER** said there was no objection to the motion.

Carried.

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#### STERLING'S CLAIM

**Mr. CURRIER** moved for a select Committee on return of correspondence respecting this claim against the Government.

**The SPEAKER** ruled on the point of order previously raised, that the motion was in order.

**Hon. Mr. HOLTON** thought it was the duty of the Government to resist such a reference, as they ought to be fully prepared to accept the responsibility of a proper settlement of the claim, and if the Government admitted the reference, they admitted a want of confidence in themselves.

**Mr. MACDONALD (Glengarry)** knew of three other claims that would be presented if this were passed.

**Hon. Mr. LANGEVIN** said the previous Minister of Public Works had refused the claim. It was afterwards referred to the Minister of Justice who reported there was no legal claim, and this had been communicated to the Petitioner.

**Mr. MACDONALD (Glengarry)** repeated that if this claim were entertained, it would open the door to numbers.

**Mr. CURRIER** said that if anyone had a just claim against the Government, the House ought to consider it.

**Mr. MACKENZIE** said that though the Committee might be appointed, nothing further could be done by it, and he had quite enough confidence in the Minister of Public Works to sustain his decision.

**Hon. Sir FRANCIS HINCKS** said there were many difficulties in the matter, but he thought there was no harm in getting the report of a Committee. He thought the claim was rather one against the old Province of Canada.

**Mr. BLAKE** opposed the reference as the Government ought to be the judges in the matter.

**Hon. Mr. WOOD** said that if there might be no legal claim and it were paid, the Ontario Government might object to have it charged against them. He opposed the reference to a Committee as equivalent to a vote of want of confidence.

**Mr. GRANT** testified to the justness of the claim, and thought a Committee should be appointed and the matter considered.

The motion was put to the House with the following result: yeas, 44; nays, 72.

\* \* \*

#### INDIAN LANDS

**Mr. MILLS** moved an address for correspondence in reference to public lands in Ontario, about which no treaty of reservation to Indians prior to 1st July, 1867. He believed the Government had assumed the control of some unsundered lands, which should properly rest with the Local Government, and he desired to ascertain whether any correspondence had taken place. The Government, he said, could act only as a trustee for the Indians, not as a usurper of their lands.

**Hon. Mr. HOWE** said any correspondence there might be would be brought down. The Indian Department did not pretend to the control of any land that had not been properly surrendered.

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#### EMPLOYEES OF THE HOUSE

**Mr. BURPEE** moved for an Order of the House for a list of persons appointed as employees of the House since April 1868. He said that at Confederation almost all the employees had been taken from the old Province of Canada, and a resolution had been at a previous session passed that each Province should be considered in the appointments. Complaints, however, had been made, and he believed that there were only seventeen or eighteen from the Lower Provinces in the employ of the House, and only three in the Senate. He thought the matter ought to be looked into and the evil remedied.—Carried.

\* \* \*

#### APPOINTMENTS TO DEPARTMENTS AT OTTAWA

**Mr. BURPEE** moved an address for copies of all Orders in Council since 1st July, 1867 under which any persons have been appointed to office in the Public Departments at Ottawa. He believed the Civil Service Act had been set aside by Orders in Council.—Carried.

\* \* \*

#### CLERGY RESERVES

**Mr. BOWELL** moved an address for a statement of lands set apart as Clergy Reserves out of 27,857 acres surrendered to the Crown by the Mohawk Indians in the Township of Tyendinaga, &c. He said that some of the lands had been sold and the money appropriated to other objects than the benefit of the Indians.

**Hon. Mr. HOWE** said there was no objection to the address but feared there would not be time to obtain the information this session.—Carried

#### McGREEVY'S CLAIM

**Mr. MACKENZIE** moved an order of the House for claims presented by Mr. McGreevy, contractor for Parliament Buildings.

#### EVENING SITTING

**Hon. Mr. HOLTON** suggested that there should be an evening session, so that Prorogation might take place on Wednesday.

**Hon. Sir GEORGE-É. CARTIER** said he had already stated when moving that the House should sit from 1 to 6 that he and his colleagues were engaged in the evening.

**Mr. MACDONALD (Glengarry)** said the House should not be adjourned for any private engagement of any class of people in the House.

**Hon. Sir FRANCIS HINCKS** said it was rare that the House had ever sat at all, and the engagement had been constructed under that circumstance.

#### DR. DAWS' CLAIM

**Mr. OLIVER** moved an address for claim made by Dr. Daws for medical services rendered to the late Private B. Sifton. He desired to ask whether this claim would be paid by the Government, and if so, when, as great delay has occurred already.

**Hon. Sir GEORGE-É. CARTIER** said he had at present no recollection of the claim, but if there had been delay, it must have been unavoidable, but full information would be laid before the House after enquiry.

**Mr. OLIVER** explained the circumstances of the case, and said such delay as had occurred should not have taken place.—Carried.

\* \* \*

#### RAILWAY ACT

**Hon. Sir GEORGE-É. CARTIER** moved the House into Committee on Bill 31, an Act to amend the Railway Act, 1868, in which are inserted certain provisions of the Bill to amend the Railway Act of 1868, and to extend the same as amended by the Standing Committee on Railways, Canals and Telegraph Lines, **Mr. MILLS** in the Chair.

The Bill passed through Committee, to be read a third time tomorrow.

\* \* \*

#### STAMP DUTIES

On the motion of **Hon. Mr. MORRIS**, the House went into Committee on Bill No. 29, an Act to remove doubts as to the



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liability of Stamp Duties of Premium Notes taken or held by Mutual Fire Insurance Companies.

The Bill passed through Committee, and was finally passed.

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#### LANDS IN MANITOBA

**Hon. Mr. McDOUGALL (Lanark North)** on moving the further consideration of the proposed motion that the House do now resolve itself into a Committee of the Whole to consider certain resolutions on which to found an Address to His Excellency the Governor General, praying for the issue of amended regulations for the survey, distribution, settlement and sale of lands in the Province of Manitoba, said he understood on the previous discussion that the Government assented to the principles of his resolution, and, if this were so, he would not press the matter. He thought a title ought to be given to lands on a residence of three years, and that some reduction should be made in the price of the lands. As to the administration of oaths he thought his objection had been acceded to as correct.

**Hon. Mr. MORRIS** admitted the latter point, but said there was no reason for a reduction of price.

Order discharged.

**Mr. FERGUSON** referred to the distribution of the lands to the half breeds in the North West, and thought some condition of settlement should be imposed.

**Hon. Sir GEORGE-É. CARTIER** said the intention of the law would be carried out, but it was impossible to have stated rules, as some might be mere children and others men. As to the settlement duties, the matter was premature, but would be considered subsequently. The Government was dealing most liberally in the matter of the lands, as shown by the appropriation to the half breeds, and the offer to the Volunteers. The Lieut. Governor was

authorized to select the most suitable lands for the half breeds, and when the time for possession it would be time enough to consider conditions of settlement, and he was sure that the hon. member would believe that the Government would act in good faith in the matter.

**Mr. BLAKE** pointed out that the effect of the regulations was that the half breeds were entitled to the lands without any conditions of settlement at all.

**Mr. FERGUSON** said he could not accept the statement of the Minister of Militia. He was in favour of settlement conditions, and was sorry that the matter was left so entirely in the hands of the Local Government. He should move a proposition that the conditions of settlement on these Indian lands should be the same as those imposed in the case of pre-emption and homestead rights.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member for Lanark North had done good service to the public interests in bringing in those resolutions. The Government entirely agreed with the view taken by that hon. member respecting criminal law in Manitoba. The suggestion with regard to the public roads was a local matter which had escaped the attention of the Government, but they would give it full consideration. He hoped the hon. member for Cardwell would trust the Government that they had a desire to deal fairly, and impartially with the people of the North West.

**Mr. SCHULTZ** regretted that the hon. member for Cardwell had taken exception to the appropriation of lands for the half breeds. If it were given to them on any but the present terms, it would be practically useless to them. He hoped the hon. member would withdraw his motion. If lands were to be sold at all (and he was opposed to making lands a source of revenue) he thought \$1 per acre was little enough for it. (*Hear, hear.*)

The House adjourned at six o'clock till one o'clock to-morrow (Tuesday) afternoon.



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## HOUSE OF COMMONS

Tuesday, April 11, 1871

The Speaker took the chair at one o'clock.

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*Prayers*

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### AFTER ROUTINE

#### THE CENSUS

**Hon. Sir A.T. GALT** asked what means had been adopted to ensure accuracy in taking the Census. The impression was gaining ground that it was not being taken properly, as the schedules were not yet distributed.

**Hon. Mr. DUNKIN** said the Census was not to be taken by schedules left at peoples' houses, but by enumerators. It was therefore, unimportant whether the schedules were distributed or not, they were merely to give people information as to what questions they would be expected to answer. There would be three thousand enumerators employed some three or four weeks in taking the Census; they were now at work and so far as we could learn, were doing their business very thoroughly though not as fast as he had expected they would.

**Mr. MACDONALD (Glengarry)** said that as he had never been consulted as to the appointment of enumerators in his own constituency, he would not be responsible for any errors that might appear in the reports from Glengarry.

**Hon. Sir A.T. GALT** regretted that arrangements had not been made to have the entire Census taken on one day. It was the only means by which an accurate Census could be taken.

The subject was dropped.

\* \* \*

#### BILLS READ A THIRD TIME

The following bills were read a third time and passed.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec (as amended by Standing Committee on Banking and Commerce).—**Hon. Sir FRANCIS HINCKS**.

An Act to provide additional facilities for the deposit of savings at interest with the security of the Government; and for the issue

and redemption of Dominion Notes.—**Hon. Sir FRANCIS HINCKS**.

\* \* \*

#### WEIGHTS AND MEASURES

On motion that the House goes into Committee on an Act respecting Weights and Measures,

**Hon. Mr. HOLTON** hoped the Bill would not be pressed at this late hour of the session. It should have been sent to the Committee on Banking and Commerce in the first place.

**Hon. Mr. MORRIS** said the hon. member could not have perused the Bill with his usual care; if he had he would have seen that its object was simply to consolidate existing laws respecting Weights and Measures, and to provide, what was at present entirely wanting, a satisfactory system of inspection.

The House went into Committee on the Bill, **Mr. BLANCHET** in the chair.

**Mr. MILLS** called the attention of the House to the fact that some of the provisions of the measure trench on the municipal rights of the Local Legislatures.

**Mr. MACDONALD (Glengarry)** suggested that the standard weight of a bushel of oats should be 32 lbs., as in the United States.

After some discussion in Committee the suggestion was adopted.

The Committee rose and reported the bill with amendments.

**Hon. Mr. ANGLIN** objected to the bill as a measure for the creation of a fresh army of officials throughout the Dominion.

**Mr. KILLAM** advocated uniformity in the Weights and Measures of the Dominion. He regretted that the Government had not seen fit to adopt the bushel measure instead of continuing the *minot* at present in use there.

The Bill was read a third time and passed.

The House went into Committee on the Act to render permissive the use of the metric system of Weights and Measures, **Mr. BLANCHET** in the chair.

**Mr. MACDONALD (Glengarry)** confessed his ignorance of the bill, and asked for explanation, if any member in the House (including the promoter of the Bill) knew anything more about it.

**Hon. Mr. MORRIS** said the system was being adopted throughout Europe, and the object of the Bill was to permit its introduction into this country.

The Bill was reported without amendments, read a third time and passed.

An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of Manitoba. (Resolution adopted on 6th April, referred.) **Hon. Mr. MORRIS**—was passed through Committee.

On motion for a third reading **Mr. MACDONALD (Glengarry)** said he had but one objection to the measure, it was going to make liquor cheaper in that Province than in any other part of the Dominion. He believed that every precaution should be taken against allowing the sale of whiskey to the Indians and half breeds, and to accomplish this object, a prohibitory law should be enacted.

**Mr. MACKENZIE** said that perhaps some arrangements might be come to with the Local Government, to increase the amount of duty on importations of liquor into Manitoba. This Government had power to impose only 25 cts. per gallon, on whiskey introduced there.

**Hon. Mr. MORRIS** said he quite agreed with the hon. member for Glengarry, and would like to see a Maine law passed in the new Province.

**Mr. SMITH (Selkirk)** thought it would be exceedingly beneficial to the North-West country if intoxicating liquors could be excluded from it altogether. He believed the Legislature of Manitoba would very readily consent to an increase of duty on imported liquors.

**Hon. Mr. ANGLIN** suggested that as it was too late in the session to make the alteration in the amount of duty, that the Government should be empowered to raise the duty to as high a rate as they might think was necessary to check the importation of intoxicating liquors into the North West Territory.

**Hon. Mr. MORRIS** adopted the suggestion of the Hon. member for Gloucester, and a clause to that effect was inserted in the Bill.

The Bill as amended was read a third time and passed.

The Act to amend the Act securing the independence of Parliament was passed through Committee, **Mr. SCATCHERD** in the chair.

On the motion for concurrence, **Mr. BLAKE** moved that the bill be re-committed with instructions to provide that after the dissolution of the present Parliament, no paid Commissioner of the Intercolonial Railway shall be eligible as a member of this House.

**Hon. Sir GEORGE-É. CARTIER** said that the only reason why a member of this House had been appointed to the office, was in order to give the House an opportunity to put questions directly to the commission during the construction of the Railway, and to leave one of the commissioners present to reply on their behalf. This Parliament would not be dissolved for two years yet, and he hoped before 1873 to be able to take a pleasure trip to Halifax via the Intercolonial Railway. (*Hear, hear.*) It would, therefore, be his duty to oppose the motion of the hon. member for Durham West.

A division was then taken on the motion, which was lost: Yeas 54, Nays, 71.

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#### OFFICIALS IN PARLIAMENT

**Mr. BLAKE** moved that after the dissolution of the present Parliament, no person holding any employment of profit in the service of the Government of any of the Provinces of the Dominion, such as sheriff, registrar, prothonotary, &c., shall be eligible as a member of the House of Commons.

**Hon. Sir GEORGE-É. CARTIER** said the same reason that prevented the Government from accepting such an amendment two years ago, still existed. The Government ought to be free to employ whoever they might like. It was for the Local Legislature of each Province to create laws to meet such cases, and not for this House.

**Mr. BLAKE** said the remarks of the Minister of Militia were based entirely on a mis-conception of the functions of the Local Legislatures. The view to be taken of it was this:—Were these men likely to be independent here? Were they or were they not likely to be influenced by the Local Governments? Were they or were they not in a position as servants of the Local Government, to discharge their duties impartially in this House? That was the view and the only view to be taken of it.

**Hon. Sir GEORGE-É. CARTIER** contended that the Local Legislatures alone had a right to deal with the question.

**Hon. Mr. HOLTON** said the Hon. Minister of Militia was well aware that he (Hon. Sir George-É. Cartier) practically controlled the appointments in the Province of Quebec.

**Hon. Sir GEORGE-É. CARTIER:** No, no.

**Hon. Mr. HOLTON** simply desired to see the same men excluded from this Parliament that were excluded from the Parliament of the old Province of Canada.

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**Hon. Mr. DUNKIN** denied that the Minister of Militia controlled the appointments of the Local Legislature of Quebec. There was no earthly reason why this motion should be passed, because the Local Legislatures would take good care to prevent their servants from sitting in this House, knowing that the moment they did so, the servants became too powerful to be controlled by their masters.

**Mr. MACKENZIE** cited cases in which influence had been exercised over members of this House, through the absence of some such provision as that contained in the motion before the House. No harm could result from carrying this resolution and no good argument had been adduced to show that it should not be incorporated in the bill.

**Hon. Mr. HOWE** said he had seen gentlemen in this House pressed by other than Government influences. In his own Province he had never employed the Government patronage to exercise undue influence. But the money which he had obtained for Nova Scotia by his compromise with the Government, had been so expended by the Local Government of Nova Scotia as not to throw a single dollar into the hands of his supporters. There was wholesale bribery, far worse than anything which could be pointed to in this House.

A division was then taken on the motion, which was lost: Yeas, 56, Nays 71.

YEAS

Messieurs

Anglin	Barthe
Blake	Bodwell
Bolton	Bowman
Brousseau	Burpee
Cheval	Cimon
Currier	Delorme (Saint-Hyacinthe)
Dobbie	Dorion
Ferris	Fortier
Fournier	Galt (Sir A. T.)
Geoffrion	Godin
Grant	Hagar
Holton	Huntington
Little	Macdonald (Glengarry)
MacFarlane	Mackenzie
Magill	McConkey
McMonies	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Pâquet	Pelletier
Pozer	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Ryan (King's, N. B.)	Rymal
Scatcherd	Snider
Stirton	Thompson (Ontario North)
Tremblay	Wallace
Wells	White (Halton)
Whitehead	Wright (Ottawa County)
Wright (York West)	Young—56

NAYS

Messieurs

Archambault	Ault
Beaty	Bellerose
Benoit	Bertrand

Blanchet	Bowell
Bown	Brown
Burton	Cameron (Inverness)
Cameron (Peel)	Caron
Cartier (Sir George-É.)	Costigan
Daoust	Delorme (Provencher)
Drew	Dufresne
Dunkin	Ferguson
Fortin	Gaucher
Gaudet	Gendron
Gibbs	Gray
Grover	Hincks (Sir Francis)
Howe	Hurdon
Jackson	Keeler
Lacerte	Langevin
Langlois	Lapum
Lawson	McDonald (Antigonish)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McDougall (Lanark North)	McDougall (Trois-Rivières)
McMillan	Moffat
Morris	Morrison (Niagara)
O'Connor	Perry
Pinsonneault	Pope
Renaud	Robitaille
Ross (Champlain)	Savary
Simard	Simpson
Smith (Selkirk)	Sproat
Stephenson	Street
Tilley	Tourangeau
Tupper	Walsh
Webb	White (Hastings East)
Willson.—71	

**Mr. BLAKE** moved that after the dissolution of the present Parliament, no Minister of the Crown in any of the Provincial Governments shall be eligible as a member of the House of Commons.

Lost—Yeas 59, Nays, 72.

YEAS

Messieurs

Anglin	Ault
Barthe	Blake
Bodwell	Bolton
Bowman	Brousseau
Burpee	Cheval
Cimon	Crawford (Brockville)
Delorme (Saint-Hyacinthe)	Dorion
Ferris	Forbes
Fortier	Fournier
Geoffrion	Godin
Hagar	Holton
Huntington	Jones (Leeds North and Grenville North)
Killam	Little
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
Masson (Soulanges)	McConkey
McMonies	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Pâquet	Pelletier
Pozer	Ross (Dundas)
Ross (Prince Edward)	Ross (Victoria)
Ross (Wellington Centre)	Ryan (King's, N. B.)
Rymal	Scatcherd
Snider	Stirton
Thompson (Ontario North)	Tremblay
Wallace	Wells
White (Halton)	White (Hastings East)
Whitehead	Wright (York West)
Young—59	

## NAYS

## Messieurs

Archambault	Baker
Beaty	Bellerose
Benoit	Bertrand
Blanchet	Bowell
Bown	Brown
Cameron (Peel)	Caron
Cartier (Sir George-É.)	Costigan
Daoust	Delorme (Provencher)
Drew	Dufresne
Dunkin	Ferguson
Fortin	Galt (Sir A. T.)
Gaucher	Gaudet
Gendron	Gibbs
Grant	Gray
Grover	Hincks (Sir Francis)
Howe	Hurdon
Jackson	Lacerte
Langevin	Langlois
Lapum	Lawson
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Terrebonne)	McDougall (Lanark North)
McDougall (Trois-Rivières)	McKeagney
McMillan	Moffatt
Morris	Morrison (Niagara)
O'Connor	Perry
Pinsonneault	Pope
Pouliot	Renaud
Robitaille	Ross (Champlain)
Savary	Simard
Simpson	Smith (Selkirk)
Sproat	Stephenson
Street	Tilley
Tourangeau	Tupper
Walsh	Webb
Willson	Wright (Ottawa County)—72

The bill was then read a third time and passed.

**Hon. Sir GEORGE-É. CARTIER** moved the House into Committee on the Act to make further provision for the Government of the North West Territories (from the Senate).

**Mr. SCATCHERD** in the chair.

**Hon. Sir GEORGE-É. CARTIER** explained that this was the temporary measure which was passed some two years ago, and which the Government now desired to re-enact.

**Hon. Mr. McDOUGALL (Lanark North)** thought they should wait until they obtained the news of the Local Government.

**Mr. SCHULTZ** concurred in the views of the member for North Lanark, and thought until communication was opened, the powers of the Lieutenant Governor should not be limited in this matter.

The Bill then passed through Committee was reported, and the third reading moved.

**Mr. MILLS** said in the interest of emigrants the Laws of Settlement, should be amended so that no person demeaning himself peaceable or in an orderly manner shall ever be molested on account of his mode of worship or religious sentiments, and that the estates of persons dying intestate shall be distributed among their descendants.

**Hon. Sir GEORGE-É. CARTIER** said the reason the Government resisted the motion was that it was untimely, as almost all the Country was in the possession of the Indians. The matter was in the hands of the Lieutenant Governor and his Council and the less interference there was the better.

**Mr. SMITH (Selkirk)** thought it would be very impolitic to legislate on this subject just now.

**Mr. BLAKE** said there was already a law on this subject; now the question was, what law was the best.

**Hon. Mr. DUNKIN** said it would be much better to leave the matter to the Local Government.

The motion was declared lost on a Division and the Bill was read a third time and passed.

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## CRIMINAL LAWS IN MANITOBA

The House went into Committee, **Mr. SCATCHERD** in the Chair, on Bill (No. 58) An Act to extend to the Province of Manitoba certain of the Criminal Laws now in force in the other Provinces of the Dominion (from Senate).

**Mr. MACDONALD (Glengarry)** called attention to the provisions for the trials of any crimes to be committed, and the repeal of the former laws, shewing that the act took away the authority to try any offences that had occurred before the passing of the Act.

**Hon. Sir GEORGE-É. CARTIER** said there was already a Recorder's Court which would have to try Criminal Cases, and this act was merely to take the place of the existing law, but that court would still have its full force.

**Mr. MACDONALD (Glengarry)** asked whether any offence committed before the Act could be tried by the Court to be established.

**Hon. Sir GEORGE-É. CARTIER** said certainly it could, under the Criminal Laws existing at the time of the committal of the crime.

**Mr. BLAKE** said the Act could not bear the construction put upon it by the Minister of Militia, and the Government though competent to provide the Criminal Law had no power to govern the jurisdiction of the Court which the Act really did. It was necessary the Court should have power to try past offences, and he thought the Act should be amended so as simply to introduce the Criminal Law.

**Hon. Sir GEORGE-É. CARTIER** said it was certainly not the intention to organize a Court, and he quite agreed with the constitutional argument of the Hon. Member for West Durham. He would consider the wording of the Act so as to alter it to meet the real intention.

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**Hon. Mr. McDOUGALL (Lanark North)** said there were other clauses which would have to be considered, for instance those relating to the Juries and the language of defence.

The Committee rose, reported progress and asked leave to sit again tomorrow.

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#### ESTABLISHMENT OF PROVINCES

The House went into Committee, **Mr. SCATCERD** in the chair, to consider certain Resolutions for an Address to Her Majesty on the subject of the draft of a Bill intended for submission to the Imperial Parliament for the purpose of removing doubts which may have been entertained respecting the powers of the Parliament of Canada, to establish the Provinces and Territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and vesting such powers in the said Parliament.

**Hon. Sir GEORGE-É. CARTIER** promised to consider a suggestion of Mr. Mills as to the Laws on Elections and the Committee rose, reported progress, and asked leave to sit again tomorrow.

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#### PACIFIC RAILWAY

**Hon. Sir GEORGE-É. CARTIER** moved that the House should go into Committee to consider the following Resolution:

*Resolved*, that the Railway referred to in the Address to Her Majesty concerning the Union of British Columbia with Canada, adopted by this House on Saturday the 1st April instant, should be constructed and worked by private enterprise, and not by the Dominion Government; and that the public aid to be given to secure that undertaking should consist of such liberal grants of land, and such subsidy of money, or other aid, not unduly pressing on the industry and resources of the Dominion, as the Parliament of Canada shall hereafter determine.

**Mr. MACKENZIE** objected to the motion as out of order, the House having already considered a similar Resolution moved by the member for Sherbrooke.

**Hon. Sir GEORGE-É. CARTIER** said the proposition he submitted was different from that of the hon. member for Sherbrooke, but even if it were not different, it could not be considered in its present form today. The motion of the member for Sherbrooke affected the second reading of the Bill, but the present was a distinct proposition. He pointed out the particulars in which he considered the two propositions differed.

**Hon. Sir A.T. GALT** thought the motions were so identical that he should have to vote for the present one; but he thought under the circumstances the motion was in order and should be considered.

**Hon. Mr. ANGLIN** said he thought the resolution was something in the nature of a declaratory act, modifying the measure previously passed on the subject.

**Mr. MACKENZIE** maintained that the resolution was identical with the previous one, and had already been negatived.

After some further discussion,

**The SPEAKER** ruled the proposition in order, and said it would have been so at the present stage, had the two motions been alike, word for word.

The House then went into Committee, and reported the Resolution, which was read a first and second time.

**Hon. Mr. DORION** said he thought it would be unfair to mislead the people of British Columbia by admitting them on one condition and now passing a Resolution that that condition need be kept. The terms of Union pledged the construction of the Railway, but the present made it uncertain. He thought the matter should be made clear, and he therefore moved in amendment that the building of the Railway should be confined to the way mentioned in the Resolution, and that an Address should be presented to Her Majesty praying her to be pleased to consider the Resolution as part of the Address of the 1st April, and as one of the conditions of Union with British Columbia to be embodied in the Order in Council declaring the Union.

**Hon. Sir A.T. GALT** said the Address having been passed, he could not vote for any addition, and the whole responsibility of the conditions contained in that Address rested with those who had carried it, and not with him.

The amendment was put and the vote resulted as follows: Yeas 42, Nays 79.

**Mr. TREMBLAY** moved in amendment that the construction of the road should be entrusted to private companies, who should make the necessary disbursements, and receive as compensation such lands as the Government should judge convenient to grant along the line of route, or in the neighbourhood thereof.

The amendment was voted on as follows: Yeas 11, Nays 106.

The main motion was carried, and at a quarter past six the House rose till eight o'clock.

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#### AFTER RECESS

#### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved the second reading of the amendments to the Bill relating to Banks and Banking. He explained that the amendments were not of such a nature as to interfere with the general principles or provisions of the Bill.

All the amendments, excepting the 3rd, were concurred in.

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### RAILWAY DRAWBRIDGES

**Hon. Mr. LANGEVIN** moved the second reading of the Act to authorise the Governor in Council to exempt Railway Companies in certain cases from the obligation to build drawbridges over navigable rivers (from Senate). He explained that its object was to provide that bridges over navigable rivers should be constructed in such a way as not to interfere with the navigation of such river.

**Mr. MACKENZIE** objected to the Bill. It was a proposal to take the functions of Parliament out of the hands of this House, and as such should meet with their disapproval.

**Hon. Mr. HOLTON** said the whole proceeding was irregular, and if proceeded with at all, should at least be postponed till next session. If, as he suspected, the Bill was to give special powers to some railway company, it would be better for them to come before this House in the regular way as petitioners.

**Hon. Mr. LANGEVIN** said this was no special case, but a general measure. Under existing laws, the Local Legislatures could grant charters to Railways and permit them to construct drawbridges over navigable streams. This Bill proposed to give Government a surveillance over such matters so as to prevent railway companies or other corporations from interfering with the navigation of public water channels.

**Hon. Mr. HOLTON** had no objection to the assenting to a second reading of the Bill if the Government would send it to the Committee on Canals, Railways, and Telegraphs.

**Hon. Mr. LANGEVIN** had no objection to do so.

**Mr. BLAKE** said even under these circumstances, unless the Bill was very greatly modified in Committee, he would feel bound to oppose it. General measures were framed to meet general emergencies. It could not be said that such was the case in this instance, and he saw no good reason why this House should resign its privilege of dealing with these matters as they arose.

**Hon. Sir GEORGE-É. CARTIER** said a great many accidents had occurred through these drawbridges, and it was proposed to compel companies to erect fixed bridges under which steamers could pass by lowering their smoke stacks. He admitted that the measure was somewhat irregular and he would like to have it referred to the Standing Committee on Railways and Telegraphs.

The Bill was read a second time and referred to the Committee accordingly.

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### LIBRARY OF PARLIAMENT

The Act in relation to the Library of Parliament, was read a second time and passed through Committee, **Mr. SCATCHERD** in the chair.

**Mr. MACKENZIE** objected to the salaries, and said either those of the officers connected with the Library were too high or those of other officers were too low.

**Hon. Sir GEORGE-É. CARTIER** said the matter was a peculiar one and the measure would tend to economy. There was no increase in the salaries. The matter had to be arranged between the two Houses, and should be accepted, and if there were officers in other branches who were underpaid, their cases could be considered.

**Hon. Mr. HOLTON** said it was a very invidious thing to consider any particular officers separately.

**Mr. MACDONALD (Glengarry)** said the officers connected with the Library should not be placed in a different position from the other officers of the House.

**Mr. FERGUSON** was also opposed to any exceptional consideration to the officers connected with the Library, and he thought the Government should leave the matter for another year, and then adopt a general measure.

**Mr. MILLS** said the Bill enacted no increase in the salaries of the Library officers; it was only the mode of payment that was changed.

**Hon. Sir GEORGE-É. CARTIER** said of course if there was any difference in the treatment of the officers of the House, the Government would be ready to consider the matter. The member for Bothwell had explained that there was no increase in the salaries of the Library officers, and therefore, there was nothing unfair to other officers.

**Mr. SCATCHERD** thought the Bill as a whole tended to economy, but regretted that a larger amount was to be paid by the House of Commons than formerly. Ever since Confederation every extravagance had been exercised, and not a single instance of economy in the Public Service could be pointed out.

**Mr. YOUNG** said that no one class of officers should be treated differently from another.

The third reading of the Bill was declared carried on a division.

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### ESTIMATES

**Hon. Sir FRANCIS HINCKS** desired to make some general observations before going into Committee and to add some further remarks to the financial statement he had previously made. One of the leading journals of the day had thought proper to make some criticisms on the supplementary estimates, without waiting for any explanation, and he desired to show what an injustice had, in his opinion, been done to the Government. In his previous statement he had named the estimates at \$16,394,804, and revenue at \$16,810,000, leaving a surplus of \$415,196. To this might be added a reduction in the estimates really rated, of \$110,000. It had, however, been represented most unfairly, that the Government were



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coming down with supplementary estimates which must be placed against the estimated revenue, whereas a very considerable portion of those estimates were chargeable against capital. Every Government considered that there were many Public Works which could not be charged against revenue. For instance, no one could imagine it possible that the "Intercolonial" or the "Pacific" could be constructed out of revenue, or that the Canal improvements could be effected out of revenue. If the Legislature of the country were not prepared to incur debt with a view to making great public improvements, the results of which would be vastly to increase the income, they must abandon the idea of making the improvements at all, because, of course, it was simply impossible that such improvements could be made out of income. Referring to the items themselves, one was for the very important work of raising the banks of the Welland Canal, with a view to obtaining a much greater depth of water, another was towards the enlargement of the Grenville Canal Locks, and another towards improving the channel of the river St. Lawrence, between Kingston and Montreal. He would not now enter into the merits of these particular items, but it was a gross misrepresentation to say that the Government ever contemplated making these improvements out of the revenue of the year. It had been stated that the result of these supplementary estimates would be that there would be a surplus of expenditure over income of something like one million dollars, but he would show how very different would be the actual result. He would take the supplementary estimates and the income for the current and the ensuing year. The supplementary estimates for 1871 amounted to \$1,099,263.71 less \$250,000, for the survey of the Pacific Railway, not out of income, reducing the amount chargeable to income to \$849,263.71. For the year 1872 the amount was \$1,134,350, of which \$500,000 was chargeable to capital, leaving \$634,350, as the amount chargeable against income, making a total amount so chargeable of \$1,483,613.71.

He had said in his statement of March last that there was an estimated surplus of \$1,892,627, for the current year, and he could now state that, after two months more experience, that surplus would be increased by half a million of dollars, making an aggregate surplus for the current year of \$2,392,627, so that with the surplus of \$523,900, for the year 1872, the total surplus would be \$2,916,527,—and the aggregate of the supplementary estimates being \$1,483,613.71, the total surplus amounted to \$1,432,913.29. This was not all. There would be an amount of some \$87,000 to be received on an offer which had been received for the purchase of the site of the present post office at Montreal, and in addition the Government expected to receive \$125,000 from the Imperial Government on account of the expenses of the North West, the entire cost having been charged in the estimates. These two amounts, say \$200,000, made a surplus of over \$1,600,000 for the two years.

He admitted that the estimates were unusually high, but he would say most distinctly that there was not one item that could not be justified as a necessary and desirable question in the interests of the country. The newspaper to which he had referred had taken exception to the item for the Montreal Post Office, but it was well known that the Post Office had been for years back most

discreditable, and the reason the vote was not asked at first was that negotiations were still going on, and the Government did not expect to obtain a proper site this year, but now, although the matter was not definitely concluded, he believed they would succeed in getting the very best site in the city. Then there was the amount for the post offices at Toronto, Quebec and London. This was only a revote and had merely been omitted from the first estimates in error. Then there was an amount of \$50,000 for the Census in the North West and British Columbia, which had not been included in the original estimates. Another item had been criticized, that for clearing away the snow from the Public Buildings. This was merely caused by a change of mode of payment, the matter being now under the control of the Public Works Department, and the service was now being performed much more economically than formerly. He would not speak of the votes for light houses or harbors, for these could all be explained at the proper time, nor would he say much about the British Columbia vote, which slightly exceeded the amount which it had been supposed would be required. Of course the Government could not make a very accurate estimate, but they now asked what they thought would be required.

There were two items however which had been particularly mentioned in the newspaper criticism he had referred to, namely: cost and damages awarded by juries in two customs cases. He detailed the circumstances under which the cases had arisen, and said that they being exactly similar, it was agreed that one should be brought before the Courts, and the decision given should govern both. This had been done and the decision given against the Government, and the Government had now to ask authority to pay the amounts, and so far from the claimants being satisfied, he knew they were deeply dissatisfied because they could not obtain interest on the amounts they had claimed. Then as to the Penitentiary near Montreal, this was believed to be a very necessary undertaking. He would state without hesitation that no Government had ever been more scrupulous than the present in charging against income everything that could be legitimately so charged. As to the amount for the Halifax Buildings he hoped the matter would be arranged and the money not expended, but he considered that as interest would have been received for the money, it would have been a fair charge against capital.

He might say that the income of the year was well kept up, as in the first ten days of the present month about \$11,000 had been received more than was received last year, notwithstanding the repeal of the coal duty and the 5 per cent duties, and whatever opinion therefore might be formed with regard to particular items he could state with perfect confidence that there was no danger of any financial embarrassment, and that there was ample revenue to meet all the estimates. Before taking his seat he desired to refer to a statement which had been made on a former occasion that an official of the Government had interfered in election matters. If he remembered aright, it had been alleged that that official had gone to the County of Essex and had stated that Hon. Sir George-É. Cartier desired the return of one candidate and the rejection of the other. He had enquired into the matter, and he was able to state first of all that it was absolutely incorrect to say that that officer was authorised by Hon. Sir George-É. Cartier to say anything at all, secondly that he

never used Hon. Sir George-É. Cartier's name, and third that the cause of his being there was his being on public duty connected with the Departments of Customs and Inland Revenue. It had also been stated that the gentleman in question stated to the captain of a gunboat that he would be dismissed if he did not take a certain course, and he was authorised to say that he had no such communication with that captain and he (Hon. Sir Francis Hincks) had himself seen a telegram stating that the person alluded to had distinctly denied that any such statement had ever been made to him. After such a charge was made he thought it was only just to the gentleman concerned that he should make this explanation.

**Hon. Sir A.T. GALT** said it must be satisfactory to all to find that the revenue was larger than anticipated, but it was decidedly unsatisfactory to find that the expenditures had also been very large. He thought the hon. member should have referred to these large supplementary estimates when he brought down his budget. In that speech the hon. gentleman had stated that the supplementary estimates would amount to about \$300,000. The estimates now brought down showed a sum of \$1,134,000, which was certainly a large increase. It was true that \$500,000 of that amount was chargeable to capital account, but even then there were \$634,000 to be added to ordinary account. There would, therefore, be an actual deficit during the ensuing year. The hon. gentlemen had not explained how he intended to make up the deficiency which would, undoubtedly, be caused by the removal of duties.

**Hon. Sir FRANCIS HINCKS** said he had taken this matter into calculation and the hon. member would see that whereas the income from Customs last year amounted to \$10,500,000, the estimates for the ensuing year were only \$10,000,000. He believed the income from Customs would largely exceed that amount.

**Hon. Sir A.T. GALT** was glad to hear it. He would remark, however, that the supplementary estimates were largely in excess of what the Hon. Financial Minister had led the House to believe a month ago.

**Hon. Sir FRANCIS HINCKS** said he had already explained the cause of this increase.

**Hon. Sir A.T. GALT** regretted to see the re-introduction of making appropriations for small local works. One of the advantages which had been looked for as a result of Confederation was the total abolition of this objectionable system, and he regretted to see it adopted by the Government again; many of the items now brought down should have appeared in the general estimates.

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#### THE MURDER OF SCOTT

On the motion to go into Committee of Supply,

**Mr. RYMAL** moved that all the words after "that" be left out and the following inserted:—"This House regrets that the Government of the day have done nothing towards procuring the

punishment of the murderers of Thos. Scott, and that an humble address be presented to His Excellency, praying that he may take such steps and make such exertions as may be best calculated to bring these men to justice." He said he had hoped that the Government would have taken up this matter before now. But, as they had failed to do so, and as the murderers were walking about the streets of Fort Garry in broad daylight unmolested, he felt it his duty to place this motion in the hands of the Speaker. He (Mr. Rymal) was the last to appeal to party or sectional prejudices, but in the part of Ontario which he represented, there was a feeling of determination to bring the murderers of poor Scott to justice, and this feeling was increased by the knowledge that the late rebels were now the men who were appointed to office, while loyal men were slighted and neglected. Of all the bad things of which the Government had been guilty, this abuse of the public patronage was the worst; after the shameless avowal made by a Minister of the Cabinet the other day, of having prostituted the public patronage, he believed that His Excellency should refuse to be advised by such a man, and say to them "get thee behind me Satan." It was high time that the murderers in Manitoba should be punished, and that an amnesty should be granted to all others who were guilty of merely political offences. He regretted that the time had passed when a British subject could say that his life was sacred, and could not be sacrificed without bringing speedy punishment on his murderers.

**Hon. Sir GEORGE-É. CARTIER** said every member in the House must deplore in his inmost heart, the murder of that unfortunate man Scott. He (Hon. Sir George-É. Cartier) denied that any sympathy existed in Quebec for the murderers. There was no doubt that there had been an irritated feeling among the people of Quebec at the time, but it arose from no sympathy with the murderers, but from unfounded charges of newspapers in Ontario, that the priesthood in Manitoba were implicated in the crime. He deplored that this matter should be brought before the House again and in such a manner. The hon. member had introduced the motion in a sort of jocular manner, wholly unsuited to the occasion. He (Hon. Sir George-É. Cartier) hoped the House would join with him in condemning, not only the motion, but the manner in which it had been introduced. (*Hear, hear.*) The Government never had the power to bring the murderers to justice. At the time that the crime was committed this Government had no jurisdiction in the North West. When Manitoba was erected into a Province the administration of justice rested with the Local Government and not with this Government. How then was this Government responsible, when this Parliament had, by its own Act, handed the jurisdiction over criminal matters to the Local authorities. But, even though the Ashburton treaty had extended to the North West, this crime did not come under it, for high treason and murder committed in furtherance of high treason were not extraditable crimes under that treaty. He could not understand how any hon. member, after the repeated explanations which had been made by members of the Government respecting this matter, could have brought it up again. He knew of but one reason for it, and that was to create party feeling at the close of the session.

Then with regard to the charge that the Government had abused their power in bestowing patronage in Manitoba, the hon. member

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knew very well that the only patronage they had at their disposal was the appointment of the Lt. Governor of the North West, and could a better appointment have been made than that of Mr. Archibald? Judge Johnston had also been appointed by this Government, and no one had ever disputed the wisdom of making that appointment. These were the only two appointments made in that Province by the Dominion Government. Then the hon. member had asked, "why not proclaim an amnesty?" The reason was that it could only be done under the authority of the Queen. An amnesty could not be proclaimed by this Government. He (Hon. Sir George-É. Cartier) hoped this would be the last of these motions. The hon. member knew well when he proposed it that it would not be carried, and it would be as well to withdraw it.

**Mr. RYMAL** said he had no intention to withdraw his motion. It was no sham, and he did not believe in shams. Would the Minister of Militia tell him, if this Government had no authority in Manitoba, why they were able to issue a reward for the apprehension of the murderers of Hon. Mr. McGee, and when the murderer was arrested, how it was that they could employ legal counsel to conduct the case? Had not the Government the same authority in Manitoba? He believed they had, and that they should exercise it in bringing the murderers to justice.

**Hon. Sir GEORGE-É. CARTIER** said that the murderers of Thos. Scott were in a foreign country, and it was useless to offer a reward for their punishment.

**Mr. BOWELL** said he did not understand why this motion should create irritation on the Government side of the House, any more than among the Opposition. Although he would support the motion of the hon. member for Wentworth South, he would have preferred that the hon. member should have waited till the House went into Committee of Supply, and then, on reaching the item to compensate those who had sustained losses by the rebellion in Rupert's Land, he could have brought forward his motion. He (Mr. Bowell) could not agree with the Minister of Militia, in holding up Governor Archibald as a great and good man. The appointments that the hon. gentleman had made in the new Province proclaimed him to be anything but that. Then, with respect to the statement that the murderers of Thos. Scott were in a foreign country, he would refer the Hon. Minister of Militia to the papers if he wished to learn the whereabouts of these men. It was publicly reported (and no one denied the statement) that they were in Manitoba at present and no one interfered to arrest them. If so, it was a disgrace to this Dominion.

He believed that the root of the whole North West difficulty lay in the Hudson's Bay Territory, and he did not entirely blame the people who had risen in rebellion. Still he thought that the Lieutenant Governor might have appointed some of the loyal men to office, instead of filling all the offices with the late rebels. Bannatyne, who was formerly Postmaster at Fort Garry and whose connection with Riel was notorious, was now Postmaster there. Yet this was an office in the gift of this Government. Another of the recent appointments made in Manitoba was that of Spence,

formerly editor of the *New Nation*, the mouth-piece of the rebel Government. The hon. member for Selkirk had endeavored to represent this man as a mere employee who edited the paper for others on a salary; but the facts were different. This man who had turned a traitor to his country and used all his power and influence to stir up strife in the North West was now appointed to an important office. These and other appointments made by that "great and good" Governor Archibald were sufficient to show that the rebels were the only men who had been treated with any degree of consideration in the new Province. If the hon. members opposite really felt horrified at the murder of poor Scott, in justice to themselves they should have asked Her Majesty either to grant an amnesty clearing them all or to have taken the same steps to secure the arrest of the murderers in the same manner as had been done when Hon. Mr. McGee was murdered.

**Hon. Mr. TUPPER** did not intend to follow the discussion raised by the hon. member for Wentworth South, at any length. He was not surprised at the course taken by that hon. member; but he was surprised that the hon. member for Hastings North should lend himself to support this motion. He was satisfied that the hon. gentleman could not have examined the subject in his usual logical manner when he supported a motion, the object of which, was to stop the supplies and embarrass the whole Government of the country. If the hon. member for Wentworth South was really sincere in bringing up this motion, he would have taken a better opportunity to have it before the House.

After the statements made on both sides of the House, by the Hon. Minister of Militia on the one side, and the hon. member for Durham West on the other,

**Mr. BLAKE:** I never supported the Hon. Minister of Militia's views on this subject.

**Hon. Mr. TUPPER:** Then if the hon. member for Durham West thought that this Government had jurisdiction in this matter, with his legal knowledge, he should not have left it to the hon. member for Wentworth South to bring it up at this late hour of the session. The hon. member knew that this Government had no more authority in the North West, when this murder was committed, than they had in the Kingdom of Greece.

**Hon. Mr. WOOD:** Are you sure of that?

**Hon. Mr. TUPPER** said that the very highest legal authorities sustained that view of it, and it was beyond doubt the correct view. The hon. members opposite had spoken of the jurisdiction of this Government in the North West in a manner which was totally opposed to the principle of Responsible Government. This House had decided that there was good ground for the complaints of the people of Manitoba, and their refusal to accept the conditions offered them by this Parliament. When the murder of Thomas Scott occurred and their country was convulsed with horror, this Government could do nothing, except as they could advise the Government of Ontario. With respect to Lieut. Governor Archibald,

he would say that in the Legislature of Nova Scotia he had been opposed to that hon. gentleman for years, and there was not a man in the Province who enjoyed a higher reputation. Governor Archibald was a man of unstained political reputation, a man occupying the highest and most respectable position, not only as a public man, but in his private character. He was sent to the North West to administer the Government, not according to despotic rule or according to the view of the Government he had left behind him here, but according to the best of his judgment. When he went there he found the population rent in twain, and the result of his rule was that he was unanimously sustained by the people of the Province. Instead of violence and bloodshed peace and good order now reigned.

As to the reference that had been made to the Volunteers, instead of there being on the part of the people of Manitoba, a hue and cry to get rid of those volunteers, the statements of the representatives of that country and the record of several public meetings that had been held showed that the people were most anxious that the volunteers should remain. He thought that if the results were a fair test, Mr. Archibald's course, although mistakes might have occurred, ought to give unqualified satisfaction to the people of the Dominion. He would not have risen to his feet had he not felt that knowing Mr. Archibald, and knowing that he was entitled to the confidence of the House and of the country, and to the grateful thanks of the people, he would have done injustice to his feelings had he remained silent. Every one could see, however, that the motion was brought at a time, and with the avowed object of obstructing the Government and deranging the public business, and it was founded on statements that were not true. It was stated that Government had power to deal with the question. He need not remind the House of the terms of the Extradition Treaty which had already been so clearly explained. The crime Mr. Riel and other parties were charged with was the crime of murder, and murder connected with high treason, and the demand for extradition, if made at all, would have to have been made by Great Britain, because the crime occurred in a British Possession. Well, why did not Great Britain deal with the matter? Why, knowing her rights under the Extradition Treaty, she knew she would render herself an object of ridicule if she demanded the extradition of a criminal on the charge of high treason. No country could ask extradition on such a charge. Again, it had been asked why an amnesty was not given. Every one knew that the Government had no power to grant an amnesty, and that the Queen herself had no power to do so; it could alone be done by an Act of the Imperial Government. He thought he had shown that in this matter the Government had been assailed for not doing what neither Law nor Constitution enabled them to do, and also that Mr. Archibald had discharged his duty to the best of his ability, and with a single eye to the peace and the prosperity of the Province under his care, and in undertaking a task so difficult he was entitled to the favorable consideration of the House and the country.

**Hon. Mr. WOOD** joined issue with the Hon. Minister of Militia and others who declared that this Government had no jurisdiction over the North West at any time. An Imperial Statute passed in

1803 issued a commission appointing persons to take information, issue warrants, apprehend parties, and bring them to the Province of Lower Canada, or as issued directly under seal of Lower Canada to Upper Canada, and try them before the proper tribunals. Under this Act, two persons (Brown and Boucher) were arrested in the North West and tried at Little York. In 1818 the Hudson's Bay Co. entered into bonds with the Imperial Government, in the sum of £5,000 stg. to apprehend in their own territory themselves and hand over criminals for trial by the Government of Lower Canada under this Imperial Act. In the transfer of the North West to Canada, this power was transferred to the Governor General of the Dominion from the Governor General of Canada. (*Hear, Hear.*) Now, in the face of these facts all the fine arguments of the hon. members opposite were the most worthless balderdash. (*Order, order!*) It was absurd to say that while these acts remained in force (and they had never been repealed) that this Government had not authority to punish any crime committed in the North West. The President of the Council had stated that murder was not within the limit of the Extradition Act. Well, every one knew that political offences were not within the scope of the Act, but murder certainly was, and no Government would ever hesitate to deliver up a murderer. There was, however, a period of time when the Dominion Government had authority and jurisdiction over the North West. By Order in Council it was transferred to the Dominion of Canada, and along with it the obligation to preserve the peace and to punish crime, and at that time most unquestionably the Dominion Government had jurisdiction, and he would ask the President of the Council, who had jurisdiction, if the Dominion of Canada had not, from the date of the transfer to the time of the erection of the Province. It was perfectly plain that no one had ever had any jurisdiction but the Governor General and Government of Canada, and no one but that Government was responsible for the non-execution of the law. It might not have been politic to punish the crime, but certainly the power existed.

**Hon. Sir GEORGE-É. CARTIER** said he was surprised to hear such an argument from a legal gentleman. The hon. member had tried to shew that the Dominion Government had the right to exercise criminal jurisdiction in the Red River, and had quoted an Imperial Act of 1803 which enabled the Hudson's Bay Company to bring down criminals to Lower Canada, and to have them tried there. He remembered a case of a poor Indian having been brought down on a charge of murder and tried in the District of Three Rivers because it was alleged that if the boundary lines of that district were extended they would enclose the place at which the murder was committed. The man was found guilty and condemned to death, but a philanthropic Society in England took up his case and proved clearly that there was a mistake territorially, and succeeded in obtaining a pardon. The Act of 1803 cited was afterwards amended in 1815 or 1816, giving to Upper Canada the right to the same jurisdiction, to some extent. The Confederation Act, however, deprived the Dominion Government of the administration of justice in any Province, and the hon. member had quoted the 12th clause, but if he would read that clause and the 65th clause also, he would find that his whole

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argument was false and without foundation, and that the administration of Justice rested entirely with the Local Government. The hon. gentleman had further stated that by the Act of 1818 by which the Hudson's Bay Company were required to hand over criminals for trial to the Governor of Lower Canada, was transferred to the Governor General of the Dominion in 1867. Under the Manitoba Act it was provided that from and after the date of the transference of the North West to Canada all legislation with regard to the province should take place. That only took place on 15th July and it was afterwards necessary to send an expedition to Red River to restore order. All persons who were guilty of the murder had then escaped to a foreign country and he challenged the hon. member for Brant to show at what time the Dominion Government had jurisdiction in the North West.

**Mr. SMITH (Selkirk)** said he had been present at Fort Garry when Thomas Scott was murdered and had done all in his power to save the life of that poor man. It had been asserted in the public press of Ontario that the Hudson's Bay Company with others had conspired to prevent justice being done to the murderers. A number of excited people—some forty or fifty of them—came to him (Mr. Smith) asking to be sworn in as special constables to arrest the murderers. They said, "We will go to shoot them down, but not to take them in any other way." They demanded a warrant to commit murder, in fact. He refused to give them a warrant. They afterwards obtained one, but by that time the murderers had escaped. This was before the arrival of Governor Archibald. In reply to the hon. member for Hastings North, he (Mr. Smith) would say that Mr. Donnell, one of the appointments referred to, was never friendly with Riel, and had in fact been imprisoned by the rebel chief. He (Mr. Smith) denied that Mr. Bannatyne had ever opened letters, as had been charged against him. He had opened one, but it was under compulsion. With regard to Spence and the *New Nation*, he (Mr. Smith) believed if the hon. member would look at the fyle subsequent to April 1st, when Spence took charge of it, he would see that the tone of it was greatly improved. Although some persons had censured Governor Archibald, the greatly body of the people sustained him. These were a few facts in reply to the hon. member for Hastings North.

**Mr. SCHULTZ** said he regretted to find that a member from Manitoba should have thought it necessary to join in this discussion to stir up a dirty puddle. The hon. member had done so to make a personal statement, and he (Mr. Schultz) would also make a statement respecting the application made to the hon. member for Selkirk for a warrant to arrest the murderers of Thos. Scott. He (Mr. Schultz) was not in the Province when the event occurred, but he held evidence in his hand in the shape of an affidavit from Thos. Lusted reciting the facts connected with the case and affirming that he believed Donald Smith was anxious to give Riel and Lepine time to escape. He (Mr. Schultz) wished to place this matter on record and let it drop, but if the hon. member for Selkirk desired to refer to it as he had done, he (Mr. Schultz) felt it his duty to place the facts of his party before the public, too.

**Mr. SMITH (Selkirk)** repeated his explanation respecting his refusal to issue a warrant when applied to for one—could he

have given a warrant under such circumstances? This very Thos. Lusted said to him (Mr. Smith) on the very evening of the same day that a warrant should not have been issued under such circumstances. When these men applied for a warrant, the Lord Bishop of Rupert's Land and a number of the most respectable men in the place were present.

**Mr. BLAKE** said there was a time, and not so long ago, when the Governor General was induced to proclaim that he had control over the North West. In his proclamation, Sir John Young made use of these words: "I shall order that no legal proceedings be taken against any party implicated in these unfortunate breaches of law." This was done in his capacity as Governor General, and by the advice of his Council. He (Mr. Blake) asserted that this Government had power to deal with this matter. Their very Act of this afternoon in extending criminal law to Manitoba, was proof of it: this Government had authority to procure the arrest of the murderers of Thomas Scott, who were walking about Manitoba in broad daylight. If Riel was in the United States Lepine was not. It was well known that he was in Manitoba, and if no tribunal existed there to arrest and bring him to trial, it was the duty of this Government to bring down a proposal to establish a regular court there for the execution of the criminal laws. It might be possible that Riel's crime was not an extraditable offence, but he (Mr. Blake) denied that such trouble as that which took place in the North West should be looked upon as a political movement. Mr. Donald A. Smith was, at the time of the murder, in the Red River country, treating with the people for a Union of the North West with Canada. What were the excuses alleged for the murder of Scott? Not that his offence was a political one. The murder was perpetrated on grounds of purely personal revenge. Under the circumstances his extradition should be asked from the United States Government, and we had a better right to demand it than that Government had to obtain the extradition of Burleigh. At any rate it was the duty of the Government to use all their power to obtain the extradition of the murderer. But, throwing all these arguments aside, what were the reasons for this delay in bringing the murderers to justice. The President of the Council had acknowledged that there was good ground for dissatisfaction against Canada.

**Hon. Mr. TUPPER** said his statement was that any one who had listened to the representations of the people could hardly help feeling that they had ground for dissatisfaction.

**Mr. BLAKE:** Well it amounted to the same thing. The circumstances at any rate remained and could not be explained away. They sent a Commissioner to ascertain the cause of complaints and did every thing to shew our consideration, and at the same time we found a Canadian brutally murdered, and were they to be told that premeditated insult being inflicted on this country, no step could be taken to punish the crime? The case of the late Mr. McGee had been alluded to. Was nothing done then? Government then knew that a reward would be a great stimulus, and they acted promptly, without any scruples as to their jurisdiction, and after offering the huge reward, themselves conducted the prosecution of the murderer, although they had no

cause to believe that the Ontario government would fail to do its duty. If they could do this why could they not do something in the case of Scott? They could have applied to the Lieut. Governor to use his utmost endeavours to procure the arrest of the murderers, and he could have acted or not. Therefore putting aside Extradition or the establishment of a Court, the Government was guilty of neglect in having failed to do what they might have done, and ought to be called upon now to take every possible step in the prosecution of the matter. He was convinced that the Government ought at first to have done all in its power to arrest the men, but it had done nothing at all, and stated that it intended to do nothing. They were sent from one place to another, the Minister of Justice sent them to England, from Ontario they were sent here, and from here they were sent to Manitoba. Where should they go, baffled in their attempts to obtain justice? Where should they go if not to the Imperial Parliament to express their regret that this had not been done.

**Mr. FERGUSON** was happy to be able to agree for once with the hon. member for Durham West. The hon. gentleman had found by experience that the Ontario Government had not the power to deal with the case and that the only place where such a motion should be brought forward was in the Dominion Parliament. It seemed to be admitted that some of the men were still in the North West, and if they were not arrested, he thought the military would not do their duty. His belief was that those men could have been arrested and brought to justice without any warrant, and certainly if it were true that these villains were in the country and Governor Archibald and his Government did not arrest them and bring them to justice, they would not do their duty. Whether extradition could be obtained or not the application ought to be made. After reading Mr. Smith's report his opinion of Riel was a thousand times worse than it had been before. He thought the proposition however rather ill-timed, and that it should have been a substantive motion, as it was not stopping the supplies, and was passing a vote of censure on the Government. But whether the supplies were stopped or not, justice ought to be done on Scott's murderers, who ought to be condemned by every honest thinking man in the country, and if the authorities would not arrest them they were worthy of a censure.

**Mr. McDONALD (Antigonish)** said he regretted that any murder should be used in order to make political capital, and he was surprised at the serio-comic way in which the motion had been introduced. Touching the power of the Government in this matter, he could not agree with the member for Brant South, and thought the jurisdiction had never been transferred to the Governor General. The North West was no part of Canada at the time of the murder and the jurisdiction in criminal matters then rested either with the Hudson's Bay Territory or the Imperial Government. Was the House to be told that there was no Court in the North West to try murder?

**Hon. Mr. WOOD:** No.

**Hon. Sir GEORGE-É. CARTIER:** Yes.

**Mr. McDONALD (Anigonish)** concluded by referring to the murder of McGee, which he said was entirely different from the Scott murder, and was entirely within the Dominion, the other was committed outside of Canada.

**Mr. JACKSON** said that before the vote was taken he desired to state the grounds on which he should justify his own. That a murder had been committed—a foul and unprovoked murder—there was no doubt, and that the only reason assigned for such a barbarity was the loyalty of poor Scott. He believed that justice would overtake the culprits. The wrongdoer cannot escape from the consequences of his own act, but it was now charged against the Government that it had refused to render that aid in the administration of justice which was its peculiar function. Now this is either true or not true. The motion made by the member for Wentworth South affirms that they are chargeable with guilty negligence and yet nobody has pointed out the way in which they should have acted. Most of the gentlemen who have spoken have taken different views of the subject, and he inferred from the speech just made by the hon. member for Durham West that he did not believe that either Ontario or Quebec had criminal jurisdiction in the matter. He has cited the action of the Dominion Government at the time of the murder of the late Mr. McGee to show that the Government should press this matter upon the attention of the Government of Manitoba. This then is an admission that in the opinion of the member for Durham West the tribunals of Manitoba are invested with the authority. Grant this, and now that the Government of Manitoba is being organized the Government of the Dominion should not be held responsible for having failed to negotiate with a Government that has scarcely yet entered upon its existence.

He considered that the occasion and time chosen for the introduction of this motion afforded some clue to the character of the motives which influenced its promoters. All men act by motives, and motives give moral quality to actions. Now, while repudiating the intention of imputing motives he might ask whether it would be the slightest infringement upon the rules of charity to say that the only underlying motive which prompted the mover was to render some service in the interests of faction. What becomes of the boast of the opposition that they did not desire to mix up the death of Scott with the tactics of party? At the end of the session when the motion to go into Committee of Supply was before the House, and when the question—owing to these circumstances—becomes a question of confidence or non-confidence in the Government, it cannot be discussed on its merits. He therefore said that he believed the mover of the amendment, who in submitting it had indulged in the mock heroic, was much less solicitous of avenging the murder of Scott than of pandering to the unreasoning prejudices of a party. With these views, and in view of all the responsibilities which could attach to his action, and with a desire to stand acquitted by his own conscience he (Mr. Jackson) would vote against the motion in amendment.

**Hon. Mr. DUNKIN** said this matter had been brought up in the Local Legislature of Ontario for political purposes, and it had its temporary effect as every one knew. But the gentleman who had brought it on there had not taken it up here, but left it to the hon.

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member for Wentworth South. The hon. member for Brant South also had endeavoured to throw the whole responsibility on the Government, but he (Hon. Mr. Dunkin) thought that the reply of the Minister of Militia had quite silenced that hon. member. There remained only the argument of the hon. member for Durham West to be refuted. That hon. gentleman had made a great flourish about the proclamation issued by Sir John Young, but he forgot that it was issued in the name of the Queen, and by direct command of Her Majesty. This Government had no control in Manitoba, and though they could request the Local Legislature to hold a court, they could not compel them to do so. With regard to the argument respecting extradition, he would simply say that the treaty did not extend to the North West, but, even though it did, it was the place of the Local Legislature to make the demand, and not this Government. It was a most undignified position for this House to assume, to endeavour to coerce a small Province into doing what they would not dare to demand a large Province to undertake. The motion was ill-timed and absurd, and he hoped it would be voted down.

**Mr. RYMAL** said he had been most serious in his motion and could appeal to all who had known him whether he was ever guilty of any unnecessary lightness. It was the matter not the manner of his motion that had taken effect.

The amendment was put and the vote resulted as follows:—Yeas 40, Nays 75.

#### YEAS

Messieurs

Ault	Blake
Bowell	Brown
Burpee	Burton
Dobbie	Drew
Ferguson	Ferris
Jones (Leeds North and Grenville North)	Killam
Little	Macdonald (Glengarry)
MacFarlane	Mackenzie
Magill	McConkey
McDougall (Lanark North)	McMonies
Mills	Morison (Victoria North)
Munroe	Oliver
Pickard	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Schultz	Snider
Stirton	Wallace
Wells	White (Halton)
White (Hastings East)	Wood
Wright (York West)	Young.—40

#### NAYS

Messieurs

Anglin	Archambault
Baker	Barthe
Bellerose	Benoit
Blanchet	Bourassa
Bown	Brousseau
Cameron (Inverness)	Caron
Cartier (Sir George-É.)	Cheval
Cimon	Costigan
Delorme (Provencher)	Delorme (Saint-Hyacinthe)
Dorion	Dufresne
Dunkin	Forbes
Fortier	Fortin
Fournier	Gaucher
Gaudet	Geoffrion
Gendron	Gibbs
Godin	Grant
Gray	Hincks (Sir Francis)
Holton	Howe
Hurdon	Jackson
Keeler	Lacerte
Langevin	Langlois
Lapum	McDonald (Antigonish)
McDonald (Lunenburg)	Masson(Soulanges)
Masson (Terrebonne)	McDougall (Trois-Rivières)
McKeagney	McMillan
Moffat	Morris
Morrison (Niagara)	O'Connor
Pâquet	Pinsonneault
Pope	Pozer
Renaud	Robitaille
Ross (Champlain)	Ross (Victoria)
Ryan (King's, N. B.)	Simard
Simpson	Smith (Selkirk)
Sproat	Stephenson
Tilley	Tourangeau
Tremblay	Tupper
Walsh	Webb
Wright (Ottawa County)—75	

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#### SUPPLY

The House went into Committee of Supply, **Mr. BLANCHET** in the chair.

The supplementary estimates were passed through Committee *pro forma*, on the understanding that full discussion would be allowed on concurrence.

The House adjourned at 2.45 a.m. till 2 p.m. Wednesday.





April 12, 1871

## HOUSE OF COMMONS

Wednesday, April 12, 1871

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### AFTER ROUTINE

A message was received from His Excellency announcing that the Address for the Union of British Columbia with Canada should be presented to Her Majesty's Secretary of State for the Colonies without delay.

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### CONTROVERTED ELECTIONS

**Mr. BLAKE** called attention to an important question of privilege. In the passage of the Manitoba Act no provision had been made for the trial of controverted elections. There were two such cases now in Manitoba, and having regard to the distance from the North West, and the late period of the session, some provision should be made to have these election cases tried. He believed it was the duty of the Government to take steps without delay to have this difficulty remedied. He therefore moved that the petitions be presented to and received by this House against the election and return of Donald A. Smith, sitting member for Selkirk, and Pierre Delorme, sitting member for Provencher; that no provision has been made for the trial of controverted elections in the Province of Manitoba; that the expense and delay involved in the trials of said elections to be regulated and commenced between the beginning and the end of the ensuing session of Parliament, render such trials abortive, and that to avoid this result and secure a legal trial of these questions during the recess of Parliament.

**Hon. Sir GEORGE-É. CARTIER** said this was a matter to be settled by this House in the manner in which they should direct from time to time. They were of course masters of their own rights and privileges in the absence of any law, and being masters of the situation could either take the petitions into consideration in a committee of the whole House, or refer them in the meantime to the Committee on Privileges and Elections, to obtain evidence. Before the law was passed regulating the manner in which controverted elections should be tried, the petitions were considered by a committee of the whole House. In the present instance that would be the proper course to take. But the complainant should be ready with his evidence, and unless the hon. member for Durham West

was so prepared, he should not have moved this resolution. The hon. member virtually proposed a commission in this instance which was a proposal foreign to constitutional and parliamentary practice. It would be unsafe and improper to do so during recess. This motion was beyond the powers of Parliament and should be rejected.

**Mr. BLAKE** argued that this motion would be a regular Constitutional Law, if carried, and not a provision to meet an exceptional case. The resolution once carried, a Bill could be founded on it and made law by this time to-morrow. To leave the law in its present state would be disgraceful and scandalous to this House, and to leave the trial of these elections over till next session and to bring witnesses all the way from Manitoba to Ottawa was unjust to all parties concerned.

**Hon. Sir A.T. GALT** approved of the motion of the hon. member for Durham West, and believed that, late though it was in the session, a general law should be passed for the trial of controverted elections, not only in Manitoba but also in British Columbia.

**Hon. Sir GEORGE-É. CARTIER** said this idea of enacting a general law was a second thought with the hon. member for Durham West, who would never have thought of it if he (Hon. Sir George-É. Cartier) had not mentioned it. He was glad that he had drawn an explanation of the motion from the hon. member who had introduced it. He (Hon. Sir George-É. Cartier) would move in amendment "that the petitions against the elections of D.A. Smith and Pierre Delorme be referred to the Committee on Privileges and Elections, with instructions to meet forthwith and report to the House the procedure to be adopted with regard to the said petitions, in order that the rights of all parties concerned therein may be duly protected."

**Hon. Mr. HOLTON** regretted that the Hon. Minister of Militia should have taken this course. Unless the hon. gentleman was prepared to continue the session a few days longer to take some action on the report of the committee it was practically a sham to send these petitions to the Committee on Privileges and Elections.

**Hon. Mr. CAMERON (Peel)** argued that the petitions should be dealt with in exactly the same way as others, *i.e.*, allowed to remain over till next session, since they had been presented in this House too late to be dealt with during the present session.

**Hon. Mr. McDOUGALL (Lanark North)** said the matter divested of legal technicalities stood in this way—practical injustice would be done to the petitioners if their cases were allowed to stand over till next session. It was the duty of the hon. gentlemen opposite to have taken steps to secure justice to these men instead of leaving

it to a member of the Opposition to take it up. The motion to send it to the Committee on Privileges and Elections on the last day of the session looked very like an attempt to deny justice altogether. The House had the power to deal with this case without waiting till next session. The evidence could be taken in Manitoba during the recess and at the next session of parliament a decision could be given without delay.

**Mr. BLAKE** said no one had denied the necessity of legislation to deal with these cases. To send it to a standing committee, when it was very improbable that a quorum could be obtained, was to defeat that end. The report could not be laid before the House till tomorrow, when it was proposed to prorogue Parliament. If the Hon. Minister of Militia would accept a compromise, he (Mr. Blake) would move that leave be given to introduce a Bill to provide for the issuing of a commission to take evidence for the trial of these elections.

**Hon. Mr. CAMERON (Peel)** suggested that the petitions be sent to the Committee on Privileges and Elections. They could meet during the six o'clock recess and report a Bill to the House this evening.

The amendment of the Hon. Minister of Militia was declared carried on a division and the motion as amended was carried.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the reception of the report of the Committee of Supply.

The votes of \$624,000 for canals, and \$724,600 for public works and buildings, chargeable to income, were carried without discussion.

On the motion to receive the report of the Committee of Supply on the Supplementary Estimates,

**Mr. YOUNG** referred to the statement of the Hon. Finance Minister respecting the anticipated surplus. The hon. member had given no data to support his statement that there would be a surplus of over two and a quarter millions of dollars. The amount claimed by the hon. gentleman in his budget speech was \$2,392,000; but the amount chargeable to ordinary revenue in the supplementary estimates was \$850,000, which, deducted from the anticipated surplus, would reduce it to about a million and a half. When the other proposed expenditures were taken into account it would be found that there would be a deficit of about \$218,000 instead of a surplus. This he deduced from the figures furnished by the Finance Minister himself. The ordinary expenditure for the year was estimated at \$17,028,360.

**Hon. Sir FRANCIS HINCKS** begged leave to explain that a large portion of this was for extraordinary expenditure not chargeable to the income of the year, such as public buildings, &c.

One of the causes of this large expenditure was because his predecessor had been obliged to postpone the construction of these public buildings through the want of the necessary funds.

**Mr. YOUNG** referred to the increase in four years from twelve to sixteen millions of dollars. The increase was steady and could well be called alarming when it was remembered that it was upwards of four million of dollars in four years. He thought some check should be put to the ruinous expenditure.

**Hon. Mr. HOWE** said that the finances, under the able management of the present Finance Minister, had been lifted from a very embarrassing condition to one very satisfactory indeed. If the debt of the country had been increased it was in constructing very useful and indispensable works. The Finance Minister had contrived to get rid of the "silver nuisance", and in replacing it by fractional currency had done the country very great service. He (Hon. Mr. Howe) condemned this general denunciation of the financial policy of the Government.

**Hon. Mr. HOLTON** remembered the time when the Hon. Secretary of State for the Provinces held a very different opinion of the abilities of the Hon. Finance Minister from that expressed by him this afternoon. He (Hon. Mr. Holton) admitted the ability of the Hon. Finance Minister, but he did not believe in flattering the hon. gentleman by imputing to his management the prosperity which was the result of the industry of the country.

**Hon. Mr. HOWE** said reference had been made to some fancied differences between himself and the Finance Minister, but though they had differed in time past on one point, they were old friends.

**Hon. Mr. LANGEVIN** said with regard to the proposed Penitentiary at Montreal, it had been found that the Kingston Penitentiary was so crowded that another would have to be built, and as that was in Ontario, it was thought that this should be in Quebec, and the Government therefore decided to ask a vote of money for the purpose. They intended to take the Reformatory at St. Vincent de Paul, to transfer a number of convicts to that place, and set them to work at extending the building and making it suitable for a Penitentiary.

**Hon. Mr. HOLTON** agreed as to the necessity of a Penitentiary in Lower Canada, but it was singular that this large item should be in the Supplementary Estimates for this year. He objected, however, as strongly as possible to the obtention of an old building, erected for different objects, and incapable of being made suitable for the purposes required. He hoped this feature of the project would be abandoned, and a vote taken for an entirely new building. A Reformatory could never be made suitable for a Penitentiary.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member did not seem to understand the real circumstances of the case. He admitted the necessity of a Penitentiary in the neighbourhood of Montreal—indeed this could not be doubted when it was remembered that there were some 800 prisoners at Kingston, who had only been kept in order by good management by the different wardens. It was

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necessary that at least 100 should be at once removed, and the Government in selecting St. Vincent de Paul had selected the very best site for the building—it was within easy communication of Montreal, it had quarries in the neighbourhood, and was a very healthy place, and all produce could easily be got to market. The site had been examined over and over again by engineers, and Mr. Horsey, the architect of the Kinston Penitentiary, had enquired into the matter thoroughly, and had reported that St. Vincent de Paul was the very best site that could be obtained. The building was a new instead of an old one, and at the time it was built the idea of converting it into a penitentiary was kept in view, and the plans adopted were such that the building should be of such a character as that it would be suitable for a penitentiary. Mr. Horsey had reported in favour of this site on the ground of economy also, as very little expenditure was necessary to make it at once available for a penitentiary, and another advantage would be that a number of convicts could be at once transferred and set to work on the proposed extension.

**Hon. Mr. DORION** did not consider the situation proposed a suitable one for a penitentiary, and as it had not been constructed for a penitentiary many changes would have to be made. It was in the centre of a village, and was not accessible by railway or navigation, and was, therefore, not a suitable situation, as there would be a great difficulty in obtaining and sending away produce. The ground also was mere rock.

**Hon. Sir GEORGE-É. CARTIER** replied that the objection of the ground being stony was in fact an advantage, as stone could be obtained for the buildings. As to farms, there was no difficulty in obtaining them, for, even if people would not sell their farms, they could be expropriated, and the country was most favorable for farming operations.

**Mr. MACDONALD (Glengarry)** opposed the choice of the site at St. Vincent de Paul, and spoke of Pointe-Claire or Lachine as much more suitable. The building might be suitable for a Reformatory, but certainly not for a Penitentiary.

**Hon. Mr. HOLTON** said with regard to salubrity, water, and building material the site might have its advantages, but the difficult nature of communication was an insuperable objection. He strongly objected to the matter not having been included in the regular estimates so that there might have been a deliberate discussion. He believed a great error was being committed, but it would be futile to appeal to such thin benches, and Government were precluding Parliament from expressing a proper opinion.

**Mr. MACKENZIE** assumed that the vote was taken for the purchase only and asked whether communication had been had with the Local Government.

**Hon. Mr. LANGEVIN** said the Local Government had offered the buildings at a reasonable price.

**Hon. Mr. DORION** thought the cost of the building would show the value, and he thought the amount asked very much in excess of what should be paid.

**Hon. Sir FRANCIS HINCKS** said the reason this item was in the Supplementary Estimates for the present year was that there being a considerable surplus it would be more convenient to have a vote in the present year, and there was no intention to prevent discussion.

**Hon. Mr. DUNKIN** said he had been a member of the Quebec Government when the overture for sale was made, and their only reason was that the building was so essentially suitable for a penitentiary it was not what they wanted for a reformatory. There could be no difficulty in arriving at the price.

**Mr. MACKENZIE** said particulars ought to have been furnished as to the cost of purchase and the amount required for alterations.

**Hon. Mr. DUNKIN** said no particular amount had been asked by the Local Government.

**Mr. SCATCHERD** asked whether the building was to serve as a Reformatory for the Local Government and a Penitentiary for the Dominion.

*(No, No, from the ministerial benches.)*

**Mr. MACKENZIE** thought special authority would have to be asked for the purchase.

Item carried.

The following items were then carried:—Penitentiary near Montreal, \$120,000; Surveys and Inspections, \$10,000; East Pier, Port Dalhousie, \$13,400; Mabou Harbor, \$12,000; Lighthouse, Cape Jourmain, \$500; removal of snow, public buildings, Ottawa, \$2,000; rent Custom House buildings, St. John, N.B., \$3,150; dredge vessel, New Brunswick, \$2,500.

**Mr. MACDONALD (Glengarry)** thought it was a mistake to take away the snow by contract, as he feared great injury would be done to the slate.

**Hon. Mr. LANGEVIN** said there was no contract for the removal of the snow from the roof, which was done by their own men under special surveillance. Formerly the removal of the snow was paid for by sums out of the contingencies of the two Houses and the different Departments, and the work had not been done properly, and, therefore, it had been left to contract.

**Mr. MACKENZIE** objected to the amount of rent for Custom House buildings at St. John.

**Hon. Mr. LANGEVIN** explained that this was for the rent of the building that had been purchased for some months before a title had been given.

On the militia items **Mr. MACKENZIE** thought full explanation had not been given of the increase in the different items. The Hon. Minister of Militia had denied all idea of a standing army, but the maintenance of two batteries of Garrison Artillery was certainly a

beginning of a permanent system. He asked whether the amount asked for the purchase of stores included everything, or whether stores had been purchased and the payment postponed for future years. He thought the total expenditure altogether too large and beyond our means.

**Hon. Sir GEORGE-É. CARTIER** said the hon. member was specially entitled to full explanation as a most prominent militia officer. As to the stores, the cost of those which the Government had purchased amounted to about £170,000 sterling. He had tried to obtain five years to pay the money, but the Imperial Government would only allow three years, and the sums in the estimate included one-third of the total amount. The arms which had been taken to Manitoba by the volunteers would be left there. In addition to the 6,000 rifles purchased, the Government had offered to purchase and pay for in 5 years 25,000 Snider rifles, but the Imperial Government would not assent, and they, therefore, limited the purchase to the 6,000. Another reason of the increase was the amount to induce the men to remain in camp a longer period, and then there was the staff for British Columbia and Manitoba, and an increased expenditure had occurred in clothing, as that article had run short from constant wear and tear. As to the artillery, the services of Colonel French had been obtained to superintend the organization of the artillery. As to the two batteries, he certainly did not intend to form any permanent force. The necessity arose from the transfer to the Dominion Government of the fortifications at Toronto, Kingston, and the Island of Sainte-Hélène, Montreal, the stores there requiring constant care. If the fortifications were not properly cared for they would have to be dismantled. The batteries would be formed from the militia battalions in the district, and the men would not be appointed permanently, but a limited time only. The volunteers, men and officers, would have the chance of serving. Two thousand had been added to the total militia force in order to provide for Manitoba and British Columbia.

**Hon. Mr. HOLTON** had intended an amendment to the whole scheme, but it was too late to do so in consequence of the estimates being considered so late. He disapproved entirely of the whole scale of expenditure, and especially of what he regarded as an incipient step to the formation of a standing army in the items for field and garrison artillery, and he should call for a vote on those items.

**Hon. Sir GEORGE-É. CARTIER** said with regard to the Ordnance property transferred to the Government, the Government had already realized \$493,000 over and above all expenses from that property, and had still property at Toronto and Montreal to dispose of, which, in the course of years, might yield \$200,000 more.

**Mr. DUFRESNE** thought Canada should manufacture her own fire arms instead of purchasing.

**Hon. Sir GEORGE-É. CARTIER** knew several parties in this country had succeeded in inventing very superior rifles, but the expense of starting a factory would be too great, especially as the arms had been purchased on such cheap terms.

**Mr. POPE** thought that the clothing could be furnished in Canada as well as in England.

**Hon. Sir GEORGE-É. CARTIER** said the question had already engaged attention, and Colonel Powell in his report suggested that a large portion of the clothing could hereafter be obtained in Canada. Hitherto the difficulty had been, that although the cloth could be obtained as cheaply in Canada as elsewhere, the cost of making it up was much greater.

On the motion of **Hon. Mr. HOLTON** a vote was taken on the item of \$33,606 for ordnance and equipment for field batteries and garrison batteries of artillery.

Yeas, 63; nays, 19.

## YEAS

### Messieurs

Archambault	Ault
Barthe	Bellerose
Blanchet	Bowell
Bown	Brousseau
Brown	Cameron (Inverness)
Cameron (Peel)	Caron
Cartier (Sir George-É.)	Cartwright
Costigan	Currier
Delorme (Provencher)	Drew
Dufresne	Dunkin
Ferguson	Forbes
Fortin	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Gibbs
Grover	Heath
Hincks (Sir Francis)	Howe
Hurdon	Keeler
Lacerte	Langevin
Langlois	Lapum
Lawson	McDonald (Lunenburg)
Masson (Soulanges)	Masson (Terrebonne)
Moffatt	Morris
Perry	Ray
Robitaille	Ross (Champlain)
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria)	Ryan (King's, N.B.)
Schultz	Simard
Simpson	Stephenson
Street	Tilley
Tupper	Walsh
White (Hastings East)	Willson
Wright (Ottawa County)—63	

## NAYS

### Messieurs

Blake	Bourassa
Cheval	Delorme (Saint-Hyacinthe)
Dorion	Godin
Holton	Macdonald (Glengarry)
Mackenzie	McDougall (Lanark)
Mills	Morison (Victoria North)
Oliver	Pâquet
Pozner	Ross (Wellington Centre)
Stirton	Wood
Young—19	

The item of \$75,000 for pay, maintenance, and equipment of two batteries of garrison artillery for garrison duty, was then declared carried on the same division, and the items for militia were concurred in.

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It being 6 o'clock the House rose.

### AFTER RECESS

Concurrence in the report of the Committee of Supply was resumed and the following items were carried: Civil Government, \$493.33; Legislation, \$799.93; Arts, Agriculture and Statistics, \$100,000; Ocean and River Steam service, \$19,600; Militia [extraordinary], \$25,160.38; Lighthouse and Coast service, \$22,830; Fisheries, \$21,500.

In reply to Mr. Mackenzie,

**Hon. Mr. TUPPER** stated the hon. gentleman would, on reflection, assent to this item of \$1,200 for the representatives of the late Mr. T.D. McGee, "the equivalent of one year's pension formerly paid her." This lady was granted \$1,200 a year and each child an absolute gift of 1,000 pounds sterling. The notion was that this pension would supplement the small donations to her children, and that being a comparatively young woman they would enjoy this pension for some years. She had died suddenly, however, disappointing this expectation, when it was thought but right to grant the children this modest sum. (*Hear, hear.*)

**Hon. Mr. HOLTON** said if this expenditure was not to be continued, he thought it very proper to pay the amount.

The item was carried.

The following under the head of "Miscellaneous" were carried without discussion:—

To pay Dame Angelique Leduc, widow of the late J. Bte. Normand, for damages to certain property held by her, occasioned by the construction of the Dam at the head of the Beauharnois Canal \$187.00.

To pay the widow of the late Henry Traill, formerly a guard of the Kingston Penitentiary, who was murdered, whilst in execution of his duties, by two convicts, Smith and Mann \$1,000.00.

To pay Mrs. Moylan, widow of the late G.T. Moylan, Railway Mail Clerk, who died from injuries received from a fall from a Post Office car on the Grand Trunk Railway, between Grafton and Cobourg, whilst in execution of his duties \$600.00.

To pay balance of expenses of the Civil Service Commission \$3,269.53.

To pay the family of the late Capt. O'Brien, of the Schooner *Ocean Traveller*, lost in October last, whilst on the Sable Island Humane Establishment service \$600.00.

To pay the families of the crew of the *Ocean Traveller* \$1,000.00.

To reimburse Messrs. Gibbons, Burchill & Connell, of Sydney, Cape Breton, expenses incurred by them in procuring medical aid for three men employed in the month of December, 1869, in carrying supplies to Flint Island Lighthouse, but who were carried out to sea, and suffered exposure for nine days \$350.00.

To pay the three men mentioned in the above vote, two of whom were so severely frost bitten, that their limbs had to be amputated, and who are consequently cripples for life \$600.00.

To pay the Customs Department amount paid by the Collector, Halifax, Nova Scotia, for Boatmen's Services, in connection with the Board of Health, Halifax, for half year ended 31st December, 1867 \$1,104.00.

To pay the estimated cost of removing depreciated Coin in the Province of Nova Scotia (the unexpended balance of the Vote to be carried forward to 1871-72) \$40,000.00.

On the item to provide for compensation to sufferers by the Insurrection in Rupert's Land in 1869-70, claims for the loss of property, or for imprisonment, or for forced emigration from the Territory, to be proved before the Recorder of Manitoba, or any Commissioners appointed for that purpose by the Governor, and afterwards referred to the Treasury Board, and approved by Order in Council (the unexpended balance to be held over till 1871-72) \$40,000.00.

**Hon. Mr. HOLTON** asked for explanations.

**Hon. Sir FRANCIS HINCKS** said all the claims had not yet been presented, and many which had already been examined were found to be inadmissible. *Bona fide* claims for imprisonment or actual loss of any kind would be paid.

**Mr. SCATCHERD** thought this country should not be called upon to pay these claims. The half-breeds of Manitoba, who had caused these troubles and losses should be taxed to pay them. The lands which had been granted them should be sold, if necessary, to cover these losses. No doubt this vote would be followed by one next year to indemnify the Hudson's Bay Co. for similar claims.

**Hon. Sir FRANCIS HINCKS** said these claims which this money was voted to meet, were very different from those of the Hudson's Bay Co. No doubt the company had presented claims to this Government, but they had not been settled. He believed if the Imperial Government would settle them, this Government might well pay this small amount to the sufferers by the rebellion at Red River. He deprecated the idea of using the lands granted to the half-breeds, for the purpose.

**Hon. Mr. HOLTON** thought that the original error of the Government was in failing to assert from the commencement that the Imperial Government alone was responsible for the peaceable transfer of the North West to Canada. It was too late to take that ground now, for the whole affair had been practically treated as a

Canadian one. He was therefore disposed to give his support to this appropriation.

**Mr. BOWELL** desired to call the attention of the Government to the wording of this paragraph. By it all classes could make claims under it. Even the Hudson's Bay Company's Officials in that country could make claims under it, and these parties, to his mind, were more responsible for the troubles in Rupert's Land, than any one else, and in his opinion, they were the parties who should be made to pay these losses, and not Canada. If, however, the claims of the loyalists were to be paid, great care should be taken that these payments should not be quoted as a precedent upon which others who were not loyal, could make claims. He did not wish to have another Rebellion Losses Bill to stir up the animosity and ill feeling that existed in the country some years ago. It might be true that the present men in power did not intend to pay any of the Hudson's Bay Officials, but they had no certain lease of power, and the Opposition might if they obtained possession of the Government Benches, go beyond the intentions of the present men in power, and for the sake of securing support, might pay them. (*Laughter.*) Under the paragraph there was nothing to prevent Riel from coming back and claiming an indemnity.

**A VOICE:** Yes, a rope.

**Mr. BOWELL** doubted from what had taken place in that country whether the fear of a rope would keep him out of the country. He thought that the claims ought not to be admitted without reservation. He, however, did not think the people of Manitoba should be taxed, thereby sending a firebrand into that country which it might be difficult to extinguish. He looked upon any claim by the Hudson's Bay Company as a mere piece of impudence, inasmuch as they had, in his opinion, been instrumental in causing the insurrection.

**Hon. Sir FRANCIS HINCKS** did not acknowledge any right or liability whatever towards the Hudson's Bay Company in reference to any claims which they might submit.

**Mr. BLAKE:** He knew that well enough. He was acting merely for party purposes.

**Mr. BOWELL:** It comes with exceedingly bad grace from the hon. member for Durham West, to attribute party motives to any member, in the discharge of what he conceives to be a public duty. There is no man in the House more sensitive than he when motives are attributed to him, or even hinted at. Yet there is no man who had prostituted greater abilities for petty party triumphs oftener than that hon. gentleman. What right had he to charge him (Mr. Bowell) with being insincere in this matter. Had he not upon every occasion voted against the Government upon their Red River policy. (*Hear, hear.*) When this question was before the House during the last session, the member for Durham West found it convenient to be absent, attending to his own personal and pecuniary interests and neglecting those of the country. Why was he not then in his place? Did he see looming up in the distance, a question upon which he could agitate the whole of the people of Ontario? (*Hear, hear.*) Was

it because he wished to have the power at his command to inflame the worst passions of human nature when he could turn it to profitable political account? Was it for this reason that he studiously avoided at the command of his political master and controller in Toronto attending any of the indignation meetings held in that city? Who that has watched his course in this House, and witnessed the exhibition in the Ontario Legislature during the last Session, but must have come to the conclusion that his whole course has been one of purely party tactics. (*Hear, hear.*) Here when it was first discussed last year, he was conveniently absent and during the present discussion both he and his leader, the member for Lambton, had been as quiet as lambs; neither of them had raised their voices until goaded on to do so by their opponents, and then the mildness and gentleness with which the member for Durham West had touched the subject was truly amazing when compared with the manner in which he fulminated his thunders at every one who dared to think differently from him in the Legislative Hall at Toronto. (*Hear, hear.*) Here he pretends it would be useless to bring the subject of Scott's murder before the House because he would not carry a motion similar to the one he had introduced into the Legislature at Toronto, when surrounded by an Ontario and protestant audience. (*Hear, hear.*)

**Mr. BLAKE:** I did not say that.

**Mr. BOWELL:** No, you did not say protestant, but that is what you meant. There you succeeded in arousing the prejudices of a certain class of the people who were honest in their feelings of indignation at that murder, and thought you were sincere not knowing by what feelings you were actuated. But now the elections are over in Ontario, and having made an agreement with a certain class of people not to discuss this question further, and knowing that your political allies in this House from Quebec would vote against you to a man, you have found it convenient to keep quiet and push forward another to do what you had not the courage to do yourself. He forsooth to accuse any one of being actuated by party motives. Why has this question been the stalking horse in every election contest in Ontario by the member for Durham West, and his partisans? (*No, no.*)

The member for Durham West says no, no, yet such is the fact. Likenesses of poor Scott have been hawked about among the electors in one hand, and Blake's resolution in the other to influence men in their vote. The portals of the grave have been opened, and the dust of the martyred dead dragged forth to do the works of such politicians as the member for Durham. Crocodile tears have been copiously shed, and affected tears wiped from where none existed, in order to carry the Ontario elections. The hon. member knew well that the people of that Province were excited and indignant at the thought that no action had been taken to bring to justice these murderers, and that all that was wanted was to put a match to the inflammable matter and that a conflagration would ensue. He did it, he profited by it, and now he wishes to play the moderate man, and that too in the very place where he knows, action should be taken if taken at all. He knew well that a local legislature had no power to deal with a question affecting the administration of justice in another Province. Yet, with all this assumption of political honesty

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he did not hesitate to drag it before a body of men, and a court that he knew had no jurisdiction, and all to affect the elections, and now arrogates the right to himself to lecture others upon their honesty, and to charge them with insincerity.

**Hon. Mr. HOLTON** rose to a point of order. The hon. gentleman was wandering from the subject.

**The SPEAKER** said that he failed to see the connection between the Speaker's remarks and the item before the House.

**Mr. BOWELL** bowed to the Speaker's decision, but thought he was justified in repelling the insinuation of the member for Durham West and to point out that being politically dishonest himself he did not hesitate to accuse others of the same fault. He observed also that the hon. gentleman who was designated the point of order of the House was not so strict with those who sat behind him. He then went back to the resolution, and concluded by saying that some expression should be contained in the resolution excluding the claims of the Hudson's Bay Company. But as the Government had pledged their word their parties would not be paid, he would waive that point, and content himself with moving that the following provision be added to the said resolution:— "Provided that this House in voting \$40,000 to provide for compensation to sufferers by the insurrection in Rupert's Land in 1869-70, claims from loss of property, or for imprisonment, or for forced emigration from the territory, does so upon the understanding that steps shall be taken by the Government of Canada, by Address to the Queen, or otherwise, to bring to trial those persons who were in any way connected with, or accessory to the cold blooded murder, for his out-spoken loyalty to the Queen, of Thomas Scott, lately a resident of this Province, and an emigrant thence to the North West."

**Mr. SMITH (Selkirk)** wished to explain that he would like that a full investigation should be made into all the circumstances connected with the rebellion in the North West. It was due to the people of the North West and the officers of the Hudson's Bay Company who had been so greatly maligned in connection with this affair.

**Mr. SCHULTZ:** I would willingly have avoided any discussion of the matter which now occupies the attention of this House. I would have avoided it, because everything connected with recent events in Manitoba has been to me of so painful a nature that now that we have better and brighter prospects, I would willingly have allowed the whole matter to have remained untouched. Still, I find in my newly undertaken duties that one's personal feelings must not always be consulted, but that the interests of the people he represents, and of the country at large must be considered first, and the observations of the hon. gentleman from Hastings North, are such as call from me, as one of the Representatives from Manitoba, all the information I possess on one, and the principal point which he has adduced, namely the complicity of the Hudson Bay Co., or rather of a portion of their officers with the unhappy Rebellion of last winter.

I am aware Mr. Speaker that the views which I shall advance in regard to the origin of Red River difficulty, and the substance of the

documents which I shall read in support of these views, may differ materially from those generally entertained in some parts of this Dominion, yet I advance them with the full belief that they are concurred in, and indeed, openly expressed by nine tenths of that portion of the people of Manitoba, unconnected with the Rebellion itself, or with the Hudson's Bay Company. It might, at first sight, Sir, appear strange that a Corporation who had lately surrendered their rights to the North West Territory, who had received what might be considered a fair compensation for that surrender, and who, moreover, still retained a very considerable landed interest in that Territory, could have any possible reason for desiring anything but the prosperity, the advancement, and the peace of the country. Indeed it was generally advanced as a reason for allowing them to retain one-twentieth of the land, that this concession would bind their interests to ours, and be the means of allaying any possible source of discontent. But, sir, to properly understand the bearing of this question, it is necessary for the hon. members of this House, to bear in mind that there are two elements in the composition of the Hudson Bay Company, namely: The Stockholders of that corporation, and its managing partners in the country. So long as the Company confined its attention to the collection of furs—so long as these elements were in accord, and the immense profits, which in former times were made, were fairly divided between the Stockholders, who had advanced the money necessary to carry on the business, and those who had in the country, the care, the danger, and the labor of the trade. Hence it was that while the Stockholder who assumed territorial, as well as trading rights, would sometimes admit, that the country *was* fitted to be something better than a preserve for fur bearing animals, *that* concession was rarely, if ever, made by one of the inland officers, whose profit was derived solely from the fur trade, and whose right to participation in any other source of profit was disputed, if it was not entirely ignored by the stockholders.

It will be readily seen, then, Mr. Speaker that there was in such a union of diverse interests, the elements of discord, and this became apparent as soon as the Stockholders consented to entertain a proposition for the purchase of their territorial rights by this country. While the stockholders could see in the large sum to be paid for rights which were then in dispute, an ample compensation for the gradual but inevitable destruction of the fur trade profits which must follow, the inland fur trading officer saw in it only his own ultimate ruin, and opposed the project with all the power he possessed, and when the bargain had been concluded, he felt that Canada had accomplished his ruin by the purchase she had made, and that the stockholders had unfairly dealt with him in refusing him a portion of the compensation they themselves had received. Men so circumstanced, sir, are usually ready for rash and even violent action, and we find the first evidence of this at the annual meeting of the officers at Norway House, held a short time after the conclusion of the negotiations, and a few months before the *émeute* at Red River.

The following description which I found in one of the respectable journals of the Dominion will, if its evidence may be trusted, show the state of feeling which prevailed:—

“One of the causes of dissatisfaction amongst the Hudson Bay Company’s officials in the North West is this: they say that the £300,000 to be paid the Company by the Canadian Government, will be pocketed by the English shareholders, and that not one copper of it will ever be seen by the traders in this country. No doubt they are perfectly right in this view; when the English shareholders get hold of the money they will very likely hold on to it. But the traders of the Nor’West proposed a game a little while ago which, if carried out, would more than make up to them the share of the £300,000 which, they say, the English shareholders intend robbing them of. At a meeting of the Council of Rupert’s Land—the body which controls the Company’s affairs in the territory, a motion was submitted by one of the Chief Factors, proposing that they should secrete for their special use and benefit, furs to the value of £10,000 to be divided amongst the factors and those interested, just as soon as it should be clearly shown that the English shareholders intended gobbling up the whole of the Canadian purchase money. A lengthy and animated discussion took place on this exceedingly dishonest proposition, after which the motion being put, it was lost simply by the casting vote of the Chairman.”

Now, Sir, this account may or may not be exactly correct, but *it is true* that a wide-spread and deep disaffection prevailed and the most violent language and even threats were used towards this Dominion of Canada.

Mr. Speaker, it has been argued that we had rebellion at Red River because we did not first consult the feelings and wishes of the people of that region. Well, I can only say that you will rarely hear that explanation attempted at Red River. Why, sir, I have myself seen on petitions praying for annexation to Canada many of the names of those who were foremost in endeavouring to prevent that union, and if it had been that this was really the cause we would, I think, have found all classes joining in it, instead of its being confined to that portion of the population who had the least property at stake and to the friends and sympathizers of the Hudson Bay Company.

Now, if we assume that the officers of the Hudson Bay Company at Fort Garry were anxious, or even willing, that Canada should possess the North West Territory we find it utterly impossible to explain the fact of their criminal inaction, their advice to Governor McDougall to leave the territory, their surrender of their Fort, their advice to the people to join the Provisional Government of President Riel. But if we assume their complicity in the matter, we can readily understand the prevalent belief among the loyal people, both English and French, of Manitoba, that the disaffection and dissatisfaction of the Hudson Bay Company’s officers, the disappointment of Governor MacTavish at not being appointed Governor, caused them to hope that with Riel as their tool and agent they could keep out the Governor, disgust Canada with her bargain, and keep the country for some years longer, a reserve for fur bearing animals with the consequent extension of the fur trading profits. That they purposed taking steps which would lead to robbery, and end in murder, I am not prepared to state, but the general belief is that with Governor McDougall turned back, and

with a Hudson Bay Co. officer at the head of a Provisional Government they could have forced Canada into an arrangement more suitable to themselves even if less profitable to shareholders. However, this may be, I have not risen to make statements on my own responsibility. I will read to the House a number of affidavits bearing on the matter, and although I could say much from my own knowledge that is relative and corroborative, yet I refrain, and leave hon. gentlemen to what opinion they deem fit from the evidence I present. As for myself, I shall be glad if they are able to do so, yet, until that body can show that their responsible officers acted as loyal men should act under similar circumstances, I cannot consent to their receiving one penny of the money of this Dominion.

The first statement bearing upon the subject is that of Sgt. James Mulligan, a Pensioner of Her Majesty’s 17th Foot and lately and for some time Chief of the Police Force in the Town of Winnipeg. Sgt. Mulligan being duly sworn before one of the recently appointed Manitoba Justices of the Peace states among other things:

“That hearing that the buildings of Dr. Schultz were threatened with a consequent danger of fire extending to the town, said James Mulligan, then Chief of Police, proceeded at once to Fort Garry, and spoke to Chief Factor Dr. Cowan, who was a Justice of the Peace and in charge of Fort Garry, told him what he, the said Mulligan, had heard. Said Mulligan urged said Cowan to take steps to prevent such an outrage, and asked for instructions how to proceed. Cowan answered, what can we do? Said Mulligan replied that it would be advisable to call out the 300 special constables who had been engaged. Said Cowan refused to do so, and said Mulligan returned to take what precautions he could with the two policemen under his charge. Said James Mulligan further says that before the rebels assembled at Stinking River, he gave due notice to said Justice Cowan of their intention to do so, and that the said Justice Cowan seemed to take no notice of it. That repeatedly afterwards up to the time of the Fort being occupied by Riel and his men, the said Mulligan did urge upon the said Cowan the danger in which the Fort stood, and a short time before did inform the said Cowan that the rebels meditated doing so immediately and again urged the said Cowan to call upon the said 300 special constables, but was in all cases distinctly refused. Said James Mulligan further says that a short time after the rebels had taken Fort Garry he went to said Fort with one Sergeant Major Power and requested an interview with Governor McTavish, that he was told that Governor McTavish was too sick to see anyone, but was referred by Dr. Cowan to Acting Governor Judge Black. To Judge Black the said James Mulligan said, I have come herewith Sergeant Major Power to request permission to raise the British Flag and to defend it. Judge Black asked him how that could be done. Said Mulligan declared that he could call on the pensioners to the number of thirty and get as many more as he wanted from the loyal population. Said Black said, will see the Governor to-night and we will see about it, and I will give you an answer to-morrow. On or about three o’clock on the following day the said Mulligan was informed that the request about the flag *could not be granted, and that his services with pensioners and loyal men were not required.* Said James Mulligan further says that on the 29th November, 1869 he did receive from Governor MacTavish an order in writing to procure the services of



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seven men and with them to guard certain Government stores in the storehouse of Dr. Schultz, and that said was issued in consequence of an urgent appeal for protection from Jon. A. Snow, the Agent of the Canadian Government at that time, that he did procure the said seven men and place them to guard the building, that he remained till the seventh day of December, when the buildings were surrounded by an armed force under Riel, and orders having come from Col. Dennis to surrender he was included, in the general capture, and remained for ten weeks in prison. Said Mulligan further states that after ten weeks imprisonment he went and saw Dr. Cowan, and asked to see Governor MacTavish, that he wished the pay of the men that he had employed to defend the Government stores. Said MacTavish raised all possible objections and said, 'to tell the truth Mulligan, Riel has deceived me, he promised that he would respect my guard, and he also promised me that he would remain only three days.' Mulligan then said 'you seem to have made a close bargain with Riel,' which Governor MacTavish did not deny, and admitted in general terms that he had made a mistake in not calling upon the loyal people. Said Mulligan further says that a few days after the taking of Fort Garry by the rebels, he called upon Dr. Cowan and asked how these rebels were being fed and whether they had broken into any of the stores. Said Cowan said that they had not, but that he had given them access to the stores. Said James Mulligan finally says that he has been Chief of Police in the town of Winnipeg for four years, and that he acted in that capacity during the whole of the rebellion until his own imprisonment on the 7th of December, 1869. That he repeatedly warned Doctor Cowan and other of his superior officers of the rising and of the intention of the rebels to overthrow the Government and take Fort Garry, but that on all occasions he was rebuffed and all his offers of services on behalf of himself and in the name of the loyal people who were willing to support the police authority and anxious to keep down the rebellion were distinctly refused, and that the said James Mulligan fully believes that the Hudson Bay Company authorities could at any time have stopped the said rebellion, but that they encouraged it for their own purposes and verily believes Riel and his men to have been invited to take possession of Fort Garry.'

The next statement is one also upon oath made by a very respectable resident of the Parish of Kildonan, who states:

'That during the fall of 1869 he was working in the vicinity of Fort Garry, and slept occasionally at the house of his sister in said Fort. That on one occasion, just before the gathering of rebels at Stinking River to resist the entrance of the Hon. William McDougall into the Territory, in going out in the dusk of the evening he saw Louis Riel and Chief Factor Dr. Cowan enter Fort Garry by the South Gate, and not wishing to be seen, he, the said John Flett, did enter the porch leading to the Hudson Bay Company's store. That while in said porch the said Riel and said Cowan advanced and stopped about five yards from where he was. That he did distinctly hear this conversation which took place between the said Cowan and Riel. That it appeared from the remarks he heard as the said Cowan and Riel approached that said Cowan urged said Riel to go on with the proposed stopping of the hon. Wm. McDougall at Stinking River. That said Riel replied,

'What good will it do me? What will I get for it?' Said Cowan answered that Governor MacTavish would do as he had promised, and said Cowan also assured him, the said Riel, that he would get what he had been promised. That said Cowan and said Riel then walked in the direction of said Cowan's residence. That further, he verily believes from the whole conversation that said Cowan, who was then in charge of Fort Garry, was inciting and encouraging the said Riel by promises of payment to take active steps for the keeping out of the said Governor McDougall which said Riel seemed to hesitate about doing. That also, he did on several occasions see the said Cowan and Riel in close conversation, but could not hear what was said.'

Another and the last which I shall call the attention of this Honourable House to, is that a Gentleman who occupied an official position under the Hudson's Bay Company for some years and may be supposed to have had considerable insight into the real state of affairs, states:

'That about four years ago he was commissioned by the Hon. Hudson Bay Company in England a member of the Council of Assiniboia and that he has been a Petit Magistrate and Collector of Customs for about ten years. That about one week before the erection of barricades at Stinking River, and when the rebels were then collecting at that place, he was summoned to attend a meeting of the said Council of Assiniboia to consider the state of affairs. That at said Council he warned the other members of the gathering near his place on the Stinking River, but that the President, Judge Black, then acting Governor, did not suggest or advise any active measures to prevent the evil. That he then urged upon the Council the necessity, and offered to raise among the loyal portion of his own people, the French half-breeds, enough men to put the gathering down. That on pressing the matter he was allowed to see what he could do in getting the names of persons to act in such a service and to report. That he afterwards procured the names of ninety-six able-bodied men willing to act, and that the fact was duly reported, but that Governor MacTavish directed him to disband and pay off the force which he had gathered at the north side of the barricade to the number of fifty-six without giving him any reason for doing so. That he requested and waited a day and a half on a written order, but that such order was distinctly refused. That there were on being estimated about sixty-six of the party under Riel and Bruce at the said barricade at Stinking River. That he asked Governor MacTavish for additional permission to call on the English people, but that request was refused. That afterwards, and a short time before Fort Garry was taken possession of by said rebels, he informed Dr. Cowan the master of said fort, of their intention of doing so, but that he did not advise or take any steps to prevent their doing so, and that in his presence a prominent French half-breed informed Governor MacTavish of the intention of the rebels to take possession of the Hudson Bay Company's safe and of the Fort. That to the best of his knowledge and belief the officers of the Hudson Bay Company at Fort Garry did not wish to stop the action of the insurgents at Stinking River, and that had he been given authority to do so it could have been accomplished with the aid of the French half-breeds alone. That the said officers discouraged and frowned down every suggestion of a means of doing so and refused all offers

of aid and that he believes that for some private reason the movement of the insurgents under Riel, Bruce and Lepine was thoroughly in accord with their own wishes.”

And now, Mr. Speaker, as regards that clause in the Supplementary Estimates, which asks this country for \$40,000 to relieve the sufferers from the recent rebellion at Red River. I may say that this is a point which specially pleases me. I am perfectly well aware that this government might, had it so chosen, waited to ask the country for an amount for this purpose, till an investigation had been made, till evidence had been taken, till a Commission had sat. Yet, without any undue pressure that I am aware of, they propose to spend this sum in this very laudable way, and I am disposed to look upon it, as an earnest, that the Government intends to deal fairly, possibly even liberally with the loyal sufferers of last winter. I may say also now that we are discussing the subject that at a time when this Government was accused of having no sympathy with the Red River loyalists they did that which saved me, at least, from utter ruin and inaugurated a principle which, by this clause in the supplementary estimates they seem determined to carry out. I have also since learned, Sir, that this relief to myself, which I speak of, was not afforded without a considerable stretch of legal authority, and that a Minister of the Crown even became personally responsible for the amount. Well, the conclusion that I feel forced to come to, after a considerable degree of doubt on this matter, is, that in this matter at least, the Government are not so utterly heartless as has sometimes been represented and if the indemnity proposed, be confined to these and these only, who are known to have lost their property or their time for the sake of loyalty to the Crown, it will tend to reassure that class of sufferers in Manitoba who now consider that they have been neglected and disregarded.—*(Applause.)*

**Hon. Sir FRANCIS HINCKS** said none of the money would be paid to the Hudson's Bay Company under any circumstances.

**Hon. Mr. McDOUGALL (Lanark North)** said there was a distinction between the Company and the representatives of that Company.

**Hon. Sir FRANCIS HINCKS** said he included every one connected with the Company in the statement he had made.

The amendment was put and the vote taken as follows—Yeas 24, Nays 54.

## YEAS

## Messieurs

Bowell	Cartwright
Drew	Holmes
Hurdon	Jones (Leeds North and Grenville North)
Macdonald (Glengarry)	McDonald (Middlesex West)
Mackenzie	McDougall (Lanark North)
McMonies	Oliver
Perry	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Smith (Selkirk)	Snider
Stephenson	Walsh
Wells	White (Hastings East)
Willson	Wood—24

## NAYS

## Messieurs

Archambault	Barthe
Bellerose	Benoit
Bourassa	Brousseau
Cameron (Inverness)	Cameron (Peel)
Caron	Cartier (Sir George-É.)
Cimon	Costigan
Crawford (Brockville)	Currier
Daoust	Delorme (Provencher)
Dufresne	Dunkin
Forbes	Fortin
Gaucher	Gendron
Godin	Gray
Heath	Hincks (Sir Francis)
Holton	Howe
Keeler	Lacerte
Langevin	Langlois
McDonald (Lunenburg)	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Trois-Rivières)
McKeagney	Moffatt
Morris	Morrison (Niagara)
O'Connor	Pinsonneault
Pope	Ray
Robitaille	Ross (Champlain)
Ross (Victoria)	Shanly
Simard	Simpson
Street	Tilley
Tourangeau	Tupper—54.

Item carried.

The following items were then carried: Refund of duties to Gooderham & Worts \$2,309.34.

Cost and damages in case of Kinnear Bros. vs. Robinson \$8,436.41.

Canal Commission \$10,000.00.

On the item of \$200,000 to pay amount further required in connection with North West, **Hon. Mr. HOLTON** asked for information as to the objects for which the vote was required.

**Hon. Sir FRANCIS HINCKS** said the original vote was intended for the organization of the North West and opening of communication and formation of Government. An expedition however was found necessary and a vote had to be asked, and the whole matter was so complicated that with every endeavour he was unable to say how the matter would stand at the end of the year.

He stated the cost of the Civil Government, the Public Works, and the Military Expedition, and said about \$100,000 more would be required for the Military Expedition. The only other expenditure would be in public works in opening communication this year and they found it necessary to ask another vote in order to give them a sufficient margin.

**Hon. Mr. HOLTON** objected that such an amount should be asked as a mere vote of credit without giving any particulars as to the work to be done.

**Mr. MACKENZIE** asked for information as to the public works to be undertaken.

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**Hon. Mr. LANGEVIN** said he had already explained the nature of the work. There was a bridge on the road from Thunder Bay to Lake Shebandowan; gravel had to be laid on the wood; some 25 miles of the road from the Lake of the Woods to Fort Garry would have to be completed; and dams would be erected to lighten the work at the portages.

**Mr. MACKENZIE** asked whether it was true that some change had taken place in the contracts for the construction of the steamer.

**Hon. Mr. LANGEVIN** said the contract was about \$35,000 and although some changes were made in the specifications the price was not changed.

Item carried.

The following items were passed after explanation by **Hon. Mr. TILLEY**.

To pay Contingencies of the Port of Halifax, Nova Scotia, for the fiscal year ending 30th June, 1868 \$2,032.58.

To pay the salaries of Preventive Officers and expenses at Port Hawkesbury, Nova Scotia, for the three years, 1867-68, 1868-69, 1869-70 \$661.16.

To pay the salary of the Seizing Officer, Canada Creek, Port of Cornwallis, Nova Scotia, from 1st July, 1867, to 30th June 1871, at \$40 per annum \$160.00.

To pay the salary of the Preventive Officer, Tusket Wedge, Nova Scotia, for 1868-69 and 1869-70, at \$60 per annum \$120.00.

Also, without comment,—

To pay the cost of Standard Weights and Measures and other expenses consequent on assimilation of Weights and Measures (the unexpended balance to be carried forward to the fiscal year, 1871-72) \$50,000.00.

To pay Collectors' allowances, N.S. and N.B. on duties collected by them, estimated at \$2,700.00.

To pay for Mail Service in the Province of Manitoba, and for payment to the United States Post Office of Transit Rates for the conveyance of closed mails to and from Manitoba \$6,000.00.

Also, on explanation by **Hon. Mr. LANGEVIN**,—

European and North American Railway extension, working expenses \$8,000.00.

Maintenance, salaries of staff, &c., for the month of June, 1871 \$15,000.00.

On the item of \$100,000 for survey in Manitoba, **Hon. Mr. McDOUGALL (Lanark North)** asked for information.

**Hon. Mr. HOWE** said the survey would be placed in the care of Colonel Dennis and would be pushed forward as rapidly as possible. A Commissioner would be sent to make arrangements with the Indian Tribes to allow the survey.

Item carried.

On the item of \$250,000 for survey and location of Pacific Railway,

**Hon. Mr. HOLTON** asked for some particulars as to what would be done in this matter.

**Hon. Mr. LANGEVIN** said the Government intended to instruct their Chief Engineer to survey for a railway from Lake Nipissing towards the Rocky Mountains. Of course nothing definite could be said beforehand, but the intention was to organize parties to act in different sections, and to ascertain the best pass through the Rocky mountains. On the other side of those mountains several routes would have to be surveyed, and the terminus would have to be decided upon, so that many parties would have to be engaged on a reconnaissance so as to guide the Chief Engineer in the location of the road in the following season. He quoted the opinions of several engineers who favoured Vancouver's Island as the Terminus.

**Mr. MACKENZIE** asked for the names of the Engineers referred to.

**Hon. Mr. LANGEVIN** said he had done his best to collect full information, but he did not think he was called upon to name his authorities.

**Mr. MACKENZIE** said when opinions were quoted, the authors of those opinions should be given.

**Hon. Mr. HOLTON** spoke to the same effect.

**Hon. Sir FRANCIS HINCKS** said that if reference had been made to a report of any one officially employed, of course the names should be given, but under the circumstances they were certainly not called for.

**Hon. Mr. HOLTON** asked whether the Government had appointed the Chief Engineer.

**Hon. Mr. LANGEVIN** did not think he was called on to name his informants. The vote was asked for the special purpose of obtaining proper information as to the route. It was admitted that if the terminus were at Vancouver's Island there would be a great difficulty in crossing from the mainland. This would be evident to any one who consulted a map, but he did not advocate any one line, as although much had been said and written, a proper survey had never been carried through. The Government had no selection for the office of Chief Engineer.

**Hon. Mr. McDOUGALL (Lanark North)** said that as the matter was simply a reconnaissance the word location should be struck out.

**Hon. Mr. LANGEVIN** assented.

**Hon. Mr. WOOD** asked whether Government could say what the entire cost of the Survey would ultimately amount to.

**Hon. Sir FRANCIS HINCKS:** No.

Item carried.

**Mr. MACKENZIE** said at the rate charged for the Survey of the Intercolonial the location of the Pacific would amount to over four millions of dollars; the exploratory survey alone would probably cost a million.

**Hon. Mr. McDOUGALL (Lanark North)** said it would be quite enough for the first year to survey from the Pacific Coast to the Rocky Mountains, and from Fort Garry to Lake Nipissing. He supposed the work was really to ascertain the practicability of the Railway at all. This was of course necessary to induce a Company to take the work, but it was not necessary to make a Survey over a country where a line could be run at any place, as was the case for 1,000 miles of the road.

On the item of \$40,000 for the construction of a new Post Office at Montreal, several questions were asked and replied to by the Minister of Public Works.

**Hon. Mr. HOLTON** asked what was the area of the site. He believed it to be the best in Montreal, but he would like to know what was the price per foot.

**Hon. Mr. LANGEVIN** could not give the exact number of feet, but he described the extent of the lot, and said it would be understood by those who knew Montreal.

Item carried.

Item of \$200,000 for raising the banks of the Welland Canal, and \$150,000 for Grenville Canal Locks.—Carried.

On the item of \$100,000 for improving the channel of the St. Lawrence between Kingston and Montreal,

**Mr. MACDONALD (Glengarry)** asked at what points the improvements were to be made.

**Hon. Mr. LANGEVIN** said that the report on the subject shewed that there were several points at which there was a very small depth, and it was intended to make a depth to allow vessels drawing eight or nine feet of water to pass.

**Mr. MACDONALD (Glengarry)** said he was as anxious as any one could be to have the navigation of the St. Lawrence improved, but he disapproved of this system of coming down to the House and asking for an appropriation for the purpose without being able to give estimates of the cost of engineering, &c.

**Hon. Mr. HOLTON** had every confidence in Mr. Page, the engineer of the Department, and was willing to vote for the appropriation if that gentleman recommended that it should be made.

The item was carried.

On the item of \$10,000 for the completion of Survey of Sault Ste. Marie canal,

**Mr. MACKENZIE** wished to know if the Canal Report already presented by Mr. Kilally was not sufficient.

**Hon. Mr. LANGEVIN** said the report referred to was Mr. Keefer's. The depth of water on the sill recommended by him was nine feet.

**Mr. MACKENZIE:** That would never do.

**Hon. Mr. LANGEVIN** thought so too. The Canal Commissioners recommended twelve feet on the sills and other improvements on which Mr. Keefer had not reported, and it was thought proper to make this appropriation for a fresh survey.

**Mr. MACKENZIE** said the regular staff of the Department ought to be sufficiently large to attend to this trifling matter.

**Hon. Mr. LANGEVIN** said the staff was already fully employed. They were still engaged in making the surveys ordered last session.

**Mr. MACKENZIE** said the distance to be surveyed was not over a mile and a half, the location was pleasant and easy of access, there was no great engineering difficulty to be overcome, and how \$10,000 were to be expended he could not understand.

**Hon. Mr. LANGEVIN** said in former instances it had been found that such appropriations were not large enough. If any portion of this amount should not be required it would remain over unexpended.

Item carried.

On the item of \$6,000 for a bridge over the Rideau Canal, at Wellington Village, the Local authorities furnishing an equal amount,

**Mr. MACDONALD (Glengarry)** asked for explanations.

**Hon. Mr. LANGEVIN** said the water had been raised by a dam erected by the Government, and the Canal was thus made some sixty feet broader. The cost of the bridge was proportionately increased, and the Government thought proper to bear a portion of the expense. Twelve thousand dollars would construct a draw bridge.

**Mr. MACDONALD (Glengarry)** thought it would be better to expend a little more and erect a good fixed bridge sufficiently high

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to permit of the passage of vessels under it. He did not approve of these draw bridges, which required officers to look after them.

**Hon. Mr. HOLTON** did not think this House should be called upon to vote money to aid in constructing a purely Local work.

**Hon. Mr. LANGEVIN** said the Canal was a public work, maintained for the benefit of the whole country, and while it was so maintained, it was the duty of the Government to aid in constructing bridges in places where, but for the existence of the Canal, they would not be required. In reply to the hon. member for Glengarry, he would simply say that he was not certain what kind of a bridge would be built, but a fixed bridge would be constructed if possible.

**Mr. CURRIER** said the banks of the river at the place were low, and it would cost a large sum to construct a fixed bridge sufficiently high to permit vessels to pass under it.

**Mr. MACKENZIE** wished to know if it were true that it was a river and not a canal that it was proposed to bridge.

**Mr. CURRIER:** At the place, the river is the canal.

**Hon. Mr. LANGEVIN** said in consequence of the construction of the dam the breadth of the water had been so greatly increased that it would be unfair to expect the local Corporation to build the bridge alone.

Item carried.

The item of \$297,500, for Public Buildings, was carried without discussion.

On the item \$76,950, for Harbours and Piers,

**Hon. Mr. HOLTON** protested against bringing down these estimates for local expenditures near the close of the Session, when nearly all the members were away.

**Hon. Mr. LANGEVIN** said that the reports of the engineers who had made these surveys reached him too late to place these appropriations in the general estimates. None of the gentlemen representing constituencies in which these appropriations were to be expended knew anything about it till they saw the items in the supplementary estimates. In reply to Mr. Holton, he said that very little, if any, revenue need be expected from these Harbours of Refuge on the coast of Nova Scotia.

**Mr. MACKENZIE** said the hon. member should give some explanation respecting the appropriation for a Harbour of Refuge at Liverpool, N.S. If his (Mr. Mackenzie's) information was correct, the coast was deeply indented with bays, while at Liverpool the place was exceedingly unfavorable for being converted into a Harbour of Refuge. Did the engineer recommend the construction of a Harbour of Refuge at this point?

**Hon. Mr. LANGEVIN:** Yes.

**Hon. Mr. TUPPER** said that several lives and a large number of vessels had been lost at the place for want of a Harbour of Refuge.

**Mr. MACKENZIE** criticised the appropriations for Harbours and Piers. The item of \$1,650 for the completion and repairs of a pier in Digby Bay, N.S., he said, was merely for the purpose of building a wharf to accommodate the people of Digby Village. It was a work which should be constructed by the local authorities, and should not be included in these estimates.

**Hon. Mr. TUPPER** said it was an interprovincial pier, from which a steamer started daily to the ports of Nova Scotia and New Brunswick.

**Mr. MACKENZIE** said there were hundreds of places in the Dominion which were as much entitled to receive public aid as Digby.

**Hon. Mr. TUPPER:** The wharf is an asset of the Dominion.

**Mr. MACKENZIE** said it would be an advantage to the country if it were not. If there was one place more insignificant than another, from a commercial point of view, it was Digby, and if this appropriation were voted, every little hamlet on the coast of the Dominion would be expecting similar appropriations.

**Hon. Mr. TUPPER** said this was an asset handed over to the Dominion by the local government at the Confederation of the provinces.

**Mr. MACKENZIE:** It was built by the Dominion.

**Hon. Mr. TUPPER** said he thought the hon. member was laboring under a misapprehension. The pier was built by the local government at a large cost, but being a point of inter-communication between the Provinces, and consequently, was handed over to the Dominion. This government could take possession of it at any moment and deprive the local authorities of the use of it.

**Mr. MACKENZIE:** If the hon. member will say he is serious, I will not say another word.

**Hon. Mr. TUPPER:** I am serious.

**Mr. MACKENZIE:** Then I am astonished. (*A laugh.*)

**Hon. Mr. TUPPER:** The hon. member has broken his agreement.

**Mr. MACDONALD (Glengarry)** objected to this Dominion building a pier in the harbor.

**Mr. McDONALD (Antigonish)** said there was a better ground for making this appropriation than to expend money on Canals, Slides, and Booms, in Ontario.

**Mr. MACKENZIE:** But we derive a revenue from them.

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**Mr. McDONALD (Antigonish):** Very little.

**Mr. MACKENZIE** assured the hon. member that the revenue derived from the works in Ontario, just referred to, was very considerable. The revenue from the Welland Canal was from six to seven per cent, and from the Slides and Booms, two and a half per cent.

**Mr. McDONALD (Antigonish)** thought it unfair that these appropriations for Nova Scotia should be objected to on all occasions.

**Mr. MACKENZIE** said he objected to this vote on its merits, and he was not to be deterred from expressing his opinion respecting it, through any threats of throwing Nova Scotia at his head.

**Hon. Mr. HOLTON** said that all the arguments of the hon. members opposite could not explain away the fact this appropriation was for the completion and repair of a village wharf. The same could be said of the vote for aiding in the construction of a wharf at *Rivière du Loup en Haut*.

**Hon. Mr. LANGEVIN** said in the latter case the appropriation was not for the construction of a village wharf. It was for the purpose of aiding the Local authorities to cut through a bar at the mouth of the river which would make the stream navigable for some distance up.

**Hon. Mr. WOOD** said this discussion was similar to the wrangles on Local appropriations in the Parliament of Old Canada. It was found necessary to make appropriations for none but works of a public nature, in order to get rid of the sectional feelings which votes for Local works were sure to engender. He regretted to see that the Government were adopting the old system, which, unless checked at once, would lead to fresh struggles between the Provinces. He was opposed to these supplementary estimates, and he believed in England they were looked upon as immoral in their tendency. The system recently adopted there, was to include all excepting the estimates which were absolutely necessary in the general estimates.

**Hon. Mr. HOLTON** said the system adopted by this Government during the present session was a new one, but then the circumstances were new too. A number of the members from Nova Scotia who formerly opposed the Government were now numbered amongst their supporters.

The item was carried.

The following items were carried without discussion:

Legislation	\$ 1,250.00
Arts, Agriculture and Statistics	\$50,000.00
Immigration and Quarantine	\$7,500.00

Penitentiaries	\$14,000.00
Lighthouse and coast service	\$20,950.00
To pay expenses connected with organising and carrying on Government in British Columbia (in addition to revenue received therein)	\$125,000.00
To pay one half of the cost of surveying boundary line between Ontario and the North West Territories	\$15,000.00
Cost of printing Proclamations and Orders in Council to carry out laws	\$5,000.00
Inland Revenue	\$2,700.00
Post Office	\$12,500.00

**Hon. Mr. LANGEVIN** in reply to Mr. Mackenzie, explained that this latter appropriation was made for establishing a mail service through our own territory to Fort Garry.

**Mr. MACKENZIE** said he was glad to know that such an arrangement had been arrived at. (*Hear, hear.*) It was anything but dignified for this country to be obliged to depend on our neighbours to carry our mails from one part of the Dominion to another.

This concluded the supplementary estimates.

**Mr. STREET** presented the seventh report of the Library Committee.

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#### STATUE OF HER MAJESTY, &C.

**Hon. Sir GEORGE-É. CARTIER** moved the following resolution: "That the authority of this House be given for the purchase by the Joint Committee of the two Houses of Parliament for the Library at such prices as they may deem advisable, of Mr. Marshall Wood's statues of Her Majesty and the busts of their Royal Highnesses the Prince and Princess of Wales, and charge such price against the appropriation for unforeseen expenses for the current year." He explained that His Excellency approved of the resolution.

**Hon. Mr. HOLTON** asked for explanations respecting the statue of Her Majesty in the Senate Chamber.

**Hon. Sir GEORGE-É. CARTIER** said he understood that Mr. Marshall Wood had brought them out, and the statue of Her Majesty had been placed in the Senate Chamber where it could be inspected by the members of this Parliament.

**Hon. Mr. HOLTON** said he understood that the statue had been taken possession of by the Board of Works on its arrival here and placed in the Senate by them. He protested against this irregular act

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on the part of the Government, and the position in which the House had been placed.

**Hon. Mr. LANGEVIN** said that the hon. member was mistaken. The Board of Works had not taken possession of the statue. Mr. Wood had asked leave to place the statue in the Senate, and leave had been granted him to do so. The Board of Works sent some of their men to aid him in placing it there.

**Mr. MACKENZIE** called attention to the bungling manner in which the employees of the Board of Works had managed to place the statue in the Senate. Everyone united with him in condemning the manner in which it had been mutilated through their incompetence. He would call attention to another matter. Since the opening of this session, members of this House found it impossible to obtain tickets of entrance to the Senate without begging them from the Speaker of the Senate or His Majesty the Usher of the Black Rod. He (Mr. Mackenzie) resented this indignity to this House, for while members of the commons were refused tickets, the Usher of the Black Rod was distributing them freely among his friends in the city.

In reply to Hon. Mr. Holton,

**Hon. Mr. TUPPER** said that the Minister of Justice saw the statues which were brought out from England, and had led Hon. Mr. Wood, the artist, to understand that if they were brought to Ottawa, this Parliament would not refuse to purchase them.

**Mr. MACKENZIE** said the proper place for the statues was not the Senate Chamber, but the Library.

The House went into Committee on the resolution, and passed it without discussion.

The Supply Bill was introduced in the usual formal manner, and read a first time.

The following measures were passed through the final stages.

#### BILLS PASSED

An Act to extend to the Province of Manitoba, certain of the Criminal Laws now in force in the other Provinces of the Dominion, (from Senate).

An Act to extend to the Province of Manitoba, and to British Columbia, so soon as it shall become a Province of the Dominion, certain Acts and parts of Acts of the Parliament of Canada.

An Act to amend the Railway Act of 1868, in which are inserted certain provisions of the Bill (No. 21) to amend the Railway Act of 1868, and of the Bill (No. 8) to amend "The Railway Act of 1868," and to extend the same.

Bills Nos. 12 and 23 to amend the Act 31 Vic., Cap. 66, respecting Aliens and Naturalization (and Amendments).

An Act to make provision for the detention of female convicts in Reformatory Prisons in the Province of Quebec.

\* \* \*

#### POWER OF PARLIAMENT

The following resolution was passed through Committee and read a second and third time:—

"To consider certain Resolutions for an Address to Her Majesty on the subject of the draft of a Bill intended for submission to the Imperial Parliament, for the purpose of removing doubts which may have been entertained respecting the powers of the Parliament of Canada, to establish Provinces in Territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and vesting such powers in the said Parliament.

House adjourned at 2 a.m. till 3 p.m.





April 13, 1871

## HOUSE OF COMMONS

Thursday, April 13, 1871

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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### AFTER ROUTINE

#### PARLIAMENTARY LIBRARY

**Mr. STREET** moved the reception of the report of the Library Committee.

**Hon. Mr. HOLTON** took exception to a paragraph in the report, which recommended that the librarian should procure a copy of every Canadian work published. He said that many of such works might be worthless, and should not be purchased. He moved in amendment, and in order that pressure might not be brought to have every work purchased, that the number should be limited to fifty.

**Hon. Mr. GRAY** explained that the report was a joint report, in which the Senate Committee was concerned.

The report was adopted, subject to the amendment proposed by the **Hon. Mr. HOLTON**.

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#### THE JOINT HIGH COMMISSION

In reply to **Hon. Mr. HOLTON**'s question as to whether any information could with propriety be furnished to the House as to the proceedings of the Joint High Commission so far as they affected the public business,

**Hon. Sir GEORGE-É. CARTIER** said the Government were not in a position to give any information as to the proceedings of the Joint High Commission.

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#### PACIFIC RAILWAY

In reply to **Mr. CARTWRIGHT** as to whether the resolution respecting the construction of the Pacific Railway adopted by the House the other day had been transmitted to the British Columbia Government,

**Hon. Sir GEORGE-É. CARTIER** replied that there was necessity to communicate it, though possibly it might form the subject of a despatch if the Governor General should think it advisable to do so.

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#### PERSONAL EXPLANATION

**Hon. Mr. HOWE** said as this was the last day of the session he wished to call attention to an attack made upon him in a former debate by the hon. member for Lambton. That hon. gentleman at some public meetings which he had attended in the West, had repeated some of the stories circulated to his prejudice last year, and assailed him personally in his absence. He had taken no notice of these slanders, but the member for Lambton while he was ill and confined to his house, made a stab at his vacant chair and hazarded a statement to which he desired to give a flat contradiction. The words as taken down by the Hon. Minister of Customs, were that he (**Hon. Mr. Howe**) in the North West—referring to the British flag then flying over a house—had given orders to “Take down that rag,” and had “wished to God that the Yankees had the whole country.” As the hon. Member for Lambton was not in his seat, and as he understood, had returned to his home, he should make no further comment upon his conduct than to say that the language attributed to him was an open invention and a disreputable falsehood.

**Hon. Mr. HOLTON** desired to say on behalf of the hon. member for Lambton, who would not be in his seat again this session, that it was unfortunate that this matter had not been brought up earlier in the session in order that the hon. member for Lambton might either make good his statement, or if it should be proved to be unfounded, that he might withdraw the charge. He (**Hon. Mr. Holton**) was sure that the hon. gentleman, if present, would do either one thing or the other, for no member in the house was more candid in correcting an error which he might make in the heat of a debate. Of course he (**Hon. Mr. Holton**) did not attempt to substantiate the statement of his hon. friend; he merely rose to say that it was a pity the matter had not been referred to earlier in the session.

**Hon. Mr. HOWE** said his intention was to have replied to it the moment he entered the House and took his seat, but at the suggestion of his colleagues, he left it over in the expectation that when the hon. member for Lambton should rise at the close of the session to make his usual criticism on the course of the Government a chance would be given to him (**Hon. Mr. Howe**) to refer to this matter, without interruption to the progress of public business.

**Hon. Sir FRANCIS HINCKS** said if his memory served him right the very statement was made in the House last session and the truth of it distinctly denied by the hon. Secretary of State for the Provinces.

**Hon. Mr. MORRIS** said that he had telegraphed to James Turner a merchant in Hamilton who had been the intimate companion of the hon. Secretary of State while in Red River on the occasion referred to and had received a telegram in reply which stated that there was not a word of truth in the statement respecting the flag, nor did he believe such words had ever been used by the Secretary of State, nor did that hon. gentleman ever do or say anything while in the North West to give foundation to the rumour.

**Mr. SMITH (Selkirk)** said he had heard the rumour but he had never yet been able to find one individual who had heard the Secretary of State make use of the disloyal words attributed to him. On the contrary he (Mr. Smith) had heard that the hon. gentleman had advised the people of the North West not to stand up for the supposed rights but to go in and make the best of the connection with Canada.

**Hon. Mr. McDOUGALL (Lanark North)** said in justice to the hon. member for Lambton, that the hon. gentleman was justified, not in using the expressions quoted, but in saying that such language was reported to have been used, for there were several gentlemen from Red River who asserted that it was so. If the hon. Secretary of State denied that he had used such words he (Hon. Mr. McDougall) should be very loath to doubt the denial even in such a critical case as this. But there was a circumstance which the hon. member had admitted, viz, that a flag was raised on a pole near the residence of Mr. Schultz; that it was a British flag and with the word Canada, and that some question having been raised as to whether it should be raised or not, the Hon. Secretary of State had said it should not. So it would not do to deny the statement of the hon. member for Lambton in the absolute and unqualified manner in which the Secretary of State had done. He (Hon. Mr. McDougall) had submitted in silence to many an attack on himself, personally, during this session, to which he could easily have replied, but he had refrained from doing so, feeling that it was to the interest of all parties, and feeling that it was his duty as a Canadian and a public man not to add to the irritation and ill-feeling which the events in the North West had excited in our midst. He did not desire to awaken reminiscences, but he would say that looking to the past career of the Hon. Secretary of State, and remembering that he was an old man failing in health, he (Hon. Mr. McDougall) had rather a feeling of sympathy than otherwise towards the hon. gentleman and was disposed to forget the past.

**Hon. Mr. HOWE** said he was an old politician and was accustomed to hard knocks, but he would say that he regretted that the hon. member for Lanark North should have allowed himself for a moment to take up floating rumours at a time, no doubt, when the hon. member was placed in a position and surrounded by circumstances calculated to create irritation—he regretted that the hon. member should have done this and entertained hard feelings against an old friend and colleague without better foundation. If the

hon. gentleman had come to him (Hon. Mr. Howe) and said, “Did you do this or that,” he would have frankly explained on the instant, not only his own conduct, but the part he had taken in public affairs in which they were both mixed up at that time. It was due to himself to say that he (Hon. Mr. Howe) urged upon the hon. gentleman to accept the governorship of the North West, and from the time that he (Hon. Mr. Howe) parted with the hon. member on Lake Superior till he returned to Ottawa, his defence and support of the hon. member’s personal and public character, whenever assailed, was loyal and true, and he declared that until he found himself assailed in a most unfair, and what he conceived a most ungenerous manner by the hon. member for Lanark North—until that time, he (Hon. Mr. Howe) had never entertained anything but a feeling of friendship for the hon. gentleman. (*Hear, hear.*)

With regard to what took place in the House during the discussion on this matter last session, he (Hon. Mr. Howe) did not remember what explanation he had made, but this was the statement that he would now make. He saw the flag with the word “Canada” on it, but he never presumed to give orders as to whether it should be taken down or not. He referred to his forty years of public life, to his speeches and writings in proof that he had never at any time uttered a word which could be construed into disloyalty. On the contrary, in public meetings both in this country and in the United States, he had always spoken with pride of the connection of this country with Great Britain. His own history and his family history were the best evidences of his loyalty to Britain. (*Cheers.*)

The subject was then dropped.

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#### LANDS IN MANITOBA

**Hon. Mr. McDOUGALL (Lanark North)** said he was willing to withdraw his proposed regulations respecting lands in Manitoba, as the Government had expressed their readiness to adopt the most important of them.

**Mr. SMITH (Selkirk)** asked whether the Government would modify the Manitoba regulation to extend the grant of lands to old settlers of 1812, 1820, who were not half-breeds, but of English and Scotch birth and parentage. These men had done a good deal of service to the country and had helped to form the community, and were entitled to as liberal treatment as their children the half-breeds. He hoped Government would accept this suggestion.

**Hon. Sir GEORGE-É. CARTIER** explained the effect of the Act as to the distribution of lands to the half-breeds, and that Government could not depart from its previous decision.

**Mr. FERGUSON** had hoped that the Government would have imposed settlement duties. The half-breeds were no mere raving tribes, and ought to perform the same settlement duties as emigrants. He was told that 163 acres would come to each person, but the member for Lisgar told him they would not get more than

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120 acres, but under any circumstances they ought to be governed by the same regulations as other emigrants, in order to prevent them from disposing of their lands to mere speculators for a small amount of cash. He moved a resolution providing settlement duties on the Indian lands.

**Hon. Sir GEORGE-É. CARTIER** said he hoped the motion would not be pressed. The Government could not now impose settlement duties as a great number of those entitled to the lands under the Act were children. Until the children came of age the Government were the guardians of the land, and no speculators would be suffered to get hold of it. The regulations could be altered from time to time if necessary.

**Mr. FERGUSON** said he would not have pressed the question if he thought he could have avoided, but as it was distinctly provided that no settlement duties were required, he must try to amend it. If it was intended that no speculators should get hold of the land, steps should be taken to prevent it, and if the matter were left an open question instead of stating distinctly that no settlement duties were necessary he would withdraw his motion.

**Hon. Sir GEORGE-É. CARTIER** could not assent to the proposal.

**Mr. SCHULTZ** said it was unfair to press the motion, as unless the land was given entirely free, the recipients would derive no advantage.

In reply to the member **Hon. Sir GEORGE-É. CARTIER** said the people could not sell the lands until they came of age.

**Hon. Mr. HOLTON** could not vote for the motion under the explanation of Government, although he thought it right in principle. He hoped it would not be pressed to a division.

**Hon. Mr. McDOUGALL (Lanark North)** also hoped a division would not be taken. The hon. member seemed to think that the Act imposed settlement duties, but such was not the case. If these duties were imposed the Indians would lose the only benefit the grant possessed.

**Mr. FERGUSON** said he must press his motion.

The resolution was declared lost on division, and the order discharged.

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#### PROROGATION

**The SPEAKER** gave notice that Parliament would be prorogued tomorrow at 3 o'clock.

#### CONTROVERTED ELECTIONS IN MANITOBA

**Hon. Mr. HOLTON** said yesterday, a question on this subject was referred to the Standing Committee, and he had objected at the time that no meeting could be had, and on proceeding to the Committee room he found not one present, and he had been informed that only five had appeared. He thought the fact of the reference showed it was necessary that the matter should be dealt with this session, and he asked if the Government had any proposition to submit on the subject.

**Hon. Sir GEORGE-É. CARTIER** said when the reference was made, only five members of the Committee were absent, and the clerk was instructed to give notice of the meeting without delay, and at least 18 or 20 were summoned, but many members left the city after receiving the notices. If the Committee had met the questions could have been settled. The Government had no intention to move in the matter, and, of course, would bear the responsibility of not doing so.

**Hon. Mr. HOLTON** said there was no statutory provision in Manitoba to regulate contested elections, and he regretted that a measure was not to be submitted, and he suggested that the quorum of the Committee should be reduced so as to allow a meeting to be held, and a Bill introduced and passed.

**Hon. Sir GEORGE-É. CARTIER** said Government was already to accept good suggestions, but if there was to be any responsibility, it would rest on those members of the Committee who had not attended the meeting when notified.

The subject was then dropped.

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#### WITHDRAWAL OF TROOPS

On the motion of **Mr. CARTWRIGHT** that the House should go in Committee to consider certain resolutions whereon to found an address to Her Majesty on the subject of the withdrawal of garrisons and munitions of war from British North America.

**Hon. Mr. HOLTON** thought it should not be entertained inasmuch as it passed a censure on the policy of the Empire.

**Mr. POPE** also opposed the motion. He thought the sooner Canada learned how to take care of herself the better, and the strongest tie to bind the two countries together was the tie of mutual interest. Britain should not be asked to keep a single soldier in the country.

**Hon. Mr. McDOUGALL (Lanark North)** hoped the motion would not be pressed. When Canada had been attacked on grounds affecting the Empire she had a right to Imperial aid, but Canada was loyal enough and strong enough to defend herself on every ordinary occasion, and he would not be sorry when the last British soldier

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left the country. The Imperial policy was settled and wise, and could not be complained of.

**Hon. Sir GEORGE-É. CARTIER** said any address of this kind ought to be carried, if carried at all, on a unanimous vote. The nature of the address proposed, however, was not in direct opposition to the Imperial policy, but only asked a garrison to be left at Quebec, and the Government had no objection to it. The Government had however done its best to retain as many troops as possible, but had failed, and very likely the present address would have no greater effect, and he would ask that the motion should, therefore, not be pressed.

**Mr. CARTWRIGHT** said the address was a mere endorsement of the Government Policy. He believed Canada should defend herself in quarrels of her own, but not in matters over which she had no control. Not only were the troops withdrawn, but stores and other material also, the want of which could not be supplied at once, and might prove very detrimental in case of a sudden attack. He however consented to withdraw the motion.

**Mr. MASSON (Terrebonne)** said the hon. member for Châteauguay had opposed entirely the vote for artillery, which was only necessary in consequence of the withdrawal of British troops,

and it therefore seemed that he did not think the fortifications should be sustained at all. He thought the House had a perfect right to approach the Imperial Government on the question.

**Hon. Mr. HOLTON** while opposing the artillery had intended to move an amendment embodying his views, and was only deterred from doing so because of the time of the session at which the militia estimates were discussed.

Motion withdrawn.

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### SUPPLY BILL

**Hon. Sir FRANCIS HINCKS** moved the second reading of Bill No. 101, an Act granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 13th June, 1871, and the thirtieth June 1872; and for other purposes relating to the public service.—Carried.

At 5.40 the House adjourned till 1 o'clock Friday.

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## HOUSE OF COMMONS

Friday, April 14, 1871

The **SPEAKER** took the chair at 1 p.m.

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*Prayers*

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### AFTER ROUTINE

#### MESSAGE FROM PRIME MINISTER

**Hon. Sir GEORGE-É. CARTIER** read the following telegram received from Hon. Sir John A. Macdonald respecting a statement made in Nova Scotia papers:—

“I see that Mr. Wilkins says he was denied a judgeship on account of his opposition, also that he was offered by Hon. Mr. Archibald a seat as Commissioner for assimilating the law. Take occasion to say in the House that he was never thought of as a Judge, and that it was the intention of the Government to put all the Attorneys General of the Provinces on the Commission for the assimilation of the law.”

**Hon. Mr. HOLTON:** What does he say was the intention?

**Hon. Sir GEORGE-É. CARTIER:** To put all the Attorneys-General on the Commission, but Mr. Wilkins was never thought of as a Judge.

**Hon. Mr. HOLTON:** Was any statement ever made in this House with regard to that matter?

**Hon. Sir GEORGE-É. CARTIER** said he thought that there was some statement made about the middle of the session.

**Hon. Mr. HOLTON** did not think so; he would also say that he thought it exceedingly inconvenient that the Minister of Justice, now in Washington on public duty, should think it due to this Parliament to send a message referring to a statement made in Nova Scotia newspapers unknown to this House. He thought the whole thing was irregular, and he would go farther and say it was improper.

**Hon. Sir FRANCIS HINCKS** said he thought the statement was made not only in this House but in the Nova Scotia Legislature.

The matter was dropped.

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#### HUDSON'S BAY CLAIMS—AN EXPLANATION

**Hon. Sir FRANCIS HINCKS** wished to make an explanation respecting his remarks on the vote of \$40,000 for losses by the rebellion in Manitoba. In answer to the hon. member for Hastings he (Hon. Sir Francis Hincks) had said that no Government could divert this money or any portion of it to liquidating claims of the Hudson's Bay Company. It seemed that a very different construction had been put on the remarks. He had merely said that the Hudson Bay Company's claims were of a very different character from those which this money was voted to meet; that this formed no precedent whatever for the Hudson's Bay Company's claims, and he wished to avoid any discussion as the Government were not prepared to entertain any such claims, but he did not entertain the opinion that this Government or any other Government could not pay the claims.

**Hon. Mr. McDOUGALL (Lanark North)** asked whether any of the claims of the Hudson's Bay Company which he understood were very large, were to be paid by this Parliament.

**Hon. Sir FRANCIS HINCKS:** Most certainly not. It is not the intention of the Government to pay any such claims.

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#### MARQUETTE ELECTION

In reply to Mr. Schultz,

**Hon. Sir GEORGE-É. CARTIER** said the Baldwin Act would be the best rule to guide the House in the case of the controverted elections in Manitoba.

**Hon. Mr. HOLTON:** The Baldwin Act does not apply.

**Hon. Sir GEORGE-É. CARTIER** said he did not know what the House would do next session, but it was very likely that the proceedings under the Baldwin Act would be adopted. As the member for Châteauguay had said, the Baldwin Act did not apply to Manitoba, but that it would be a good rule for the House to adopt.

**Hon. Mr. HOLTON** said that this incident showed conclusively that the Government should have taken some steps to provide a method for trying contested elections in the Province of Manitoba, as suggested by the hon. member for Durham West, and ought not to have waited for suggestions from that hon. member for the initiative devolved on them. He believed that the Government had been grossly wanting in its duty in not having brought before the House some suggestions on the mode of dealing with this question.

The subject then dropped.

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### WEIGHTS AND MEASURES

**Hon. Mr. MORRIS** moved concurrence in the amendments made in the Senate to the Bill respecting the metric or decimal system of weights and measures.

**Hon. Mr. HOLTON** objected; he could not understand the motive of the amendments, and thought the Bill ought to remain over. The Minister of Inland Revenue might be anxious to carry the Bill to contribute to his share of legislation, but it ought to stand over.

**Hon. Mr. MORRIS** said the amendment was simple and intelligible. The metric system, he believed, would yet be the international system of weights and measures. The Bill rendered it permissive, and defined its relation to our actual weights, and the amendment deferred its relation to the English system of Imperial measures. He thought the member for Châteauguay had not any Legislative record to boast of.

**Hon. Mr. HOLTON** would not seek for it beyond the present session. He had reversed the national policy as to the duties on coal and flour.

**Hon. Mr. MORRIS** knew that in the last hours of the session, the member for Châteauguay indulged in what he would call an elephantine playfulness. It was so unlike himself but he had to share the paternity of and change of duties with the member for Lévis (Mr. Blanchet) and the House, and though he had been a Finance Minister he could not point to a Budget, or a single measure of importance to the country originating with himself though he admitted the service he rendered in maintaining a rigid adherence to the rules of Parliament.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the third reading of the Supply Bill.

**Hon. Mr. HOLTON** said it was not his intention to offer any extended remarks on this motion, as the session had been a short one and the events connected with it were fresh in the minds of all. The record of this session was made up on the journals of the House, and he, for one, was willing that that record should go to the country without note or comment from him at all events. The session had undoubtedly been an eventful one. It was one that would be memorable in the annals of the country. (*Hear, hear.*) There could be no doubt whatever about that, but it would be chiefly memorable for this very Bill of Supply now before the House. That Bill of Supply could be fitly characterized by one adjective in our language. It was a reckless Bill of Supply.

**Hon. Sir FRANCIS HINCKS** was quite satisfied to let the Bill go to the country. The hon. member for Châteauguay had characterized this Bill as a reckless one. He (Hon. Sir Francis Hincks) should like to hear the hon. member criticize that recklessness. It was true that the estimates were large but, as he had explained on a former occasion it was a consequence of extraordinary expenditure for Public Works, which would have been undertaken by his predecessor, but for the bad condition of the finances. To say that there was anything in this Bill which would involve the Dominion in debt was to say that which could not be substantiated by any of the items in the Bill. The item of \$410,000 for taking the census, for instance, was a very large one, and formed a considerable portion of the extraordinary expenses of this year. He could go over the public buildings about to be constructed, all extraordinary expenditures, none of them which the Government would be justified in coming down to the House, and asking an appropriation for, but for the fact that they had an overflowing treasury in consequence of the prosperity of the country. He agreed with the hon. member for Châteauguay, that the flourishing state of the finances was what no Finance Minister could take credit for, but it had happened to be his (Hon. Sir Francis Hincks') good fortune to have a similar state of prosperity, whenever he occupied the position. He was quite satisfied that there was no difficulty whatever, with regard to meeting the charges which were placed on the country by this Bill.

**Hon. Mr. McDOUGALL (Lanark North)** said he had no intention to refer to financial matters, but would leave that to the hon. member for Châteauguay, and other abler hands than his own. He could not, however, let the remarks which had just fallen pass without comment. The Hon. Finance Minister had denied that the Supply Bill was open to the charge of being a reckless one. There were two or three features in it which would be regarded by the sober thinking taxpayers of this country as fairly open to the charge made by the hon. member for Châteauguay. The Hon. Minister of Customs made a point in favour of the construction of the Pacific railway by saying there was a constant increase in the revenue, and that the burdens this country was about to assume, would not be felt in consequence. But these extraordinary expenditures referred by the Finance Minister were ever recurring. It had always been the case that the extraordinary expenditures eat up the surplus revenue, and in this growing Dominion with its ever increasing wants, it would always be the same. Looking at these facts, therefore, the hon. Finance Minister should regard these as normal instead of

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extraordinary expenditures. He thought the Government was fairly open to the charge of extravagance and restlessness in so far as they had refused to accept the suggestion approved of by nearly half of the members of this House irrespective of party, regarding the expenditure of \$6,000,000 in connection with the Intercolonial Railway. He was satisfied that the Government had made a serious mistake in rejecting the suggestion to construct the Intercolonial on the narrow gauge system and to use ordinary instead of steel rails, and that they had not shown proper solicitude for the tax payers of this country in dealing with the Intercolonial Railway. According to his calculation there would be between two and a half and three millions of dollars utterly wasted in that work, under the management of the Government. (*Hear, hear.*)

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#### NORTH WEST

**Mr. SMITH (Selkirk)** rose to make explanations respecting statements made in the speech of the hon. member for Lisgar (Mr. Schultz) yesterday.

**Hon. Mr. McDOUGALL (Lanark North)** objected to this irregular proceeding and said that the people of the country would come to regard the hon. member for Selkirk as a representative of the Hudson's Bay Co. sent to this House to rehabilitate them before the Dominion.

**Hon. Mr. HOLTON** also condemned the course of the hon. member for Selkirk as irregular.

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#### INDEMNITY FOR MANITOBA MPS

**Hon. Sir GEORGE-É. CARTIER** moved that it be resolved that Mr. Speaker be authorized to direct the accountants of this House to pay respectively to the three members lately elected from Manitoba and attending the deliberations of this House the full sessional allowance, deductions, however, being made at the usual rate for the number of days of their non-attendance at this session. He explained that the hon. members from Manitoba had not been able to attend the thirty days necessary for them to obtain their sessional allowance, in consequence of the delay in the election and the distance they were obliged to travel to reach Ottawa.

The motion was carried unanimously.

Some formal business having been transacted, at 3.10,

The Usher of the Black Rod appeared and summoned the Commons to the Senate Chamber as follows:

A Message from His Excellency the Governor General, by *René Kimber*, Esquire, Gentleman Usher of the Black Rod:—

#### The SPEAKER,

I am commanded by His Excellency the Governor General to acquaint this Honourable House, That it is the pleasure of His Excellency that the Members thereof do forthwith attend him in the Senate Chamber.

Accordingly, Mr. Speaker, with the House, went up to attend His Excellency, where His Excellency was pleased to give, in her Majesty's name, the Royal Assent to the following Public and Private Bills:—

An Act for the prevention of corrupt practices in relation to the collection of the Revenue.

An Act to establish one Uniform Currency for the Dominion of *Canada*.

An Act to prolong, for a certain time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of *Dundee*.

An Act to extend the provisions of the Act authorizing the imposition and collection of Harbour Dues by the Corporation of the Town of *Owen Sound*.

An Act to indemnify the Members of the Executive Government, and others, for the unavoidable expenditure of Public Money, in excess of the Parliamentary Grant, incurred in repelling the threatened invasion of the Fenians in 1870.

An Act to amend and explain the Act to amend the Charter of the *Ontario* Bank.

An Act to incorporate the *Ontario* and *Quebec* Railway Company.

An Act to incorporate the Mutual Life Association of *Canada*.

An Act to make further provision for the government of the North West Territories.

An Act for more effectually preventing the desertion of Seamen in the Port of *Quebec*.

An Act to amend the Act thirty-third *Victoria*, chapter forty, respecting the settlement of the affairs of the Bank of *Upper Canada*.

An Act respecting the Loan authorized by the Act 32 and 33 *Vic.*, Cap. 1, for the purpose of paying a certain sum to the *Hudson's Bay* Company.

An Act further to amend the Acts respecting the improvement and management of the Harbour of *Quebec*.

An Act further to amend the Act respecting fishing by foreign vessels.

An Act to amend the Acts relating to Duties of Customs.

An Act to incorporate the *Sault Ste. Marie* Railway and Bridge Company.

An Act respecting certain officers of the Trinity House of *Quebec*.

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- An Act to incorporate the Isolated Risk Fire Insurance Company of *Canada*.
- An Act to incorporate the *Montreal* and City of *Ottawa* Junction Railway Company.
- An Act to amend the Insolvent Act of 1869.
- An Act to incorporate "The Confederation Life Association."
- An Act to amend the Census Act.
- An Act to incorporate the *Kingston* and *Pembroke* Railway Company.
- An Act to extend to the Province of *New Brunswick*, the operation of the Act of the Legislature of the late Province of *Canada*, concerning the Synod of the Church of *England* in *Canada*.
- An Act concerning the *Vaudreuil* Railway Company.
- An Act to incorporate the Western Bank.
- An Act to incorporate the Metropolitan Bank.
- An Act to comprise in one Act the Financial Affairs of the Great Western Railway Company.
- An Act to incorporate the *Bedford* District Bank.
- An Act to amend the Act incorporating the Sun Insurance Company of *Montreal*.
- An Act to incorporate the Bank of *Liverpool*.
- An Act to authorize the incorporated Village of *Trenton* to impose and collect Harbour Dues, and for other purposes.
- An Act Relating to the Commercial Bank of *New Brunswick*.
- An Act to incorporate the Dominion Telegraph Company.
- An Act to authorize the Northern Railway Company of *Canada* to make agreements for the leasing, using, and working of the Lines of Railway of other Companies.
- An Act to provide for the appointment of a Port Warden for the Harbor of *Quebec*.
- An Act to make provision for validating certain Premium Notes taken or held by Mutual Fire Insurance Companies.
- An Act to amend the Act respecting Insurance Companies.
- An Act to authorize the sale of the *Oakville* Harbour.
- An Act to extend to the Province of *Manitoba* certain of the Criminal Laws now in force in the other Provinces of the Dominion.
- An Act to incorporate the *Fredericton* and *Saint Mary's* Bridge Company.
- An Act in relation to the Library of Parliament.
- An Act to authorize the sale or lease of the *Rockwood* Asylum to the Province of *Ontario*.
- An Act relating to Banks and Banking.
- An Act to incorporate the Mutual Insurance Company of *Canada*.
- An Act to extend the Act respecting the Militia and Defence of the Dominion of *Canada*.
- An Act to make temporary provision for the election of members to serve in the House of Commons of *Canada*.
- An Act to amend the Act further securing the Independence of Parliament.
- An Act to provide additional facilities for depositing Savings at interest with the security of the Government, and for the issue and redemption of Dominion Notes.
- An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of *Manitoba*.
- An Act to amend the Act 31st *Vic.*, Cap. 66, respecting Aliens and Naturalization.
- An Act respecting the force and effect of the Acts of the Parliament of *Canada* in and in relation to the Province of *Manitoba*, and the Colony of *British Columbia* when it becomes a Province of the Dominion.
- An Act to continue for a limited time the Acts therein mentioned.
- An Act to make provision for the detention of female convicts in Reformatory prisons, in the Province of *Quebec*; and for other purposes, relating to prisons in that Province.
- An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their railways; and to amend The Railway Act 1868.
- An Act respecting certain Savings Banks in the Provinces of *Ontario* and *Quebec*.
- An Act to render permissive the use of the Metric or Decimal System of Weights and Measures.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:

**MAY IT PLEASE YOUR EXCELLENCY:—**

The Commons of *Canada* have voted the monies required for the Public Service.

In their name I present a Bill, entitled: "An Act for granting to her Majesty 'certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively, the 30th June 1871, and the 30th June, 1872,'" to which I humbly request Your Excellency's assent.

To this Bill the Royal Assent was signified in the following words:—



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“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 was pleased to make the following Speech to both Houses:—

*Honourable Gentlemen of the Senate, Gentlemen of the House of Commons:*—

In releasing you from further attendance in Parliament, I beg leave to express my warm acknowledgements for the diligence with which you have applied yourselves to the discharge of your public duties.

The Session has been brief, but work of importance has been accomplished, and I may congratulate you on the prospect which is foreshadowed, that in the future, the Sessions of the Parliament of the Dominion will not make the inconvenient demands on the time of the Members which they have done in the past.

The arrival in *Ottawa* of the Representatives elected to serve for the Province of *Manitoba*, and their taking their seats in Parliament, mark signally the completion of the Union of that Province with the Dominion.

The Criminal, Militia, and other Statute Laws, not in their nature inapplicable to *Manitoba*, have been extended to that Province.

The regulations for the Survey and granting of lands in *Manitoba* were modelled on a system tested by experience, and will, by their liberality, offer a free home to all, without restriction, who desire to settle in the county, and avail themselves of the advantages held out to them.

It shall be one of my earliest cares during the recess to take steps to negotiate, on equitable principles, with the Indian tribes in *Manitoba*, and the North West Territory, in order to quiet their titles to lands.

The Session which we are now closing has witnessed the consummation of the Union of *Manitoba*, and the adoption of the necessary initial measures to facilitate and ensure the admission of *British Columbia* into the Dominion.

The Addresses passed by the Senate and House of Commons have been sent forward to the Secretary of State for the Colonies, for submission to Her Most Gracious Majesty, and I trust Parliament will, at its next Session, have the satisfaction of viewing,

as an accomplished fact, the Union of all Her Majesty’s Continental Possessions in *North America*, an object, the attainment of which, even the most sanguine advocates of Confederation did not anticipate for many years to come.

I cherish the expectation that the result of the Census will demonstrate that the several Provinces of the Dominion have made a rapid advance in population, and in all the elements of material prosperity during the last decade.

The Fisheries’ Question is still under the consideration of the Joint High Commission at *Washington*, and I am confident that every effort is being made to secure such a result as will meet the reasonable expectations of the *Canadian* people, and tend to the preservation of lasting amity, and good feeling, between *Great Britain* and the *United States*.

*Gentlemen of the House of Commons:*

I tender you my thanks for the readiness with which you have granted the Supplies for the present year.

*Honourable Gentlemen, and Gentlemen:*

We have abundant cause for rejoicing at the present moment in the favourable state of the revenue, and the thriving condition of many branches of the national industry. I gratefully acknowledge the loyalty of the people, and the spirit of order and respect for the law, which prevail in every part of the Country, and I pray with all humility that these blessings may be of long continuance, and that He, from whom all good proceeds, may vouchsafe to look with favour on this Dominion.

Then the Honourable Speaker of the Senate said:—

*Honourable Gentlemen of the Senate, Gentlemen of the House of Commons,*

It is His Excellency the Governor General’s will and pleasure that this Parliament be prorogued until Thursday, the Twenty-fifth day of May, next, to be then here holden; and this Parliament is accordingly prorogued until Thursday, the Twenty-fifth day of May next.



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February 15, 1871 to April 14, 1871

Prepared by the Index and Reference Service  
of the House of Commons

The presentation of a member's name is accompanied by the constituency and political affiliation in abbreviated form: C: Conservative; L: Liberal; Ind.: Independent; L-C: Liberal-Conservative; Anti-Con: Anti-Confederate.

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